

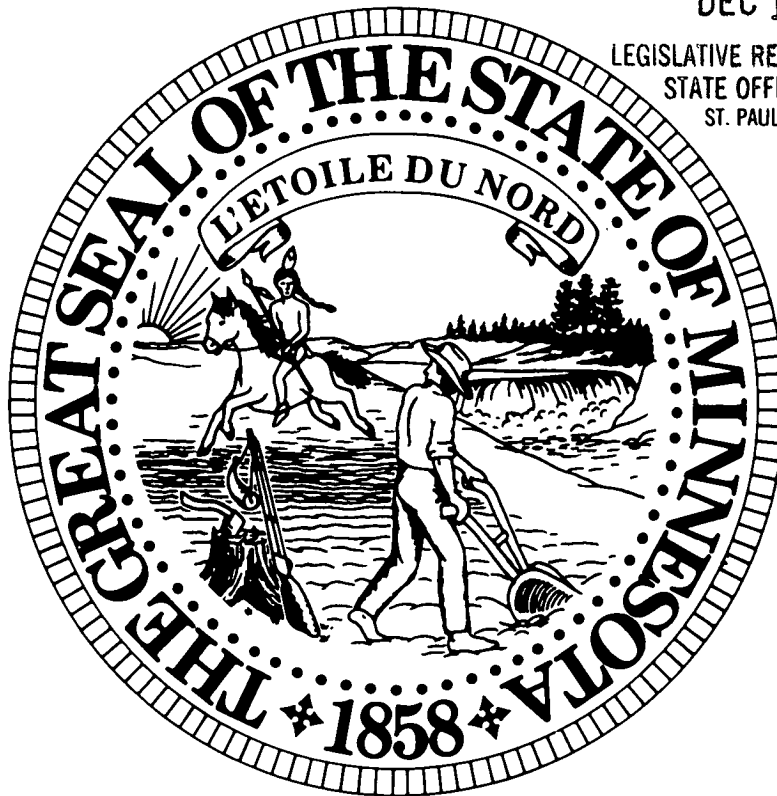
The Minnesota  
**State  
Register**

Department of Administration—Print Communications Division

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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
25	Monday 3 December	Monday 10 December	Monday 17 December
26	Monday 10 December	Monday 17 December	Monday 24 December
27	Monday 17 December	Monday 24 December	Monday 31 December
28	Monday 24 December	Monday 31 December	Monday 7 January

\*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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9210.0100; .0110; .0120; .0130; .0131; .0140; .0150; .0160;		withdrawn)	1017
.0170; .0180; .0400; .0410; .0420; .0425; .0435; .0440;		9505.2445 s.2 (proposed repealer withdrawn)	1017
		9530.6655 (proposed withdrawn)	1366
		9575.1500 (proposed)	1046

## 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 Commerce

### Proposed Permanent Rules Relating to Franchise Arbitration

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

**NOTICE IS HEREBY GIVEN** that the Department of Commerce intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted Rules without a public hearing in *Minnesota Statutes*, section 14.22-14.28. Authority for the adoption of these rules is contained in *Minnesota Statutes*, Section 45.023 and 80C.18.

All persons have 30 days to submit comments 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. The proposed rules 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.

Any person may make a written request for public hearing within the 30 days 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 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 Department will proceed pursuant to *Minnesota Statutes*, sections 14.13 to 14.20.

Persons who wish to submit comments or a written request for a public hearing should submit them to:

Patricia L. Peterson  
Director of Registration  
Department of Commerce  
133 East Seventh Street  
St. Paul, Minnesota 55101  
(612) 296-2284

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 upon request from Patricia Peterson.

Pursuant to *Minnesota Statutes* Section 14.155, subdivision 2, the impact on small business has been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

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 Patricia Peterson.

Thomas H. Borman  
Commissioner of Commerce

## Rules as Proposed

### 2860.4400 UNFAIR AND INEQUITABLE PRACTICES.

All franchise contracts or agreements and any other device or practice of a franchisor, shall conform to the following provisions. It shall be unfair and inequitable for any person to:

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

J. require a franchisee to waive his or her rights to a jury trial or to waive rights to any procedure, forum, or remedies provided for by the laws of the jurisdiction, or to consent to liquidated damages, termination penalties, or judgment notes; provided, that the franchise agreement may contain this part shall not bar an exclusive arbitration clause if the agreement allows the franchisee to opt out of the requirements of the clause;

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

## Minnesota Housing Finance Agency

### Proposed Permanent Rules Relating to Mortgage Revenue Bonds for the Purchase of New Housing

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

NOTICE IS HEREBY GIVEN that the Minnesota Housing Finance Agency 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* 462A.06, Subd. 4 and 11.

**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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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 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*, section 14.131 to 14.20.

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

Susan K. Noren  
Legal Division  
Minnesota Housing Finance Agency  
400 Sibley Street, Suite 300  
St. Paul, Minnesota 55101-1998  
Telephone: 612-296-9794

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 rule has been prepared and is available from Susan K. Noren 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 Susan K. Noren.

Dated: 14 December 1990

James J. Solem  
Commissioner

### Rules as Proposed (all new material)

#### 4900.3300 SCOPE.

Parts 4900.3300 to 4900.3360 govern the financing of new housing under the agency's mortgage revenue bond programs to finance the purchase of single family housing.

#### 4900.3310 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 4900.3300 to 4900.3360, the following terms have the meanings given them.

Subp. 2. **Agency.** "Agency" means the Minnesota Housing Finance Agency.

Subp. 3. **City.** "City" means a city as defined in *Minnesota Statutes*, section 462C.02, subdivision 6.

Subp. 4. **Existing housing.** "Existing housing" means single family housing that either has been previously occupied before the first day of the origination period or has been available for occupancy for at least 12 months but has not been previously occupied.

Subp. 5. **Metropolitan area.** "Metropolitan area" means the Minneapolis-St. Paul Metropolitan Statistical Area as defined by the United States Department of Commerce, Bureau of the Census, or other area specified in *Minnesota Statutes*, section 474A.048, subdivision 1.

Subp. 6. **Mortgage revenue bonds.** "Mortgage revenue bonds" means tax exempt bonds issued by public entities payable from revenues derived from repayment of principal and interest on mortgage loans that were financed from the proceeds of the bonds.

Subp. 7. **New housing.** "New housing" means single family housing that has not been previously occupied.

Subp. 8. **Origination period.** "Origination period" means the period that loans financed with the proceeds of mortgage revenue bonds are available for the purchase of single family housing. The origination period begins when financing actually becomes available to the borrowers for loans.

Subp. 9. **Program.** "Program" means a program under parts 4900.3320 to 4900.3360.

Subp. 10. **Redevelopment area.** "Redevelopment area" means a compact and contiguous area within which the city finds by



resolution that 70 percent of the parcels in the area are occupied buildings, streets, utilities, or other improvements and more than 25 percent of the buildings, not including outbuildings, are structurally substandard to a degree requiring substantial renovation or clearance.

Subp. 11. **Single family housing.** "Single family housing" means one to four family dwelling units eligible to be financed from the proceeds of mortgage revenue bonds under federal law.

Subp. 12. **Structurally substandard.** "Structurally substandard" means containing defects in structural elements or a combination of deficiencies in essential utilities and facilities, light, ventilation, fire protection including adequate egress, layout and condition of interior partitions, or similar factors. The defects or deficiencies must be of sufficient total significance to justify substantial renovation or clearance.

#### **4900.3320 LIMITATIONS ON NEW CONSTRUCTION; METROPOLITAN AREA.**

During the first ten months of an origination period, the agency may not make mortgage loans for the purchase of new housing in the metropolitan area unless one of the conditions in items A to C is met.

A. The new housing is located in a redevelopment area and is replacing a structurally substandard structure or structures.

B. The new housing is located on a parcel purchased by a city or conveyed to a city under *Minnesota Statutes*, section 282.01, subdivision 1.

C. The new housing is part of a housing affordability initiative, other than those financed with the proceeds from the sale of mortgage revenue bonds, in which federal, state, or local assistance is used to substantially improve the terms of financing or to substantially write down the purchase price of the new housing. A housing affordability initiative must meet one or more of the criteria in subitems (1) to (5).

(1) The program is accepted or designated under the United States Department of Housing and Urban Development (HUD) Affordable Housing Program or any successor program sponsored by HUD to encourage affordable new housing.

(2) The program provides that financial resources other than those necessary to complete the mortgage revenue bond sale are applied to reduce the cost of the housing or improve the terms of the mortgage loans provided through the sale. A contribution greater than or equal to five percent of the purchase price of each newly constructed home to be financed with mortgage revenue bond proceeds must be provided to meet this criterion. The contribution may be provided either in whole or in part from federal, state, or local government resources or programs, private foundations, or the Federal Housing Finance Board.

(3) The program provides that the applicable local government authority in the jurisdiction in which the new housing is to be constructed takes affirmative steps to relax regulation to result in greater housing affordability. The steps must demonstrably reduce the cost of the housing by at least five percent.

(4) The program supports the efforts of housing groups that support self-help or owner built housing initiatives in which at least 15 percent of the labor or materials or both needed to complete the new housing is acquired or donated through the efforts of such groups.

(5) The program provides that the new housing is constructed by a nonprofit entity as defined in part 4900.0010, subpart 21, that has as a primary purpose the provision or development of affordable housing to low and moderate income homebuyers.

#### **4900.3330 LIMITATIONS ON NEW CONSTRUCTION; OUTSIDE METROPOLITAN AREA.**

During the first ten months of an origination period, the agency may make mortgage loans for the purchase of existing housing or new housing in areas outside the metropolitan area. If mortgage loans are provided for new housing outside the metropolitan area during the first ten months of an origination period, the agency must determine that a need for new housing exists either in the entire area or in specific counties, cities, or other geographic areas by reviewing pertinent data including, but not limited to, economic development and employment growth trends, housing starts, and mortgage activity and interest rates. If mortgage loans for new housing are to be provided, the house price limits for the housing may not be more than \$10,000 higher than the house price limits for existing housing regardless of the variance that may be allowed in federal law pertaining to mortgage revenue bonds. The agency may also provide mortgage loans for new housing outside the metropolitan area under the conditions in part 4900.3320 without regard to the preceding conditions in this part.

**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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### 4900.3340 BUILDER SET ASIDE LIMITATIONS.

The agency may not make available, provide set asides, or commit to make available proceeds of mortgage revenue bonds for the exclusive use of builders or developers for loans to eligible purchasers of new housing except as provided in parts 4900.3320 and 4900.3330.

### 4900.3350 OTHER PROPERTY REQUIREMENTS.

The agency may make mortgage loans to finance the purchase of existing housing either inside or outside the metropolitan area immediately upon commencement of the origination period. After the first ten months of the origination period, the agency may make mortgage loans to finance the purchase of existing homes and new homes without regard to the restrictions contained in parts 4900.3320 and 4900.3330.

### 4900.3360 REPORTING.

The agency shall report to the chairs of the appropriate housing-related standing committees or divisions of the state senate and house of representatives by January 1 of each year detailing new housing activity financed with the proceeds of mortgage revenue bonds, including a description of affordable housing initiatives, the number of loans, the average purchase price of homes financed, and steps taken to encourage loan activity as required in parts 4900.3320 and 4900.3330.

## Housing Finance Agency

### Proposed Permanent Rules Relating to Single Family Mortgage Revenue Bond Authority

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

**NOTICE IS HEREBY GIVEN** that the Minnesota Housing Finance Agency 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* 462A.06, Subd. 4 and 11.

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 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*, section 14.131 to 14.20.

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

Susan K. Noren  
Legal Division  
Minnesota Housing Finance Agency  
400 Sibley Street, Suite 300  
St. Paul, Minnesota 55101-1998  
Telephone: 612-296-9794

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 rule has been prepared and is available from Susan K. Noren 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 Susan K. Noren.

Dated: 14 December 1990

James J. Solem  
Commissioner

**Rules as Proposed (all new material)****4900.3200 SCOPE.**

Parts 4900.3200 to 4900.3290 govern the allocation from the housing pool for single family housing programs submitted by cities to the agency as authorized by *Minnesota Statutes*, section 474A.061, subdivision 2a.

**4900.3210 DEFINITIONS.**

Subpart 1. **Scope.** For the purposes of parts 4900.3200 to 4900.3290 the following terms have the meanings given them.

Subp. 2. **Agency.** "Agency" means the Minnesota Housing Finance Agency.

Subp. 3. **Applicant.** "Applicant" means a city applying for mortgage revenue bond authority under parts 4900.3200 to 4900.3290.

Subp. 4. **Application.** "Application" means a submittal requesting mortgage revenue bond authority according to parts 4900.3200 to 4900.3290 as described in part 4900.3230.

Subp. 5. **City.** "City" means a city as defined in *Minnesota Statutes*, section 462C.02, subdivision 6.

Subp. 6. **Existing housing.** "Existing housing" means single family housing that either has been previously occupied before the first day of the origination period or has been available for occupancy for at least 12 months but has not been previously occupied.

Subp. 7. **Housing pool.** "Housing pool" means the pool into which the amount of the annual volume cap allocated to housing pursuant to *Minnesota Statutes*, section 474A.03, subdivision 1, is deposited.

Subp. 8. **Metropolitan area.** "Metropolitan area" means the Minneapolis-St. Paul Metropolitan Statistical Area as defined by the United States Department of Commerce, Bureau of the Census.

Subp. 9. **Mortgage revenue bonds.** "Mortgage revenue bonds" means tax exempt bonds issued by public entities payable from revenues derived from repayment of principal and interest on mortgage loans that were financed from the proceeds of the bonds.

Subp. 10. **New construction, newly constructed housing, or new housing.** "New construction," "newly constructed housing," or "new housing" means single family housing that has not been previously occupied.

Subp. 11. **Origination period.** "Origination period" means the period that loans financed with the proceeds of mortgage revenue bonds are available for the purchase of single family housing. The origination period begins when financing actually becomes available to the borrowers for loans.

Subp. 12. **Program.** "Program" means program under part 4900.3220, subparts 1 to 7.

Subp. 13. **Recycling.** "Recycling" means the use of money generated from the repayment and prepayment of loans for further eligible loans or for the redemption of bonds and the issuance of current refunding bonds.

Subp. 14. **Redevelopment area.** "Redevelopment area" means a compact and contiguous area within which the city finds by resolution that 70 percent of the parcels in the area are occupied buildings, streets, utilities, or other improvements and more than 25 percent of the buildings, not including out buildings, are structurally substandard to a degree requiring substantial renovation or clearance.

Subp. 15. **Single family housing.** "Single family housing" means one to four family dwelling units eligible to be financed from the proceeds of mortgage revenue bonds under federal law.

Subp. 16. **Structurally substandard.** "Structurally substandard" means containing defects in structural elements or a combination of deficiencies in essential utilities and facilities, light, ventilation, fire protection including adequate egress, layout and condition of interior partitions, or similar factors. The defects or deficiencies must be of sufficient total significance to justify substantial renovation or clearance.

**4900.3220 ELIGIBLE PROGRAMS.**

Subpart 1. **General program eligibility.** All applications for single family housing programs under *Minnesota Statutes*, section 474A.061, subdivision 2a, must be made by a city and must meet the requirements of this part.

Subp. 2. **Borrower income limits.** The adjusted income of borrowers receiving mortgage loans under eligible programs may not exceed the agency's income limits as determined under applicable administrative rule except as provided in this subpart. For purposes of this subpart, adjusted income is as defined in part 4900.0010, subpart 3.

**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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In the metropolitan area, adjusted incomes of borrowers receiving mortgage loans under eligible programs may not exceed the greater of the agency's income limits or 80 percent of the area median income as published by the United States Department of Housing and Urban Development from time to time.

If the agency's income limits are lowered during the origination period, cities may use the income limits in effect at the time the bonds were issued for the duration of the origination period. If the agency's income limits are raised during the origination period, cities may use the higher income limits for the duration of the origination period.

**Subp. 3. House price limits.** House price limits for homes that are security for mortgages under eligible programs may not exceed the greater of agency house price limits or 90 percent of the median purchase price in the city for which the bonds are to be sold up to a maximum of 80 percent of the safe harbor limits for existing housing provided under section 143(e) of the Internal Revenue Code of 1986, as amended through December 31, 1989, except that house price limits may be 80 percent of the safe harbor limitation for existing housing if a subsidy is used to reduce the effective purchase price of the property to the above levels.

If the agency's house price limits are lowered during the origination period, cities may use the house price limits in effect at the time the bonds were issued for the duration of the origination period. If the agency's house price limits are raised during the origination period, cities may use the higher house price limits for the duration of the origination period.

Cities requesting house price limits higher than the agency's house price limits must include data establishing the median purchase price in the city in the application. The data may be provided in the form of an independent study conducted by the city which reflects at least six months of real estate activity pertaining to closed house sales within the city during the previous 12-month period. Data may be accumulated from multiple listing services, appraisers or real estate agents, filings pertaining to closed real estate sales, records from the county auditor pertaining to real estate sales, or other sources that are demonstrated to provide accurate data pertaining to city real estate activity.

**Subp. 4. Limits on new construction in metropolitan area.** During the first ten months of an origination period, the agency or cities may not make mortgage loans for the purchase of newly constructed housing in the metropolitan area unless one of the following conditions is met:

A. The newly constructed housing is located in a redevelopment area and is replacing a structurally substandard structure or structures.

