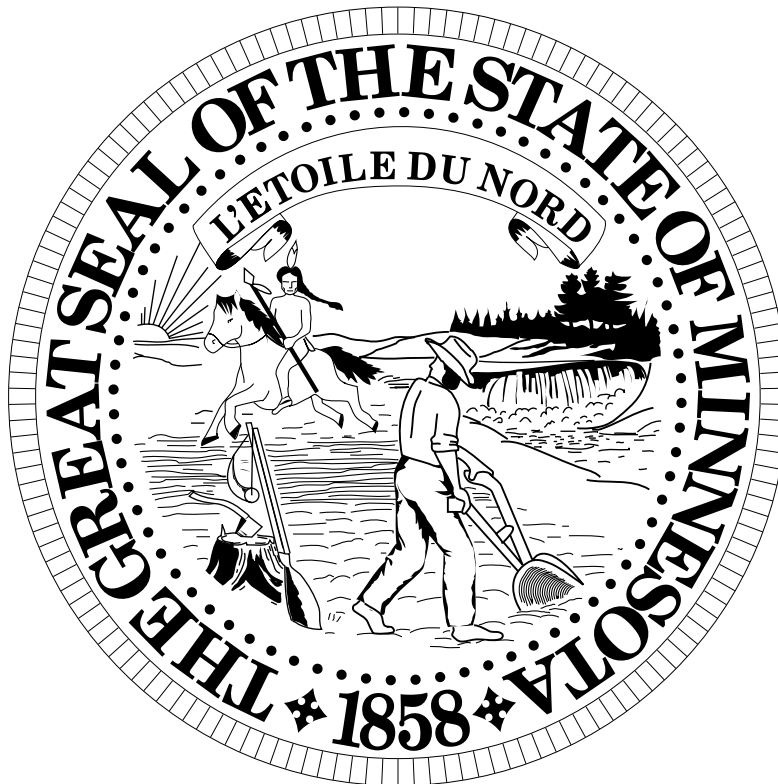


State of Minnesota

# State Register

Rules and Official Notices Edition



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

**Tuesday 2 January 2001**  
**Volume 25, Number 27**  
**Pages 1223-1252**

# 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- proposed, adopted, exempt, expedited emergency and withdrawn rules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

Jesse Ventura, Governor (651) 296-3391	Mike Hatch, Attorney General (651) 297-4272	Mary Kiffmeyer, Secretary of State (651) 296-2079
Mae Schunk, Lt. Governor (651) 296-3391	Judi Dutcher, State Auditor (651) 297-3670	Carol Johnson, State Treasurer (651) 296-7091
Department of Administration: David F. Fisher, Commissioner (651) 296-1424 Kent Allin, Asst. Commissioner (651) 297-4261	Communications.Media Division: Mary Mikes, Director (651) 297-3979 Chris Schanus, Manager (651) 282-2974	Robin PanLener, Editor (651) 297-7963 Jane Schmidley, Assistant Editor (651) 296-4273 Jessie Rahmeyer, Subscriptions (651) 297-8774

## Printing Schedule and Submission Deadlines

Vol. 25 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
#27	Tuesday 2 January 2001	Noon Wednesday 20 December	Noon Tuesday 26 December
#28	Monday 8 January 2001	Noon Wednesday 27 December	Noon Tuesday 2 January 2001
#29	Tuesday 16 January 2001	Noon Wednesday 3 January 2001	Noon Tuesday 9 January 2001
#30	Monday 22 January 2001	Noon Wednesday 10 January 2001	Noon Tuesday 16 January 2001

Copyright © 2001 Communications.Media Division, Department of Administration, State of Minnesota.  
Publication Number: 326630 (ISSN 0146-7751)

**SUBSCRIPTION SERVICES:** Copies are available at Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Order by phone: Metro area: (651) 297-3000 Toll free (800) 657-3757. TTY relay service phone number: (800) 627-3529. **NO REFUNDS.** Subscribers who do not receive a copy of an issue should notify the *State Register* Subscription Office immediately at (651) 297-8774. Copies of back issues may not be available more than two weeks after publication. Both editions are delivered postpaid to points in the United States, Periodicals Postage Paid for the *State Register* at St. Paul, MN, first class for the *Solicitation Announcements*. See the *State Register* and the *Solicitation Announcements* on our website: <http://www.comm.media.state.mn.us> Click on "Minnesota's Bookstore."

- *State Register* (published every Monday, or Tuesday if Monday is a holiday) One year, hard copy, paper subscription: \$160.00.
- *Solicitation Announcements* (published every Tuesday and Friday) One year subscription: \$135.00 via first class mail, \$150.00 via fax or through our website. Users agree not to redistribute without authorization.
- **13-week trial subscription** which includes both the *State Register* and *Solicitation Announcements* \$65.00
- **Single issues** are available for a limited time: *State Register* \$5.00, *Solicitation Announcements* \$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.

The *State Register* is published by Communications.Media Division, Department of Administration, State of Minnesota, pursuant to *Minnesota Statutes* § 14.46 and is available at the main branch of county libraries in Minnesota and all "State Depository Libraries": State University and Community College libraries; the University of Minnesota libraries; St. Paul, Minneapolis and Duluth Public Libraries; the Legislative Reference Library; State Law Library; Minnesota Historical Society Library; and the Library Development Service at the State Department of Children, Families and Learning.

## Legislative Information

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

Website: [www.senate.leg.state.mn.us/departments/secretary/seninfo.htm](http://www.senate.leg.state.mn.us/departments/secretary/seninfo.htm)

House Information Office (651) 296-2146

State Office Building, Room 175, 100 Constitution Ave., St. Paul, MN 55155

Website: [www.house.leg.state.mn.us/hinfo/hinfo.htm](http://www.house.leg.state.mn.us/hinfo/hinfo.htm)

## Minnesota State Court System

Court Information Office (651) 296-6043 Website: [www.courts.state.mn.us](http://www.courts.state.mn.us)  
Minnesota Judicial Center, Room 135, 25 Constitution Ave., St. Paul, MN 55155

<b>Minnesota Rules: Amendments &amp; Additions</b>		
Volume 25, Issue #27 .....	1226	
<b>Proposed Rules</b>		
<b>Chiropractic Examiners</b>		
Definition of direct patient care .....	1227	
Prohibited advertising .....	1228	
Unapproved continuing education programs .....	1230	
Reinstatement of voluntarily retired license .....	1231	
<b>Health Department Pollution Control Agency</b>		
Water treatment certificate .....	1232	
<b>Human Services Department</b>		
Specialized maintenance therapy under the Medical Assistance and General Assistance Medical Assistance programs .....	1238	
<b>Adopted Rules</b>		
<b>Agriculture Department</b>		
Smoked fish .....	1241	
<b>Labor &amp; Industry Department</b>		
Occupational safety and health; high visibility personal protective equipment .....	1241	
<b>Peace Officer Standards and Training Board</b>		
POST Board rule amendments.....	1242	
<b>Official Notices</b>		
<b>Minnesota State Agricultural Society (STATE FAIR)</b>		
Annual meeting January 12-14, 2000, including general business session, and society's board of managers.....	1243	
<b>Health Department</b>		
Request for proposals for exceptions to the nursing home moratorium and notice of hearing.....	1243	
<b>Revenue Department</b>		
Presumed legal cigarette prices.....	1245	
<b>State Grants and Loans</b>		
<b>Transportation Department</b>		
Port development assistance program applications available .....	1246	
<b>State Contracts</b>		
<b>Administration Department</b>		
Request for information on available land for potential office/laboratory developments located in the Twin Cities Metropolitan Area.....	1246	
<b>Agriculture Department</b>		
Request for proposals to prepare a livestock producers guide to Minnesota's feedlot regulations and a feedlot planning and operations guide .....	1247	
<b>Corrections Department</b>		
Request for proposals for phlebotomy services for Minnesota correctional facilities.....	1247	
<b>Minnesota Historical Society</b>		
Request for bids for site stabilization and interpretive trail for the Marine Mill Historic Site .....	1248	
Request for proposals for the Private Pete Computer Interactive Kiosk at Historic Fort Snelling .....	1249	
<b>Natural Resources Department</b>		
Request for proposals for the operation (pilot) and/or maintenance services for two state-owned CL-215 multi-engine amphibious water-scooping aircraft .....	1249	
<b>Solid Waste Management Coordinating Board</b>		
Request for bids for residential backyard composting bins .....	1249	
<b>Non-State Contracts &amp; Grants</b>		
<b>City of Maple Grove</b>		
Advertisement for bids for mining lease.....	1250	
<b>University of Minnesota</b>		
Bid Information Service (BIS) available for all potential vendors .....	1250	

Commodity, Service, and Construction contracts are published Tuesday and Friday in a bulletin, the *Solicitation Announcements*. Award results are available from the Materials Management Helpline (651) 296-2600. **Web-site:** [www.mmd.admin.state.mn.us](http://www.mmd.admin.state.mn.us)

Individual copies and subscriptions or the *State Register* and *Solicitation Announcements* are available through Minnesota's Bookstore, (651) 297-3000, or (800) 657-3757.

