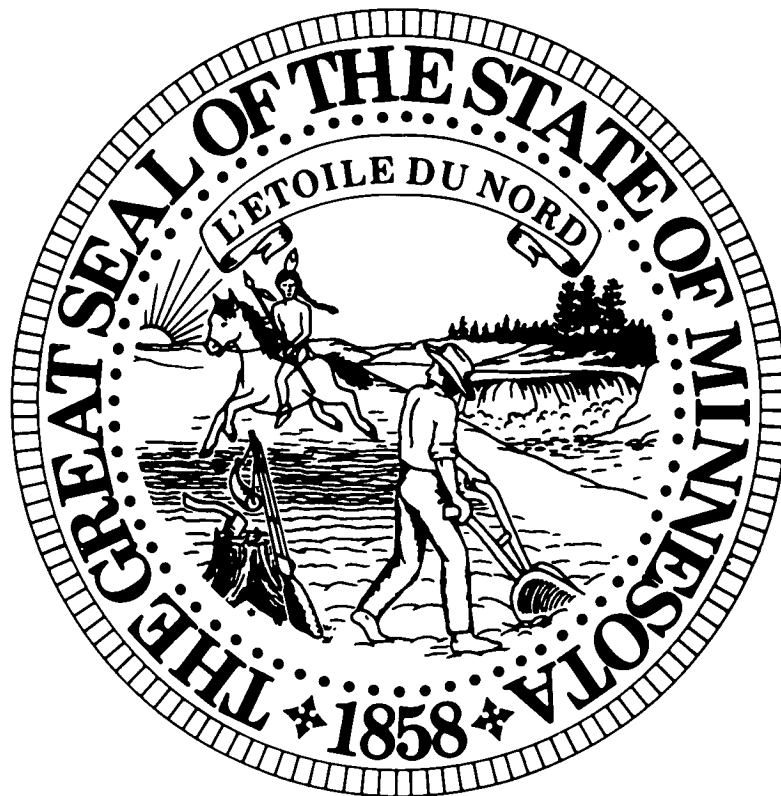


The Minnesota  
**State  
Register**

Department of Administration—Print Communications Division



Rules edition  
Published every Monday  
(Tuesday if Monday is a holiday)

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# State Register

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

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official notices, state and non-state contracts, contract awards, grants, and a monthly calendar of cases to be heard by the state supreme court.

A *Contracts Supplement* is published every Thursday and contains additional state contracts and advertised bids, and the most complete source of state contract awards available in one source.

### Printing Schedule and Submission Deadlines

Vol. 15 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
22	Friday 9 November	Monday 19 November	Monday 26 November
23	Monday 19 November	Monday 26 November	Monday 3 December
24	Monday 26 November	Monday 3 December	Monday 10 December
25	Monday 3 December	Monday 10 December	Monday 17 December

\*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

\*\*Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the *State Register* editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

The *State Register* is published every Monday (Tuesday when Monday is a holiday) by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. A *State Register Contracts Supplement* is published every Thursday. The Monday edition is the vehicle for conveying all information about state agency rulemaking, including official notices; hearing notices; proposed, adopted and emergency rules. It also contains executive orders of the governor; commissioners' orders; state contracts and advertised bids; professional, technical and consulting contracts; non-state public contracts; state grants; decisions of the supreme court; a monthly calendar of scheduled cases before the supreme court; and other announcements. The Thursday edition contains additional state contracts and advertised bids, and the most complete listing of contract awards available in one source.

In accordance with expressed legislative intent that the *State Register* be self-supporting, the following subscription rates have been established: the Monday edition costs \$140.00 per year and includes an index issue published in August (single issues are available at the address listed above for \$3.50 per copy); the combined Monday and Thursday editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, include both the Monday and Thursday edition, last for 13 weeks, and may be converted to a full subscription anytime by making up the price difference. No refunds will be made in the event of subscription cancellation.

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# Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 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. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or 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 *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 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-9747.

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## Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

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*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

## Department of Agriculture

### Proposed Permanent Rules Relating to Agricultural Chemical Response Compensation Board

#### Notice of Intent to Adopt a Rule Without a Public Hearing

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Agriculture intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22-14.28. The statutory authority to adopt this rule is *Minnesota Statutes*, section 18E.05.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state their name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any proposed change. If a public hearing is required, the department will proceed according to *Minnesota Statutes*, sections 14.131-14.20.

Comments or written requests for a public hearing must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-6906.

The proposed rule may be modified if the modifications are supported by the data and views submitted to the department and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

**A STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request from Ms. Milligan.

The department has determined that this rule will have no negative impact on small business because the rule primarily deals with the procedures or the board. Additionally, the purpose of the board is to compensate individuals and businesses for cost incurred in taking corrective action for agricultural chemical incidents, which is a benefit for these businesses.

If no hearing is required, upon adoption of the final rule, the rule and the required supporting documents will be submitted to Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule must submit a written request to Ms. Milligan.

Dated: 9 November 1990

Paul Liemandt, Executive Director  
Agricultural Chemical Response  
Compensation Board

**Rules as Proposed (all new material)****AGRICULTURAL CHEMICAL RESPONSE COMPENSATION BOARD RULES****1512.0100 DEFINITIONS.**

Subpart 1. **Scope.** The definitions in this part and *Minnesota Statutes*, chapter 18B, 18C, 18D, or 18E apply to parts 1512.0100 to 1512.1100.

Subp. 2. **Corrective action design.** "Corrective action design" means a description of the actions necessary to investigate, minimize, or clean up an incident.

Subp. 3. **Eligible costs.** "Eligible costs" means costs that minimize, eliminate, or cleanup an incident and are reasonable and necessary.

**1512.0200 BOARD MEETINGS.**

Subpart 1. **Regular meetings.** At least six regular meetings of the board must be scheduled a year. A scheduled meeting may be canceled if there is insufficient business.

Subp. 2. **Special meetings.** A special meeting of the board may be called by the chair or by written request of three board members.

**1512.0300 BOARD CHAIR AND VICE-CHAIR.**

A chair and vice-chair of the board must be elected by the board. Both positions must be elected at the first official meeting of the board on or after July 1, 1990. The chair shall preside at regular and special meetings, or the vice-chair in the absence of the chair, and the person chairing a meeting shall perform all duties assigned by the board.

The chair and vice-chair must be members of the board and may not be either the commissioner of agriculture or the commissioner of commerce.

The term of the chair and vice-chair is one year, beginning January 1, 1991.

**1512.0400 CONDUCT OF MEETINGS.**

Subpart 1. **Quorum.** A quorum consists of three board members.

Subp. 2. **Minutes.** Meetings must be tape recorded and minutes subsequently prepared by the board's staff.

Subp. 3. **Parliamentary procedure.** Except as specifically provided by statute or negotiation, Robert's Rules of Order govern questions that may arise at a meeting of the board.

**1512.0500 CONFLICT OF INTEREST.**

A member of the board who has a direct or indirect financial or employment interest relating to a matter before the board, which interest is reasonably likely to affect impartiality of judgment in the matter, shall make known the interest and shall refrain from participating in or voting upon the matter. The abstention of a board member or members does not prevent the remaining members from conducting a legal vote.

**1512.0600 REIMBURSEMENT OR PAYMENT OF COSTS.**

Subpart 1. **General.**

A. An eligible person who has taken corrective action and has incurred costs on or after July 1, 1989, may apply to the board for reimbursement or payment of eligible costs.

B. Reimbursement for eligible costs incurred is only for costs already paid by the eligible person. Reimbursement will not be made without proof that costs have been paid.