B. The new housing is located on a parcel purchased by the city or conveyed to the city under *Minnesota Statutes*, section 282.01, subdivision 1.

C. The new housing is part of a housing affordability initiative, other than those financed with the proceeds from the sale of mortgage revenue bonds, in which federal, state, or local assistance is used to substantially improve the terms of financing or to substantially write down the purchase price of the new housing. A housing affordability initiative must meet one or more of the following criteria:

(1) The new construction program is accepted or designated under The United States Department of Housing and Urban Development (HUD) Affordable Housing Program or any successor program sponsored by HUD to encourage affordable, newly constructed housing.

(2) The program provides that financial resources other than those necessary to complete the mortgage revenue bond sale are applied to reduce the cost of the housing or improve the terms of the mortgage loans provided through the sale. A contribution greater than or equal to five percent of the purchase price of each newly constructed home to be financed with mortgage revenue bond proceeds must be provided to meet this criterion. The contributions may be provided either in whole or in part from federal, state, or local government resources or programs, private foundations, or the Federal Housing Finance Board.

(3) The program provides that the applicable local government authority in the jurisdiction in which the houses are to be constructed takes affirmative steps to relax regulation to result in greater housing affordability. The steps must demonstrably reduce the cost of the housing by at least five percent.

(4) The program supports the efforts of housing groups that support self-help or owner built housing initiatives in which at least 15 percent of the labor or materials or both needed to complete the construction of each house is acquired or donated through the efforts of such groups.

(5) The program provides that the housing is constructed by a nonprofit entity as defined in part 4900.0010, subpart 21, that has a primary purpose the provision or development of affordable housing to low and moderate income homebuyers.

**Subp. 5. Limits on new construction outside metropolitan area.** During the first ten months of an origination period, the agency or cities may make mortgage loans for the purchase of existing housing or newly constructed housing in areas outside the metropolitan area. A city must include in its application a description, if applicable, of the steps it will initiate in nonmetropolitan areas to encourage loans for existing housing as opposed to new housing. The steps may include, but are not limited to, the conditions in subpart 4.

**Subp. 6. Builder set aside limits.** The agency or cities may not make available, provide set asides, or commit to make available

proceeds of mortgage revenue bonds for the exclusive use of builders or developers for loans to eligible purchasers of new housing except as provided in subparts 4 and 5.

Subp. 7. **Other property requirements.** The agency or cities may make mortgage loans to finance the purchase of existing housing both in and outside the metropolitan area immediately upon commencement of the origination period. After the first ten months of the origination period, the agency or cities may make mortgage loans to finance the purchase of existing homes and new construction without regard to the restrictions contained in subparts 4 and 5.

Subp. 8. **Reporting.** The agency and any city that provides funds for new housing financed with the proceeds of mortgage revenue bonds shall report to the chairs of the appropriate housing related standing committees or divisions of the state senate and house of representatives by January 1 of each year detailing new housing activity financed with the proceeds of mortgage revenue bonds, including a description of affordable housing initiatives, the number of loans, the average purchase price of homes financed, and steps taken to encourage loan activity as required in subpart 5.

#### **4900.3230 APPLICATION FOR MORTGAGE REVENUE BOND AUTHORITY.**

Subpart 1. **General.** Cities may apply to the agency for mortgage revenue bond authority from the housing pool as established under *Minnesota Statutes*, chapter 474A, as provided in subparts 2 and 3. Upon application and selection for mortgage revenue bond authority, cities may elect to either issue mortgage revenue bonds for eligible programs on their own behalf or through joint powers agreements, or have the agency issue bonds on their behalf.

Subp. 2. **Application period.** In the event that bonding authority is available in the housing pool on the dates prescribed, cities may submit applications to the agency for single family mortgage revenue bond authority for eligible programs after April 1 and until April 15, and after July 1 and until July 15, of each year.

Subp. 3. **Application requirements.** Cities that wish to apply for single family mortgage revenue bond authority may do so by providing the information described in this subpart. The agency may develop a form and format by which the information may be provided, but also will accept submittals from cities that do not meet the agency developed form and format and meet the requirements of this subpart.

A. The city may submit a housing plan as described in *Minnesota Statutes*, section 462C.03, subdivisions 1 and 1a, or may submit an application on a form developed by the agency which describes the program and demonstrates that the program meets a locally identified housing need and is economically viable.

B. The city must provide information which clearly establishes that the program to be funded with mortgage revenue bonds meets the requirements of part 4900.3220, subparts 2 to 7.

C. The city must request a specific allocation from the housing pool which may not exceed the lesser of \$4,000,000 or 20 percent of the total amount available for allocation after the first Monday in April. The minimum allocation that may be requested shall be \$250,000.

D. The city must describe, if applicable, the steps it will initiate in nonmetropolitan areas to encourage loans for existing housing before new housing under the conditions in part 4900.3220, subpart 5.

E. The city must submit an application deposit equal to one percent of the requested allocation from the housing pool.

#### **4900.3250 APPLICANT SELECTION.**

Subpart 1. **Negotiations of allocation.** Within a reasonable period after the application periods specified in part 4900.3230, subpart 2, but in no circumstances later than 30 days after the end of an application period, the agency shall convene a meeting to allocate the available funds from the housing pool. Before the meeting, applicants shall designate their representatives to the meeting in writing to the agency. At the meeting, the agency and a representative for each applicant shall negotiate the terms of an agreement regarding the available bonding authority among the applicants. The agreement must allot available bonding authority among the applicants. At the meeting, the agency and a representative for each applicant may discuss matters pertaining to the terms under which the agency would issue bonds on behalf of cities.

Subp. 2. **Notification to finance commissioner.** Upon the establishment of an agreement with cities, the agency shall forward to the commissioner of finance the amounts allotted to each applicant under the agreement. The agency shall also forward the application fee. A copy of the agreement forwarded to the commissioner of finance shall be sent to each applicant.

Subp. 3. **Designation of issuance.** Upon the establishment of the agreement in subpart 1, the city must designate within 15 days

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## Proposed Rules

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of the date of the agreement whether it plans to issue mortgage revenue bonds on its own behalf or through a joint powers agreement, or whether it plans to ask the agency to issue mortgage revenue bonds on its behalf. If the city does not choose to have the agency issue bonds on its behalf, it shall proceed according to part 4900.3290. If the city plans to have the agency issue bonds on its behalf, it shall proceed according to part 4900.3270.

### **4900.3270 AGENCY ISSUANCE ON BEHALF OF CITIES.**

Subpart 1. **Agency bond issuance.** The agency may issue bonds on behalf of participating cities pursuant to part 4900.3250, subpart 3. The agency shall request an allocation from the commissioner of finance for all cities who choose to have the agency issue bonds on their behalf and the commissioner shall allocate the requested amount to the agency. The agency may request an allocation at any time between the first Monday in April and the last Monday in August, but may request an allocation no later than the last Monday in August.

Subp. 2. **Program administration.** The agency may develop agreements which govern administrative procedures pertaining to programs funded with mortgage revenue bonds sold on behalf of cities. The agreements may govern matters including, but not limited to, local lender participation, mortgage servicing and servicers, mortgage processing and underwriting, and the period of time that funds may remain exclusively available to participating cities. In developing the agreements, the agency shall attempt to facilitate city programs while prudently addressing agency credit risk.

Subp. 3. **Homeownership assistance fund.** The agency may make the homeownership assistance fund as described in parts 4900.1300 to 4900.1390 available to cities participating under this part.

Subp. 4. **Application deposit refund.** Any application deposits returned to the agency pursuant to *Minnesota Statutes*, section 474A.061, subdivision 4, or 474A.131, subdivision 1, shall be forwarded by the agency to the appropriate city.

### **4900.3290 CITY ISSUANCE ON ITS OWN BEHALF.**

Subpart 1. **City bond issuance.** A city may choose to issue bonds on its own behalf or through a joint powers agreement and may request an allocation from the commissioner of finance. If the total amount requested by all applicants exceeds the amount available in the housing pool, the city may not receive a greater amount than it would have received under the agreement forwarded by the agency to the commissioner. No city may request or receive an allocation under this subpart until the agreement under part 4900.3250, subpart 1, has been forwarded to the commissioner. Between the first Monday in April and the last Monday in August, no city may receive an allocation from the housing pool which has not first applied to the agency. The commissioner of finance shall allocate the requested amount to the city or cities subject to the limits under this subpart.

Subp. 2. **Recycling.** If a city issues mortgage revenue bonds from an allocation under this part, the issuer must provide for the recycling of funds into new loans. If the issuer is not able to provide for recycling, the issuer must notify the commissioner of finance in writing of the reason that recycling was not possible and the reason the issuer elected not to have the agency issue the bonds.

## Department of Human Services

### Proposed Permanent Rules Relating to Rehabilitation and Therapeutic Services

#### Notice of Hearing

**NOTICE IS HEREBY GIVEN** that a public hearing on the above-entitled matter will be held in the Department of Human Services, Rooms 1A and 1B, 444 Lafayette Road, St. Paul, MN 55155 on January 18, 1991 commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Peter Erickson, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415; telephone (612) 341-7606, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge, may at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. Upon the close of the record the Administrative Law Judge will write a report as provided for in *Minnesota Statutes*, section 14.50. The rule hearing is governed by *Minnesota Statutes*, sections 14.01 to 14.56 and by *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

*Minnesota Rules*, parts 9505.0385, 9505.0386, 9505.0390 to 9505.0392, and 9505.0410 to 9505.0412 set the standards to be eligible to receive medical assistance payment as a provider of rehabilitation agency services and rehabilitative and therapeutic services to medical assistance recipients. The purpose of the proposed rules is to clarify the standards, ensure consistency between the standards and applicable federal and state statutes and regulations, and assure statewide access to services needed by recipients. The proposed parts will: define qualified providers; define the type of impairment requiring rehabilitative and therapeutic services; clarify the types of rehabilitative and therapeutic services eligible for payment on a fee for service basis; permit certain physical therapies to be provided by a physical therapy assistant under the direction of a physical therapist and certain occupational therapies to be provided under the direction of an occupational therapist; allow a comprehensive outpatient rehabilitation agency to be eligible for medical assistance payment for mental health services provided to recipients according to part 9505.0323; specify the conditions for a rehabilitative or therapeutic service to be a covered service; clarify the relation between a rehabilitative nursing service provided by a nursing facility and restorative and specialized maintenance therapy services; specify excluded services; permit long term care facilities to provide rehabilitative and therapeutic services to a recipient who is not a resident of a long-term care facility; and specify the required service documentation.

The agency's authority to adopt the proposed rules is contained in *Minnesota Statutes*, section 256B.04, subdivision 2.

Adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption under *Minnesota Statutes*, section 14.11. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available upon request from:

Nancy Bishop  
Rules and Bulletins Division  
Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3816  
(612) 296-7454

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to:

Nancy Bishop  
Rules and Bulletins Division  
Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3816  
(612) 296-7454

A copy of the rule may also be viewed at any of the 87 county welfare agencies in the State of Minnesota.

Additional copies will be available at the hearing. If you have any questions on the content of the rule, contact:

Eleanor Weber  
Rules and Bulletins Division  
Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3816  
(612) 297-4301

**NOTICE:** Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. If you desire to be notified, you may so request at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed with the secretary of state.

**NOTICE IS HEREBY GIVEN** that a Statement of Need and Reasonableness is now available for review at the agency and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the agency or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

**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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*Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes*, section 10A.01, subdivision 11, as an individual:

(a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communication or urging others to communicate with public officials; or

(b) who spends more than \$250, not including traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101, telephone (612) 296-5148.

Ann Wynia  
Commissioner

### Rules as Proposed

#### 9505.0290 HOME HEALTH AGENCY SERVICES.

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

Subp. 3. **Eligible home health agency services.** The following home health agency services are eligible for medical assistance payment.

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

D. Rehabilitative and therapeutic services under part ~~9500.1070, subparts 42 and 43~~ 9505.0390, and including respiratory therapy under part 9505.0295, subpart 2, item E.

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

#### 9505.0295 HOME HEALTH SERVICES.

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

Subp. 2. **Covered services.** Home health services in items A to H are eligible for medical assistance payment:

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

F. rehabilitative and therapeutic services that are defined under part ~~9500.1070, subparts 42 and 43~~ 9505.0390, subpart 1;

[For text of items G and H, see M.R.]

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

### Rules as Proposed (all new material)

#### 9505.0385 REHABILITATION AGENCY SERVICES.

Subpart 1. **Definitions.** For purposes of this part, the following terms have the meanings given them in this part.

A. "Physical impairment" means physical disabilities including those physical disabilities that result in cognitive impairments.

B. "Rehabilitation agency" means a provider that is certified by Medicare to provide restorative therapy and specialized maintenance therapy as defined in part 9505.0390, subpart 1, items J and K, and to provide social or vocational adjustment services under the Code of Federal Regulations, title 42, section 405.1702, paragraph h.

Subp. 2. **Covered services.** To be eligible for medical assistance payment, the services specified in items A and B that are provided by a rehabilitation agency must be ordered by a physician, must be related to the recipient's physical impairment, and must be designed to improve or maintain the functional status of a recipient with a physical impairment:

A. physician services under part 9505.0345; and

B. rehabilitative and therapeutic services as in part 9505.0390.

Subp. 3. **Eligibility as rehabilitation agency service; required site of service.** To be eligible for medical assistance payment, a rehabilitation agency service must be provided at a site that has been surveyed by the Minnesota Department of Health and certified according to Medicare standards; or at a site that meets the standards of the State Fire Marshal as documented in the provider's records; or at the recipient's residence.

Subp. 4. **Social and vocational adjustment service provided by rehabilitation agency.** A social or vocational adjustment service provided by a rehabilitation agency must meet the requirements of Code of Federal Regulations, title 42, section 405.1702, must be provided as an unreimbursed adjunct to the covered services specified in subparts 2 and 3, and is not eligible for payment on a fee for service basis.



**9505.0386 COMPREHENSIVE OUTPATIENT REHABILITATION FACILITIES.**

Subpart 1. **Definition.** For purposes of this part and part 9505.0410, "comprehensive outpatient rehabilitation facility" means a nonresidential facility that is established and operated exclusively to provide diagnostic, therapeutic, and restorative services to outpatients for the rehabilitation of injured, disabled, or sick persons, at a single fixed location, by or under the direction of a physician and that meets the conditions of participation specified in Code of Federal Regulations, title 42, section 485, subpart B.

Subp. 2. **Eligibility for payment.** To be eligible for medical assistance payment as a provider of rehabilitative and therapeutic services, a comprehensive outpatient rehabilitation facility must meet the requirements of parts 9505.0385 and 9505.0390. Additionally, mental health services provided by the comprehensive outpatient rehabilitation facility according to part 9505.0323 shall be eligible for medical assistance payment.

**9505.0390 REHABILITATIVE AND THERAPEUTIC SERVICES.**

Subpart 1. **Definitions.** For purposes of parts 9505.0390 to 9505.0392 and 9505.0410 to 9505.0412, the following terms have the meanings given them in this part.

A. "Audiologist" means a person who has a current certificate of clinical competence in audiology from the American Speech-Language-Hearing Association and, when it is applicable, who holds the specific state licensure and registration requirements for the services the person provides.

B. "Direction" means, notwithstanding any other definition of direction in parts 9505.0170 to 9505.0475, the actions of a physical or occupational therapist who instructs the physical therapy assistant or the occupational therapy assistant in specific duties to be performed, monitors the provision of services as the therapy assistants provide the service, is on the premises not less than every sixth treatment session of each recipient when treatment is provided by a physical therapy assistant or occupational therapy assistant, and meets the other supervisory requirements of parts 5601.1500 and 5601.1600.

C. "Functional status" means the ability of the person to carry out the tasks associated with daily living.

D. "Occupational therapist" means a person who is currently registered by the American Occupational Therapy Association as an occupational therapist.

E. "Occupational therapy assistant" means a person who has an associate degree in occupational therapy and is currently certified by the American Occupational Therapy Certification Board as an occupational therapy assistant.

F. "Physical therapist" means a person who is a graduate of a program of physical therapy approved by both the Council on Medical Education of the American Medical Association and the American Physical Therapy Association or its equivalent and, when it is applicable, licensed by the state.

G. "Physical therapy assistant" means a person who is qualified as specified in part 5601.0100, subpart 3.

H. "Rehabilitative and therapeutic services" means restorative therapy, specialized maintenance therapy, and rehabilitative nursing services.

I. "Rehabilitative nursing services" means rehabilitative nursing care as specified in part 4655.5900, subparts 2 and 3.

J. "Restorative therapy" means a health service that is specified in the recipient's plan of care by a physician and that is designed to restore the recipient's functional status to a level consistent with the recipient's physical or mental limitations.

K. "Specialized maintenance therapy" means a health service that is specified in the recipient's plan of care by a physician, that is necessary for maintaining a recipient's functional status at a level consistent with the recipient's physical or mental limitations, and that includes treatments adjunctive to rehabilitative nursing services.

L. "Speech-language pathologist" means a person who has a certificate of clinical competence in speech-language pathologies from the American Speech-Language-Hearing Association and, when it is applicable, meets the specific state licensure and registration requirements for the services the person provides.