# Minnesota Rules: Amendments and Additions

## NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

## Volume 25, Issue # 27

### Agriculture Department

**1545.3130; .3150 (adopted)** ..... 1241

**1545.3130 s. 2; .3180; .3190; .3200; .3210; .3220; .3230; .3240;**

**.3250; .3260; .3270; .3280; .3290; .3300; .3310; .3320; .3330;**

**.3350 (repealed)** ..... 1241

### Chiropractic Examiners Board

**2500.0100 (proposed)** ..... 1227

**2500.0400 (proposed)** ..... 1228

**2500.1600 (proposed)** ..... 1230

**2500.2110 (proposed)** ..... 1231

### Labor and Industry Department

**5205.0030; 5207.0100; .1000 (adopted exempt)** ..... 1241

### Peace Officer Standards and Training Board

**6700.0300; .0601; .0700 (adopted)** ..... 1242

### Health Department and Pollution Control Agency

**9400.0100; .0350; .0400; .0500; .0600; .0800; .1000; .1200;**

**.1300; .1500 (proposed)** ..... 1232

**9400.1500, s.3 (proposed repealer)** ..... 1232

### Human Services Department

**9505.0390 (proposed)** ..... 1238

# Proposed Rules

## Comments on Planned Rules or Rule Amendments

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

## Rules to be Adopted After a Hearing

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

## Rules to be Adopted Without a Hearing

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

## Board of Chiropractic Examiners

### Proposed Permanent Rules Relating to Definition of Direct Patient Care

#### NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

#### Proposed Rules Governing Definition: Direct Patient Care *Minnesota Rules*, 2500.0100

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

**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: Micki King at Minnesota Board of Chiropractic Examiners, 2829 University Avenue SE, #300, Minneapolis MN, 55414-3220; **phone:** (612) 617-2222; **fax:** (612) 617-2224; or **email:** [micki.king@state.mn.us](mailto:micki.king@state.mn.us). **TTY** users may call the Board of Chiropractic Examiners at (800) 627-3529.

**Subject of Rules and Statutory Authority.** The proposed rules define Direct Patient Care within the context of the Chiropractic Profession. The statutory authority to adopt the rules is *Minnesota Statutes*, section 148.08, subdivision 3. A copy of the proposed rules is published in the *State Register*, on the Board web site at [www.mn-chiroboard.state.mn.us](http://www.mn-chiroboard.state.mn.us), and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on Thursday, February 8, 2001, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**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 February 8, 2001. 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 when 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.

**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

---

**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 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 and on our web site at: [www.mn-chiroboard.state.mn.us](http://www.mn-chiroboard.state.mn.us). 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.

**Other notices.** This Notice is also posted on the Board's web-site at [www.mn-chiroboard.state.mn.us](http://www.mn-chiroboard.state.mn.us). Additionally, the Board's newsletter regularly carries information related to rules, and methods of being added to the Board's rules notification list.

**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: 13 December 2000

Larry A. Spicer, DC  
Executive Director

### 2500.0100 DEFINITIONS.

[For text of subps 1 to 4b, see M.R.]

Subp. 5. **Direct patient care.** "Direct patient care" means primary chiropractic care given to an individual who has sought such care from a doctor of chiropractic ~~in a chiropractic office or clinic.~~

[For text of subps 5a to 12, see M.R.]

## Board of Chiropractic Examiners

### Proposed Permanent Rules Relating to Prohibited Advertising

#### NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

#### Proposed Amendment to Rules Governing Prohibited Advertisements, *Minnesota Rules*, 2500.0400

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

**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: Micki King at Minnesota Board of Chiropractic Examiners; 2829 University Avenue SE #300, Minneapolis, MN 55414-3220; **phone:** (612) 617-2222 and **fax:** (612) 617-2224; or **email:** [micki.king@state.mn.us](mailto:micki.king@state.mn.us). **TTY** users may call the Chiropractic Board at (800) 627-3529.

**Subject of Rules and Statutory Authority.** The proposed rules are about Prohibited Advertisements. This change to the rule removes extraneous and superfluous language which serves no practical value. The statutory authority to adopt the rule is *Minnesota Statutes*, section 148.08, Subd. 3. A copy of the proposed rules is published in the *State Register*, on the Board web site at [www.mn-chiroboard.state.mn.us](http://www.mn-chiroboard.state.mn.us), and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on Thursday, February 8, 2001, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**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 Thursday, February 8, 2001. 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 when 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 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 and on our web page at [www.mn-chiroboard.state.mn.us](http://www.mn-chiroboard.state.mn.us). 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.

**Other notices.** This Notice is also posted on the Board's web-site at [www.mn-chiroboard.state.mn.us](http://www.mn-chiroboard.state.mn.us). Additionally, the Board's newsletter regularly carries information related to rules, and methods of being added to the Board's rules notification list.

**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: 13 December 2000

Larry A. Spicer, DC  
Executive Director

#### **2500.0400 PROHIBITED ADVERTISEMENTS.**

~~Advertisements are designed to appeal to and obtain the attention of the public and are designed, paid for, or published with a view to close analysis by the reader at whose attention they are aimed.~~

~~The law prohibits the use of~~ The terms "cure" or "guarantee to cure" or similar terms ~~and declares such to be~~ in advertisements ~~are~~ fraudulent and misleading to the general public.

The advertising by any means of chiropractic practice or treatment or advice in which untruthful, improbable, misleading, or impossible statements are made is ~~obviously contrary to the law~~ prohibited.

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

## Proposed Rules

---

---

### Board of Chiropractic Examiners

#### Proposed Permanent Rules Relating to Unapproved Continuing Education Programs

#### NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

#### Proposed Amendment to Rules Governing Continuing Education, Unapproved Programs *Minnesota Rules*, 2500.1600

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

**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: Micki King at Minnesota Board of Chiropractic Examiners; 2829 University Avenue SE #300, Minneapolis, MN 55414-3220; **phone:** (612) 617-2222 and **fax:** (612) 617-2224; or **email:** [micki.king@state.mn.us](mailto:micki.king@state.mn.us). **TTY** users may call the Chiropractic Board at (800) 627-3529.

**Subject of Rules and Statutory Authority.** The proposed rules are about Continuing Education Programs, Unapproved Programs. This change to the rule clarifies the types of programs that would and would not be approved for continuing education based on the course content. The statutory authority to adopt the rule is *Minnesota Statutes*, section 148.08, Subd. 3. A copy of the proposed rules is published in the *State Register*, on the Board web site at [www.mn-chiroboard.state.mn.us](http://www.mn-chiroboard.state.mn.us), and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on Thursday, February 8, 2001 to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**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 February 8, 2001. 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 when 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 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 and on our web page at [www.mn-chiroboard.state.mn.us](http://www.mn-chiroboard.state.mn.us). 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.

**Other notices.** This Notice is also posted on the Board's web-site at [www.mn-chiroboard.state.mn.us](http://www.mn-chiroboard.state.mn.us). Additionally, the Board's newsletter regularly carries information related to rules, and methods of being added to the Board's rules notification list.

**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: 12 December 2000

Larry A. Spicer, DC  
Executive Director



**2500.1600 UNAPPROVED PROGRAMS.**

Courses dealing with administrative and economic aspects of practice shall not be approved for continuing education credit by the board. Courses dealing with administrative and economic aspects of practice include those designed to increase practice income, but do not include those dealing with risk management, appropriate coding procedures, or contemporary health care issues affecting the health care industry as a whole.

## Board of Chiropractic Examiners

### Proposed Permanent Rules Relating to Reinstatement of Voluntarily Retired License

#### NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

#### Proposed Amendment to Rules Governing Reinstatement of a Voluntarily Retired License, *Minnesota Rules*, 2500.2110

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

**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: Micki King at Minnesota Board of Chiropractic Examiners; 2829 University Avenue SE #300, Minneapolis, MN 55414-3220; **phone:** (612) 617-2222 and **fax:** (612) 617-2224; or **email:** [micki.king@state.mn.us](mailto:micki.king@state.mn.us). **TTY** users may call the Chiropractic Board at (800) 627-3529.