C. Payment of eligible costs incurred is only for costs that the eligible person is unable to pay.

Subp. 2. **Conditions.** A reimbursement or payment may not be made unless the board determines that the commissioner of agriculture has determined that the corrective action has adequately addressed, or will adequately address, the incident so as to eliminate unreasonable adverse effects on the environment.

An eligible person must seek and report to the board any and all other cost coverage or recovery when making an application for reimbursement or payment from the agricultural chemical response and reimbursement account.

**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

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A reimbursement may not be made before the applicant receives approval from the commissioner of agriculture for a corrective action design.

A payment may not be made before the applicant receives the commissioner's approval for additional necessary corrective actions.

Subp. 3. **Multiple eligible persons.** If more than one eligible person incurs eligible costs for a single incident or for a single corrective action, each eligible person must apply separately to the board. Not more than the maximum amounts under *Minnesota Statutes*, chapter 18E, may be reimbursed or paid for corrective action costs associated with a single incident site, regardless of the number of eligible persons.

### 1512.0700 ELIGIBLE COSTS.

Subpart 1. **Reimbursable or payable corrective actions.** Costs associated with the following corrective actions may be eligible for reimbursement or payment:

- A. emergency responses to incidents including, but not limited to, costs incurred that are necessary to abate acute risks to human health, safety, and the environment;
- B. incident site hazard control measures including, but not limited to, containment and stabilization of the incident and removal of released material;
- C. investigation and source identification including, but not limited to, collecting and analyzing soil samples, testing the groundwater, testing site and adjacent drinking water supplies, structural testing, and engineering and consultant services;
- D. development of corrective action design according to requirements of the commissioner of agriculture; and
- E. cleanup of incidents including, but not limited to, removal, treatment, or disposal of surface or subsurface contamination.

Cleanup must be performed according to a corrective action design, approved by the commissioner of agriculture, except in circumstances where an eligible person takes all reasonable emergency corrective action necessary to minimize and abate an incident and the action is subsequently approved by the commissioner of agriculture.

Subp. 2. **Documentation of reasonableness.** The applicant shall prove the reasonableness of all incurred eligible costs. Upon request of the board or the board's staff, the applicant shall document the reasonableness of any costs included on the reimbursement application, or on any request for payment, by providing one or more of the following:

- A. evidence that the work was performed by a person or persons whose services were solicited through a competitive bidding procedure;
- B. evidence that the cost is substantially equivalent to that charged by a comparable person or persons in the same geographical area for similar work performed;
- C. evidence that only one party was reasonably available to perform the necessary work; or
- D. evidence that only one party was reasonably qualified to perform the necessary work.

The board shall reimburse or pay only those costs it determines to be reasonable.

### 1512.0800 INELIGIBLE COSTS.

All costs associated with actions that do not minimize, eliminate, or clean up an incident are ineligible costs. Ineligible costs include, but are not limited to, costs related to the repair, replacement, or upgrading of agricultural chemical facility structures or equipment, cost of agricultural chemical product replacement, loss of income, attorney's fees, permanent relocation of residents, decreased property values, reimbursement for the eligible person's own time spent in planning and administering a corrective action design, costs for third party review of proposed investigative and corrective action or work plans, aesthetic improvements, or any work, except for emergency corrective actions, not in compliance with safety codes including, but not limited to, United States Occupational Safety and Health Administration requirements, well codes, fire codes, and costs for providing alternative sources of drinking water.

Corrective action costs covered or payable under an insurance or other contract are ineligible costs. Corrective action costs covered or payable under an insurance or other contract are ineligible costs because they are not considered to be costs incurred by the eligible person. Costs incurred in response to requests or orders issued to a responsible person under authorities contained in *Minnesota Statutes*, chapter 115B, or federal CERCLA are ineligible costs.

### 1512.0900 APPLICATION PROCESS.

Subpart 1. **Request for reimbursement.** A person who wishes to apply for reimbursement from the account shall complete, sign, and submit to the board a written application. The application must be on a form prescribed by the board and must contain the following:

- A. name of person making the application;
- B. description of the site of the incident;



C. summary of the corrective action design and the commissioner of agriculture's approval of the design, or a description of emergency corrective action taken and evidence of the commissioner of agriculture's subsequent approval of that action; and

D. itemized list of all corrective actions taken; the eligible costs associated with those actions; and the name of the person, contractor, consultant, or engineer who performed the action; and

E. proof of payment.

Subp. 2. **Request for payment.** A person who wishes to apply for payment from the account shall complete, sign, and submit to the board a written application. The application must be on a form prescribed by the board and must contain the following:

A. name of person making the application;

B. description of the site of the incident;

C. completed and signed affidavit summarizing the financial condition of eligible persons, and demonstrating an inability to pay the corrective action cost;

D. copies of federal and state income tax returns for the last two years (corporate, partnership, or individual);

E. monthly, quarterly, and annual financial statements for the last two years, prepared according to generally accepted accounting principles, relating to the financial condition of the applicant applying for payment, including financial statements for any businesses owned or operated by the applicant;

F. a summary of the corrective actions taken, as approved by the commissioner, or a description of emergency corrective action taken and evidence of the commissioner of agriculture's subsequent approval of that action;

G. itemized list of all corrective actions taken; the eligible costs associated with those actions; and the name of the person, contractor, consultant, or engineer who performed the action;

H. information detailing why corrective actions have not been completed or initiated; and

I. evidence sufficient to prove applicant's payment of \$1,000 for corrective action costs already incurred.

The board may waive the requirement for submission of all or a portion of the above described financial information, if reasonable and appropriate, upon written request of the applicant.

Only complete applications may be accepted by the board and incomplete applications must be returned to the applicant.

Subp. 3. **Time of application.** The board shall hear initial requests for reimbursement and payment applications by eligible persons at every regular meeting.

The board shall establish a priority system for hearing requests for payment or reimbursement. The priority system must be based primarily on department incident response site priorities, taking into account the health and welfare of the public, the effects on the environment, and the commissioner of agriculture's incident response case load and staff resources.

Subp. 4. **Subsequent application.**

A. An eligible person who has already obtained partial reimbursement or payment from the board and who has incurred additional or continuing costs due to the same incident may reapply if:

(1) the amount of the person's original reimbursement or payment was less than the maximum allowed under *Minnesota Statutes*, section 18E.04;

(2) the eligible person offers adequate evidence that all payments have been properly applied towards costs of corrective action approved by the commissioner of agriculture;

(3) the eligible costs submitted on a subsequent application are not related to any new incidents at the site; and

(4) the total reimbursement and payments to all eligible persons for an incident must not exceed the maximum allowed under *Minnesota Statutes*, section 18E.04.

B. An eligible person may request reimbursement or payment of additional costs at the times indicated in subitems (1) and (2).

(1) Requests for reimbursement may be considered by the board no more than once every 12 months if the additional costs incurred are \$5,000 or less.

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## Proposed Rules

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(2) Requests for reimbursement of additional costs incurred of \$5,000 or more may be considered by the board at every other regular board meeting. The board or the board's staff shall notify an eligible person requesting additional payments when the next regular board meeting is to be held at which requests will be considered.

(3) Request for direct payment may be made at every other board meeting.

Subp. 6. **Signatures.** An application must be signed as follows:

A. for a corporation, by a principal executive officer of at least the level of vice-president or the duly authorized representative or agent of the executive officer if the representative or agent is responsible for the overall operation of the facility or site that is the subject of the application or a person whom the board of directors designates by means of a corporate resolution; or

B. for a partnership, sole proprietorship, or individual by a general partner, the proprietor, or individual, respectively.