Subp. 2. **Covered service; occupational therapy and physical therapy.** To be eligible for medical assistance payment as a rehabilitative and therapeutic service, occupational therapy and physical therapy must be:

A. prescribed by a physician;

B. provided by a physical or occupational therapist or by a physical therapy assistant or occupational therapy assistant who, as appropriate, is under the direction of a physical or occupational therapist;

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## Proposed Rules

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C. provided to a recipient whose functional status is expected by the physician to progress toward or achieve the objectives in the recipient's plan of care within a 60-day period; and

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

**Subp. 3. Covered service; speech-language service.** To be eligible for medical assistance payment as a rehabilitative and therapeutic service, a speech-language service must be:

A. provided upon written referral by a physician or in the case of a resident of a long-term care facility, on the written order of a physician as specified in Code of Federal Regulations, title 42, section 483.45;

B. provided by a speech-language pathologist. A person completing the clinical fellowship year required for certification as a speech-language pathologist may provide speech-language services under the supervision of a speech-language pathologist but shall not be eligible to be enrolled as a provider under part 9505.0195;

C. provided to a recipient whose functional status is expected by the physician to progress toward or achieve the objectives in the recipient's plan of care within a 60-day period; and

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

**Subp. 4. Covered service; audiology.** To be eligible for medical assistance payment as a rehabilitative and therapeutic service, an audiology service must be:

A. provided upon written referral by a physician;

B. provided by an audiologist. A person completing the clinical fellowship year required for certification as an audiologist may provide audiological services under the supervision of an audiologist but shall not be enrolled as a provider under part 9505.0195;

C. provided to a recipient whose functional status is expected by the physician to progress toward or achieve the objectives in the recipient's plan of care within a 60-day period; and

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

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

A. provided by a physical therapist, physical therapy assistant, occupational therapist, or occupational therapy assistant;

B. 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 to a recipient who also is eligible for Medicare. If the service is to a recipient who also is eligible for Medicare, the plan of care must be reviewed at the intervals required by Medicare and the recipient must be visited by the physician as required by Medicare; and

C. provided to a recipient who cannot be treated only through rehabilitative nursing services because of a condition in subitems (1) to (5):

(1) spasticity or severe contracture that interferes with the recipient's activities of daily living or the completion of routine nursing care;

(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;

(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;

(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.

**Subp. 6. Payment for rehabilitative nursing service in long-term care facility.** Medical assistance payment for a rehabilitative nursing service in a long-term care facility is subject to the conditions in parts 9549.0010 to 9549.0080 and 9553.0010 to 9553.0080.

Subp. 7. **Payment limitation; therapy assistants and aides.** To be eligible for medical assistance payment on a fee for service basis, health services provided by therapy assistants must be provided under the direction of a physical or occupational therapist. Services of a therapy aide in a long-term care facility are not separately reimbursable on a fee for service basis and shall be included within the per diem payment under parts 9549.0010 to 9549.0080 or 9553.0010 to 9553.0080. Services of a therapy aide in a setting other than a long-term care facility are not reimbursable.

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:

A. physical or occupational therapy that is provided without a written order from a physician;

B. speech-language or audiology service that is provided without a referral from a physician;

C. services provided by a long-term care facility that are included in the costs covered by the per diem payment under parts 9549.0010 to 9549.0080 and 9553.0010 to 9553.0080 including:

(1) services for contractures that do not interfere with the recipient's functional status or the completion of nursing care as required for licensure of the long-term care facility;

(2) ambulation of a recipient who has an established functional gait pattern;

(3) services for conditions of chronic degenerative joint pain that can be managed by routine nursing measures;

(4) services for maintenance of activities of daily living; and

(5) bowel and bladder retraining programs;

D. arts and crafts activities for the purpose of recreation;

E. service that is not medically necessary;

F. service that is not documented in the recipient's health care record;

G. service provided without the physician review required in subparts 2 to 5;

H. service that is not related to the recipient's functional disability;

I. service that is not part of the recipient's plan of care;

J. service by more than one provider of the same type of rehabilitative and therapeutic services, for the same diagnosis unless the service is provided by a school district as specified in the recipient's individualized education plan under *Minnesota Statutes*, section 256B.0625, subdivision 26; and

K. service in a sheltered workshop, service in a developmental achievement center as defined in part 9525.1210, subpart 8, or service at a residential or group home that is affiliated with a rehabilitation agency as defined in part 9505.0385, subpart 1, item B.

#### **9505.0391 THERAPISTS ELIGIBLE TO ENROLL AS PROVIDERS.**

A physical therapist, an occupational therapist, an audiologist, or a speech-language pathologist is eligible to enroll as a provider if the therapist complies with the requirements of part 9505.0195 and maintains an office at the therapist's or pathologist's own expense. Additionally, a physical therapist or occupational therapist must be certified by Medicare. However, a service provided by an independently enrolled therapist or pathologist is not eligible for medical assistance payment under the therapist's or pathologist's provider number on a fee for service basis if the service was provided:

A. while the therapist or pathologist functioned as an employee of another provider; or

B. by another therapist or pathologist employed by the independently enrolled therapist unless the employee is a speech-language pathologist or an audiologist completing a clinical fellowship year.

#### **9505.0392 COMPLIANCE WITH MEDICARE REQUIREMENTS.**

Notwithstanding requirements of parts 9505.0385, 9505.0386, 9505.0390, and 9505.0391, a rehabilitative and therapeutic service that is denied Medicare payment because of the provider's failure to comply with Medicare requirements shall not be eligible for medical assistance reimbursement.

**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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### 9505.0410 LONG-TERM CARE FACILITIES; REHABILITATIVE AND THERAPEUTIC SERVICES TO RESIDENTS.

Subpart 1. **Eligible providers.** The providers in items A to F are eligible for medical assistance payment on a fee for service basis for restorative therapy and specialized maintenance therapy that is provided according to part 9505.0390 and that is provided at the site of a long-term care facility to a recipient residing in the long-term care facility:

- A. a long-term care facility as defined in part 9505.0175, subpart 23;
- B. a rehabilitation agency as defined in part 9505.0385;
- C. a comprehensive outpatient rehabilitation facility as defined in part 9505.0386;
- D. a physical therapist as defined in part 9505.0390;
- E. an occupational therapist as defined in part 9505.0390; and
- F. a speech-language pathologist or audiologist as defined in part 9505.0390, subpart 1, item E.

Subp. 2. **Payment limitation.** To be eligible for medical assistance payment, rehabilitative and therapeutic services provided to recipients residing in a long-term care facility must comply with the requirements of parts 9505.0170 to 9505.0475.

Subp. 3. **Payment for restorative therapy and specialized maintenance therapy.** Medical assistance payment for restorative therapy and specialized maintenance therapy may be made on a fee for service basis or as an allowable operating cost in establishing the facility per diem payment as provided in parts 9549.0010 to 9549.0080 or 9553.0010 to 9553.0080.

Subp. 4. **Payment for rehabilitative nursing services.** Medical assistance payment for rehabilitative nursing services may be made only as an allowable operating cost in establishing the facility per diem payment as provided in parts 9549.0010 to 9549.0080 or 9553.0010 to 9553.0080, as applicable.

Subp. 5. **Reporting of fees for service by long-term care facility.** A long-term care facility that receives medical assistance payment on a fee for service basis for the provision of restorative and specialized maintenance therapy to a resident shall report the therapy income in accordance with parts 9549.0010 to 9549.0080 or 9553.0010 to 9553.0080, as applicable. This subpart applies to medical assistance payments made to the long-term care facility for therapy services provided by an employee or by a related organization. For purposes of this subpart, "related organization" has the meaning given it in *Minnesota Statutes*, section 256B.433, subdivision 3, paragraph (b).

Subp. 6. **Prohibited practices.** If medical assistance payment is made to a provider other than a long-term care facility for restorative therapy and specialized maintenance therapy, the long-term care facility in which the recipient resides must not request or receive payment from the provider in excess of the limit on charges specified in *Minnesota Statutes*, section 256B.433, subdivision 3, paragraph (c).

### 9505.0411 LONG-TERM CARE FACILITIES; REHABILITATIVE AND THERAPEUTIC SERVICES TO NONRESIDENTS.

Rehabilitative and therapeutic services provided by and at the site of a long-term care facility to a recipient who is not a resident of a long-term care facility are eligible for medical assistance payment if the facility is certified by Medicare as an outpatient therapy provider, under Code of Federal Regulations, title 42, part 405, subpart Q, if the service is a covered service, and if the requirements of parts 9505.0390 to 9505.0412 are met.

### 9505.0412 REQUIRED DOCUMENTATION OF REHABILITATIVE AND THERAPEUTIC SERVICES.

A rehabilitative or therapeutic service provided under parts 9505.0385, 9505.0386, 9505.0390, 9505.0391, 9505.0395, 9505.0396, 9505.0410, and 9505.0411 must be documented as specified in items A to D.

A. The service must be specified in the recipient's plan of care that is reviewed and revised as medically necessary by the recipient's physician at least once every 60 days. However, if the service is to a recipient who is also eligible for Medicare, the plan of care must be reviewed at the intervals required by Medicare and the recipient must be visited by a physician as required by Medicare.

B. The recipient's plan of care must state:

- (1) the recipient's medical diagnosis and any contraindications to treatment;
- (2) a description of the recipient's functional status;
- (3) the objectives of the rehabilitative and therapeutic service; and
- (4) a description of the recipient's progress toward the objectives in subitem (3).

C. The recipient's plan of care must be signed by the recipient's physician.

D. The record of the recipient's service must show:

- (1) the date, type, length, and scope of each rehabilitative and therapeutic service provided to the recipient;
- (2) the name or names and titles of the persons providing each rehabilitative and therapeutic service;

(3) the name or names and titles of the persons supervising or directing the provision of each rehabilitative and therapeutic service; and

(4) a statement, every 30 days, by the therapist providing or supervising the services, other than an initial evaluation, that the therapy's nature, scope, duration, and intensity are appropriate to the medical condition of the recipient in accordance with *Minnesota Statutes*, section 256B.433, subdivision 2.

**REPEALER.** *Minnesota Rules*, part 9500.1070, subparts 12 to 15, are repealed effective July 1, 1991.

**EFFECTIVE DATE.** *Minnesota Rules*, parts 9505.0290, subpart 3; 9505.0385; 9505.0386; 9505.0390; 9505.0391; 9505.0392; 9505.0410; 9505.0411; and 9505.0412 are effective July 1, 1991.

## Department of Public Service

### Proposed Permanent Rules Relating to Institutional Energy Loans

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

**NOTICE IS HEREBY GIVEN** that the State Department of Public Service 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 contained in *Minnesota Statutes*, section 216C.09.

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 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:

Jeremy de Fiebre  
Department of Public Service  
900 American Center  
150 East Kellogg Boulevard  
St. Paul, Minnesota 55101  
Telephone: (612) 297-1221

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 rule has been prepared and is available from Mr. de Fiebre 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 Mr. de Fiebre at the address given above.

Dated: 3 December 1990

Tony Perpich, Commissioner  
Department of Public Service

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## Proposed Rules

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### Rules as Proposed

#### 7606.0040 LOAN PARTICIPATION LIMITS.

The commissioner will participate in a loan from a lender to an applicant up to a maximum of 50 percent of the loan principal or ~~\$200,000~~ \$500,000, whichever is less. While the commissioner may participate in more than one loan to an applicant, the total participation under this program for any one applicant may not exceed ~~\$200,000~~ \$500,000.

## Board of Technical Colleges

### Proposed Permanent Rules Relating to Teacher License, Dental Hygiene Instruction

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

**NOTICE IS HEREBY GIVEN** that the State Board of Technical Colleges 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*, Section 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes* 136C.04, Subdivision 9.

All persons have 30 days until 4:30 p.m., Friday, January 18, 1991, 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 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:

Georgia Pomroy, License Revision Specialist  
State Board of Technical Colleges  
100 Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101  
Telephone: 612-296-0680

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 rule has been prepared and is available from Georgia Pomroy at the above address and phone, 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 wish to receive a copy of the adopted rule must submit the written request to Georgia Pomroy at the above-mentioned address.

Helen Henrie, Deputy Chancellor  
State Board of Technical Colleges

### Rules as Proposed (all new material)

#### 3700.0440 DENTAL HYGIENE INSTRUCTOR.

Subpart 1. **May teach.** A teacher who has a dental hygiene instructor's license may teach in the dental hygiene program and may also teach courses or content which are specific to dental hygiene anywhere in the technical colleges.

Subp. 2. **Other requirements.** The applicant must meet the requirements in part 3700.0100 and the requirements for a teacher in the health occupational area under part 3700.0400.

Subp. 3. **Educational and occupational experience requirement.** The applicant must meet the following requirements:

A. be a graduate of a dental or dental hygiene program accredited by the American Dental Association (ADA) Commission on Dental Accreditation;

- B. be licensed to practice as a dentist or dental hygienist by the Minnesota Board of Dentistry;
- C. have a bachelor's degree or above with a major in a health science or health occupation discipline; and
- D. have 4,000 hours of occupational experience as a licensed dentist or dental hygienist in clinical practice providing direct dental hygiene patient care. A minimum of 2,000 of the hours must be in adult care and include the recency requirement of subpart 2.

Subp. 4. **Substitution for recent occupational experience.** The applicant may substitute teaching experience in primary program content in an accredited ADA dental hygiene program for up to 1,500 of the 2,000 hours required in part 3700.0400, provided that experience occurred within the last five years. Two hours of teaching equal one hour of occupational experience.

## 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.

## Board of Chiropractic Examiners

### Adopted Permanent Rules Relating to Board Fees

The rule proposed and published at *State Register*, Volume 15, Number 10, pages 550-551, September 4, 1990 (15 SR 550) is adopted as proposed.

## State Board of Chiropractic Examiners

### Adopted Permanent Rules Relating to the Practice of Chiropractic

The rules proposed and published at *State Register*, Volume 14, Number 44, pages 2527-2530, April 30, 1990 (14 SR 2527), and Volume 15, page 699, September 17, 1990 (15 SR 699) are adopted with the following modifications:

#### Rules as Adopted

##### 2500.0100 DEFINITIONS.

Subp. 3. **Certification of good standing.** [Withdrawn at 15 SR 699]

Subp. 4. **Inactive license.** [Withdrawn at 15 SR 699]

2500.2020 **APPLICATION PROCESS.** [Withdrawn at 15 SR 699]

2500.2030 **ANNUAL RENEWAL.** [Withdrawn at 15 SR 699]

2500.2040 **REINSTATEMENT PROCESS.** [Withdrawn at 15 SR 699]

**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.

# Commissioners' Orders

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## Department of Natural Resources

### Commissioner's Order No. 2396: Experimental Regulations for the Taking of Northern Pike in Lake Sissabagamah, Wilkins Lake and Coon-Sandwick Lake

PURSUANT TO AUTHORITY vested in me by *Minnesota Statutes* § 97C.001 and other applicable law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following experimental regulations for the taking of northern pike in Lake Sissabagamah, Wilkins Lake, and Coon-Sandwick Lake.

**Section 1. DESIGNATED LAKES.** The provisions of this order shall apply to the following lakes:

**AITKIN COUNTY**

Lake Sissabagamah	T.46,47, R.26, S.2,3,34,35
Wilkins Lake	T.48, R.25, S.15,16,22

**ITASCA COUNTY**

Coon-Sandwick Lake	T.60,61, R.25, S.5,6,7,8,32
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Sec. 2. While on the waters of the above-named lakes, all northern pike in possession must be either less than 20 inches in length or more than 30 inches in length as measured from the tip of the nose to the tip of the tail when fully extended. The possession limit for northern pike is six (6), with not more than one (1) northern pike over 30 inches in length in possession. All northern pike that are 20 to 30 inches in length, inclusive, shall be returned to the water immediately.

Sec. 3. All northern pike in possession while on the waters of the above-named lakes, regardless of where taken, must be intact and measurable. Northern pike fillets shall not be possessed while on the above waters.

Sec. 4. The provisions of this order are effective March 1, 1991 and shall not be construed to supersede the provisions of any other order of the commissioner, except insofar as such other orders may be inconsistent with the provisions of this order.

Dated at St. Paul, Minnesota, this 4th day of December, 1990.

Joseph N. Alexander, Commissioner  
Department of Natural Resources

## Department of Natural Resources

### Commissioner's Order No. 2397: Regulations Closing Thrush Lake, Cook County to the Taking of Fish; Superseding Commissioner's Order No. 2261

PURSUANT TO AUTHORITY vested in me by *Minnesota Statutes* § 97A.045, subd. 2, and other applicable law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following regulations closing Thrush Lake in Cook County to the taking of fish.

Sec. 1. Thrush Lake, located in Section 31, Township 63 North, Range 1 West, Cook County, is being intensively studied to determine the effects of acid rain on aquatic environments.

Sec. 2. Therefore, Thrush Lake is hereby closed to the taking of all species of fish at all times until May 9, 1992.

Sec. 3. Commissioner's Order No. 2261 is hereby superseded.

Dated at St. Paul, Minnesota, this 4th day of December, 1990.