**Subject of Rules and Statutory Authority.** The proposed rules are about the Reinstatement of a Voluntarily Retired License. This change to the rule defines the requirements necessary to affect the reinstatement of a license from a voluntarily retired status. The statutory authority to adopt the rule is *Minnesota Statutes*, section 148.08, Subd. 3. A copy of the proposed rules is published in the *State Register*, on the Board web site at [www.mn-chiroboard.state.mn.us](http://www.mn-chiroboard.state.mn.us), and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on Thursday, February 8, 2001, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**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 Thursday, February 8, 2001. 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 when 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><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
--

## 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 and on our web page at [www.mn-chiroboard.state.mn.us](http://www.mn-chiroboard.state.mn.us). 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.

**Other notices.** This Notice is also posted on the Board's web-site at [www.mn-chiroboard.state.mn.us](http://www.mn-chiroboard.state.mn.us). Additionally, the Board's newsletter regularly carries information related to rules, and methods of being added to the Board's rules notification list.

**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: 12 December 2000

Larry A. Spicer, DC  
Executive Director

### **2500.2110 REINSTATEMENT OF VOLUNTARILY RETIRED LICENSE.**

A licensee who has voluntarily retired a license for a period equal to or less than five years may be reinstated to a nonrestricted license after:

- A. completion of a board-approved application of reinstatement;
- B. payment of a reinstatement fee in the amount of \$100;
- C. payment of license fees for each year the license was voluntarily retired; and
- D. completion of 30 units of board-approved continuing education for each year the license was voluntarily retired.

None of the continuing education units obtained for the purpose of reinstating a voluntarily retired license apply to the current biennial requirement.

A license which has been voluntarily retired for more than five years by a chiropractor who has also not been in active practice in another state or country during the period of voluntary retirement in Minnesota may only be reinstated following successful completion of the written and practical licensing examinations as ~~administered~~ approved by the board.

## Department of Health

### Proposed Permanent Rules Relating to Water Treatment Certification

#### NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

#### Proposed Amendment to Rules Governing Water and Wastewater Treatment Operator Certification, *Minnesota Rules*, Chapter 9400

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

**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:

Mr. Dennis Maki  
Minnesota Department of Health  
Drinking Water Protection Section  
121 East Seventh Place, Suite 220  
PO Box 64975  
St. Paul, Minnesota 55164-0975  
**Phone:** (651) 215-0756  
**Fax:** (651) 215-0775  
**TTY:** (612) 623-5522  
**Email:** [dennis.maki@health.state.mn.us](mailto:dennis.maki@health.state.mn.us)

**Subject of Rules and Statutory Authority.** The agencies are proposing to amend the rules governing Water and Wastewater Treatment Operator Certification, *Minnesota Rules*, chapter 9400. The agencies plan to amend their rules to conform to the United States Environmental Protection Agency's Final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems. These guidelines were published in the February 5, 1999 edition of the *Federal Register*. The primary change is the proposed requirement that nontransient noncommunity water systems be operated by certified water operators. The amendments establish a new class of water supply systems and the education and experience requirements necessary for operators to be certified for that class of systems. The amendments also include minor changes to the rules governing wastewater treatment operator certification.

The statutory authority to adopt the rules is *Minnesota Statutes*, section 115.72, subdivisions 1 and 2. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on February 1, 2001, to submit written comments in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**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 February 1, 2001. 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 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

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

## Proposed Rules

---

---

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: 7 December 2000

Julie Brunner, Deputy Commissioner  
Minnesota Department of Health

Dated: 13 December 2000

Karen Studders, Commissioner  
Minnesota Pollution Control Agency

### 9400.0100 DEFINITIONS.

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

Subp. 2a. **Contact hour.** "Contact hour" means ~~a minimum of 50~~ to 60 minutes of lecture, demonstration, workshop, or continuing education or training, excluding coffee breaks, registration, meals, and social activities.

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

Subp. 5a. **Point-of-entry treatment device.** "Point-of-entry treatment device" means a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building.

Subp. 5b. **Point-of-use treatment device.** "Point-of-use treatment device" means a treatment device applied to a single tap used for the purpose of reducing contaminants in drinking water at that one tap.

Subp. 7. **System.** "System" means a ~~community public~~ water supply system as defined in *Minnesota Statutes*, section ~~144.382~~ 115.71.

### 9400.0350 CERTIFICATION.

A. A water operator certificate to operate a community ~~public~~ or nontransient noncommunity water ~~supply~~ system must be issued by the commissioner of health.

[For text of items B and C, see M.R.]

### 9400.0400 CLASSIFICATION OF SYSTEMS.

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

Subp. 1a. **Operator availability.** All systems must have a certified water supply system operator as specified in *Minnesota Statutes*, sections 115.71, subdivision 10, and 115.73. This person, or an operator certified at the same level or above, must be available on site or able to be contacted as needed to initiate an appropriate action in a timely manner.

Subp. 2. **Rating values.** The classification of a system must be based on the following rating values:

[For text of item A, see M.R.]

B. treatment processes:

(1) groundwater source:

[For text of units (a) to (m), see M.R.]

(n) ~~reverse osmosis (membrane filtration), five~~ ten points;

(o) chlorine dioxide, eight points;

(p) unlisted new technologies, three to ten points (based on relative complexity);

(2) surface water source:

[For text of units (a) to (i), see M.R.]

(j) ~~reverse osmosis (membrane filtration), five~~ ten points;

[For text of units (k) to (o), see M.R.]

[For text of items C to E, see M.R.]

Subp. 3. **Accumulated value.** The accumulated point values for systems are as follows:

A. Class A, 76 or more points;

B. Class B, 56 to 75 points;

C. Class C, 31 to 55 points; ~~and~~

D. Class D, 30 or less points; and

E. Class E, regardless of point values, any system comprised of a groundwater source with no treatment other than point-of-entry or point-of-use treatment devices not used for compliance with the federal Safe Drinking Water Act, *United States Code*, title 42, sections 300f to 300j-26 (1996 and as subsequently amended), serving a maximum of 500 persons.

**9400.0500 CLASSIFICATION OF FACILITIES.**

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

Subp. 2. **Rating values.** Facility classification must be based on the following rating values:

[For text of items A and B, see M.R.]

C. variation in raw wastes based upon maximum month design values:

(1) one percent to five percent ~~or less~~ industrial flow or carbonaceous biochemical oxygen demand (CBOD) loading, whichever is greater, contributed to facility, one point;

[For text of subitems (2) to (5), see M.R.]

[For text of items D and E, see M.R.]

F. laboratory monitoring:

(1) minimum required tests (pH, Cl<sub>2</sub>, residual, dissolved oxygen, settleable solids, carbonaceous biochemical oxygen demand, and total suspended solids), two points;

(2) bacteriology (fecal coliform, total coliform, fecal streptococcal, etc.), three points;

(3) nutrients, one point;

(4) groundwater monitoring, one point.

Subp. 3. **Accumulated values.**

A. The accumulated point values for wastewater treatment facilities are as follows:

~~A.~~ (1) Class A, 76 or more points;

~~B.~~ (2) Class B, 56 to 75 points;

~~C.~~ (3) Class C, 31 to 55 points; and

~~D.~~ (4) Class D, 30 and less points.

B. Notwithstanding item A, a facility that is given points for processes in subpart 2, item D, subitem (9), (10), (11), or (16), must be classified as a Class C facility or higher.

Subp. 4. **Type S facility.** A type S treatment facility means a system of collection, pumping, and conveyance facilities distinctly separate in operation from a facility which treats, stabilizes, or disposes of the wastewater collected, pumped, or conveyed.

[For text of item A, see M.R.]

~~B.~~ In no instance shall any facility which is given points for processes in subpart 2, item D, subitem (9), (10), (11), or (16), be classified as less than a Class C facility.

~~C.~~ A type S treatment facility must be subclassified as follows:

(1) Class S-A, serving a population of 50,000 or more;

(2) Class S-B, serving a population of 15,000 or more but less than 50,000;

(3) Class S-C, serving a population of 1,500 or more but less than 15,000;

(4) Class S-D, serving a population of less than 1,500.

**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

---

---

### 9400.0600 RECLASSIFYING SYSTEMS OR FACILITIES.

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

Subp. 2. **Implementation.** Reclassification ~~after February 25, 1997,~~ must be made:

[For text of items A and B, see M.R.]

### 9400.0700 CERTIFICATION OF SYSTEM AND FACILITY OPERATORS.

Subp. 2. **Certification in particular class.** An applicant who seeks certification must:

- A. meet the qualifications for one of the classes specified in this part and take and pass an exam; or
- B. meet the requirements for reciprocity under part 9400.1350.