Subp. 7. **Certification.**

A. A person who signs an application for reimbursement or payment shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. I certify that the commissioner of agriculture has approved the corrective actions taken, as described in the approved corrective action design, or as otherwise approved by the commissioner. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge, true, accurate, and complete. I further certify that I have the authority to submit this application on behalf of ...."

B. A person who signs an application for payment shall also make the following certification:

"I certify that if I have submitted invoices for costs that remain unpaid that I will pay those invoices within 30 days of receipt of payment from the board. I understand that if I fail to do so, the board may demand return of all or any portion of money paid to me."

C. A person who signs an application for subsequent payment or reimbursement shall also make the following certification:

"I certify that I have complied with the commissioner of agriculture approved corrective action design provisions and the corrective actions were taken as described in that design."

Subp. 8. **Report of commissioner of agriculture.** Upon notification by the board's staff that a complete application has been received, the commissioner shall, in a timely manner, provide the board with a written report on the applicant's compliance or noncompliance with *Minnesota Statutes*, section 18E.04.

In addition, the board may request additional information from the commissioner or may request participation of agency staff at a board meeting. All responses to requests for information must be delivered in a timely manner. The board may delegate these powers to its staff.

### 1512.1000 REVIEW AND DETERMINATION.

Subpart 1. **Review.** The board's staff shall review all applications. If the staff determines that the application is incomplete or otherwise deficient, the staff shall promptly advise the applicant of the incompleteness or deficiency. Further processing of the application affected by the deficiency must be suspended until the applicant has supplied the necessary information or otherwise corrected the deficiency. A complete application and the corresponding report of the commissioner of agriculture constitutes the written record. Any supplemental information explaining the application that is presented orally or in writing to the board will also be part of the written record.

Subp. 2. **Staff recommendation.** After a reimbursement or payment application is complete and the commissioner has provided the information relevant to the application, the board's staff shall make a recommendation as to the eligibility of the applicant and the costs specified in the application.

Subp. 3. **Board determination.** The board shall determine the amount of the reimbursement or payment based on the costs it finds are eligible, actually incurred, and reasonable. The determination must be made on the basis of the written record. The board may also allow supplemental information explaining the application to be presented in writing or orally. The board may establish a fair and reasonable limit on the time for oral presentation.

The applicant must be notified in writing within 30 days of the board's decision. If the board rejects part of the request for reimbursement or payment, a statement of the reasons for rejection must be included with the notification.

Subp. 4. **Appeal.** If a reimbursement or payment is denied, the eligible person may appeal the decision as a contested case hearing under *Minnesota Statutes*, chapter 14.

**1512.1100 ENFORCEMENT.**

An application for reimbursement or payment containing false statements or misrepresentations voids the application. Reimbursements or payments that are made that later are found to have been based upon false or misleading information result in forfeiture of any reimbursement or payment made, and are wholly recoverable through actions under general criminal or civil enforcement authorities by the Office of the Attorney General.

## Minnesota State Arts Board

### Proposed Permanent Rules Relating to Deadlines

#### Notice of Intent to Adopt a Rule Without a Public Hearing

**NOTICE IS HEREBY GIVEN** that the State Board of the Arts intends to adopt amendments to the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, section 14.22 to 14.28. The statutory authority to adopt the rule is 139.10, subd. 1(e)(1988).

All persons have 30 days in which to submit comment in support or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes* 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Robert Booker, Minnesota State Arts Board, 432 Summit Avenue, St. Paul, Minnesota 55102.

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

**A STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Robert Booker upon request.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Robert Booker, Minnesota State Arts Board, 432 Summit Avenue, St. Paul, Minnesota 55102.

Dated: 8 November 1990

Robert Booker  
Assistant Director

#### Rules as Proposed

**1900.1400 APPLICATION FORMS AND DEADLINE.**

All applications for grants must be made on official application forms for the appropriate program available at the offices of the board. Applicants must use grant application forms for the appropriate fiscal year. Requests for other forms of assistance may be made directly to the board at its offices.

**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

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The application form will request the specific data needed to determine the eligibility of the individual or organization and to review the application according to the review standards.

All applications must be ~~postmarked~~ received by the deadlines set forth by the board in the current program information.

### 1900.1700 COMPLETED APPLICATIONS.

The applicant is responsible for the quality and the nature of the responses in the application form and the supporting materials.

A complete application includes the following:

- A. the appropriate application form with all spaces completed;
- B. authorizing signature(s) on the application form;
- C. a complete data summary form;
- D. all required resumes attached;
- E. applications from organizations have named a project director;
- F. applications from individual artists must have included required supporting materials;
- G. where applicable, a copy of the contract with the fiscal agent; and
- H. ~~postmark or delivery~~ receipt by the stated deadline(s) in program information.

## Department of Labor and Industry

### Proposed Permanent Rules Relating to Reimbursement of Supplementary Benefits

#### Notice of Intent to Adopt a Rule Without a Public Hearing

**NOTICE IS HEREBY GIVEN** that the State Department of Labor and Industry intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes* Sections 175.17 (1988), 176.132 (1988), and 176.83 (1988).

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Public comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Gary Hall, Compensation Attorney  
Department of Labor and Industry  
Workers' Compensation Division  
Third Floor, 443 Lafayette Road  
St. Paul, Minnesota 55155-4301

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

A free copy of the rule is available upon request from Gary Hall at the above address.

**A STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Gary Hall at the above address.

The option of the proposed rule has no impact on small business. The rules affect only insurers and self-insurers, none of which is a small business as defined by *Minnesota Statutes*, section 14.115, subd. 1 (1988).

Additionally, the rules do not require the expenditure of public monies by local public bodies and thus have no fiscal impact.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Gary Hall at the above address.

Dated: 9 November 1990

Ken Peterson, Commissioner  
Department of Labor and Industry

## Rules as Proposed

### 5222.0100 DEFINITIONS.

Subpart 1. **Generally.** As used in this chapter, the following terms have the meanings given them.

Subp. 2. **Commissioner.** "Commissioner" means commissioner of the Department of Labor and Industry.

Subp. 3. **Proposed effective date of permanent total disability.** "Proposed effective date of permanent total disability" as used in ~~part 5222.0400~~ means is the date, supported by documented medical reports and/or rehabilitation reports, on which the employer or insurer and employee agree that permanent total disability began or will begin to apply the offset provision of *Minnesota Statutes*, section 176.101, subdivision 4.

Subp. 3a. **Proposed effective date of offset.** "Proposed effective date of offset" is the date when the statutory requirements have been met and the insurer proposes to take the offset. The employee has been paid \$25,000 in permanent total disability benefits after the date of permanent total disability and the employee is simultaneously receiving a government benefit as defined in subpart 5.

Subp. 4. **Government disability benefits.** "Government disability benefits" means disability benefits paid by any government disability program within the meaning of *Minnesota Statutes*, section 176.101, subdivision 4. It includes, but is not limited to, social security disability benefits, old age and survivor benefits, and fire relief association benefits, police relief association benefits, and public employee's retirement benefits.

Subp. 5. [See Repealer.]

Subp. 6. **Rehabilitation plan.** "Rehabilitation plan" means the plan established for the employee pursuant to *Minnesota Statutes*, section 176.102.

Subp. 7. **Supplementary benefits.** "Supplementary benefits" means benefits paid pursuant to *Minnesota Statutes*, section 176.132.

Subp. 8. [See Repealer.]