Joseph N. Alexander, Commissioner  
Department of Natural Resources



# 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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## Metropolitan Council

### Notice of Public Hearings on the Draft Solid Waste Management Development Guide/Policy Plan

The Metropolitan Council will hold two public hearings to receive comments on the draft plan for managing the Metropolitan Area's solid waste through the year 2010. When adopted by the Metropolitan Council it will replace the Solid Waste Management Development Guide/Policy Plan adopted in 1985. The policy plan carries out state and federal requirements for proper solid waste management. It serves as a guide for developing a regional solid waste management system that emphasizes recovery of resources and minimizes land disposal of solid waste. The meetings will take place 3 p.m. on Wednesday, January 16, 1991 at the Metropolitan Council Chambers, Mears Park Centre, 230 E. Fifth St., and 7 p.m. on Thursday, January 17, 1991 at the St. Louis Park Recreation Center, 5005 W. 36th St., St. Louis Park, MN 55416. All interested people are encouraged to attend the meeting and offer comments. People may register in advance to speak by calling the Metropolitan Council Community Outreach Division at 291-6500. Written comments may be submitted to John Rafferty, at the Metropolitan Council's Solid Waste Division, Mears Park Centre, 230 E. Fifth St., St. Paul, MN 55101 through February 1, 1991. A copy of the Draft Solid Waste Management Development Guide/Policy Plan, publication 520-90-150, may be obtained from the Council's Data Center by calling 291-8140.

## Minnesota Pollution Control Agency

### Water Quality Division

### Notice of Intent to Solicit Outside Information Regarding Amendments to Rules Governing the Clean Water Partnership Grants Program

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (Agency) is seeking information or opinions from outside sources in preparing to propose the amendment of rules governing the Clean Water Partnership Grants Program, *Minnesota Rules* ch. 7076. This program provides state matching grants and technical assistance to local units of government for the development and implementation of nonpoint source, water pollution prevention projects.

The Agency requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views in writing or orally. Written or oral statements or comments should be directed to the rule revision coordinator:

Debbie Olson  
Minnesota Pollution Control Agency  
Water Quality Division  
Assessment and Planning Section  
520 Lafayette Road  
St. Paul, Minnesota 55155  
Telephone: (612) 296-7223

Oral statements will be received during regular business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday.

All statements of information and opinion will be accepted until 4:30 p.m., January 14, 1991. Any written materials received by the Agency shall become part of the rulemaking record in the event that the rule is amended. The rule amendment is authorized by *Minnesota Statutes* § 103F.745, which allows the Agency to adopt rules for the Clean Water Partnership Program.

Gerald L. Willet  
Commissioner

## Office of the Revisor of Statutes

### Notice of Publication of the *Minnesota Rules Drafting Manual, 1990 edition*

A new edition of the drafting manual for rules has just been published. The new edition replaces the 1984 rules drafting manual.

## Official Notices

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The manual contains information about requirements governing the form of rules and advice on how to draft clearly and simply. It is meant to be used by everyone involved in the drafting of rules.

The manual is available for \$10 at Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155, (612) 297-3000 or 1-800-652-9747.

## Minnesota State Retirement System

### Notice of a Board of Directors, Regular Meeting

A regular meeting of the Board of Directors, Minnesota State Retirement System, will be held on Friday, December 21, 1990 at 9:00 a.m. in the office of the System, 529 Jackson Street, St. Paul, Minnesota.

## Department of Trade and Economic Development

### Community Development Division

### Comments Sought on the Proposed Final Statement for the 1991 Small Cities Community Development Block Grant Program

**NOTICE IS HEREBY GIVEN** that the Department of Trade and Economic Development, Community Development Division, is seeking comments or opinions from sources outside the agency in preparing to submit the Final Statement for the 1991 Small Cities Community Development Block Grant (CDBG) Program. The 1991 Final Statement will be submitted to the U.S. Department of Housing and Urban Development by March 31, 1991.

The State of Minnesota anticipates an allocation of between \$17.5 and \$19.0 million.

The 1991 Final Statement will consist of the Administrative Rules Governing the Community Development Block Grant Program which are found in *Minnesota Rules*, Chapter 4300, as amended; a description of the use of funds in the 1990 grant program; an assessment of the use of funds in the 1990 grant program in relation to the community development objectives in the *Rules* and to the requirements of section 105 of the U.S. Housing and Community Development Act of 1974, as amended.

The Minnesota Department of Trade and Economic Development, Community Development Division, requests comments or opinions concerning proposed use of grant funds. Interested or affected persons, groups, or units of general purpose local government may submit statements or comments orally or in writing. Written statements should be addressed to:

Louis Jambois  
Community Development Division  
Minnesota Department of Trade and Economic Development  
8th Floor, American Center Building  
150 East Kellogg Boulevard  
St. Paul, MN 55101

A public hearing will be conducted by the Division of Community Development on January 3, 1991, at 1:30 p.m. in Conference Room 10, 8th Floor American Center Building. Oral statements will also be received during regular business hours over the telephone at 612/297-3172 or in person at the above address until 4:30 p.m. on January 3, 1991.

### Final Statement as Proposed

Federal fiscal year 1991 Community Development Block Grant funds made available to the State for distribution to nonentitlement areas will be distributed in accordance with administrative rules adopted in Chapter 4300. The text of said rules is as follows:

#### CHAPTER 4300 COMMUNITY BLOCK GRANTS

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

**Subp. 2. Application year.** "Application year" means the state fiscal year beginning July 1 and ending June 30.

**Subp. 6. Economic development project.** "Economic development project" means one or more activities designed to create new employment, maintain existing employment, increase the local tax base, or otherwise increase economic activity in a community.

**Subp. 7. Eligible activities.** "Eligible activities" means those activities so designated in United States Code, title 42, section 5305 (1981) and as described in *Code of Federal Regulations*, title 24, sections 570.200-570.207 (1981).

**Subp. 8. General purpose local government.** "General purpose local government" means townships as described in *Minnesota Statutes*, chapter 365; cities as described in *Minnesota Statutes*, chapters 410 and 412; and counties.

**Subp. 9. Grant.** "Grant" means an agreement between the state and an eligible recipient through which the state provides funds to carry out specified programs, services, or activities.

**Subp. 10. Grant closeout.** "Grant closeout" means the process by which the division determines that all applicable administrative actions and all required work have been completed by the grant recipient and the department.

**Subp. 11. Grant year.** "Grant year" means any period of time during which the United States Department of Housing and Urban Development makes funds from any federal fiscal year available to the state for distribution to local governments under *United States Code*, title 42, sections 5301-5316 (1981), and includes the period of time during which the division solicits applications and makes grant awards.

**Subp. 2a. Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Trade and Economic Development.

**Subp. 2b. Community development application.** "Community development application" means the official consolidated application form as developed by the Department of Trade and Economic Development to be used to apply for funding assistance from various community assistance programs administered by the Community Development Division.

**Subp. 3. Community development need.** "Community development need" means a demonstrated deficiency in housing stock, public facilities, economic opportunities, or other services which are necessary for developing or maintaining viable communities.

**Subp. 4. Competitive grant.** "Competitive grant" means a grant application that is evaluated and ranked in comparison to other applications in the same grant category and includes housing, public facilities and comprehensive applications.

**Subp. 5. Comprehensive program.** "Comprehensive program" means a combination of at least two interrelated projects which are designed to address community development needs which by their nature require a coordination of housing, public facilities, or economic development activities. A comprehensive program must be designed to benefit a defined geographic area, otherwise known as a program area.

**Subp. 5a. Division.** "Division" means the Community Development Division in the Department of Trade and Economic Development to which the program is assigned.

**Subp. 11a. Housing and community development needs assessment.** "Housing and community development needs assessment" means an analysis of priority community needs as required by Section 104 of the Housing and Community Development Act of 1974, *United States Code*, title 42, section 5304(b)(3).

**Subp. 12. Infrastructure.** "Infrastructure" means the basic physical systems, structures, and facilities, such as roads, bridges, water, and sewer, which are necessary to support a community.

**Subp. 13. Low and moderate income.** "Low and moderate income" means income which does not exceed 80 percent of the median income for the area.

**Subp. 14. Metropolitan city.** "Metropolitan city" means a city over 50,000 population or a central city of a standard metropolitan statistical area that receives entitlement grants under *United States Code*, title 42, section 5306 (1981) directly from the United States Department of Housing and Urban Development.

**Subp. 15. Nonentitlement area.** "Nonentitlement area" means an area that is not a metropolitan city or part of an urban county.

**Subp. 16. [Repealed, 14 SR 1098].**

**Subp. 17. Per capita assessed valuation.** "Per capita assessed valuation" means the adjusted assessed valuation divided by population.

**Subp. 18. Population.** "Population" means the number of persons who are residents in a county, city, or township as established by the last federal census, by a census taken pursuant to *Minnesota Statutes* § 275.53, sub. 2, by a population estimate made by the Metropolitan Council, or by the population estimate of the state demographer made under *Minnesota Statutes* § 116K.04, subd. 4, clause (10), whichever is most recent as to the stated date of count or estimate, up to and including the most recent July 1.

**Subp. 19. Poverty persons.** "Poverty persons" means individuals or families whose incomes are below the poverty level as determined by the most current data available from the United States Department of Commerce, taking into account variations in cost of living for the area affected.

**Subp. 20. Program.** "Program" means the community development block grant program for nonentitlement areas.

**Subp. 21. Program area.** "Program area" means a defined geographic area within which an applicant has determined that there exists a need for community development activities. A program area may be a neighborhood in a community or an entire community.

**Subp. 22. Program income.** "Program income" means gross income earned by the grant recipient from grant-supported activities, excluding interest earned on advances.

**Subp. 23. Project.** "Project" means one or more activities designed to meet a specific community development need.

**Subp. 24. [Repealed, 14 SR 1098].**

**Subp. 25. Slums and blight.** "Slums and blight" means areas or neighborhoods which are characterized by conditions used to describe deteriorated areas in *Minnesota Statutes* § 462.421 or which are characterized by the conditions used to describe redevelopment districts in *Minnesota Statutes* § 273.73, subd. 10.

**Subp. 26. Single-purpose project.** "Single-purpose project" means one or more activities designed to meet a specific housing or public facilities community development need within a defined program area.

**Subp. 27. Urban county.** "Urban county" means a county which is located in a metropolitan area and is entitled to receive grants under *United States Code*, title 42, section 5306 (1981), directly from the United States Department of Housing and Urban Development.

*Minnesota Statutes* §§ 116J.401; 116J.403; 116J.873

8 SR 1263; L 1987 c 312 art 1; 14 SR 1098

**NOTE:** *Minnesota Statutes*, section 275.53, was repealed by *Laws of Minnesota 1981*, First Special Session, chapter 1, article 5, section 13.

### **4300.0200 Purpose**

This chapter gives procedures for evaluating applications for grants and awarding them to eligible applicants by the Department of Trade and Economic Development under *United States Code*, title 42, sections 5301-5316 (1981), and regulations adopted in *Code of Federal Regulations*, title 24, part 570, and under *Minnesota Statutes*, section 116J.873.

*Minnesota Statutes* §§ 116J.401; 116J.403; 116J.873

8 SR 1263; L 1987 c 312 art 1; 14 SR 1098

## **GRANT APPLICATION, EVALUATION, AND DETERMINATION**

### **4300.1100. Types of Competitive Grants Available**

**Subp. 1. Single-purpose grants.** The division shall approve grant applications for funding for single-purpose projects. The division shall place single-purpose grant applications in one of the following categories for purposes of evaluation:

A. Housing projects which include one or more activities designed to increase the supply or quality of dwellings suited to the occupancy of individuals and families; or

B. Public facilities projects which include one or more activities designed to acquire, construct, reconstruct, or install buildings or infrastructure which serve a neighborhood area or community.

**Subp. 2. Comprehensive grants.** The division shall approve comprehensive grants for two or more projects which constitute a comprehensive program as described in part 4300.0100.

**Subp. 3. [Repealed 11 SR 2416].**

*Minnesota Statutes* §§ 116J.401; 116J.403; 116J.873

8 SR 1263; 11 SR 2416; L 1987 c 312 art 1; 14 SR 1098

### **4300.1101. Economic Development Grants, Noncompetitive**

#### **4300.0300. Objective of the Program**

The primary objective of this program is to develop viable urban communities by providing decent housing and a suitable living environment and by expanding economic opportunities, principally for persons of low and moderate income. Activities funded under this program shall not benefit moderate-income persons to the exclusion of low-income persons. All funded activities must be designed to:

A. Benefit low- and moderate-income persons;

B. Prevent or eliminate slums and blight; or

C. Alleviate urgent community development needs caused by existing conditions which pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet those needs.

*Minnesota Statutes* §§ 116J.401; 116J.403

8 SR 1263; L 1987 c 312 art 1

**4300.0400. Application of Federal Law**

If it is determined that any provisions of parts 4300.0100 to 4300.3200 are inconsistent with federal law, federal law controls to the extent necessary to eliminate the conflict.

*Minnesota Statutes* §§ 116J.401; 116J.403

L 1987 c 312 art 1

The division shall approve grants for economic development projects for funding throughout the application year, or until the funds reserved have been exhausted.

*Minnesota Statutes* §§ 116J.401; 116J.403; 116J.873

8 SR 1263; L 1987 c 312 art 1; 14 SR 1098

**4300.1200. Application Process and Requirements**

**Subp. 1. Community development application manual.** The division shall make the community development application manual, additional instructional materials, and forms available on a year-round basis. The manual and additional materials and forms shall instruct applicants in the preparation of applications and describe the method by which the division will evaluate and rank applications.

**Subp. 2. Eligibility requirements.** Any unit of general purpose local government, including cities, counties, and townships located in a nonentitlement area or electing exclusion from an urban county under *United States Code*, title 42, section 5302 (1981), may apply for a grant. An eligible applicant may apply on behalf of other eligible applicants. Applications submitted on behalf of other applicants must be approved by the governing body of all local governments party to the application. An eligible applicant may receive only one competitive grant per grant year and no eligible applicant shall be included in more than one competitive application. An eligible applicant may receive one economic development grant in addition to a competitive grant each application year.

**Subp. 3. Disqualification of applicants.** Applications from otherwise eligible applicants shall be disqualified where for previously awarded grants under these parts or awarded by the Department of Housing and Urban Development under *United States Code*, title 42, section 5306 (1981), it is determined by the division that any of the following conditions exist:

A. There are outstanding audit findings on previous community development grants and the grantee has not objected on a reasonable basis to the findings or demonstrated a willingness to resolve the findings;

B. Previously approved projects have passed scheduled dates for grant closeout and the grantee's ability to complete the project in an expeditious manner is in question; or

C. The applicant has not made scheduled progress on previously approved projects and the grantee's ability to complete the project in an expeditious manner is in question.

**Subp. 4. Contents of community development application.** The contents of a community development application must be consistent with the informational requirements of this chapter and must be on a form prescribed by the division. A complete community development application shall include, but not be limited to:

A. Needs narrative, summarizing the needs for the proposed projects;

B. Project summary, summarizing the activities to be completed and the scope of the project;

C. Activities and budget, detailing the estimates associated with each proposed activity;

D. Assurances, necessary to comply with the federal or state requirements as a prerequisite to receiving state or federal funding;

E. Resolution, from the submission of the local government applicant approving the application and authorizing execution of the grant agreement according to the requirements of the Community Development Division if funds are made available; and

F. Supporting materials, attachments that are designed to verify or support information in items A to E.

The division may request additional information from the applicant if it is necessary to clarify and evaluate the application.

**Subp. 5. Time limit for submitting applications.** While competitive applications may be submitted at any time during the year, a formal yearly closing date for receipt of applications shall be established. Complete competitive applications shall be evaluated following the closing date for competitive applications. The notice must be published in the *State Register* at least 120 days before the closing date. Economic development project applications may be submitted at any time during the application year.

**Subp. 6. Regional review.** The applicant must submit a complete copy of the application to the Regional Development Commission, where such a commission exists, or the Metropolitan Council, where it has jurisdiction, for review and comment in accordance with *Minnesota Statutes* § 462.391, subd. 3, or *Minnesota Statutes* § 473.171, respectively.

*Minnesota Statutes* §§ 116J.401; 116J.403; 116J.873

8 SR 1263; 11 SR 2416; L 1987 c 312 art 1; 14 SR 1098

## 4300.1300. Evaluation of Applications

All applications shall be evaluated by the division. A fixed amount of points shall be established as the maximum score attainable by any application. Points shall be made available within each class of rating criteria according to parts 4300.1400 to 4300.1900. Economic development project applications must meet threshold criteria in order to be evaluated.

*Minnesota Statutes* §§ 116J.401; 116J.403; 116J.873

8 SR 1263; L 1987 c 312 art 1; 14 SR 1384

## 4300.1400. Comparison of all Competitive Applications, Demographic Points

### Subp. 1. [Repealed, 14 SR 1384].

**Subp. 2. Evaluation of community need.** Up to 30 demographic points shall be awarded based on evaluation of community need, which shall include:

- A. The number of poverty persons in the area under the applicant's jurisdiction;
- B. The percentage of persons resident in the area under the applicant's jurisdiction who are poverty persons; and
- C. The per capita assessed valuation of the area under the jurisdiction of the applicant, such that points are awarded in inverse relationship to applicants' per capita assessed valuation.

### Subp. 3. [Repealed, 14 SR 1384].

*Minnesota Statutes* §§ 116J.401; 116J.403; 116J.873

8 SR 1263; L 1987 c 312 art 1; 14 SR 1098; 14 SR 1384

## 4300.1500. Comparison of Competitive Applications Within Categories

After completing the general competition described in 4300.1400, the division shall place each application in the appropriate grant category in accordance with part 4300.1100. The categories are housing projects, public facilities projects, and comprehensive programs. Two hundred and ten of the total 240 points available for each application shall be awarded based on a comparison of the applications within each of the categories as further described in parts 4300.1600 to 4300.1900.