Subp. 3. **Class A certificate.** An applicant for a Class A certificate must:

- A. have been certified as a Class B operator for at least two years; and
- B. have:

(1) a high school diploma or equivalent with at least eight years experience in the operation, including at least two years as a part of the management, of a Class A or B system or facility, or a similar industrial facility; or

(2) a bachelor's degree from an accredited institution in chemical, civil, environmental, mechanical, or sanitary engineering or in a physical or biological science, and submit satisfactory evidence of at least four years experience in the operation, including at least two years as a part of the management, of a Class A or B system or facility or a similar industrial facility; ~~and~~

~~C. take and pass a written exam.~~

Subp. 4. **Class B certificate.** An applicant for a Class B certificate must:

- A. have been certified as a Class C operator for at least one year; and
- B. have:

(1) a high school diploma or equivalent with at least six years experience in the operation of a Class A, B, or C system or facility, or a similar industrial facility; or

(2) a bachelor's degree from an accredited institution in chemical, civil, environmental, mechanical, or sanitary engineering or in a physical or biological science, and submit satisfactory evidence of at least two years experience in the operation of a Class A, B, or C system or facility, or similar industrial facility; ~~and~~

~~C. take and pass a written exam.~~

Subp. 5. **Class C certificate.** An applicant for a Class C certificate must have:

~~A. have:~~

~~(1) A. a high school diploma or equivalent, with at least three years experience in the operation of a Class A, B, C, or D system or facility, or similar industrial facility; or~~

~~(2) B. a bachelor's degree from an accredited institution in chemical, civil, environmental, mechanical, or sanitary engineering or in a physical or biological science, and submit satisfactory evidence of at least one year experience in the operation of a Class A, B, C, or D system or facility, or similar industrial facility; ~~and~~~~

~~B. take and pass a written exam.~~

Subp. 6. **Class D certificate.** An applicant for a Class D certificate must:

- A. have a high school diploma or equivalent; and
- B. have:

(1) at least one year experience in the operation of a Class A, B, C, or D system or facility, or in a related field; or

(2) satisfactorily completed a postsecondary program of courses in water or wastewater technology approved by the respective agency or department at an accredited institution; ~~and~~

~~C. take and pass a written exam.~~

Subp. 6a. Class E certificate. An applicant for a Class E certificate must:

A. have a high school diploma or equivalent; and

B. have:

- (1) at least three months experience in the operation of a Class A, B, C, D, or E system or facility, or in a related field; or
- (2) satisfactorily completed a postsecondary program of courses in water or wastewater technology approved by the respective agency or department at an accredited institution.

[For text of subp 7, see M.R.]

#### **9400.0800 SUBSTITUTIONS FOR QUALIFICATIONS.**

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

Subp. 2. **Education substituted for experience.** A person who applies for a Class A, S-A, B, S-B, C, or S-C certificate may substitute education for experience according to the formula in this subpart.

A. Except as noted in item B, the experience required in part 9400.0700, subparts 2 to ~~9~~ 7, will be reduced by one month for the successful completion of 40 contact hours of correspondence courses or other courses relating to water supply or wastewater treatment from an accredited institution in chemical, civil, environmental, mechanical, or sanitary engineering or in the physical or biological sciences.

B. In no event shall such education be substituted for experience so as to reduce the experience requirement to:

- (1) less than one year for Class A, S-A, B, S-B, C, S-C, D, S-D; or
- (2) less than three months for Class E.

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

#### **9400.1000 EXAMINATIONS.**

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

Subp. 2. **Written Examination.** Separate ~~written~~ examinations must be prepared for each designated system and facility class to cover basic differences in the duties and responsibilities of operators, types of water and wastewater treatment, variations in water and wastewater characteristics, water distribution systems, and wastewater collection systems. The ~~written~~ examination must test the applicant's knowledge in any one or more of the following areas, as they relate to either water or wastewater treatment: basic science, mathematics, operating procedures, treatment processes, equipment, equipment maintenance, management, and state law and rules relating to water and wastewater. The applicant is prohibited from using any resource materials during an examination.

Subp. 5. **Passing.** A grade of 70 percent is considered a passing grade.

Subp. 6. **Results; review.** The respective commissioner shall notify the applicant of the exam results. ~~Papers~~ Examinations will not be returned to the applicant, but upon request within 60 days' notification of the results, the applicant may be allowed to review the ~~written~~ examination.

[For text of subps 7 and 8, see M.R.]

#### **9400.1200 RENEWAL OF CERTIFICATES.**

Subpart 1. **Minimum requirements.** A certificate in any given classification must be renewed within 30 days after its expiration date. A renewal certificate will be issued upon receipt of the application, renewal fee, and evidence of the fact that the operator has, during the preceding three years, obtained credit as described in subpart 4 or 5, for the number of hours specified in the following schedule:

- A. Class A and S-A, 32 contact hours;
- B. Class B and S-B, 24 contact hours;
- C. Class C and S-C, 16 contact hours;
- D. Class D and S-D, 8 contact hours; and
- E. Class E, 4 contact hours.

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

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

## Proposed Rules

---

### 9400.1300 REINSTATEMENT AND RECERTIFICATION.

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

Subp. 3. **Time.** A person may apply for reinstatement up to ~~three years~~ one year after expiration of the previous certificate. If more than ~~three years~~ one year has elapsed from the expiration of the certificate, a person must apply for the certificate as specified in parts 9400.0900 and 9400.1000.

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

### 9400.1500 CONDITIONAL CERTIFICATE.

Subpart 1. **Conditions and renewal.** The operator of a system or facility which is reclassified to a higher class pursuant to part 9400.0600 may be issued a conditional certificate in the higher class. A conditional certificate must be issued upon ~~receipt of the certificate fee application, without examination,~~ and shall be effective for three years from the date of issue. A conditional certificate ~~may~~ must be renewed ~~in the same manner as an unconditional certificate as specified in part 9400.1200.~~ A conditional certificate must specify that the operator named therein is certified to operate only the ~~reclassified~~ system or facility for which the conditional certificate is issued.

Subp. 2. **Certification limits.** No conditional certificate will be granted if reclassification was the result of an alteration to the system or facility.

Subp. 3. [See repealer.]

#### Subp. 4. Nontransient noncommunity systems.

A. An operator who has exercised direct responsibility for a nontransient noncommunity water system before October 1, 2001, is eligible to receive a conditional certificate for that system. The application for the conditional certificate must be submitted by the owner of the nontransient noncommunity system at which the operator exercises direct responsibility.

B. An application for a conditional certificate under item A must be submitted by the owner of a nontransient noncommunity water system before October 1, 2003.

C. A person assuming direct responsibility for a nontransient noncommunity system on or after October 1, 2001, is not eligible for a conditional certificate and must apply for a certificate according to part 9400.0700.

**REPEALER.** Minnesota Rules, part 9400.1500, subpart 3, is repealed.

## Department of Human Services

### Proposed Permanent Rules Relating to Specialized Maintenance Therapy Under the Medical Assistance and General Assistance Medical Assistance Programs

#### NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

#### Proposed Amendments to Rules Governing Specialized Maintenance Therapy Under the Medical Assistance (MA) and General Assistance Medical Care (GAMC) Programs, *Minnesota Rules*, part 9505.0390

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

**Agency Contact Person.** Comments or questions on the amendments and written requests for a public hearing on the amendments must be submitted to the agency contact person. The agency contact person is: Alice Weck at Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155, **phone:** (651) 297-4302, **fax:** (651) 297-3173. **TTY** users may call the Department of Human Services at (651) 296-7385.

**Subject of Rules and Statutory Authority.** The proposed rule amendments add speech-language pathology and related services to the two therapies—physical therapy and occupational therapy—already included in MA coverage for specialized maintenance therapy. The proposed amendments also broaden the previous rule's focus on recipients who reside in long-term care facilities to include eligible recipients residing in the community.



*Minnesota Statutes*, section 256B.04, subdivision 2, directs the commissioner of human services to make uniform rules to the end that the medical assistance system is administered uniformly throughout the state. A copy of the proposed amendments is published in the *State Register* and attached to this notice as mailed. A free copy of the proposed amendments is available upon request from the agency contact person listed above.

**Comments.** You have until 4:30 p.m. on Friday, February 2, 2001 to submit written comment in support of or in opposition to the proposed amendments or any subpart of the amendments. 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 amendments 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 amendments 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 Friday, February 2, 2001. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed amendments to which you object or state that you oppose the entire set of amendments. 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 amendments.

**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. For **TTY**, contact Minnesota Relay Service at (800) 627-3529.

**Modifications.** The proposed amendments may be modified as a result of public comment. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted amendments may not be substantially different from these proposed amendments. If the proposed amendments affect you in any way, you are encouraged to participate in the rule-making 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 amendments, including a description of who will be affected by the proposed amendments and an estimate of the probable cost of the proposed amendments. The statement may also be reviewed and copies obtained at the cost of reproduction from the agency.