### 5222.0200 AUTHORITY AND PURPOSE.

Parts 5222.0100 to 5222.1000 are promulgated pursuant to the authority granted to the commissioner by *Minnesota Statutes*, sections 176.132, subdivision 4, and 175.17, clause (2); and by ~~Laws of Minnesota 1983, chapter 290, section 165, and 176.83.~~ The purpose of these parts is to specify the procedure by which ~~employers~~ an employer may apply for an administrative finding of permanent total disability in order to obtain reimbursement for supplementary benefits pursuant to *Minnesota Statutes*, section 176.132. ~~After an administrative finding is made, all past and future total disability benefits are deemed to be payments for permanent total disability pursuant to *Minnesota Statutes*, section 176.101, subdivision 4.~~

### 5222.0300 APPLICATION SCOPE.

This chapter applies Parts 5222.0100 to 5222.1100 apply only if all of the following prerequisites are met:

A. The employee is and has been receiving ~~total~~ disability benefits under *Minnesota Statutes*, section 176.101, subdivision 1, 3a, or 4, without substantial interruption for the injury which gave rise to by suitable gainful employment after the proposed effective date of permanent total disability. ~~Benefits are deemed to be without interruption if the total length of all interruptions does not exceed 60 days during the three years prior to filing an application or, if less than three years, since the time of the injury which gave rise to the permanent total disability.~~

B. The employee is receiving government disability benefits.

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## Proposed Rules

C. The employee is ~~receiving supplementary benefits pursuant to *Minnesota Statutes*, section 176.132, subdivision 1, or~~ will be eligible for supplementary benefits after a finding of permanent total disability is made and the waiting period requirements of *Minnesota Statutes*, section 176.132, subdivision 1, are met.

D. ~~The employee has not been determined to be permanently and totally disabled by application of *Minnesota Statutes*, section 176.101, subdivision 5, or by an order on stipulation, or by an order after a hearing.~~

E. ~~The issue of whether the employee's total disability is permanent or temporary for the period on or after the proposed effective date of permanent total disability is not being pending and has never not been raised decided in any judicial or quasi-judicial administrative proceeding, including administrative conferences under *Minnesota Statutes*, sections 176.242 and 176.243 section 176.239.~~

F. ~~The total amount of weekly benefits to be received by the employee after a finding of permanent total disability has been made is equal to or greater than the amount of benefits that would be received by the employee in the absence of a finding of permanent total disability. The total amount of weekly benefits includes total disability benefits, government disability benefits, and supplementary benefits.~~

G. ~~The employer or insurer has applied the offset provision of *Minnesota Statutes*, section 176.101, subdivision 4, from the time that \$25,000 of total disability benefits was paid or from the time that the employee began to receive government disability benefits, whichever is later.~~

H. ~~E.~~ The employer or insurer concludes and employee agree that the employee's total disability is permanent within the meaning of *Minnesota Statutes*, section 176.101, subdivision 5 and applicable case law.

F. The employer or insurer and employee agree to the date on which the employee's permanent total disability began.

### 5222.0400 PROCEDURE.

Subpart 1. **Generally.** The employer or insurer must comply with the procedures set forth in this part ~~in~~ by submitting an application a signed agreement to the commissioner for a finding of permanent total disability.

Subp. 2. **Contents of application agreement.** ~~The application~~ This agreement must state:

A. the name of the employee;

B. the social security number of the employee;

C. the name of the employer;

D. the insurer of the employer, ~~or, if self-insured,~~ that the employer is self-insured;

E. the date of the ~~employee's~~ injury that which gave rise to permanent total disability;

F. ~~the date on which the requested finding of permanent total disability is to be effective~~ employee became permanently totally disabled;

G. the date on which the employee became eligible for government disability benefits;

H. the date on which the employer or insurer will apply the offset;

I. the name names of the medical ~~provider~~ and vocational providers submitting the ~~medical report reports~~ showing that the employee is permanently totally disabled ~~at the time of application, and as of the date stated in item F and the dates of the medical report those reports;~~ and

~~J.~~ J. the status of the rehabilitation plan as active, inactive, or nonexistent; and

K. the signatures of the employer or insurer and the employee.

Subp. 3. [See Repealer.]

Subp. 4. **Filing of medical reports.** Any medical reports which are identified pursuant to subpart 2, item 8 I, but have not been previously filed with the commissioner, must be attached to the application agreement.

Subp. 5. **Filing of rehabilitation reports.** Any reports of qualified rehabilitation consultants which have not been previously filed with the commissioner must be attached to the application agreement.

Subp. 6. **Benefit amounts.** The application agreement must state the amount of weekly benefits currently received by the employee for government disability, total disability, and supplementary benefits. The application agreement must also state the amount of each of these benefits which will be received by the employee if a finding of permanent total disability is made the agreement is approved.

Subp. 7. **Signing of application agreement.** The application agreement must be signed by an authorized representative of the employer or of the employer's insurer. It must also state the telephone number of ~~the~~ each person signing the application agreement.

Subp. 8. **Notice Instructions to employee.** The employer or insurer must mail ~~a copy~~ two copies of the application agreement with instructions to the employee and, if represented, a copy to the employee's attorney by first class mail ~~at the same time that the application is filed with the commissioner.~~ and must so affirm ~~on the application.~~

Subp. 9. **Filing with commissioner.** A copy signed by the employee must be filed with the commissioner before action will be taken on the request.

#### **5222.0500 NOTICE OF DECISION APPROVAL BY COMMISSIONER.**

An agreement is deemed approved upon the signature of the commissioner. Approval by the commissioner constitutes a finding of the employee's permanent total disability as of the proposed effective date of permanent total disability. The commissioner must approve an agreement unless grounds for disapproval exist pursuant to part 5222.0600; the commissioner must approve an application for a finding of permanent total disability. An application is deemed approved unless notice of disapproval and the grounds for disapproval are mailed by first class mail within 30 calendar days of the commissioner's receipt of the application.

#### **5222.0600 DISAPPROVAL BY COMMISSIONER.**

An application agreement for a finding of permanent total disability shall be disapproved if any of the following grounds are present:

A. The application agreement is incomplete, is inaccurate, or is not in conformity with any ~~part of this chapter~~ provision of parts 5222.0100 to 5222.0110. For example, the submission of medical reports which fail to show that the employee is permanently totally disabled ~~at the time of application on and after the proposed date of the permanent total disability~~ renders an application agreement incomplete and inaccurate and not in conformity with the rules. Applications Agreements which are disapproved on any of these grounds may be resubmitted under the procedure authorized in part 5222.0400.

B. The employer or insurer has not complied with the provisions of *Minnesota Statutes*, section 176.102 regarding the provision of rehabilitation services to the employee. This shall apply only if the injury giving rise to total disability occurred on or after October 1, 1979.

C. The commissioner concludes that the medical and rehabilitation reports do not support the assertion that the employee's total disability is not permanent within the meaning of Minnesota Statutes, section 176.101, subdivision 5, and applicable case law.

D. The commissioner concludes that the available information does not support the proposed effective date of the employee's permanent total disability.

#### **5222.0650 NOTICE OF DECISION.**

A copy of the decision approving or disapproving the agreement will be mailed to each party within 30 days of the receipt by the Special Compensation Fund of a complete agreement under 5222.0400.

#### **5222.0700 EFFECT OF FINDING DISAPPROVAL.**

~~Approval or~~ Disapproval of an application agreement by the commissioner is without prejudice to a party's right to petition for a hearing pursuant to *Minnesota Statutes*, section 176.305 for a finding or ~~for a~~ revision of a finding of permanent total disability.

#### **5222.0750 EFFECT OF APPROVAL.**

Approval of an agreement by the commissioner constitutes a final order determining permanent total disability.