*Minnesota Statutes* §§ 116J.401; 116J.403; 116J.873

8 SR 1263; L 1987 c 312 art 1; 14 SR 1384

## 4300.1600. Evaluation of Housing Projects

**Subp. 1. Project need.** Up to 90 of the points available in the housing category competition shall be awarded by the division based on evaluation of the need for improvements or additions to the housing stock serving low- and moderate-income persons as evidenced by:

- A. Housing units that are occupied by low- and moderate-income persons and are either substandard or pose a threat to the health or safety of the occupants;
- B. An inadequate supply of affordable housing for low- or moderate-income persons; or
- C. Other documented conditions which give evidence of the need for improvements or additions to the housing stock serving low- and moderate-income persons.

**Subp. 2. Project impact.** Up to 90 of the points available in the housing category competition shall be awarded by the division based on evaluation of the extent to which the proposed activities will eliminate deficiencies in the housing stock serving low- and moderate-income persons.

**Subp. 3. Project cost-effectiveness.** Up to 30 of the points available in the housing category competition shall be awarded by the division based on:

- A. Evaluation of the extent to which the proposed activities will make cost-effective use of grant funds including coordination with, and use of, funds from other public and private sources; and
- B. Evidence that the cost of the proposed activities per benefitting household is reasonable.

*Minnesota Statutes* §§ 116J.401; 116J.403; 116J.873

L 1987 c 312 art 1; 14 SR 1384

## 4300.1700. Evaluation of Public Facilities Projects

**Subp. 1. Project need.** Up to 90 of the points available in the public facilities category competition shall be awarded by the division based on evaluation of the extent to which the proposed activities are necessary to improve provision of public services to low- and moderate-income persons or to eliminate an urgent threat to public health or safety.

**Subp. 2. Project impact.** Up to 90 of the points available in the public facilities category competition shall be awarded by the division based on evaluation of the extent to which the proposed activities will reduce or eliminate the need identified under Subp. 1, and, in the case of activities designed to improve the provision of public services to low- and moderate-income persons, an evaluation of the extent to which the proposed activities directly benefit low- and moderate-income persons.

**Subp. 3. Project cost-effectiveness.** Up to 30 of the points available in the public facilities category competition shall be awarded by the division based on evaluation of the extent to which the proposed activities will make cost-effective use of grant funds, including consideration of:

- A. The extent to which the requested grant funds are necessary to finance all or a portion of the costs;
- B. Evidence that the cost of the proposed activities per benefitting household or person is reasonable; and
- C. The extent to which the project benefits existing, rather than future, population, except in cases where the proposed activities are necessary due to expected development or growth which is beyond the applicant's control.

*Minnesota Statutes* §§ 116J.401; 116J.403; 116J.873

L 1987 c 312 art 1; 14 SR 1384

**4300.1800. [Repealed, 8 SR 1263].**

**4300.1900. Evaluation of Comprehensive Program Projects**

**Subp. 1. Program need.** Up to 90 of the points available in the comprehensive program category competition shall be awarded by the division based on evaluation of need for the proposed comprehensive program, including consideration of:

- A. The number of low- and moderate-income persons in the program area;
- B. The percentage of residents in the program area which are of low- or moderate-income; and
- C. The need for the proposed comprehensive program as evidenced by at least two of the following: the need for improvements or additions to the housing stock serving low- and moderate-income persons, the need for new or improved public facilities in the program area, or employment problems in the program area.

**Subp. 2. Program impact.** Up to 90 of the points available in the comprehensive program category competition shall be awarded by the division based on evaluation of the extent to which the proposed comprehensive program will eliminate or reduce the need identified under Subp. 1, and the extent to which the proposed program will improve the long-term physical or economic condition of the program area and its residents.

**Subp. 3. Program cost-effectiveness.** Up to 30 of the points available in the comprehensive program category competition shall be based on evaluation of the extent to which the proposed comprehensive program will make cost-effective use of grant funds, including consideration of coordination with, and use of, funds from other public and private sources.

*Minnesota Statutes* §§ 116J.401; 116J.403; 116J.873

L 1987 c 312 art 1; 14 SR 1384

**4300.1901. Evaluation of Economic Development Projects**

**Subp. 1. In general.** Evaluation of economic development applications consists of eligibility threshold screening and project review. Applications must meet the eligibility thresholds in order to be referred for project review. Applications that fail to meet eligibility thresholds may be revised and resubmitted.

**Subp. 2. Federal and state eligibility thresholds.** Applicants shall provide a description of the ways that activities address one of the federal objectives described in Part 4300.0300. Each activity proposed for funding must be eligible under current federal regulations.

Applicants shall describe how they will meet two of the three following thresholds based on state economic development objectives:

- A. Creation or retention of permanent private sector jobs;
- B. Stimulation or leverage of private investment; or
- C. Increase in local tax base.

**Subp. 3. Project review.** Applications that meet eligibility thresholds will be awarded points by the division based on evaluation of the two rating categories: project design and financial feasibility. Applications must attain at least 400 of the 600 available points for economic development to be recommended for funding. Applications must score at least half of the points available in each of the two rating categories.

Four hundred points will be awarded based on an evaluation of project quality including an assessment of need, impact, and the capacity of the applicant to complete the project in a timely manner. Consideration of need for an economic development project must be based on deficiencies in employment opportunities and circumstances contributing to economic vulnerability and distress. Consid-

## Official Notices

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eration of impact must be based on the extent to which the project reduces or eliminates the need. Consideration of capacity must be based on demonstration of administrative capability, realistic implementation schedules, and the ability to conform to state and federal requirements.

Two hundred points will be awarded based on an evaluation of the effective use of program funds to induce economic development. Consideration of financial feasibility must include investment analysis, commitment of other funds, and other factors relating to the type of program assistance requested.

**Subp. 4. Funding recommendations.** Applications that attain at least 400 points will be recommended to the commissioner for funding. Applications not recommended for funding may be revised and resubmitted.

*Minnesota Statutes* §§ 116J.401; 116J.403; 116J.873

8 SR 1263; L 1987 c 312 art 1; 14 SR 1384

### 4300.2000. Determination of Grant Awards

**Subp. 1. Funds available for grants.** The amount of funds available for grants shall be equal to the total allocation of federal funds made available to the state under *United States Code*, title 42, section 5306, after subtracting an amount for costs available to the division for administration of the program, as allowed by that law, plus any money made available by the state legislature. The division is not liable for any grants under this chapter until funds are received from the United States Department of Housing and Urban Development.

**Subp. 2. Division of funds.** Of the federal funds available for grants in each grant year, 30 percent shall be reserved by the division to fund single-purpose grants, 15 percent shall be reserved for economic development grants, and 55 percent shall be reserved by the division to fund comprehensive grants. However the division may modify the proportions of funds available for single-purpose and comprehensive grants if, after review of all applications, it determines that there is a shortage of fundable applications in either category.

At least 30 percent of the funds made available for single-purpose grants shall be awarded for applications in each of the two categories: housing and public facilities. However, no application with a rating below the median score for its category shall be funded by the division solely for the purpose of meeting this requirement.

If there are unawarded economic development funds available at the end of the application year, two-thirds of the remaining funds will be available for competitive single-purpose projects and one-third will be available for economic development projects during the next application year.

**Subp. 3. Funding list.** Within each grant category, a list of applications shall be prepared in rank order of the scores received after evaluation pursuant to Parts 4300.1300 to 4300.1900. Based on these lists, and subject to the availability of funds within each category, applications with the highest rank shall be recommended to the commissioner for funding. In the case of a tie between any two applications within any category, the application with the higher demographic points shall receive the higher ranking on the list.

**Subp. 4. Approval by commissioner.** The list of applications recommended for funding, including recommended grant awards, shall be submitted by the division to the commissioner for approval. A decision by the commissioner not to approve any application recommended for funding must be made in writing to the applicant, giving reasons for disapproval.

**Subp. 5. Reduction in amount requested.** The division may recommend an application for funding in an amount less than requested if, in the opinion of the division, the amount requested is more than is necessary to meet the applicant's need. If the amount of the grant is reduced, the reasons for the reduction shall be given to the applicant.

**Subp. 6. Grant ceilings.** No competitive single-purpose grant may be approved for an amount over \$600,000. No comprehensive grant may be approved for an amount over \$1,400,000. No economic development grant may be approved for an amount over \$500,000.

*Minnesota Statutes* §§ 116J.401; 116J.403; 116J.873

8 SR 1263; 11 SR 2416; L 1987 c 312 art 1; 14 SR 1384

## CONTRACTS AND RECORDS

### 4300.3100. Grant Agreements

**Subp. 1. Grant contract required.** A grant contract shall be offered to each applicant whose application is approved for funding. The contract must be signed by a person authorized to commit the applicant to legally binding agreements and to execute the contract.

**Subp. 2. Contents of grant contract.** The grant contract must include:

A. A work program which indicates completion dates for major parts of the project and a projected budget supporting the work program;

B. A description of the manner in which payments will be made to grant recipients; and

C. Assurances that the grant recipient will comply with all applicable state and federal laws, including at least the federal laws or



regulations for which the state is made responsible for enforcement in *Code of Federal Regulations*, title 24, sections 570.495 and 570.496.

**Subp. 3. Use of program income.** Program income from sources such as reimbursements to and interest from a grant recipient's loan program, proceeds from disposition of real property, and proceeds from special assessments must be used for eligible activities. The division shall reduce future grant payments by the amount of any unobligated program income that an applicant has and shall take whatever additional action is necessary to recover any remaining amounts owed. In accordance with *Code of Federal Regulations*, title 24, section 570.494(b)(4), interest earned by grant recipients on grant funds before disbursement is not program income, and it must be returned to the United States treasury.

**Subp. 4. Grant account required.** Grant recipients must establish and maintain separate accounts for grant funds.

**Subp. 5. Restrictions on use of funds.** No grant funds shall be used to finance activities not included in the grant agreement. If it is determined that an improper use of funds has occurred, the division will take whatever action is necessary to recover improperly spent funds.

**Subp. 6. Suspension of payments.** The division shall suspend payments of funds to grant recipients that are not in compliance with applicable state and federal laws, rules, and regulations. Grant recipients must return funds which are improperly expended.

**Subp. 7. Amendments to the agreement.** Amendments to the grant agreement must be in writing.

*Minnesota Statutes* §§ 116J.401; 116J.403; 116J.873

11 SR 1042; 11 SR 2416; L 1987 c 312 art 1; 14 SR 1384

#### **4300.3200. Recordkeeping and Monitoring**

**Subp. 1. Financial records.** Grant recipients shall maintain financial records which identify the source and application of funds for grant-supported activities. These records must contain information about grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, income, and other information required by the division under the responsibilities it assumes under *Code of Federal Regulations*, title 24, section 570.497(b). Financial records, supporting documents, statistical records, and all other reports pertinent to a grant must be retained by the grant recipient for three years from the date of submitting the final financial report. No such records or documents may be disposed of while audits, claims, or litigations involving the records are in progress.

**Subp. 2. Audits.** Grant recipients must arrange for and pay for an acceptable independent audit prepared in compliance with OMB Circular A-128, which was published in the *Federal Register*, volume 50, number 188, page 39083, on September 27, 1985, and the Single Audit Act of 1984, Public Law Number 98-502, codified as *United States Code*, title 31, sections 7501-7507. Costs incurred pursuant to this requirement are eligible under this program.

**Subp. 3. Financial status reports.** Grant recipients shall file financial status reports at the close of each reporting period as designated by the division and shall file a final financial report before grant closeout. Financial status reports must be on forms prescribed by the division. The division may not require these reports more often than quarterly.

**Subp. 4. Performance report.** Grant recipients shall also file performance reports at the close of each reporting period as designated by the division and shall file a final performance report before grant closeout. Performance reports shall be on forms prescribed by the division. The division may not require these reports more often than quarterly.

**Subp. 5. Access to records.** Representatives of the department, either the state auditor or legislative auditor as is appropriate, and federal auditors shall have access to all books, records, accounts, reports, files, and other papers, things, or property belonging to grant recipients which are related to the administration of grants and necessary for audits and monitoring compliance with parts 4300.0100 to 4300.3200.

*Minnesota Statutes* §§ 116J.401; 116J.403; 116J.873

11 SR 2416; L 1987 c 312 art 1; 14 SR 1384

#### **Proposed Distribution of Funds**

The amount of Federal FY 1991 CDBG funds for use by the Small Cities Development Program is expected to be between \$17.5 and \$19.0 million. To paraphrase and summarize the administrative rules for this program, 15 percent, will be reserved for economic development grants; 30 percent, will be reserved for single-purpose housing or public facilities grants; and 55 percent, will be reserved for comprehensive grants. Two percent plus \$100,000 of the available funds will be used by DTED for administration of the grant program.

#### **Proposed Use of Funds for Activities That Will Benefit Persons of Low- and Moderate-Income**

The purpose of the Small Cities Development Program is to develop viable urban communities by providing decent housing and a suitable living environment and by expanding economic opportunities, principally for persons of low and moderate income. Activities funded under this program shall not benefit moderate income persons to the exclusion of low-income persons. All funded activities must be designed to:

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- a) Benefit low- and moderate-income persons;
- b) Prevent or eliminate slums and blight; or
- c) Alleviate urgent community development needs caused by existing conditions which pose a serious and immediate threat to the health or welfare of the community, where other financial resources are not available to meet those needs.

Under the Housing and Community Development Act of 1974, as amended, at least 60 percent of the funds must be used for activities that benefit low and moderate income persons. The Department of Trade and Economic Development, Community Development Division, estimates that up to 75 percent of the funds will be used to benefit persons of low and moderate income.

### **Recaptured and Reallocated Funds**

If FY '84 through FY '91 grant funds are returned to the Minnesota Department of Trade and Economic Development, Community Development Division, following audit resolution or project closeout, reuse of the funds will be conducted using one of two methods.

1. Fifteen percent could be used for funding economic development projects any time during the year following the recapture of funds. Eighty-five percent of the funds will be reserved for emergency, urgent need projects; or
2. All recaptured funds could be reserved for funding emergency, urgent need projects.

With either option, a balance of recaptured FY '84 through FY '91 funds will be carried forward only until the point at which competitive grant awards are made. Any balance of recaptured or reallocated funds that exists at the time grants are awarded for the annual competitive grant cycle will be used to finance new competitive or economic development projects. Further, fifteen percent of the recaptured funds will be used for economic development projects. Eighty-five percent of the recaptured funds will be used to finance competitive projects.

Following is the criteria under which emergency urgent-need projects could be funded:

- a. Applications for emergency urgent need could be submitted at any time during the year.
- b. The problem poses a serious and immediate threat to the health or welfare of the community.
- c. The problem is of recent origin or has recently become urgent. To qualify for emergency, urgent-need funds, recent is defined to mean that a problem has to become urgent no earlier than 60 days before the last competitive application deadline.
- d. The applicant can document inability to finance the project on its own and other resources to sufficiently finance the project are not available.
- e. The project would have to score well enough in the rating system to have received a grant, had an application been submitted during the last competitive cycle.

The recaptured and reallocated fund distribution methodology identified above is the same methodology which appeared in the previous Final Statement.

### **Distribution of Program Income**

Any program income which is derived from the use of federal CDBG funds is retained by the recipient communities provided it is used for the same activity. For instance, residential rehabilitation can generate program income if the local grantee establishes a revolving loan fund and receives loan repayments. Under the state's program income policy, the grantee may retain the program income provided it is used for residential rehabilitation. Thus, the state will not have the use of program income for distribution in FY '90.

### **Description of the Use of Funds in the 1990 Small Cities Community Development Block Grant Program**

For the 1990 grant program, \$17,492,000 in federal fiscal year 1990 funds was available for grants to eligible applicants for the Small Cities Development Program. Under the administrative rules for the SCDP, economic development applications are accepted on a year-round basis and competitive single-purpose and comprehensive applications had an application deadline of September 1, 1989. The rules for the program establish the availability of 15 percent of the funds for economic development, 30 percent of the funds for single-purpose projects, and 55 percent of the funds for comprehensive programs. The rules also provide for the alteration of these percentages when a shortage of fundable applications occur in any specific category.

Upon completion of the competitive review and ranking process, 34 awards were made on February 5, 1990. The Department of Trade and Economic Development concludes, and HUD monitoring staff concurs, that funds were awarded in accordance with the State's administrative rules for the program.

A formal Performance/Evaluation Report (PER) which provides a detailed description of the use of funds is available in this office for public inspection. A copy of the PER is also available at the Minneapolis/St. Paul HUD office.

### **Assessment of the Relationship of 1990 Funds to State and Federal Objectives**

As in previous years, for the 1990 grant program, the Minnesota Department of Trade and Economic Development, Community Development Division, adopted the national objectives for the Community Development Block Grant program. Under these objectives,

all funded activities must be designed to:

- a) Benefit low- and moderate-income persons;
- b) Prevent or eliminate slums or blight; or
- c) Alleviate urgent community development needs caused by existing conditions, which pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet those needs.

Based on the FY '90 award, at least 60% must be awarded for activities designed to benefit persons of low and moderate income. To date, DTED has awarded over 71 percent of our total FY '90 grant award for activities which benefit low- and moderate-income persons. (This figure was monitored and verified by HUD staff). The remainder of the funds currently awarded for grants has been awarded for activities designed to prevent or eliminate slums and blight or alleviate an urgent community development need.