**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, **phone:** (651) 296-5148 or (800) 657-3889.

**Adoption and Review of Amendments.** If no hearing is required, the agency may adopt the amendments after the end of the comment period. The amendments 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 amendments are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted amendments, 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: 20 December 2000

Michael O'Keefe  
Commissioner,  
Department of Human Services

**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

---

### 9505.0390 REHABILITATIVE AND THERAPEUTIC SERVICES.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Covered service; specialized maintenance therapy.** To be eligible for medical assistance payment, specialized maintenance therapy must be:

A. be provided by a physical therapist, physical therapy assistant, occupational therapist, ~~or~~ occupational therapy assistant, or speech-language pathologist;

B. be specified in a plan of care that is reviewed, and revised as medically necessary, by the recipient's physician at least once every 60 days unless the service is a Medicare covered service and is to a recipient who also is eligible for Medicare. If the service is to a recipient who also is eligible for Medicare and the service is a Medicare covered service, the plan of care must be reviewed at the intervals required by Medicare and the recipient must be visited by the physician or by the physician delegate as required by Medicare; and

C. be provided to a recipient ~~who whose condition~~ cannot be maintained or treated only through rehabilitative nursing services or services of other care providers, or by the recipient because ~~of a condition in subitems (1) to (5)~~ the recipient's physical, cognitive, or psychological deficits result in:

(1) ~~spasticity or severe contracture that interferes with the recipient's activities of daily living or the completion of routine nursing care~~ decreased functional ability compared to the recipient's previous level of function;

(2) ~~a chronic condition that results in physiological deterioration and that requires specialized maintenance therapy services or equipment to maintain strength, range of motion, endurance, movement patterns, activities of daily living, or positioning necessary for completion of the recipient's activities of daily living~~ decreased abilities relevant to the recipient's current environmental demands; or

(3) ~~an orthopedic condition that may lead to physiological deterioration and require therapy intervention by an occupational therapist or a physical therapist to maintain strength, joint mobility, and cardiovascular function~~ health and safety risks for the recipient;

(4) ~~chronic pain that interferes with functional status and is expected by the physician to respond to therapy; or~~

(5) ~~skin breakdown that requires a therapy procedure other than a rehabilitative nursing service.~~

D. have expected outcomes that are functional, realistic, relevant, and transferable to the recipient's environment, and be consistent with community standards; and

E. meet at least one of the criteria in subitems (1) to (3):

(1) prevent deterioration and sustain function;

(2) provide interventions, in the case of a chronic or progressive disability, that enable the recipient to live at the recipient's highest level of independence; or

(3) provide treatment interventions for recipients who are progressing but not at a rate comparable to the expectations of restorative care.

[For text of subps 6 and 7, see M.R.]

Subp. 8. **Excluded restorative and specialized maintenance therapy services.** Restorative and specialized maintenance therapy services in items A to K are not eligible for medical assistance payment:

[For text of items A to G, see M.R.]

H. service that is not designed to improve or maintain the functional status of a recipient with a physical impairment or a cognitive or psychological deficit;

[For text of items I to K, see M.R.]

## Adopted Rules

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

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

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

### Exempt Rules

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

### Emergency Expedited Rules

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

## Department of Agriculture

### Adopted Permanent Rules Relating to Smoked Fish

The rules proposed and published at *State Register*, Volume 25, Number 15, pages 801-802, October 9, 2000 (25 SR 801), are adopted as proposed.

## Labor and Industry

### Adopted Exempt Permanent Rules Relating to Occupational Safety and Health; High Visibility Personal Protective Equipment

The rules proposed and published at *State Register*, Volume 25, Number 14, pages 780-781, October 2, 2000 (25 SR 780), are adopted with the following modifications:

#### 5205.0030 HIGH VISIBILITY PERSONAL PROTECTIVE EQUIPMENT.

Subpart 1. **General requirement.** Each employee, other than police and fire protection personnel covered by subpart 3, exposed to or working adjacent to moving motor vehicle traffic as part of the employee's assigned job shall be provided with and required to wear a high visibility warning vest or other high visibility garment. A high visibility garment is defined as being a Class 2 garment or greater as specified by ANSI/ISEA Standard 107-1999. Some smaller garments may not meet the background material specifications for Class 2 as defined in ANSI/ISEA 107-1999. In these cases, the garment must be rated by the manufacturer as greater than or exceeding Class 1 requirements.

Subp. 3. **Law enforcement, emergency medical technician, and fire protection personnel.** Law enforcement and emergency medical technician personnel shall be provided with, and be required to wear a high visibility outer garment any time the personnel are engaged in vehicular traffic control. For fire protection personnel, compliance with NFPA No. 1971 is acceptable.

Subp. 4. **Electrical work.** For work within the flash protection boundary as defined by NFPA 70E 2-1.3.3.2, high visibility garments constructed of material that complies with NFPA 70E shall be worn.

Subp. 5. **Effective date.** The employer shall provide and ensure the use of garments with the class specifications required in subpart 1 by January 1, 2002.

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

## Adopted Rules

---

### 5207.0100 HIGH VISIBILITY PERSONAL PROTECTIVE EQUIPMENT.

Subpart 1. **General requirement.** Each employee exposed to or working adjacent to moving motor vehicles as part of the employee's assigned job shall be provided with and required to wear a high visibility warning vest or other high visibility garment. A high visibility garment is defined as being a Class 2 garment or greater as specified by ANSI/ISEA Standard 107-1999. Some smaller garments may not meet the background material specifications for Class 2 as defined in ANSI/ISEA 107-1999. In these cases, the garment must be rated by the manufacturer as greater than or exceeding Class 1 requirements.

Subp. 4. **Electrical work.** For work within the flash protection boundary as defined by NFPA 70E 2-1.3.3.2, high visibility garments constructed of material that complies with NFPA 70E shall be worn.

Subp. 5. **Effective date.** The employer shall provide and ensure the use of garments with the class specifications required in subpart 1 by January 1, 2002.

### 5207.1000 OPERATION OF MOBILE EARTH-MOVING EQUIPMENT.

Subp. 7. **Electrical work.** For work within the flash protection boundary as defined by NFPA 70E 2-1.3.3.2, high visibility garments constructed of material that complies with NFPA 70E may be worn.

Subp. 8. **Effective date.** The employer shall provide and ensure the use of garments with the class specifications required in subpart 4, item A, by January 1, 2002.

## Peace Officer Standards and Training Board

### Adopted Permanent Rules Relating to POST Board Rule Amendments

The rules proposed and published at *State Register*, Volume 24, Number 47, pages 1686-1689, May 22, 2000 (24 SR 1686), are adopted with the following modifications:

#### 6700.0700 MINIMUM SELECTION STANDARDS.

Subpart 1. **Selection standards.** A person eligible to be licensed shall meet the following minimum selection standards before being appointed to the position of peace officer. The appointing authority may affirm that the applicant has already completed certain of these standards, but the affirmation must be documented pursuant to subpart 2.

E. No applicant may be appointed to the position of peace officer who has been convicted:

(3) under *Minnesota Statutes*, section 609.224, 609.2242, 609.231, 609.2355, 609.233, 609.2355, 609.234, ~~not including misdemeanor conviction; 609.324, 609.465, 609.466, not including misdemeanor conviction; 609.52, not including petty or misdemeanor theft; or 609.72, subdivision 3; or convicted under any state or federal narcotics or controlled substance law irrespective of any proceeding under *Minnesota Statutes*, section 152.18, or any similar law of another state or federal law; or~~

(4) ~~of a misdemeanor under *Minnesota Statutes*, section 609.52, unless five years has elapsed since the conviction, the applicant has had no other convictions under this item, and the board has granted the applicant redemption; or~~

(5) ~~of any of the crimes listed in this item in another state or federal jurisdiction, or under a local ordinance that would be a conviction if committed in Minnesota.~~

~~F. Any individual who has been convicted of misdemeanor theft under *Minnesota Statutes*, section 609.52, and has no other disqualifying convictions under item E, may be appointed to the position of peace officer if the board grants the applicant redemption. To apply for redemption, the individual must secure an active Minnesota license peace officer as a sponsor and must submit an application for redemption to the board.~~

~~G. F.~~ The applicant shall be fingerprinted for the purpose of disclosure of any felony convictions. Fingerprint cards shall be forwarded to the appropriate divisions of the Bureau of Criminal Apprehension and the Federal Bureau of Investigation. The chief law enforcement officer shall immediately notify the board if a previous felony conviction is discovered.

~~H. G.~~ A licensed physician or surgeon shall make a thorough medical examination of the applicant to determine that the applicant is free from any physical condition which might adversely affect the performance of peace officer duties.