#### **5222.0900 SEVERABILITY.**

If any provision of this chapter is held to conflict with a governing statute, applicable provisions of the Minnesota Administrative Procedure Act, or other relevant law; to exceed the statutory authority conferred; to lack a reasonable relationship to statutory purposes or to be unconstitutional, arbitrary, or unreasonable; or to be invalid or unenforceable for any other reason; the validity and enforceability of the remaining provisions of the chapter shall in no manner be affected.

**REPEALER.** *Minnesota Rules*, parts 5222.0100, subparts 5 and 8; and 5222.0400, subpart 3, are repealed.

**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

The adoption of a rule becomes effective after the requirements of Minn. Stat. §14.14-14.28 have been met and five working days after the rule is published in *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.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

## Department of Commerce

### Adopted Permanent Rules Relating to Appeal of Denial of Health Claims

The rules proposed and published at *State Register*, Volume 14, Number 25, pages 1408-1410, December 18, 1989 (14 SR 1408) and Volume 14, Number 38, pages 2224-2228, March 19, 1990 (14 SR 2224) are adopted as proposed.

## Withdrawn Rules

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## Department of Labor and Industry

### Notice of Withdrawal of Proposed Permanent Rules Relating to Permanent Total Disability Conferences

**NOTICE IS HEREBY GIVEN** that, pursuant to *Minnesota Statutes*, Section 14.05, subdivision 3, the State Department of Labor and Industry withdraws the above-entitled rules proposed and published at *State Register*, Volume 14, Number 44, pages 2531-2532, April 30, 1990 (145.R.2531).

Dated: 9 November 1990

Ken Peterson, Commissioner  
Department of Labor and Industry

## Official Notices

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Pursuant to the provisions of *Minnesota Statutes* § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

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

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## Department of Finance

### Notice of Maximum Interest Rate for Municipal Obligations in November, 1990

Pursuant to *Minnesota Statutes*, Section 475.55, Subdivision 4, Commissioner of Finance, Peter Hutchinson, announced today that the maximum interest rate for municipal obligations in the month of November, 1990 would be nine (9) percent per annum. Obligations which are payable wholly or in part from the proceeds of special assessments or which are not secured by General Obligations of the municipality may bear an interest rate of up to ten (10) percent per annum.

Peter Sausen  
Assistant Commissioner  
Cash & Debt Management  
(612) 296-8372



## Minnesota Health Care Access Commission

### Notice of Meeting of Health Care Access Commission

The next meeting of the Minnesota Health Care Access Commission will be Thursday, November 29, from 9:00 to 5:00 p.m. at the State Capitol, Room 107.

Please call the Health Care Access Commission, 297-5980, for further information.

All Commission meetings are open to the public.

## Higher Education Coordinating Board

### Notice of Public Hearing Before the Minnesota Higher Education Coordinating Board Issuance of Said Board's Supplemental Student Loan Program Variable Rate Revenue Bonds, Series 1990

The Minnesota Higher Education Coordinating Board ("MHECB") will hold a public hearing at 2:00 p.m. in Suite 400, Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota on Tuesday the 11th day of December, 1990, on the issuance of Supplemental Student Loan Program Variable Rate Revenue Bonds, Series 1990 (the "Bonds"). The Bonds are being issued for the purpose of making loans to eligible students (the "Student Loans") under the MHECB's Supplemental Student Loan Program in accordance with the provisions of *Minnesota Statutes*, Chapter 136A, as amended, funding certain funds and paying a portion of the costs of issuance of the Bonds (the "Project").

MHECB principal offices are located at 400 Capitol Square, 550 Cedar, St. Paul, Minnesota 55101.

The Bonds are proposed to be issued in an amount not to exceed \$20,000,000.

The Bonds shall be limited obligations of MHECB payable from and secured solely by all payments of principal and interest on certain student loans and the proceeds thereof, certain funds and accounts and other collateral constituting the security as to be described in the resolution authorizing the Bonds. The Bonds will not be deemed to constitute a pledge of the faith of MHECB or the State of Minnesota, but shall be payable solely from revenues pledged by MHECB in accordance with an indenture of trust. Neither the faith or credit nor the taxing power of the State of Minnesota will be pledged to the payment of principal of or the interest on the Bonds. MHECB has no taxing power.

The hearing shall provide the fullest opportunity for expression of opinion, for argument on the merits and for the introduction of documentary evidence pertinent to the nature of the Project and the proposed issuance of the Bonds.

Written comments will be accepted by MHECB at 400 Capitol Square, 550 Cedar, St. Paul, Minnesota 55101, but must be received on or before the date of the hearing.

David R. Powers  
Executive Director  
Minnesota Higher Education Coordinating Board

**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.

# State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 14.10, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Materials Management Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Awards of contracts and advertised bids for commodities and printing, as well as awards of professional, technical and consulting contracts, appear in the midweek STATE REGISTER Contracts Supplement, published every Thursday. Call (612) 296-0931 for subscription information.

## Materials Management Division—Department of Administration:

### Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid.