The funds budgeted for planning and administration include both the funds retained by the Minnesota Department of Trade and Economic Development for administration of the program and funds awarded to units of general local government for planning and administration of their grants. No more than 20 percent of the block grant can be used for planning and administration.

To date, for the 1990 grant program, the Minnesota Department of Trade and Economic Development, Community Development Division, and the 1990 grant recipients budgeted slightly less than \$1.0 million for planning and administration. These funds amount to just over five percent of the block grant, well below the 20.0 percent limit. Again, these figures were monitored and verified by HUD staff.

In addition to meeting one of the federal objectives listed above, economic development set aside grants must meet at least two of the following state objectives:

- a) Creation or retention of permanent private sector jobs, with a minimum threshold of one job created or retained for each \$20,000 of grant funds;
- b) Leverage of private investment, with a minimum threshold of one dollar private funds for each grant dollar requested; and
- c) Increase the local tax base, with a minimum threshold of an estimated 50 percent increase in the value of the parcel involved.

All economic development set aside grants awarded to date have met the state job creation/retention objective and the private investment objective. In addition, jobs will be held by, and/or available to low- and moderate-income persons.

Based upon analysis of the 1990 Small Cities Development Program, The Minnesota Department of Trade and Economic Development, Community Development Division, concludes that the 1989 grant program fully met state and national objectives for award of funds.

## **Department of Transportation**

### **Notice of Appointment and Meeting of State Aid Variance Committee**

**NOTICE IS HEREBY GIVEN** that the Commissioner of Transportation has appointed a State Aid Variance Committee who will conduct a meeting on Wednesday, December 19, 1990, at 10:00 a.m. in room 400 South, State Office Building, 100 Constitution Avenue, St. Paul, Minnesota 55155.

This notice is given pursuant to *Minnesota Statute 47k.705*.

The purpose of this open meeting is to investigate and determine recommendations for variances from minimum State Aid roadway standards and administrative procedures as governed by *Minnesota Rules* for State Aid Operations 8820.3400 adopted pursuant to *Minnesota Statutes* 161 and 162.

The agenda will be limited to these questions:

**1. Petition of the City of Minneapolis** for a variance from minimum standards on a proposed reconstruction project on MSAS 160 (Bloomington Avenue South) from Lake Street to East 38th Street so as to permit a street width of 42 feet instead of the required minimum of 48 feet for two traffic lanes and two parking lanes.

**2. Petition of the City of Minneapolis** for a variance from minimum standards on a proposed reconstruction project on Hennepin County State Aid Highways 20 and 38 (West 36th Street) from East Calhoun Parkway to Dupont Avenue South so as to permit a street width of 50 feet; for three traffic lanes and one parking lane; instead of the required minimum of 62 feet; for four traffic lanes and one parking lane.

**3. Petition of the City of Minneapolis** for a variance from minimum standards on a proposed reconstruction project on MSAS 218 (Fifth Street North) from Hennepin Avenue to Second Avenue North so as to permit a street width of 37 feet instead of the required minimum of 40 feet for three traffic lanes and no parking lanes for this one-way street.

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**4. Petition of the City of Minneapolis** for a variance from minimum standards on a proposed reconstruction project on MSAS 382 (Market Plaza) from West Lake Street to Excelsior Boulevard so as to permit a design speed of 20 miles per hour instead of the required minimum of 30 miles per hour.

**5. Petition of the City of Stillwater** for a variance from minimum standards on a proposed reconstruction project on MSAS 105 (Mulberry Street) between North Everett Street and North 4th Street so as to permit a design speed of less than the minimum for six vertical curves; three curve lengths of 50 feet, two curve lengths of 25 feet and one curve length of 100 feet; instead of the required minimum of 30 miles per hour.

**6. Petition of the County of Dodge** for a variance from minimum standards on a proposed reconstruction project on CSAH 4 between CSAH 13 and Trunk Highway 56 so as to permit a shoulder width of 2 feet instead of the required minimum of 4 feet.

**7. Petition of the County of Dodge** for a variance from minimum standards on a proposed reconstruction project on CSAH 6 between CSAH 5 and CSAH 3 so as to permit a lane width of 9 feet instead of the required minimum of 12 feet; and to permit a shoulder width of 0 feet instead of the required minimum of 4 feet.

**8. Petition of the County of Hennepin** for a variance from minimum standards on a proposed rehabilitation and resurfacing project on CSAH 35 (Portland Avenue) between 81st Street South and Trunk Highway 62 and on CSAH 53 (66th Street) between 1st Avenue South and Cedar Avenue in the City of Richfield so as to permit street width of 48 feet; four traffic lanes with parking allowed on both sides on Sunday only; instead of the required minimum of 72 feet; four traffic lanes with parking allowed on both sides at all times; or 52 feet; four traffic lanes and no parking allowed at any time.

The cities and counties previously listed are requested to follow the following time schedule when appearing before the Variance Committee:

- 10:00 a.m. City of Minneapolis
- 11:00 a.m. City of Stillwater
- 11:30 a.m. County of Dodge
- 12:00 p.m. County of Hennepin

Dated: 5 December 1990

Leonard W. Levine  
Commissioner  
Minnesota Department of Transportation

## Department of Transportation

### Petition of the County of Dodge for Variances from State Aid Requirements for LANE WIDTH and SHOULDER WIDTH

**NOTICE IS HEREBY GIVEN** that the County Board of the County of Dodge has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rule as they apply to a proposed reconstruction project on CSAH 6 between CSAH 5 and CSAH 3.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9910 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a lane width of 9 feet instead of the required minimum of 12 feet; and to permit a shoulder width of 0 feet instead of the required minimum of 4 feet.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 4 December 1990

Leonard W. Levine  
Commissioner

## Department of Transportation

### Petition of the County of Dodge for a Variance from State Aid Requirements for SHOULDER WIDTH

NOTICE IS HEREBY GIVEN that the County Board of the County of Dodge has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rule as they apply to a proposed reconstruction project on CSAH 4 between CSAH 13 and Trunk Highway 56.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9910 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a shoulder width of 2 feet instead of the required minimum of 4 feet.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 4 December 1990

Leonard W. Levine  
Commissioner

## Department of Transportation

### Petition of the County of Hennepin for a Variance from State Aid Requirements for STREET WIDTH

NOTICE IS HEREBY GIVEN that the County Board of the County of Hennepin has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rule as they apply to a proposed rehabilitation and resurfacing project on CSAH 35 (Portland Avenue) between 81st Street South and Trunk Highway 62 and on CSAH 53 (66th Street) between 1st Avenue South and Cedar Avenue in the City of Richfield.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9912 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit street width of 48 feet; four traffic lanes with parking allowed on both sides on Sunday only; instead of the required minimum of 72 feet; four traffic lanes with parking allowed on both sides at all times; or 52 feet; four traffic lanes and no parking allowed at any time.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 4 December 1990

Leonard W. Levine  
Commissioner

## Department of Transportation

### Petition of the City of Minneapolis for Variances from State Aid Requirements for STREET WIDTH

NOTICE IS HEREBY GIVEN that the City Council of the City of Minneapolis has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rule as they apply to a proposed reconstruction project on MSAS 218 (Fifth Street North) from Hennepin Avenue to Second Avenue North.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9912 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a street width of 37 feet instead of the required minimum of 40 feet for three traffic lanes and no parking lanes for this one-way street.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 4 December 1990

Leonard W. Levine  
Commissioner

## Department of Transportation

### Petition of the City of Minneapolis for Variances from State Aid Requirements for STREET WIDTH

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Minneapolis has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rule as they apply to a proposed reconstruction project on Hennepin County State Aid Highways 20 and 38 (West 36th Street) from East Calhoun Parkway to Dupont Avenue South.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9912 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a street width of 50 feet; for three traffic lanes and one parking lane; instead of the required minimum of 62 feet; for four traffic lanes and one parking lane.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 4 December 1990

Leonard W. Levine  
Commissioner

## Department of Transportation

### Petition of the City of Minneapolis for Variances from State Aid Requirements for STREET WIDTH

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Minneapolis has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rule as they apply to a proposed reconstruction project on MSAS 160 (Bloomington Avenue South) from Lake Street to East 38th Street.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9912 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a street width of 42 feet instead of the required minimum of 48 feet for two traffic lanes and two parking lanes.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 4 December 1990

Leonard W. Levine  
Commissioner

## Department of Transportation

### Petition of the City of Minneapolis for a Variance from State Aid Requirements for DESIGN SPEED

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Minneapolis has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rule as they apply to a proposed reconstruction project on MSAS 382 (Market Plaza) from West Lake Street to Excelsior Boulevard.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9912 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a design speed of 20 miles per hour instead of the required minimum of 30 miles per hour.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 4 December 1990

Leonard W. Levine  
Commissioner

## **Department of Transportation**

### **Petition of the City of Stillwater for a Variance from Minimum State Aid Standards for DESIGN SPEED**

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Stillwater has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a proposed reconstruction project on MSAS 105 (Mulberry Street) between North Everett Street and North 4th Street.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9912 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a design speed of less than the minimum for six vertical curves; three curve lengths of 50 feet, two curve lengths of 25 feet and one curve length of 100 feet; instead of the required minimum of 30 miles per hour.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 4 December 1990

Leonard W. Levine  
Commissioner

## **Department of Transportation**

### **Petition of the City of St. Paul for a Variance from State Aid Requirements for STREET WIDTH**

**NOTICE IS HEREBY GIVEN** that the City Council of the City of St. Paul has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rule as they apply to a proposed reconstruction project on MSAS 159 (Lexington Parkway South) from University Avenue to St. Clair Avenue.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9912 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a street width of 60 feet instead of the required minimum of 70 feet for four traffic lanes, no parking lanes and a 16 foot median between University Avenue and Summit Avenue; and to permit a street width of 42 feet, two traffic lanes and two parking lanes with parking banned between 7:00-9:00 a.m. and 4:00-6:00 p.m.; between St. Clair Avenue and Lincoln Avenue; and to permit a street width of 42 feet, two traffic lanes and two parking lanes with parking banned between 7:00-9:00 a.m. and 4:00-6:00 p.m. on the west side and with parking banned between 7:00-9:00 a.m. and 3:00-6:00 p.m. on the east side; between Lincoln Avenue and Grand Avenue; and to permit a street width of 42 feet, four traffic lanes and no parking lanes; between Grand Avenue and Summit Avenue; instead of the required minimum of 52 feet, four traffic lanes and no parking lanes, or 72 feet, four traffic lanes and two parking lanes.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 13 December 1990

Leonard W. Levine  
Commissioner

# 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:** Winter sand  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** December 21  
**Agency:** Transportation Department  
**Deliver to:** Owatonna  
**Requisition #:** 79650WS

**Commodity:** Aggregates  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** December 21  
**Agency:** Transportation Department  
**Deliver to:** Owatonna  
**Requisition #:** 79650A

**Commodity:** Bituminous  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** December 21  
**Agency:** Transportation Department  
**Deliver to:** Owatonna  
**Requisition #:** 79650B

**Commodity:** Portland cement  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** December 21  
**Agency:** Transportation Department  
**Deliver to:** Owatonna  
**Requisition #:** 79650PC

**Commodity:** Silica sand  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** December 21  
**Agency:** Transportation Department  
**Deliver to:** Owatonna  
**Requisition #:** 79650SS

**Commodity:** Ready mix  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** December 21  
**Agency:** Transportation Department  
**Deliver to:** Owatonna  
**Requisition #:** 79650RM

**Commodity:** Enco Maier milling machine  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 4:30pm:** December 18  
**Agency:** Natural Resources Department  
**Deliver to:** St. Paul  
**Requisition #:** 29008-80445-1

**Commodity:** Hydraulic surface grinder  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 4:30pm:** December 20  
**Agency:** Transportation Department  
**Deliver to:** St. Paul  
**Requisition #:** 79000-12503

**Commodity:** Concrete and asphalt diamond core bits  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 4:30pm:** December 21  
**Agency:** Transportation Department  
**Deliver to:** Various  
**Requisition #:** 79300-09023

**Commodity:** Printed stationery & business cards  
**Contact:** Norma Cameron 296-3779  
**Bid due date at 2pm:** December 21  
**Agency:** Jobs & Training Department  
**Deliver to:** Various  
**Requisition #:** Price contract

**Commodity:** Sonic mill machine  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** December 26  
**Agency:** State University  
**Deliver to:** St. Cloud  
**Requisition #:** 26073-22233

**Commodity:** Plastic injection molding machine  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** December 26  
**Agency:** State University  
**Deliver to:** St. Cloud  
**Requisition #:** 26073-22232

**Commodity:** Electrical discharge machine  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** December 26  
**Agency:** State University  
**Deliver to:** St. Cloud  
**Requisition #:** 26073-22235

**Commodity:** Vertical/horizontal milling machine  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** December 26  
**Agency:** State University  
**Deliver to:** St. Cloud  
**Requisition #:** 26073-22234

**Commodity:** Right hand snow plows  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** December 26  
**Agency:** Transportation Department  
**Deliver to:** Various  
**Requisition #:** 79382-02110



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## State Contracts and Advertised Bids

**Commodity:** ¾ ton pickup with extended cab  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** December 26  
**Agency:** Transportation Department  
**Deliver to:** St. Paul  
**Requisition #:** 79000-12279

**Commodity:** IBM computers—no substitute  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 2pm:** December 26  
**Agency:** State University  
**Deliver to:** Moorhead  
**Requisition #:** 26072-02539

**Commodity:** Genuine repair parts—Elgin sweepers  
**Contact:** Dale Meyer 296-3773  
**Bid due date at 2pm:** December 27  
**Agency:** Transportation Department  
**Deliver to:** Various  
**Requisition #:** Price contract

**Commodity:** Genuine repair parts—Swenson sand spreaders  
**Contact:** Dale Meyer 296-3773  
**Bid due date at 2pm:** December 28  
**Agency:** Transportation Department  
**Deliver to:** Various  
**Requisition #:** Price contract

**Commodity:** Genuine Whelen strobe light repair parts  
**Contact:** Dale Meyer 296-3773  
**Bid due date at 2pm:** December 29  
**Agency:** Transportation Department  
**Deliver to:** Various  
**Requisition #:** Price contract

**Commodity:** Gridcase computers—no substitutes  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 2pm:** December 27  
**Agency:** Revenue Department  
**Deliver to:** St. Paul  
**Requisition #:** 67520-34312

**Commodity:** CMC 386 computer—no substitute  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 2pm:** December 27  
**Agency:** Inver Hills Community College  
**Deliver to:** Inver Grove Heights  
**Requisition #:** 27157-48458

**Commodity:** Raca-Milgo components—no substitute  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 2pm:** December 27  
**Agency:** Community College Board  
**Deliver to:** St. Paul  
**Requisition #:** 27138-52259

**Commodity:** Northgate 386 PC  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 2pm:** December 27  
**Agency:** State University  
**Deliver to:** St. Cloud  
**Requisition #:** 26073-22241

**Commodity:** IBM computers—no substitute  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 2pm:** December 27  
**Agency:** State University  
**Deliver to:** Moorhead  
**Requisition #:** 26072-02535

**Commodity:** Pontoon boat, motor and trailer  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** December 27  
**Agency:** State University  
**Deliver to:** St. Cloud  
**Requisition #:** 26073-22239

**Commodity:** Copier  
**Contact:** John Bauer 296-2621  
**Bid due date at 4:30pm:** December 27  
**Agency:** Correctional Facility  
**Deliver to:** Faribault  
**Requisition #:** 78790-01541

**Commodity:** Bookcheck units  
**Contact:** John Bauer 296-2621  
**Bid due date at 4:30pm:** December 27  
**Agency:** State University  
**Deliver to:** Mankato  
**Requisition #:** 26071-26474

**Commodity:** Unleaded gasoline and diesel fuel  
**Contact:** Dale Meyer 296-3773  
**Bid due date at 2pm:** January 2  
**Agency:** Transportation Department  
**Deliver to:** Dilworth  
**Requisition #:** Price Contract

**Commodity:** Meat for February delivery  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 2pm:** January 10  
**Agency:** Corrections Department  
**Deliver to:** St. Cloud  
**Requisition #:** 78830-10669

## 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:** Portfolios, 1M 9"x12", glued pockets, side, reverse front and back, double score spine, die cut flap for business card

**Contact:** Printing Buyer's Office

**Bids are due:** December 20

**Agency:** Higher Education Coordinating Board

**Deliver to:** St. Paul

**Requisition #:** 13329

**Commodity:** Drilling machine/hoist registration decal, 3M 11"x8½" vinyl mylar with permanent adhesive backing, die cut back carrier, rounded corners, type to set, 1-sided PMSC

**Contact:** Printing Buyer's Office

**Bids are due:** December 20

**Agency:** Minnesota Health Department

**Deliver to:** Minneapolis

**Requisition #:** 13379

**Commodity:** Area office business reply envelope, 5M 9½"x6½" + flap, camera ready, 1-sided

**Contact:** Printing Buyer's Office

**Bids are due:** December 20

**Agency:** Jobs & Training Department

**Deliver to:** St. Paul

**Requisition #:** 13351

**Commodity:** Canoe outfitters 1991, 25M 12-page books, 8½"x37/8", camera ready, 2-sided, saddle stitch, 4-color process