~~I. H.~~ An evaluation, including an oral interview, shall be made by a licensed psychologist to determine that the applicant is free from any emotional or mental condition which might adversely affect the performance of peace officer duties.

~~J. I.~~ The applicant shall pass a job-related examination of the applicant's physical strength and agility to demonstrate the possession of physical skills necessary to the accomplishment of the duties and functions of a peace officer.

~~K. J.~~ The applicant shall successfully complete an oral examination conducted by or for the agency to demonstrate the possession of communication skills necessary to the accomplishment of the duties and functions of a peace officer.

# 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 State Agricultural Society

### Minnesota State Fair

#### Meeting Notice

The 142nd annual meeting of the Minnesota State Agricultural Society, governing body of the State Fair, will be held January 12, 13 and 14 at the Radisson South Hotel in Bloomington. The society's general business session is scheduled for 8:00 a.m., Sunday, January 14, at the Radisson South, followed by a meeting of the society's board of managers.

Complete programs of all scheduled events will be available at the hotel.

## Department of Health

### Interagency Long Term Care Planning Committee

#### Request for Proposals for Exceptions to the Nursing Home Moratorium and Notice of Hearing

##### Purpose

The Interagency Long Term Care Planning Committee (INTERCOM) is accepting written proposals from nursing homes and boarding care homes requesting an exception to the nursing home moratorium. The Commissioner of Health, in coordination with the Commissioner of Human Services, may approve such requests under conditions listed in *Minnesota Statutes*, § 144A.073. These conditions refer to categories of exceptions which are defined as:

- (a) "Conversion" means the relocation of a nursing home bed from a nursing home to an attached hospital.
- (b) "Relocation" means the movement of licensed nursing home beds or certified boarding care beds as permitted by state statute to promote equitable access across the state or to move the beds to another site.
- (c) "Renovation" means extensive remodeling of, or construction of an addition to, a facility on an existing site with a total cost exceeding ten percent of the appraised value of the facility or \$200,000, whichever is less.

**(NOTE: *Minnesota Statutes*, § 144A.071 allows projects with costs less than \$821,000 to proceed without applying for a moratorium exception under this process.)**

- (d) "Replacement" means the demolition, delicensure, reconstruction, or construction of an addition to all or part of an existing facility.
- (e) "Upgrading" means a change in the level of licensure of a bed from a boarding care bed to a nursing home bed in a certified boarding care facility.

##### Appropriation Available

The amount of the legislative appropriation available for the total annual additional costs to the medical assistance program for this Request for Proposals (RFP) is \$143,642.

##### Eligibility to Submit a Proposal

A proposal for an exception to the nursing home moratorium may be submitted by an organization or individual authorized by a facility's governing board or management to prepare and submit a proposal to INTERCOM.

##### Method for Estimating Proposal Cost

The method that INTERCOM will use in evaluating proposals for approval or disapproval for estimating the cost of a proposal is detailed in the application materials.

## Official Notices

---

### Criteria for Review

The following criteria shall be used in a consistent manner, equally weighed, to compare, evaluate, and rank all proposals submitted:

- 1) the extent to which the proposal furthers state long-term care goals designed to maximize independence of the older adult population, and to ensure cost-effective use of financial and human resources;
- 2) the cost effectiveness of the proposal;
- 3) the extent to which the proposal promotes equitable access to long term care services in nursing homes across the state;
- 4) the extent to which the proposal improves the health and safety of residents;
- 5) the extent to which the proposal promotes the comfort or quality of life of residents;
- 6) the extent to which the applicant demonstrates a history of quality care provided in the facility; and
- 7) the extent to which the project reduces the need for waivers from regulations.

### Procedure for Receiving Application Materials

The application materials, including instructions, format and necessary forms, are available upon *written or facsimile* request to:

Yvette Young  
MDH - F&PC Division

**Phone:** (651) 215-8700  
**Fax:** (651) 215-8710

*U.S. Mail Service*  
MDH - F& PC Division  
P.O. Box 64900  
St. Paul, Minnesota 55164-0900

*Courier or Walk-In Service*  
MDH - F& PC Division  
85 East Seventh Place, Suite 300  
St. Paul, Minnesota 55101

### Review and Approval of Proposals

INTERCOM has appointed an advisory review panel composed of representatives of consumers and providers to review proposals and provide comments and recommendations to INTERCOM before **May 7, 2001**. INTERCOM must hold a public hearing on the proposals received that meet review requirements, and must submit recommendations for approval or disapproval of proposals to the commissioner of Health no later than **May 25, 2001**. The commissioner of health must approve or disapprove a project within 30 days after receiving the committee's recommendations, or no later than **June 29, 2001**. The commissioner of health must send a written notice of approval or disapproval to the proposer no later than **July 6, 2001**.

### NOTICE OF HEARING

A public hearing on the moratorium exceptions proposals submitted to INTERCOM will be held before May 25, 2001. Details on the hearing date, time, and location will be included in the application materials. At the hearing, there will be an opportunity for the facility to provide additional information and to answer questions from INTERCOM on their nursing home moratorium exceptions proposal. Further information on the public hearing agenda will be made available to the contact person identified in each moratorium exceptions proposal.

### Questions Concerning the RFP

Any questions relating to the RFP process may be submitted by prospective applicants *in writing* to:

Linda Sutherland  
Minnesota Department of Health  
Facility and Provider Compliance Division  
P.O. Box 64900  
St. Paul, MN 55164-0900  
**Fax:** (651) 215-8710

NO ANSWERS WILL BE PROVIDED IN RESPONSE TO PHONE CALLS. Each question must cite the particular RFP page to which it refers. Copies of all questions and their answers will be provided to all prospective applicants who have requested Application materials. Only responses in writing by Linda Sutherland will be considered official. The closing date for the receipt of questions will be 4:00 p.m., Friday, March 16, 2001.

Technical assistance in completing the application forms is available from Minnesota Health and Housing Alliance, at (651) 645-4545, or Patti Cullen at Care Providers of Minnesota at (952) 854-2844.

### Procedures for Submitting Proposals

No proposals submitted by facsimile machine will be accepted. **Five (5) written copies of the completed proposal must be received no later than 4:00 p.m. on Friday, March 30, 2001 by:**

Linda Sutherland

*U.S. Mail Service*

Minnesota Department of Health  
 Facility and Provider Compliance Division  
 P.O. Box 64900  
 St. Paul, Minnesota 55164-0900

*Courier or Walk-In Service*

Minnesota Department of Health  
 Facility and Provider Compliance Division  
 85 East Seventh Place, Suite 300  
 St. Paul, Minnesota 55101

## Department of Revenue

### Presumed Legal Cigarette Prices

The presumed prices for wholesalers and retailers, as provided for by *Minnesota Statutes*, chapter 325D, are shown in this schedule. The computations are based on manufacturers' list prices available as of December 15, 2000. All cigarettes in a wholesaler's or retailer's inventory must be priced to reflect the new presumed prices within seven (7) calendar days after the manufacturer's price change is reflected on a purchase invoice. A wholesaler or retailer may sell for less if they can show that their actual costs of doing business are lower than the presumed minimum.

	<u>Presumed Minimum Wholesale Price Per Carton</u>	<u>Presumed Minimum Retail Price Per Carton</u>	<u>Presumed Minimum Retail Price Per Pack</u>
Major Brands (Kings, Regulars, 100's, 120's ) Examples of major brands: Marlboro, Winston, Merits, Virginia Slims, Kools, Capri, Kent, Newport, Carlton	\$30.66	\$33.11	\$3.31
Marlboro 25's (Kings)	\$30.66	\$33.11	\$4.14
Old Gold, Richland 20's, Best Value, Basics, Misty's, Raleigh Extra, Doral, Riviera, Magna, Sterling, Cambridge, Am Light, Montclair, Pyramid, Bristol, Alpine, Bucks, Stars & Bars, Quality Lights, Class A, Black and Yellow (Kings, Regulars 100's, 120's)	\$27.84	\$30.07	\$3.01
Ligget Private Label (Kings, Regulars, 100's,)	\$27.84	\$30.07	\$3.01
GPC's, Viceroy's	\$21.62	\$23.35	\$2.34

## 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 Transportation Program Delivery Group Modal Operations Division Office of Freight, Railroads and Waterways

#### Port Development Assistance Program Applications Available

The Minnesota Department of Transportation, Office of Freight, Railroads and Waterways is accepting applications for assistance through the Port Development Assistance Program from December 1, 2000 thru February 28, 2001. Program information may be obtained from, and applications will be accepted for the Commissioner of Transportation by:

Dick Lambert  
Minnesota Department of Transportation  
Office of Freight, Railroads and Waterways  
Suite 925, Kelly Annex  
Transportation Building  
395 John Ireland Blvd.  
St. Paul, Minnesota 55155  
**Phone:** (651) 296-1609  
**Fax:** (651) 297-1887  
**Email:** [dick.lambert@dot.state.mn.us](mailto:dick.lambert@dot.state.mn.us)

## State 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

### Request for Information on Available Land for Potential Office/Laboratory Developments Located in the Twin Cities Metropolitan Area

The State of Minnesota is interested in obtaining information on land located in the Twin Cities Metropolitan Area for a 1,500,000 square foot office/laboratory building project. If you own and are interested in selling, have the capacity to assemble, or have an exclusive listing on such a property, please send information to Hokanson/Lunning/Wende Associates, Inc., 275 East Fourth Street, Suite 620, St. Paul, MN 55101, until 2:00 p.m., local time, January 22, 2001.