**Commodity:** AT&T Starservers—no substitute

**Contact:** Bernadette Vogel 296-3778

**Bid due date at 2pm:** November 29

**Agency:** State University

**Deliver to:** Mankato

**Requisition #:** 26071-42530

**Commodity:** Files and folders

**Contact:** John Bauer 296-2621

**Bid due date at 4:30pm:** November 26

**Agency:** State University

**Deliver to:** Mankato

**Requisition #:** 26071-29387

**Commodity:** Mettler balance

**Contact:** Bernadette Vogel 296-3778

**Bid due date at 4:30pm:** November 29

**Agency:** Public Safety Department

**Deliver to:** St. Paul

**Requisition #:** B-07300-14407

**Commodity:** Toshiba Laptop

**Contact:** Bernadette Vogel 296-3778

**Bid due date at 2pm:** November 30

**Agency:** Transportation Department

**Deliver to:** St. Paul

**Requisition #:** 79000-12407

**Commodity:** Sun upgrade

**Contact:** Bernadette Vogel 296-3778

**Bid due date at 2pm:** November 30

**Agency:** Health Department

**Deliver to:** Minneapolis

**Requisition #:** 12500-68639

**Commodity:** Meat for January

**Contact:** Linda Parkos 296-3725

**Bid due date at 2pm:** December 4

**Agency:** Corrections Department

**Deliver to:** St. Cloud

**Requisition #:** 78830-10641

**Commodity:** Portland cement

**Contact:** Joan Breisler 296-9071

**Bid due date at 2pm:** December 7

**Agency:** Transportation Department

**Deliver to:** Mankato

**Requisition #:** 79700PC

**Commodity:** Silica sand

**Contact:** Joan Breisler 296-9071

**Bid due date at 2pm:** December 7

**Agency:** Transportation Department

**Deliver to:** Mankato

**Requisition #:** 79700SS

**Commodity:** Ready mix

**Contact:** Joan Breisler 296-9071

**Bid due date at 2pm:** December 7

**Agency:** Transportation Department

**Deliver to:** Mankato

**Requisition #:** 79700RM

**Commodity:** Bituminous

**Contact:** Joan Breisler 296-9071

**Bid due date at 2pm:** December 7

**Agency:** Transportation Department

**Deliver to:** Mankato

**Requisition #:** 79700B

**Commodity:** Aggregates

**Contact:** Joan Breisler 296-9071

**Bid due date at 2pm:** December 7

**Agency:** Transportation Department

**Deliver to:** Mankato

**Requisition #:** 79700A

**Commodity:** Van modification

**Contact:** Brenda Thielen 296-9075

**Bid due date at 2pm:** November 29

**Agency:** Jobs & Training Department

**Deliver to:** Duluth

**Requisition #:** 21603-01718

**Commodity:** Video projector & remote

**Contact:** Pamela Anderson 296-1053

**Bid due date at 4:30pm:** November 29

**Agency:** Northland Community College

**Deliver to:** Thief River Falls

**Requisition #:** 02310-18643

**Commodity:** 1990 Ford Taurus Auto

**Contact:** Brenda Thielen 296-9075

**Bid due date at 2pm:** November 30

**Agency:** Public Safety Department

**Deliver to:** St. Paul

**Requisition #:** 07150-11169

**Commodity:** Aluminum sign bolts

**Contact:** Linda Parkos 296-3725

**Bid due date at 2pm:** December 3

**Agency:** Transportation Department

**Deliver to:** Various

**Requisition #:** 79100-09170

**Commodity:** Satellite system

**Contact:** Pamela Anderson 296-1053

**Bid due date at 4:30pm:** December 3

**Agency:** Minnesota State Lottery

**Deliver to:** Roseville

**Requisition #:** 99997-00051

**Commodity:** Truck w/aerial lift

**Contact:** Mary Jo Bruski 296-3772

**Bid due date at 2pm:** December 5

**Agency:** Transportation Department

**Deliver to:** St. Paul

**Requisition #:** 79382-02145

**Commodity:** Sign posts

**Contact:** John Bauer 296-2621

**Bid due date at 2pm:** December 5  
**Agency:** Transportation Department  
**Deliver to:** Various  
**Requisition #:** 79100-09169

**Commodity:** Bituminous  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** December 7  
**Agency:** Transportation Department  
**Deliver to:** Brainerd, Virginia, Duluth  
**Requisition #:** 79300B, 79150B, 79100B

**Commodity:** Winter sand  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** December 7  
**Agency:** Transportation Department  
**Deliver to:** Duluth, Virginia, Brainerd  
**Requisition #:** 79100WS, 79150WS, 79300WS

**Commodity:** Silica sand  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** December 7  
**Agency:** Transportation Department  
**Deliver to:** Brainerd  
**Requisition #:** 79300SS

**Commodity:** Ready mix  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** December 7  
**Agency:** Transportation Department  
**Deliver to:** Brainerd  
**Requisition #:** 79300RM

**Commodity:** Portland cement  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** December 7  
**Agency:** Transportation Department  
**Deliver to:** Brainerd  
**Requisition #:** 79300BC

**Commodity:** Aggregates  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** December 7  
**Agency:** Transportation Department  
**Deliver to:** Brainerd, Duluth, Grand Rapids, Ely & Virginia  
**Requisition #:** 79300A, 72100A, 79150A

**Commodity:** Truck w/50 ft. aerial platform  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** December 10  
**Agency:** Transportation Department  
**Deliver to:** St. Paul  
**Requisition #:** 79382-02148

## Department of Administration: Print Communications Division

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

**Printing vendors NOTE: Other printing contracts can be found in the Materials Management Division listing above, and in the Professional, Technical & Consulting Contracts section immediately following this section.**

**Commodity:** Bacteriological report form, 7M 4-part sets 6 $\frac{3}{4}$ " x 4" overall, negs available, 2-sided, carbonless, perf  $\frac{3}{4}$ " from left  
**Contact:** Printing Buyer's Office  
**Bids are due:** December 4  
**Agency:** Minnesota Health Department  
**Deliver to:** Minneapolis  
**Requisition #:** 12748

**Commodity:** Gonococcus screening form, 50M 3-part sets, 7" x 4" overall, negs available, 2-sided, carbonless  
**Contact:** Printing Buyer's Office  
**Bids are due:** December 4  
**Agency:** Minnesota Health Department  
**Deliver to:** Minneapolis  
**Requisition #:** 12752

**Commodity:** Envelopes, 25M #9 pink (8 $\frac{7}{8}$ "x3 $\frac{3}{8}$ " ), type to set, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** December 5  
**Agency:** Administration Department—Materials Management Division  
**Deliver to:** St. Paul  
**Requisition #:** 12989

**Commodity:** Ambulance report form, 75M 3-part sets, 8 $\frac{1}{2}$ "x12 $\frac{1}{8}$ " overall with stubs top and bottom, preprinted numbering negs available, 1-sided, stitch and wrap around cover, 50 per pad  
**Contact:** Printing Buyer's Office  
**Bids are due:** December 5  
**Agency:** Minnesota Health Department  
**Deliver to:** Minneapolis  
**Requisition #:** 12945

**Commodity:** "Second Chance" boxes, 2,500, 200B bleach cardboard, loon logo on all sides, see special dimensions  
**Contact:** Printing Buyer's Office  
**Bids are due:** December 5  
**Agency:** Minnesota State Lottery  
**Deliver to:** Roseville  
**Requisition #:** 12933

**Commodity:** Return label, 10M 4"x3" on standard pinfeed backing left/right margins, camera ready, 1-sided, fanfold 3-up, 1 across, permanent pressure sensitive adhesive

**Contact:** Printing Buyer's Office  
**Bids are due:** December 5  
**Agency:** Minnesota Health Department  
**Deliver to:** Minneapolis  
**Requisition #:** 12751

**Commodity:** Invoice, 10M 3-part sets, 9 $\frac{1}{2}$ "x11" overall,  $\frac{1}{2}$ " pinfeeds left/right, 10% screen on horizontal lines, negs available, 1-sided, carbon interleave, crimp both sides  
**Contact:** Printing Buyer's Office  
**Bids are due:** December 5  
**Agency:** Transportation Department  
**Deliver to:** St. Paul  
**Requisition #:** 12926

**Commodity:** Certification stamp, 150 rolls of 100, 3 $\frac{3}{4}$ "x3 $\frac{3}{8}$ " , camera ready + negs, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** December 5  
**Agency:** Transportation Department  
**Deliver to:** St. Paul  
**Requisition #:** 12958

# Professional, Technical & Consulting Contracts

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

## Minnesota Center for Arts Education

### Notice of Request for Proposal for Development and Coordination of Media Arts Conference

The Minnesota Center for Arts Education is seeking proposals from qualified non-profit organizations to coordinate a statewide media arts conference to be held in late spring or summer, 1991 (no later than September 30, 1991). The organization will have demonstrated commitment to media and arts education and will work with Resource Programs staff to carry out the responsibilities of the contract.

The specific services to be provided under this contract are outlined in detail in the Media Arts Conference Request for Proposal (RFP) Statement of Project Scope and Tasks. The formal RFP may be requested from:

Karon Sherarts, Resource Programs Director  
Minnesota Center for Arts Education  
6125 Olson Memorial Highway  
Golden Valley, MN 55422  
591-4700

It is anticipated that the cost of the contracted service, as described in the Request For Proposals, is to be provided during the contract period from January 14, 1991 to October 30, 1991, and will not exceed a total of \$25,000.

The deadline for submission of proposals is **3:00 p.m., Friday, December 14, 1990**. Selections will be made by December 21, 1990. Proposals should be submitted to Karon Sherarts, Resource Programs Director.

## Minnesota Historical Society

### Notice of Contract Availability for Cultural Resource Survey and Planning Work

The Minnesota Historical Society is considering completing the cultural resource survey and planning project outlined below and requests proposals from qualified contractors.

Development of list of pre-1956 bridges included in the Minnesota Department of Transportation (Mn/DOT) Statewide Inventory which will need future survey to determine eligibility to the National Register of Historic Places. It is anticipated that the survey list may include up to 1,500 historic bridges.

#### Required qualifications:

**1. Demonstrated experience** in conducting cultural resource planning, identification, evaluation, and/or registration activities in conformance with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation highly preferred.

**2. Preparation of a National Register form** for a property that has been placed on the Register within the last five years highly preferred.