**Contact:** Printing Buyer's Office

**Bids are due:** December 20

**Agency:** Minnesota Office of Tourism

**Deliver to:** St. Paul

**Requisition #:** 13354

**Commodity:** Work release receipts, 3M 2-part sets, 8½"x11" cover and body, negs furnished, preprinted numbers, stitch 200 per book

**Contact:** Printing Buyer's Office

**Bids are due:** December 20

**Agency:** Corrections Department

**Deliver to:** St. Paul

**Requisition #:** 13321

**Commodity:** Requisition for travel management vehicle, 12M 8½"x6¼" overall, 4-sided form, type to set + negs, 1-sided

**Contact:** Printing Buyer's Office

**Bids are due:** December 18

**Agency:** Administration Department—Central Stores

**Deliver to:** St. Paul

**Requisition #:** 13215

**Commodity:** Closed to netting, 100 sheets 12"x18" signs, cardboard NR8-508, .050" beverage "Raincote" outdoor board, camera ready, 1-sided

**Contact:** Printing Buyer's Office

**Bids are due:** December 18

**Agency:** Natural Resources Southern Service Center

**Deliver to:** St. Paul

**Requisition #:** 13151

**Commodity:** Snowmobile transfer and duplicate (20M 2-part sets) and snowmobile registration application (50M 2-part sets), both 7½"x5" plus tab, perms, carbon interleaves, camera ready, 1-sided

**Contact:** Printing Buyer's Office

**Bids are due:** December 18

**Agency:** Natural Resources Department—License Bureau

**Deliver to:** St. Paul

**Requisition #:** 13222

**Commodity:** CHP enrollment cards, 50M 8½"x3½", camera ready, on 10pt white plastic continuous feed, 2-up, camera ready

**Contact:** Printing Buyer's Office

**Bids are due:** December 18

**Agency:** Human Services Department

**Deliver to:** St. Paul

**Requisition #:** 13235

**Commodity:** GAID card, 400M 9½"x11" fan fold 1 up, perms and punch for pinfeed, 1-sided

**Contact:** Printing Buyer's Office

**Bids are due:** December 18

**Agency:** Federal Surplus Property—Human Services Department

**Deliver to:** New Brighton Federal Surplus Property

**Requisition #:** 13262

**Commodity:** UPS labels, 10M 2-part sets 5¼"x3½" and 5¼"x3", negs available 1-sided

**Contact:** Printing Buyer's Office

**Bids are due:** December 18

**Agency:** Education Department

**Deliver to:** St. Paul

**Requisition #:** 13260

**Commodity:** Drivers license window envelope, 35M 7¾"x3¾", camera ready, 1-sided

**Contact:** Printing Buyer's Office

**Bids are due:** December 18

**Agency:** Public Safety Department

**Deliver to:** St. Paul

**Requisition #:** 13258

## State Contracts and Advertised Bids

**Commodity:** Family care license, 1,200 sheets 9½"x4" overall, negs available, 1-sided, pinfeeds left/right, state seal 10% screen

**Contact:** Printing Buyer's Office

**Bids are due:** December 18

**Agency:** Human Services Department

**Deliver to:** New Brighton Federal Surplus Property

**Requisition #:** 13261

**Commodity:** Preadmission screening program, 20M 3-part sets, 8½"x11" plus stub, type to set, 1- and 2-sided

**Contact:** Printing Buyer's Office

**Bids are due:** December 18

**Agency:** Human Services Department

**Deliver to:** St. Paul

**Requisition #:** 13263

**Commodity:** Copy center requisition, 12M 4-part sets, 8½"x6¼" overall, negs available, 1-sided, 10 sets to a pad

**Contact:** Printing Buyer's Office

**Bids are due:** December 18

**Agency:** Administration Department—Central Stores

**Deliver to:** St. Paul

**Requisition #:** 13216

**Commodity:** Police-fire consolidation fund form, 32M 9½"x11" with pinfeeds, 3-part sets, camera ready + negs, 2-sided

**Contact:** Printing Buyer's Office

**Bids are due:** December 18

**Agency:** Public Employees Retirement Association

**Deliver to:** St. Paul

**Requisition #:** 13300

**Commodity:** Sentencing worksheet, 10M 6-part sets, 8½"x11¼" overall, individual snap-out forms, carbonless, type to set + negs

**Contact:** Printing Buyer's Office

**Bids are due:** December 18

**Agency:** Administration Department—Minnesota's Bookstore

**Deliver to:** St. Paul

**Requisition #:** 13275

**Commodity:** Sales & use tax permit, 15M 8¾"x3¾" including ½" pinfeed strips, fanfold 3-up, negs available, 1-sided, preprinted numbering

**Contact:** Printing Buyer's Office

**Bids are due:** December 18

**Agency:** Revenue Department

**Deliver to:** St. Paul

**Requisition #:** 13284

**Commodity:** DRS Overview, 8M 17¼"x9" folded to 8½"x9", one glued pocket, curved and gusseted side and bottom, 4-color process, soybean based inks required, 4-sided bleed with tints of rules, borders and blocks, plus seven inserts of various sizes, union label required.

**Contact:** Printing Buyer's Office

**Bids are due:** December 26

**Agency:** Jobs & Training Department, Division of Rehabilitation Services

**Deliver to:** St. Paul

**Requisition #:** 13350

**Commodity:** MAID Card, 2,250M 9½"x11" green heat resistant ink, pinfeed strips both sides, 1-sided

**Contact:** Printing Buyer's Office

**Bids are due:** December 26

**Agency:** Human Services Department

**Deliver to:** St. Paul

**Requisition #:** 13264

### Subscription Services

Minnesota's Bookstore offers several subscription services of activities, awards, decisions and special bulletins of various Minnesota state agencies.

Use the handy order form on the back of the *State Register* to order. Simply fill in the subscription code number, include your name, address and zip and your check made out to the State of Minnesota (PREPAYMENT IS REQUIRED) and send it in. We'll start your subscription as soon as we receive your order, or whenever you like.

SUBSCRIPTION	COST	CODE NO.	SUBSCRIPTION	COST	CODE NO.
Career Opportunity Bulletin, 1 year	\$ 25.00	90-3	State Register, Monday edition only, 1 year	\$130.00	90-1
Career Opportunity Bulletin, 6 mos.	\$ 20.00	90-4	State Register, Monday and Thursday editions, 1 year	\$195.00	90-1
Human Services Informational and Instructional Bulletin	\$100.00	90-6	Trial State Register, 3-months, Monday and Thursday	\$ 60.00	90-2
Human Services Bulletin List	\$ 55.00	90-7	Tax Court/Property Decisions	\$225.00	90-11
PERB (Public Employee Relations Board) Awards and Decisions, 1 year	\$285.00	90-9	Workers Compensation Decisions, unpublished subs run Jan-Dec; can be prorated	\$320.00	90-12
			Workers Compensation Decisions Vol. 41	\$110.00	90-13
			Minnesota Rules, Set + Supplement	\$160.00	18/200

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

# 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.

## Department of Human Services

### Health Care Programs Division

#### Notice of Availability of Contract for Independent Actuary to Review Prepaid Health Plan Rates

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Human Services is seeking applications for professional services from recognized experts in actuarial science and HMO ratesetting to review the department's Fiscal year 1992 prepaid health plan rates. This review will encompass an evaluation of the actuarial soundness of the ratesetting methodology used by the department and will include an examination of the rates developed for the following prepaid health plan contracts:

1. The mandatory Medical Assistance Prepayment Program in Dakota, Hennepin and Itasca counties;
2. The AFDC Voluntary Prepayment Program in Anoka, Carver, Lake, Ramsey, Scott, and Washington counties;
3. The mandatory General Assistance Medical Care Prepayment Program in Anoka, Dakota, Hennepin, Itasca, Lake, Ramsey and Washington counties.

Interested persons/organizations must submit a written response containing the following information:

1. Name(s) of the individual(s) who will be performing the review;
2. Description of professional qualifications of the reviewer(s), including:
  - Educational background
  - Academic achievements, including publications in professional journals in relevant actuarial science areas
  - Membership in professional organizations
  - Expertise in HMO ratesetting, especially related to the Medicare, Medical Assistance or other indigent population groups.
  - Previous professional experience in the health care insurance actuarial field
  - Previous experience in contracting with the State of Minnesota
3. A description of the work hours which the reviewer is available to work and the anticipated number of hours needed to review the rates and the ratesetting methodology;
4. A statement indicating the hourly payment rate required to perform the review;
5. A writing sample which demonstrates the ability of the reviewer(s) to clearly communicate technical actuarial concepts to professionals in other fields.

The deadline for submitting a written response to this solicitation is 4:30 p.m. on January 7, 1991. The contract will be awarded on the basis of the following criteria:

1. Relevant education and experience of the reviewer(s);
2. Proposed hourly rate and number of hours required to complete the review;
3. Flexibility in scheduling and ability to begin work immediately;
4. Communications skills;
5. Previous history in contracting with the State of Minnesota.

Evaluation of the written responses and selection of a contractor will be completed by January 17, 1991. All responders will receive a written notice of the results of the selection process. The Department reserves the right to reject all proposals, if such action is deemed to be in the best interest of the department. Please direct all inquiries and responses to:

Rick Chiat  
Minnesota Department of Human Services  
444 Lafayette Road  
St. Paul, Minnesota 55155-3854  
Phone: 612/296-1481

## Department of Human Services

### Health Care Management Division

#### Notice of Request for Information: Institutionalized Elderly Demonstration Project

The Minnesota Department of Human Services (DHS), Division of Health Care Management is initiating a three-year managed care demonstration project, involving innovative strategies for structuring and delivering medical services to Medicaid eligible nursing home residents. DHS will apply for federal waivers which are necessary to implement the project. Start-up is projected for late 1991. DHS is seeking provider partners to develop a project with the following components:

- Capitation of Medicare and Medicaid services.
- Development of Managed Care Organizations (MCOs), consisting of nursing home, hospital, and physician partners.
- Inclusion of rural and urban sites, excluding Hennepin, Dakota, and Itasca counties.
- Provision of care management for medical services only (per diem rates for nursing home care are excluded)

Providers who are interested in obtaining information on this project are invited to contact DHS. A Request for Proposals will be published at a later date. For information please contact DHS by January 14, 1991.

Kathleen Schuler  
Managed Health Care  
Minnesota Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3854  
(612) 297-4668

## Department of Public Service

### Request for Proposal to Provide Analysis of Financial Relationships Among Affiliated Subsidiaries of Minnesota Telephone Holding Companies

#### I. Introduction

The Minnesota Department of Public Service is soliciting proposals from qualified consultants to provide expertise in the analysis of financial relationships existing among affiliated subsidiaries of Minnesota telephone holding companies. The Department wishes to retain such a consultant to provide independent analysis and expert opinion regarding the reasonableness of expenses charged to several independent local telephone companies in Minnesota by affiliated companies for such services as managerial, engineering and office assistance, and supplies.

#### II. Qualifications of Respondents

Qualified respondents must be able to demonstrate expertise and experience in the assessment of reasonable expenses for salaries, benefits, and equipment supplied to local telephone companies in the United States. An academic background in business or economics, with telephone industry experience or experience as a staff member of a public utilities commission staff, is mandatory. Experience in the development or analysis of telephone company budgets is highly desirable. Experience in presenting testimony before the Federal Communications Commission or one or more of the public utilities commissions in the United States would be helpful, but is not a strict condition of acceptance.

#### III. Scope of the Project

##### A. Duration of the Project

The Department would like to initiate this project before February 1, 1991. It is anticipated that the duration of the project would be until December 31, 1991, or earlier upon completion of a written report which details findings and recommendations. Some of the results of this project may be used as evidence in a contested hearing at a later date. If the results of this project lead to the need for expert testimony in a contested case, such testimony shall be provided under a separate contract.

##### B. Tasks to be Performed

The Department's objective in this project is to have an independent expert analyze the relationships which exist between several independent local telephone companies in Minnesota and affiliates which provide labor and supplies to the telephone companies. The consultant will identify all independent telephone companies which have a significant relationship between itself and an affiliate. The

## Professional, Technical & Consulting Contracts

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consultant will work with Department staff to determine which companies require immediate analysis as part of an on-going earnings investigation. The consultant will review expenditures made by the telephone company during 1989, and provide an assessment of the reasonableness of the expenses charged to the telephone company. The number of analyses may range from one company to ten, with five being the expected number of analyses needed now.

To this end, the consultant will be expected to perform the following tasks:

1. Prepare a set of information requests to be mailed to all Minnesota independent local telephone companies which will identify existing affiliated interest relationships and provide financial information that will be used for analysis.
2. Screen all information obtained from each independent local telephone company so that the consultant can advise Department staff as to which companies require extensive investigation. Provide a written report to the Department which explains fully all findings and recommendations, including all documentation used to justify any additional action which ought to be taken by the Department.
3. Participate actively in a financial audit of each telephone company which the Department subsequently decides to investigate.
4. Assist Department staff in the completion of a report on each financial audit. This includes writing a detailed account of findings and any recommendations on this topic which should be advocated by the Department in any proceeding before the Minnesota Public Utilities Commission.

Phase II (under separate contract)

5. If the Department decides that any analysis indicates that a critical review of expenses or other matters is warranted in a contested case hearing, the consultant, acting as a member of the Department's staff participating in that proceeding, will:
  - a) Discover and develop issues related to the company's operations, preparing additional discovery requests as needed.
  - b) Assist Department counsel in the preparation of cross-examination of company and intervener witnesses.
  - c) Develop and deliver prefiled direct, rebuttal and/or surrebuttal testimony on issues relating to the case. Be available for cross-examination in a contested hearing, if needed.
  - d) Assist Department counsel in its preparation of briefs related to issues developed in testimony.

### IV. Proposal Contents

The following will be considered minimum contents of the consultant's proposal.

1. A qualifications statement of the consultant's background and experience in preparing and/or reviewing telephone company filings placed before a public utility commission.
2. A restatement of the objectives and task of the project to illustrate the consultant's understanding of the proposal.
3. Identification of all personnel who will perform each task, their training and experience. No change in personnel assigned to this project will be permitted without advance approval of the Department. Assurance must be given that personnel who conduct the project will be available under a separate contract to fulfill any duties as an expert witness, if that becomes necessary.
4. A detailed work plan and price list which identifies in specific terms all the tasks that can be performed, with cost estimates for each. This should include estimates of the hourly rate for each analyst, and typical charges for support staff, travel to Minnesota and supplies.
5. Copies of recently delivered testimony or studies regarding the tasks described above or similar tasks.

### V. Evaluation

All proposals received by the deadline will be evaluated by representatives of the Department. Factors upon which the proposals will be judged include, but are not limited to, the following: expressed understanding of the project objectives; work plan; project cost; qualifications of both company and personnel.

### VI. Submission of Proposals

Responses to this proposal are due by January 11, 1991 and should be addressed to:

Dr. Nelson J. Updaw  
Minnesota Department of Public Service  
790 American Center Building  
150 East Kellogg Boulevard  
St. Paul, Minnesota 55101  
612/296-7603

Late proposals will not be accepted. The proposal must be signed by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of time specified in the proposal. These should include any work related to testifying

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## Professional, Technical & Consulting Contracts

in a later proceeding. By the publishing of this RFP, the state is not obligated to go through with the project. Prospective respondents who have questions concerning this request for proposal may call Dr. Updaw. Dr. Updaw is the only person who can answer questions regarding this request for proposal.

### Minnesota Office of Tourism

#### Request for Proposals for the State Tourism Advertising Contract

The Minnesota Office of Tourism is seeking proposals from full service advertising agencies interested in competing for the State tourism advertising contract.

The estimated contract amount is \$2 million dollars, subject to legislative authorization. The contract will begin April 1, 1991 and end March 31, 1992, with two one-year renewal options to extend through March 31, 1994. Renewal options subject to agency performance, client satisfaction and available funding.

The advertising contract covers all consumer advertising and travel trade advertising and includes print and broadcast media, as well as direct mail, public relations and research assistance, as necessary. Finalists will be selected by a review committee. Three or more agencies may be invited to make oral presentations during the week of February 11, 1991. To receive a request for proposal packet, please call or write:

Steve Markuson, Manager  
Advertising & Public Relations Services  
Minnesota Office of Tourism  
375 Jackson, 250 Skyway Level  
St. Paul, MN 55101-1848  
(612) 296-2756  
or  
1-800-657-3638  
(612) 296-7095 FAX

The proposal deadline is 5:00 p.m., Friday, January 4, 1991. Proposals received after the deadline will not be considered.

### Department of Trade and Economic Development

#### Office of Tourism

#### Request for Proposal for an Evaluation of Selected Minnesota Tourism Publications

The Minnesota Office of Tourism is requesting proposals for a qualitative evaluation of selected Minnesota tourism publications.

The evaluation will utilize qualitative methodology to obtain input from consumers in Minnesota and two other states. The contractor will be responsible for the evaluation from planning and implementation to a final written report with conclusions and recommendations.

The cost of the project estimated to be approximately \$20,000 for professional services and expenses. Proposals must be submitted no later than 5:00 p.m. on January 14, 1991.