For a copy of the Request for Information, please contact:

Robert Lunning  
Hokanson/Lunning/Wende Associates, Inc.  
275 East Fourth Street, Suite 620  
St. Paul, MN 55101  
**Phone:** (651) 221-0915  
**Fax:** (651) 222-6259  
**Email:** [lunning@visi.com](mailto:lunning@visi.com)



## Minnesota Department of Agriculture Agricultural Development Division

### Notice of Request for Proposals to Prepare a Livestock Producers Guide to Minnesota's Feedlot Regulations and a Feedlot Planning and Operations Guide

**THE MINNESOTA DEPARTMENT OF AGRICULTURE IS REQUESTING PROPOSALS** from qualified firms and individuals to develop content (text and graphics) for:

1. A livestock producers guide to Minnesota's feedlot regulations, which will be distributed as a printed document and an interactive Web page and/or CD ROM; and
2. A feedlot planning and operations guide based upon the *Manure Management Planning Guide for Livestock Operators* (MDA, 1995).

As mentioned above, the project involves developing content for these publications. Graphic design ("desktopping"), Web page design, and printing will be performed by the Department or through separate contracts.

The complete Request for Proposals is available by calling or writing Matt Drewitz, Project Coordinator, Agricultural Development Division, Minnesota Department of Agriculture, 90 West Plato Blvd., St. Paul, MN 55107-2094. **Phone:** (651) 296-3820. **Email:** [matt.drewitz@state.mn.us](mailto:matt.drewitz@state.mn.us). **TTY:** (800) 627-3529.

Estimated cost of the project should not exceed \$60,000.

Proposals must be received no later than February 6, 2001

Details concerning submission requirements are included in the Request for Proposals.

## Department of Corrections

### Notice of Request for Proposals for Phlebotomy Services for Minnesota Correctional Facilities

The Minnesota Department of Corrections (DOC) is requesting proposals for providing phlebotomy services to the Minnesota Correctional Facilities - St. Cloud, Willow River/Moose Lake, Stillwater, Oak Park Heights, Rush City, Lino Lakes, Faribault, Shakopee, and Red Wing.

It is expected that this contract period will be for a period of three months effective February 15, 2001 in order to draw approximately 1,000 blood specimens. The estimated cost for this project should not exceed \$50,000.00, however, this proposal does not obligate the agency to spend the estimated dollar amount.

Potential responder interested in submitting a proposal on this project should call, write, e-mail or fax for the full RFP which will be sent free of charge to interested vendors. Proposal must be submitted to the department contact listed below. Other department personnel are NOT allowed to discuss the Request for Proposal with anyone, including responders, before the proposal submission deadline. Proposals must be received by the contact person listed below no later than 2:30 p.m., CST January 23, 2001

Miki Matte, Office of Special Investigations  
Department of Corrections  
1450 Energy Park Drive, Suite 200  
St. Paul, MN 55108-5219  
**Phone:** (651) 642-0241  
**Fax:** (651) 643-0403  
**Email:** [mmatte@co.doc.state.mn.us](mailto:mmatte@co.doc.state.mn.us)

## Minnesota Historical Society

### Request for Bids for Site Stabilization and Interpretive Trail for the Marine Mill Historic Site

S.P. 94-080-01

Minnesota Project No. TEAX 8299 (026)

The Minnesota Historical Society (Society) is seeking bids from qualified firms and individuals for the placement of a new aggregate walking trail with interpretive signage. Other amenities include a wooden observation deck/overlook, and wood fences and benches. Site work to include vegetation removal, fence demolition, minor grading and drainage, and placement of a barrier at an existing trail to be abandoned.

This project will also include masonry restoration and installation of a steel barrier at the historic mill race opening.

Please be advised that some limitations exist regarding equipment sizes permissible at this archeologically significant site. The selected contractor should be prepared to complete vegetation removal prior to April 1, 2001. Other work is to be completed within 6 months from approval of the contract. Refer to Plans, Details and Specifications for additional information.

A **PRE-BID MEETING** will be held at the Marine on the St. Croix Village Hall, at 1:00 p.m., Local Time, on Thursday, January 9, 2001.

The Request for Bids, including attachments, is available by calling or writing Chris M. Bonnell, Contracting Officer, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102. **Phone:** (651) 297-5863; **email:** [chris.bonnell@mhhs.org](mailto:chris.bonnell@mhhs.org)

Bids must be submitted in the format that will be described in the Request for Bids. Sealed bids must be received by Chris M. Bonnell, Contracting Officer, or an authorized agent, at the Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102 by **Monday, January 22, 2001 at 2:00 p.m., Local Time**. Late bids will not be accepted.

Minimum wage rates to be paid by the Contractors have been predetermined and are subject to the Work Hours Act of 1962, P.L. 87-581 and implementing regulations.

#### **READ CAREFULLY THE WAGE SCALES AND DIVISION A OF THE SPECIAL PROVISIONS AS THEY AFFECT THIS/THESE PROJECT/PROJECTS**

The Minnesota Department of Transportation hereby notifies all bidders:

in accordance with Title VI of the Civil Rights Act of 1964 (Act), as amended and Title 49, *Code of Federal Regulations*, Subtitle A Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation, it will affirmatively assure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded maximum opportunity to participate and/or to submit bids in response to this invitation, and will not be discriminated against on the grounds of race, color, disability, age, religion, sex or national origin in consideration for an award.

in accordance with Title VI of the Civil Rights Act of 1964 as amended, and Title 23, *Code of Federal Regulations*, Part 230 Subpart A-Equal Employment Opportunity on Federal and Federal-Aid Construction Contracts (including supportive services), it will affirmatively assure increased participation on minority groups and disadvantaged persons and women in all phases of the highway construction industry, and that on any project constructed pursuant to this advertisement equal employment opportunity will be provided to all persons without regard to their race, color, disability, age, religion, sex or national origin.

in accordance with the Minnesota Human Rights Act, *Minnesota Statute* 363.03 Unfair discriminatory Practices, it will affirmatively assure that on any project constructed pursuant to this advertisement equal employment opportunity will be offered to all persons without regard to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, or age;

in accordance with the Minnesota Human Rights Act, *Minnesota Statute* 363.073 Certificates of Compliance for Public Contracts, and 363.074 Rules for Certificates of Compliance, it will assure that appropriate parties to any contract entered into pursuant to this advertisement possess valid Certificates of Compliance.

If you are not a current holder of a compliance certificate issued by the Minnesota Department of Human Rights and intend to bid on any job in this advertisement you must contact the Department of Human Rights immediately for assistance in obtaining a certificate.

The following notice from the Minnesota Department of Human Rights applies to all contractors:

“It is hereby agreed between the parties that *Minnesota Statutes*, section 363.073 and *Minnesota Rules*, parts 5000.3400 to 5000.3600 are incorporated into any contract between these parties based on this specification or any modification of it. A copy of *Minnesota Statute* 363.073 and *Minnesota Rules*, parts 5000.3400 to 5000.3600 is available upon request from the contracting agency.”

“It is hereby agreed between the parties that this agency will require affirmative action requirements be met by contractors in relation to *Minnesota Statute* 363.073 and *Minnesota Rules* 5000.3600. Failure by a contractor to implement an affirmative action plan or make a good faith effort shall result in revocation of its certificate or revocation of the contract (*Minnesota Statute* 363.073), Subd. 2 and 3).”

## Minnesota Historical Society

### Notice of Request for Proposals for the Private Pete Computer Interactive Kiosk Historic Fort Snelling

The Minnesota Historical Society is seeking proposals from qualified firms and experienced vendors for the fabrication and installation of a computer interactive kiosk with three (3) interactive stations in the third and final exhibit room of the Historic Fort Snelling Hospital Building. It will replace the existing and outdated computer interactive and its kiosk.