**3. A graduate degree** in history, architectural history, art history, historic preservation, or closely related field; or a bachelor's degree in history, architectural history, historic preservation or closely related field plus one of the following:

**a. At least two years of full-time experience** in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historical organization or agency, museum, or other professional institution, or

**b. Substantial contribution** through research and publication to the body of scholarly knowledge in the field of history or American architectural history.

These services will be provided under contract. More detailed information is available for inspection by appointment at the Fort Snelling History Center during business hours. To schedule an appointment, call Michele Decker at 612-726-1171.

#### Proposals must contain the following:

**1. Resume**

**2. Copy of National Register form** completed by the applicant; consultants who have completed National Register forms for Minnesota may reference the nomination in lieu of sending a copy.

**3. Narrative project proposal**, including an implementation schedule. The project must be completed within the time period 1/1/91-7/31/91.

**4. Dollar bid**, including a line item breakdown of the proposed project budget. Personal compensation, mileage and lodging rates may not exceed maximums allowed under federal regulations.

Contractor qualifications, amount of bid, and quality of proposal will be considered in making any awards. Priority will be given to proposals that produce products compatible with Mn/DOT and SHPO computer databases.

Qualified contractors should send proposals to: Gary W. Goldsmith, Contracting Officer, 1500 Mississippi Street, St. Paul, MN 55101, so as to arrive no later than the close of the business day (5:00 p.m.) December 18, 1990. Late proposals will not be accepted.

Award of any contract is contingent upon the availability of funds. The solicitation for proposals does not obligate the Society to complete these projects, and the Society reserves the right to cancel solicitation if it is considered to be in the Society's best interests. The Society also reserves the right to reject or accept any or all proposals and to waive any irregularities therein.

## Public Employees Retirement Association

### Request for Proposals for Qualified Rehabilitation Counselors Services

#### I. OVERVIEW

The Public Employees Retirement Association of Minnesota (PERA) is a multi-employer pension fund serving over 2,200 governmental units within the State of Minnesota. PERA reporting units include cities, counties, school districts, and generally other units of government whose revenues are derived from taxation, fees or assessments.

PERA administers two cost-sharing multiple-employer retirement plans, the Public Employees Retirement Fund and the Public Employees Police and Fire Fund. In addition, PERA administers one agent multiple-employer retirement plan, the Police and Fire Consolidation Fund, and one multiple-employer defined contribution plan, the Public Employees Defined Contribution Plan. The retirement plans are established and administered under *Minnesota Statutes*, Chapters 353, 353A, 353B, 353D, 356, and 356A. An additional defined benefit plan, the Correctional Service Retirement Plan, under Chapter 353C, has no members or assets at this time.

PERA seeks to retain the services of Qualified Rehabilitation Counselors (QRCs) to perform certain evaluation services because the association has no QRCs on staff. This request for proposal is issued to comply with *Minnesota Statutes*, Chapter 16B, that governs PERA's ability to enter into consulting contracts.

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

#### II. SCOPE OF PROJECT

The firm awarded the contract will provide QRC evaluations to PERA for a twelve (12) month period commencing January 1, 1991, and ending December 31, 1991. These evaluations will be used by PERA to meet the burden of proof requirement for disability benefit cases in which individuals are found to be unable to perform their occupational duties at the time of disability.

The firm will receive direct referrals from PERA. The quality of each assessment must be sufficiently substantive to provide PERA with evidence pertaining to the disabilitant's ability to engage in gainful employment. QRCs shall also advise individuals of their rights under the Minnesota Government Data Practices Act.

The QRCs shall provide impartial assessments of "disabilitants" applying to PERA for benefits using the operational definitions and guidelines from PERA's statute.

**1. Section 353.01, Subd. 19. [TOTAL AND PERMANENT DISABILITY].** "Total and permanent disability" means the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to be of long-continued and indefinite duration. Long-continued and indefinite duration means that the disability has been or is expected to be for a period of at least one year. Note: this subdivision applies to all PERA members except Police and Fire Fund members.

**2. Section 353.33, Subd. 7. [PARTIAL REEMPLOYMENT].** If a disabled person resumes a gainful occupation from which earnings are less than the salary at the date of disability or the salary currently paid for similar positions, the board shall continue the disability benefit in an amount that, when added to the earnings, does not exceed the salary at the date of disability or the salary currently paid for similar positions, whichever is higher, provided the disability benefit does not exceed the disability benefit originally allowed, plus any postretirement adjustments payable after December 31, 1988, in accordance with section 11A.18, subd. 10. No deductions for the retirement fund may be taken from the salary of a disabled person who is receiving a disability benefit as provided in the subdivision. Note: This subdivision applies only if a PERA member has already been determined to be disabled.

## Professional, Technical & Consulting Contracts

**3. Section 353.656, Subd. 1.** Any member of the police and fire fund less than 55 years of age, who shall become disabled and physically unfit to perform the duties as a police officer or firefighter subsequent to June 30, 1973, as a direct result of an injury, sickness, or other disability incurred in or arising out of any act of duty, which shall render the member physically or mentally unable to perform duties as a police officer or firefighter, shall receive disability benefits during the period of such disability. . . . Note: Police and Fire Fund members over 55 years of age are not eligible for disability benefits from PERA.

### III. CONTRACTOR'S DUTIES

The vocational assessment services to be provided to PERA by the QRC are the following:

#### 1. Identify the individual with background information.

- A. Client introduction—include Data Practices, purpose of referral.
- B. Social history—background and identifying data, educational experience, family-marital status, other influencing family data.
- C. Current circumstances—client's stated use of time, leisure activity, daily routines.

#### 2. Review medical data.

- A. Client's perception of problem, stated limitations, notes of importance.
- B. Objective evidence from medical reports describing disability, including limitations, prognosis, and note conflicting data or reports.
- C. State why client cannot perform job.

#### 3. Review work history.

- A. For non-Police and Fire Fund employees, analyze duties, skills of disability job, and a reasonable history of previous jobs.
- B. For Police and Fire Fund employees, analyze duties and skills of police and fire fund job only.
- C. Report wage history.

4. Identify part(s) of job which individual cannot do and state why.

5. Identify remaining residual skills. Possibly utilize testing to identify potential occupational skills.

6. Evaluate available labor market for identified skills.

7. Describe wage range of available jobs.

### IV. CONTRACT TERMS

The contract period is January 1, 1991, to December 31, 1991. This contract may be extended in increments of one year at a price mutually agreed upon by both parties. The number of one-year extensions may not exceed three extensions. PERA reserves the right to terminate the contract after giving the other party a 90-calendar day written notice.

### V. AGENCY CONTACTS

Prospective respondents who have questions regarding this Request for Proposal may call or write:

Phil Coleman, Disability Specialist  
Public Employees Retirement Association of Minnesota  
Suite 200—Skyway Level  
514 St. Peter Street  
St. Paul, Minnesota 55102  
Telephone: (612) 296-7496

### VI. SUBMISSION OF PROPOSALS

All proposals must be sent to and received by:

Allen B. Eldridge, Manager of Benefits  
Public Employees Retirement Association of Minnesota  
Suite 200—Skyway Level  
514 St. Peter Street  
St. Paul, Minnesota 55102

A proposal must be received by **4:30 p.m., Monday, December 10, 1990**. A late proposal will not be accepted. Please submit five copies of each proposal. Proposals are to be sealed in mailing envelopes or packaged with the respondent's name and address clearly

written on the outside. Each copy of the proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal as stated must be valued for the length of the project.