Copies of the Request for Proposal are available from:

Anne Hare, Research Analyst  
Minnesota Office of Tourism  
375 Jackson St.  
St. Paul, MN 55101-1848  
Telephone number: (612) 297-3488  
Fax: (612) 296-7095

### Department of Transportation

#### Request for Expressions of Interest for Consultant Services

The Minnesota Department of Transportation (Mn/DOT) is requesting expressions of interest for consultant services in accordance with the SCOPE OF SERVICES as shown below. The consultant services are for detail roadway design on two sections of T.H. 212 in Eden Prairie.

## Professional, Technical & Consulting Contracts

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The expression of interest should include Federal Forms 254 and 255 along with a description of the consulting firm, its history and financial background, and examples of similar types of roadway plans that the firm has designed.

For further information about the detail design for this project, contact:

Michael J. Spielmann  
Mn/DOT Consultant Design Engineer  
5801 Duluth Street  
Golden Valley, Minnesota 55422  
Phone (612) 593-8422

All expressions of interest must be sent directly to:

Gabriel S. Bodoczy  
Mn/DOT Consultant Agreements Engineer  
Transportation Building, Room 720-S  
St. Paul, Minnesota 55155  
Phone (612) 296-3051

Six copies of the Expression of Interest must be received by 2:30 p.m., on Tuesday—January 8, 1991.

### SCOPE OF SERVICES:

The two sections of the project are described as follows:

S.P. 2762-12 Segment I Stage 3—T.H. 212 from CSAH 4 to ¼ mile West of Wallace Road.

S.P. 2762-13 Segment I Stage 2—T.H. 212 from ¼ mile West of Wallace Road to ½ mile East of Mitchell Road.

The work tasks for each of these sections are proposed to include, but are not limited to the following:

- 1) Detail design and complete roadway plans
- 2) Construction limits
- 3) Special provisions
- 4) Cost estimates
- 5) Construction staging plans
- 6) Traffic control plans
- 7) Drainage plans
- 8) Utilities plans
- 9) Signal justification reports
- 10) Traffic signal/lighting design and plans
- 11) Permits
- 12) Landscaping plan

## Department of Transportation

### Request for Expressions of Interest for Consultant Services

The Minnesota Department of Transportation (Mn/DOT) is requesting expressions of interest for consultant services in accordance with the SCOPE OF SERVICES as shown below. The Consultant services are for preliminary and final design of a T.H. 14/52 reconstruction project in Rochester, MN.

The expression of interest should include Federal Forms 254 and 255 along with a description of the consulting firm, its history and financial background, examples of similar types of projects that the firm has designed, and information demonstrating the firm's design experience with preliminary and final road design.

Further information about this road design project, Contact:

Tony Hames	North Highway 52
Design Engineer	Rochester, MN 55109
Mn/DOT District 6	Phone (507) 285-7369



Staff will be available for discussion and to answer questions.

All expressions of interest must be sent to:

Consultant Agreements Unit  
Minnesota Department of Transportation  
Transportation Building, Room 720S  
St. Paul, Minnesota 55155  
ATTN: Rodney Koehn  
Phone (612) 296-9741

Six copies of the Expression of Interest must be received by 2:30 p.m. Tuesday—January 8, 1991.

### SCOPE OF SERVICES

This project will be identified as S.P. 5502-67. The project is located along T.H. 14/52 from the Jct. T.H. 63 to the Jct. Olmsted CSAH 14 in Rochester. The work tasks are proposed to include, but are not limited to the following:

- 1) Inventory—data collection and base maps
- 2) Traffic forecasts
- 3) Noise analysis
- 4) Scoping Decision Document/Public Scoping Meeting
- 5) Draft Environmental Impact Statement
- 6) Layouts and Alternatives
- 7) Public Involvement and Public Hearings
- 8) Final Environmental Impact Statement & Studies
- 9) Study Report
- 10) Field Surveys
- 11) Soils Surveys
- 12) Design Mapping Including Title Search and Construction Limits Map
- 13) Detail Construction Plans—grading, surfacing, drainage, etc.
- 14) Traffic Control Staging
- 15) Bridge Survey Sheets
- 16) Permit Applications
- 17) Management & Coordination

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## Non-State Public Contracts

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

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## Metropolitan Waste Control Commission

### Public Notice for Prequalification for Engineering Services

**NOTICE IS HEREBY GIVEN** that the Metropolitan Waste Control Commission is soliciting prequalifications for engineering services for the N-Viro Sludge Management Services Project, MWCC Project No. 875350. The project will include: (1) design of

## Non-State Public Contracts

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interim sludge processing facilities for an N-Viro (patented process) demonstration project at the Metropolitan Wastewater Treatment Plant in St. Paul; and (2) siting, permitting, and design of a permanent sludge processing facility, using the patented N-Viro process and serving the Southwest Metropolitan Area.

Firms interested in being considered for this project are invited to telephone or submit a letter requesting a Pre-Qualification Submittal package. All completed, Pre-Qualification Submittal packages must be submitted by January 7, 1991.

All inquiries and submittals are to be addressed to Mr. Harold P. Voth, Project Manager, Metropolitan Waste Control Commission, Mears Park Centre, 230 East Fifth Street, St. Paul, Minnesota 55101, (612) 229-2171.

By Order of the  
Metropolitan Waste Control Commission  
Mr. Gordon O. Voss  
Chief Administrator

## State Grants

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In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant 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 notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

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## Minnesota Department of Corrections

### Notice of Availability of Funds for Sexual Assault Services in the Itasca County Area

The Minnesota Department of Corrections, Victims Services Unit, announces the availability of grant funds for sexual assault services in the Itasca County area. Both new and existing programs are eligible to apply for these funds.

A total of \$11,000 is available for direct services to victims of sexual assault services providing crisis intervention, victim assistance, training of professionals, community education and coordination of services to enhance overall response to these areas for a six month period, January 1, 1991 through June 30, 1991. These funds are being made available through the Minnesota legislature (State). Successful applicant(s) may be eligible for continued funding after the initial grant period.

Private, non-profit and local units of government are eligible to apply. The deadline for grant proposal submission is **Monday, February 4, 1991, 4:30 p.m.** To receive a request for proposal which describes how to apply for this funding, contact: Dolores Brueske, Minnesota Department of Corrections, Victims Services Unit, 300 Bigelow Building, 450 North Syndicate, St. Paul, Minnesota 55104; Telephone (612) 642-0251.

Dated: December, 1990

## Minnesota Historical Society

### Notice of Deadline for Applications for Federal Certified Local Government Matching Grants

The deadline for applications to the Minnesota Historical Society for federal Certified Local Government matching grants is 4:30 p.m. on Friday, January 25, 1991. Only those cities with local historic preservation programs certified by the State Historic Preservation Office are eligible. It is anticipated that at least \$56,000 will be awarded in 1991.

Proposals which promote survey in areas of known development activity in order to reduce project delays, proposals which promote the continuing development of data for planning use, and proposals related to properties associated with the history of heretofore under-documented groups or communities (ethnic or racial minorities for example, but also other groups defining themselves as communities) will receive special priority. For further information contact Tim Glines, Grants Manager, at (612) 726-1171.

## Housing Finance Agency

### Notice of Fund Availability and Request for Proposals for a Publicly Owned Transitional Housing Program

The Minnesota Housing Finance Agency (MHFA) announces the availability of \$1,500,000 in grant funds to assist local units of government in the acquisition, construction, or rehabilitation of structures to be used as transitional housing for low and moderate income persons.

The 1990 legislative capital bonding bill included \$1.5 million for transitional housing. The Minnesota Housing Finance Agency is to allocate this money for the acquisition, construction or rehabilitation of structures to be used as transitional housing for low and moderate income persons. Only local units of government are eligible to receive funds and to have title to the property. However, they may contract with service providers to manage the property and operate the transitional housing program. It is anticipated that local units of government may purchase the buildings of existing transitional housing programs and lease them back to the providers at some minimal charge thereby freeing up former debt service funds for operating expenses.

**ELIGIBLE APPLICANTS:** Only *local government units* as defined in *Minnesota Statutes*, Section 462C.02, Sub. 6, are eligible for selection for a grant. The ability to develop and operate transitional housing for low and moderate income persons must be demonstrated by the applicant either directly or through their selected service provider.

**ELIGIBLE PROJECTS:** Only projects which provide *transitional housing* for low and moderate income persons are eligible. Transitional Housing means housing provided for a limited duration not exceeding 24 months and available for occupancy on a continuous 24 hours basis. Grant funds can only be used for acquisition, construction, or rehabilitation costs. Operating costs are *not* eligible for funding.

**FUNDING PROCESS:** Applicants should request application packets from staff at MHFA.

Minnesota Housing Finance Agency  
400 Sibley Street Suite 300  
St. Paul, MN 55101  
Attention: Murray Casserly

*Applications are due by 4:30 p.m. on March 1, 1991.* An interagency committee will review the applications and should make recommendations for funding to the MHFA Board on March 28, 1991. Any funds that remain uncommitted at that time will be available for funding proposals received on an ongoing basis after the March 1, 1991 deadline.

Any questions concerning the program or that application packet should be directed to Murray Casserly (612) 296-9846, Rachel Fang (612) 297-3119, or Steve Peacock (612) 296-9822 at MHFA. Applicants are encouraged to discuss the feasibility of their project proposal with MHFA staff prior to submitting their application for funds.

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

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## Announcements

**Environmental Quality Board (EQB):** Comments are due January 9, 1991 on the EAWs (Environmental Assessment Worksheets) for the following projects at their listed regional governing units: **Interstate 35 and County**

**Road 46 Interchange**, Dakota County, David Everds, 7300 West 147th Street, Apple Valley, MN 55124; **Fielding and Operation of the Bradley Fighting Vehicle to the Minnesota Army National Guard**, Dept. of Military Affairs, Captain David S. Wirwahn, 20 West 12th St., St. Paul, MN 55155-2098. • A Minnesota Dept. of Transportation Alternative Review Draft Scoping Decision has been issued for **Trunk Highway 14 Reconstruction** and copies can be viewed by contacting Dale A. Grove, MnDOT District 6—Design, P.O. Box 6177, Highway 52 North, Rochester, MN 55903, (507) 285-7353.

**New Withholding Tables Mailed:** The Minnesota Department of Revenue has sent more than 100,000 Minnesota employers new state withholding tax tables which will be valid Jan. 1, 1991. State withholding tax is that portion of an employee's wages or salary withheld by the employer as partial payment of the employee's state income tax. This year marks the beginning of annual changes to the state's withholding tables. In the past, tables were changed only when significant tax law changes warranted them. Annual changes will more accurately reflect actual tax liabilities for the majority of taxpayers, particularly those who use the standard deductions. The withholding tables are adjusted to reflect changes in federal and Minnesota price indexing,

## Announcements

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changes which allow for inflation. The official measure used to determine indexing was the August 1989 to August 1990 Consumer Price Index, which measures the change in the cost of basic goods and services from year to year. Annual indexing will give taxpayers the information they need to make withholding adjustments. Since slightly less state income tax will be withheld beginning Jan. 1, 1991, taxpayers, especially those who itemize, may wish to review the amounts they are currently having withheld. The process to adjust withholding tax is accomplished by completing a new W-4 form which can be obtained through a person's employer.

**Federal Funds for Energy Assistance:** Minnesota has received \$56.1 million in federal funds for the 1990-91 Energy Assistance Program, a two-percent increase over the past year. The Energy Assistance Program helps qualified low-income households with winter heating costs. Services include financial help to pay energy costs, conservation and repair activities, consumer education and crisis assistance. More than 107,000 households were served last year. Eligible households are those with incomes at or below 135 percent of the federal poverty level. Applicants must provide eligibility information for the three calendar months preceding the month of application. Three-month income limits are \$2,885 for a household of two people, and \$4,286 for four. People wishing to apply for assistance or needing more information should contact their local delivery agency for an appointment, or call the state operator at 1-800-652-9747 and ask for "Fuel Assistance."

**Governor's Appointments:** Governor Rudy Perpich announced the following appointments to state boards and councils: **Jean Hicks**, Minneapolis, was appointed to the *Council on Black Minnesotans* to a term expiring January 1992. The council makes recommendations to the Governor and Legislature to improve the economic and social conditions of Black Minnesotans. **Maureen Seliski**, Minneapolis, was appointed to a new position on the *Social Work Licensing Board*. She will now serve as the board's licensed independent social worker for a term expiring January 1994. The board adopts and enforces rules for licensing social workers and regulating their professional conduct. **Harry Newby**, Cloquet, was appointed to the *Children's Trust Fund Advisory Council* to a term expiring January 1992. The council assists the commissioner in developing a plan to disburse money from the trust fund to any public or private non-profit agency to fund a child abuse prevention program. **Luis Ortega**, St. Paul, was appointed to the *Council on Spanish Speaking Affairs* to a term expiring January 1992. Also appointed to the council is **Guadalupe Alba-Quintero**, Mankato, to a term expiring January 1993. The council advises the Governor and the Legislature on issues affecting the Spanish-speaking community. **Jerry Wedge**, Virginia, was appointed to the *Elementary Secondary Vocational Computer Council* to a term expiring January 1995. The council assists and advises the State Board of Education in developing plans for elementary, secondary, and vocational education management information systems and the State Department of Education information systems. **Colleen Bonnett**, Brooklyn Park, was appointed to the *Board of Nursing* for a term expiring January 1994. The board licenses professional and practical nurses, renews licenses, and registers nurses aides working in long term care facilities. **Marcia Doty**, Duluth, was appointed to the *Duluth State Convention Center Administrative Board* for a term expiring January 1993. The board will select a site in Duluth for a national-class state convention center. **Howard Turrentine**, Stillwater, was appointed to the *Minnesota-Wisconsin Boundary Area Commission* to a term expiring June 1994. Also appointed to the commission is **Jim Springer**, Lake City, to a term expiring June 1991. The commission studies and recommends use, development and protection of the corridor of the St. Croix and Mississippi Rivers that forms the border between Minnesota and Wisconsin.

**Judicial Appointments:** Governor Rudy Perpich announced judicial appointments to the Court of Appeals and the District Court bench at Stillwater. **Senator Randy Peterson** has been appointed to the newly created sixteenth Court of Appeals judgeship. **Gary A. Schurrer** was appointed to the District Court bench at Stillwater. The vacancy occurred when the Honorable Esther M. Tomljanovich was appointed to the Minnesota Supreme Court earlier this year.

**Cross Country Ski Pass:** A Minnesota ski pass is required for people between the ages of 16 and 64 while using most public trails, including trails in all 65 state parks. The idea for the ski pass came from a coalition of ski enthusiasts back in 1982 when the state was facing budget shortfalls and skiers were concerned that trail funds might be diverted for other state purposes. All revenue collected from the ski passes goes directly to the maintenance and operation of more than 200 trails statewide, according to the DNR. Ski passes are available over the telephone. An annual ski pass is \$5; a husband-wife combination pass is \$7.50. A three-year ski pass is also available. Call (612) 296-6699 in the Twin Cities, or call toll free in Minnesota 1-800-652-9747 from 8 a.m. to 4:30 p.m. weekdays and ask for "The Great Minnesota Ski Pass." People can use VISA or MasterCard to charge ski passes. Information assistants can also provide information about statewide skiing opportunities, the location of local ski pass outlets, and the latest snow depth information. Snow reports and trail conditions, updated Wednesdays at 2 p.m., are available by calling the DNR Information Center at (612) 296-6157, or toll free at 1-800-652-9747 (ask for the DNR). Those who need ski passes immediately may obtain them at most state parks, county auditor's offices, and at more than 200 local businesses and other parks. For more information, contact Grant Scholen at the DNR Trails and Waterways Unit, DNR Building, 500 Lafayette Road, St. Paul, MN 55155-4052; or call him at (612) 296-6485.

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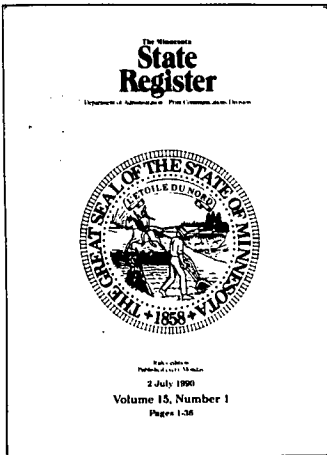
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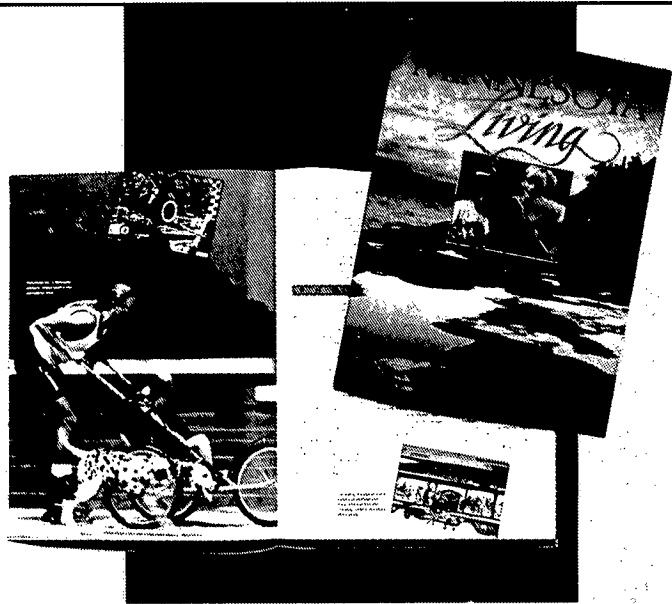
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