The Request for Proposals are available by calling or writing, Chris M. Bonnell, Contracting Officer, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55012. **Phone:** (612) 297-5863 or **email:** [chris.bonnell@mnhs.org](mailto: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., Monday, January 22, 2001.**

## Department of Natural Resources

### Division of Forestry

### Notice of Request for Proposals for the operation (pilot) and/or maintenance services for two State-owned CL-215 multi-engine amphibious water-scooping aircraft

The Department of Natural Resources is requesting proposals for operation (pilot) and/or maintenance services for two state owned CL-215 multi-engine amphibious water-scooping aircraft used in protection of lands from wildfire in the State of Minnesota.

Proposals are due by 2:00 p.m. January 22, 2001. Late proposals will not be considered.

**To obtain complete RFP requirements please contact:**

Ike Anderson or Marty VanLith  
Minnesota Department of Natural Resources - MIFC  
402 SE 11th Street  
Grand Rapids, MN 55744  
**Phone:** (218) 327-4574  
**Fax:** (218) 327-4527

## Solid Waste Management Coordinating Board

### Notice of Request for Bids for Residential Backyard Compositing Bins

The Solid Waste Management Coordinating Board (SWMCB) is seeking bids from qualified vendors for up to 6,000 residential backyard composting bins. Delivery date will be May and June 2001 at up to 16 locations in the Minnesota Counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Washington.

The Request for Bids is available by calling or writing Linda Gondringer, Solid Waste Management Coordinating Board, Richardson, Richter & Associates, Inc., 477 Selby Avenue, St. Paul, Minnesota 55102. **Phone:** (651) 222-7227. **Email:** [lgondringer@richardsonrichter.com](mailto:lgondringer@richardsonrichter.com)

**Bids must be received not later than 2:00 p.m., Central Time, Tuesday January 17, 2001. No late bids will be accepted.**

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

## Non-State 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.

### City of Maple Grove

#### Advertisement for Bids: Project No. 2001-10 Mining Lease, Maple Grove, Minnesota

Bids Close: 11:00 a.m., Friday, February 23, 2001

Telephone: (763) 494-6358

Sealed bids will be received by the City of Maple Grove, Minnesota in the City Hall at 12800 Arbor Lakes Parkway until 11:00 a.m., Friday, February 23, 2001, at which place and time they will be publicly opened by two or more persons who have been designated by the City to open bids. Bids are:

- Mining lease (1 year) for the property located at 10002 77th Avenue N., Maple Grove.

Specifications, proposal forms and contract documents may be seen at the office of the City Clerk, Maple Grove, Minnesota.

Each bid shall be accompanied by a surety in the form of a certified check payable to the Clerk of the City of Maple Grove or a cash deposit equal to \$5,000, which shall be forfeited to the City in the event that the bidder elects not to enter into a mining lease. Surety shall otherwise be returned to bidder, except in the event bidder enters into mining lease, wherein surety shall be deducted from initial payment to City.

The City Council reserves the right to retain the deposits of the three highest bidders for a period not to exceed thirty (30) days after the date and time set for the opening of bids. No bids may be withdrawn for a period of thirty (30) days after the date and time set for the opening of bids.

The Council reserves the right to reject any and all bids, to waive irregularities and informalities therein and further reserves the right to award the contract to the best interests of the city.

Alan A. Madsen, City Clerk  
City of Maple Grove, Minnesota  
Published in the Osseo-Maple Grove Press: January 3, 2001  
Published in the Construction Bulletin: January 5, 2001  
Published in the State Register: January 2, 2001

### 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](http://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.

## Available at Minnesota Bookstore – Fall & Winter Recreation

Order form on back page

### Hunter's Field Guide

This popular *Outdoor Life* field guide offers practical advice on how to be a safe, successful and responsible hunter. Through easy-to-read illustrations and text, learn tips on: treating common injuries, reloading shot gun shells, the basics of bow hunting, how to hold and carry a muzzle-loader, recommended shot and target range for various game, and much more. Great tool for the beginner as well as the experienced hunter. Softcover, 194pp. **Stock No. 19-31 \$5.99**

### Ice Fishing Secrets

This In-Fisherman series book is just the ticket to better success out in the fish house. Incredibly comprehensive, this book will walk you through everything from selecting the best location for catching bass, perch, walleye, etc., to making your own gaff, tight-line twitching, tip-ups and floats, the calendar cycle for best fishing for various species, and many more techniques and tips. Softcover, 288pp. **Stock No. 9-68 \$11.95**

### Minnesota Muskie Fishing Guide

This Sportsman's Connection book guides you to great spots throughout the state for muskie fishing. With over 50 marked fishing maps, tips and hot spots from experts, and GPS grids for large lakes, you'll have an upper hand in the battle with the muskie. Spiral-bound, 184pp. **Stock No. 20-14 \$19.95**

### Rock Climbing in Minnesota & Wisconsin

Rock climbers will delight in discovering more than 800 routes at 11 major areas, offering a lifetime of cragging entertainment for beginners and experts alike. Maps and photos accompany clearly written descriptions of the routes, and pertinent access and safety information are provided. Softcover, 291pp. **Stock No. 9-70 \$25.00**

### Great Minnesota Walks:

#### 49 Strolls, Rambles, Hikes & Treks

This book's 49 walks vary in length and difficulty, but all offer great vistas and points of interest. Each walk described includes distance, estimated time, path description, directions/maps, highlights, and a contact for more information. Thorough descriptions of each walk tell you what geologic formations, wildlife, and other points of interest you'll find. Softcover, 168pp. **Stock No. 9-52 \$16.95**

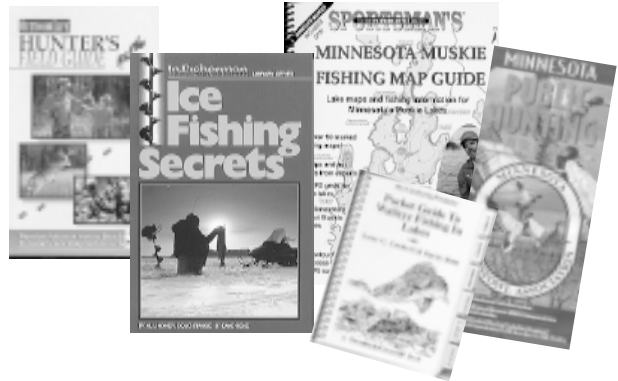
### Minnesota State Parks

This complete guide to 68 state parks features extensive maps, things to do at each park, campsites, playgrounds, horse riding and more. Softcover, 280pp. **Stock No. 9-43 \$14.95**

### Guide to Minnesota Outdoors

Whether you ski, snowshoe, or winter camp, this guide will lead the way. Softcover, 279pp. **Stock No. 19-73 \$9.95**

**More than 5,000 Minnesota DNR lake-depth maps are available through Minnesota's Bookstore. Visit our web site or call for information or a free catalog.**

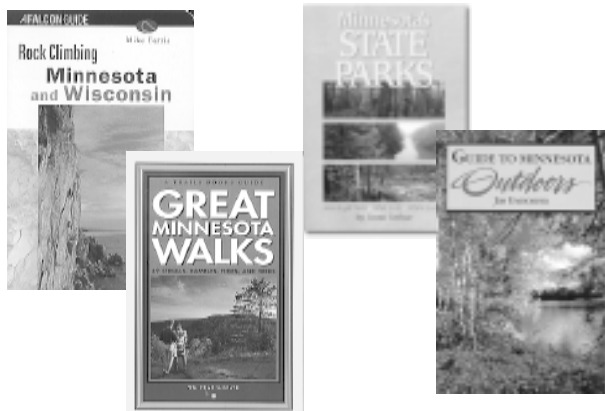


### Minnesota Public Hunting Areas Map

ONE map shows ALL public areas open to hunting throughout the state! **Stock No. 12-153 \$4.00**

### Pocket Guide to Walleye Fishing

So much information in such a little book! This plastic-coated pocket guide is a great reference for simple, step-by-step instructions for walleye fishing, including information on equipment, fish behavior, and technique. Sturdy, water-resistant book is packed with diagrams and quick tips about bait, jigs, lake structure, and much more. A great stocking-stuffer for your favorite fishing enthusiast! Spiral-bound, 26pp. **Stock No. 9-69 \$12.95**



### Public Recreation Information Maps

Produced by the MN Dept. of Natural Resources, 51 PRIM maps chart all county, state and federal public lands. With an easy map legend and charts, you will find trails for snowmobiling and skiing, areas where hunting is allowed, camp sites, boat access, wildlife refuges, and more. Includes topographical information. Call for information and assistance selecting the area map of your choice OR check the index map shown on our website. **www.comm.media.state.mn.us**