### VII. PROPOSAL CONTENTS

The following will be considered the minimum content for a proposal:

- A. A restatement of the objectives, goals, and tasks to show or demonstrate the respondent's view of the nature of the project.
- B. Identification and description of the products to be provided by the respondent.
- C. An outline of the respondent's background and experience with particular emphasis on public pension fund experience; identification of the personnel who will conduct the project, with detail of their training and work experience. (No change in personnel assigned to the project will be permitted without the approval of the Executive Director of the Public Employees Retirement Association of Minnesota.)
- D. Listing of service fees including hourly rates of compensation and expenses (meals, mileage, and lodging) reimbursed at the State approved guidelines incurred in performance of the evaluations.
- E. Identification of the organizational level of the firm's department(s), the personnel of which shall participate in the project, and the identification of any other supporting or related service to be provided by the department(s) or other adjunct departments.

### VIII. EVALUATION

All proposals received by the deadline will be evaluated by the Board of Trustees and PERA staff. In some instances, an interview may be part of the evaluation process. Factors upon which proposals will be judged include, but are not limited to, the following:

- A. Expressed understanding of project objective(s).
- B. Project work plan.
- C. Project cost detail.
- D. Qualifications of both firm and firm personnel. (Experience of project personnel will be given greater weight than that of the firm.)

Evaluation and selection will be completed by Friday, January 11, 1991. Results will be sent immediately by mail to all respondents.

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## Announcements

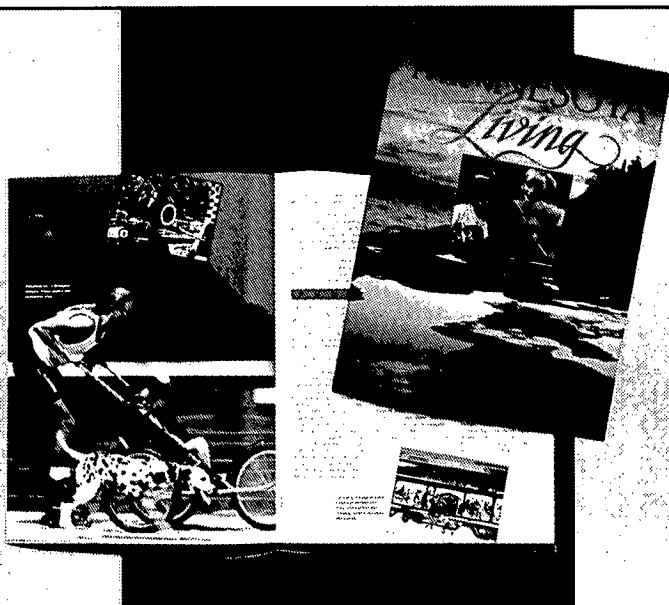
**Applicants Sought for Open Metropolitan Council Seats:** Applications are being taken by the Minnesota Secretary of State's Office for nine upcoming openings on the Metropolitan Council. There will be openings in the following Council districts: 2—St. Paul, roughly south of University Av.; 4—Minneapolis, roughly bounded by Nicollet Av. on the west, the Mississippi River on the north and east, and 50th St. on the south; 6—downtown Minneapolis north to the city limits; 7—northern Ramsey and Washington Counties; 8—the communities of Coon Rapids, Blaine, Lexington, Circle Pines, Spring Lake Park, Fridley, Hilltop and Columbia Heights; 10—Osseo, Brooklyn Park, Brooklyn Center, New Hope and Crystal; 12—Bloomington and Richfield; 14—Carver and Scott Counties, Lakeville and Burnsville; and 16—southern Washington and Dakota Counties. The Council meets the second and fourth Thursdays of each month. Council members also serve on standing committees that meet weekly. Members are paid a per diem and reimbursed for parking, travel and other miscellaneous expenses. Council terms run four years. However, because mid-term District 7 Council Member Mary Hauser was elected to the Washington County Board, her replacement on the Council will serve a two-year term. The appointments will be made by the governor after public hearings held by the governor's appointments committee. For more information and an application form, call Sandi Lindstrom of the Council staff at 291-6390 or the Secretary of State's office at 297-5845. Completed applications are due at the Secretary of State's office by Dec. 4.

**Wanted: Tree City USA Candidates:** To encourage tree planting and conservation within city surroundings, the National Arbor Day Foundation honors outstanding community urban forestry programs with the Tree City USA designation. "Last year, 52 Minnesota cities qualified for the designation," according to Meg Hanisch, public affairs specialist for the Department of Natural Resources (DNR) Division of Forestry. The 1989 recipients of the award were: Anoka, Apple Valley, Arden Hills, Austin, Bagley, Bloomington, Brainerd, Breckenridge, Byron, Circle Pines, Coon Rapids, Cottage Grove, Crookston, Detroit Lakes, Duluth, Eagan, East Grand Forks, Eden Prairie, Edina, Falcon Heights, Fergus Falls, Golden Valley, Hopkins, Hutchinson, Inver Grove Heights, Kasson, Lino Lakes, Litchfield, Little Falls, Mankato, Maple Grove, Minneapolis, Moorhead, Mounds View, New Brighton, North Mankato, Oak Park Heights, Park Rapids, Plymouth, Preston, Ramsey, Richfield, Robbinsdale, Rochester, St. Cloud, St. Louis Park, St. Paul, Sleepy Eye, Sunfish Lake, Thief River Falls, White Bear Lake and Winona. Communities desiring

## Announcements

to participate in the 1990 program must send a completed application to the DNR Division of Forestry no later than Dec. 31, 1990. Each application is reviewed by the state forester and forwarded to the National Arbor Day Foundation in Nebraska City, Neb. Each winning community will receive a Tree City USA flag, a walnut-mounted plaque, and signs to place at the city entrances. "To be officially recognized and designated as a 1990 Tree City USA, communities must meet four criteria," Hanisch said. The community must have: • a legally constituted tree board or department; • a community tree ordinance; • an active and comprehensive community forestry program supported by a minimum of \$2 per capita; • an Arbor Day proclamation and public tree planting ceremony. "Many of the communities that have received this award in the past have surpassed these requirements and are exhibiting innovative urban uses of tree," Hanisch said. "These communities realize that trees are a valuable resource and that tree care and maintenance programs are important regardless of geographic location. Urban forestry programs get the public to contribute to tree management and can be run with limited tax expenditures," she continued. "A good urban forestry program is an investment in the economic, social, and physical well-being of a community." For further information or to get an application for the Tree City USA program, contact the DNR Division of Forestry, 500 Lafayette Road, St. Paul, MN 55155-4040. Call (612) 296-5958 in the Twin Cities, or call toll free in Minnesota 1-800-652-9747 (ask for DNR Forestry).

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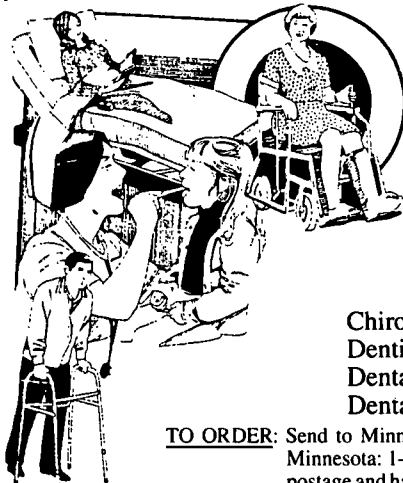
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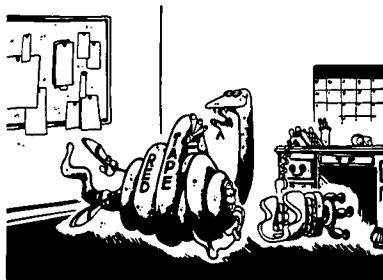
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