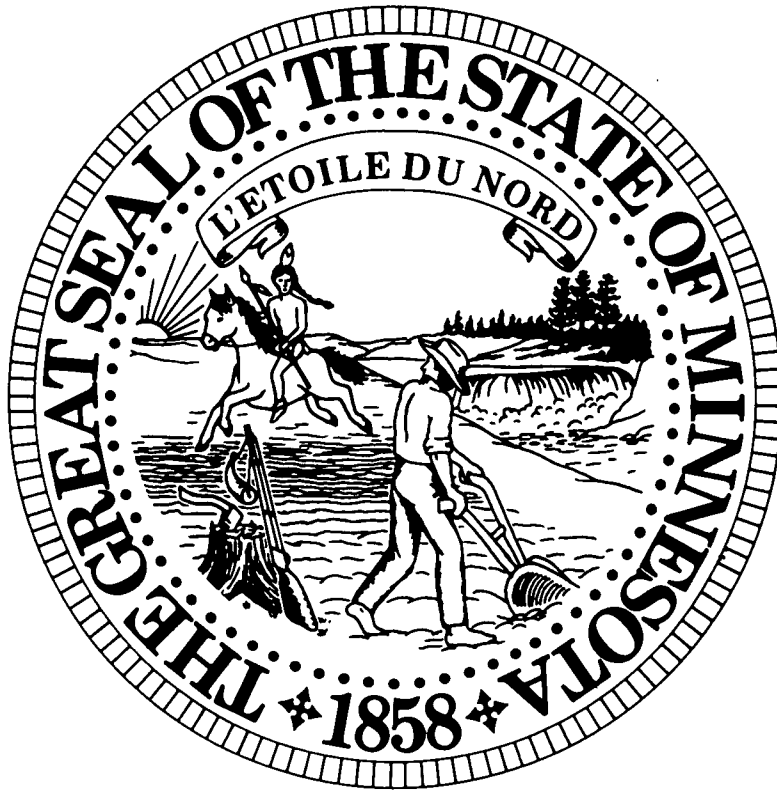


p182

2

The Minnesota  
**State  
Register**

Department of Administration—Print Communications Division



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

**Monday 12 October 1992**  
**Volume 17, Number 15**  
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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 and revenue notices, state and non-state contracts, contract awards, grants, a monthly calendar of cases to be heard by the state supreme court, and announcements.

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. 17 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
15	Monday 28 September	Monday 5 October	Monday 12 October
16	Monday 5 October	Monday 12 October	Monday 19 October
17	Monday 12 October	Monday 19 October	Monday 26 October
18	Monday 19 October	Monday 26 October	Monday 2 November

\*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) 296-0929.

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 \$150.00 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.

Both editions are delivered postpaid to points in the United States, second class postage paid for the Monday edition at St. Paul, MN, first class for the Thursday edition. Publication Number 326630 (ISSN 0146-7751).

Subscribers who do not receive a copy of an issue should notify the *State Register* circulation manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

**Arne H. Carlson, Governor**

**Dana B. Badgerow, Commissioner**  
Department of Administration

**Kathi Lynch, Director**

Print Communications Division  
Paul Hoffman, Acting Editor

**Debbie George, Circulation Manager**

Bonita Karels, Staff Assistant

## FOR LEGISLATIVE NEWS

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

### SENATE

**Briefly-Preview**—Senate news and committee calendar; published weekly during legislative sessions.

**Perspectives**—Publication about the Senate.

**Session Review**—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office  
Room 231 State Capitol, St. Paul, MN 55155  
(612) 296-0504

### HOUSE

**Session Weekly**—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

**This Week**—weekly interim bulletin of the House.

**Session Summary**—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office  
Room 175 State Office Building, St. Paul, MN 55155  
(612) 296-2146

# Contents

## **Minnesota Rules: Amendments & Additions**

Issues 14-15 inclusive (issues #1-13 appeared in #13) . . . 740

## **Proposed Rules**

### **Commerce Department**

Real estate appraiser licensing and education . . . . . 741

### **Human Services Department**

Public guardianship for persons with mental retardation . . 768

## **Adopted Rules**

### **Human Services Department**

Payment rates for intermediate care facilities for persons with mental retardation or related conditions . . . . . 784

## **Withdrawn Rules**

### **Animal Health Board**

Animal carcasses . . . . . 784

### **Commerce Department**

Real estate appraisers . . . . . 784

## **Emergency Rules**

### **Human Services Department**

Administration of children's health plan plus . . . . . 785

## **Official Notices**

### **Administration Department**

Outside opinions sought regarding the proposed adoption of the 1993 National Electrical Code by reference . . . . . 797

### **Commerce Department**

Maximum lawful interest rate for mortgages and contracts for deed for the month of November . . . . . 797

Outside opinions sought regarding proposed adoption of rules governing credit unions . . . . . 798

### **Education Department**

Corrected notice soliciting outside opinions on rules governing eligibility into special education services . . . . . 798

### **Labor and Industry Department**

Prevailing wage determinations for commercial projects . 798

### **Social Work Board**

Board meeting . . . . . 799

### **Revenue Department**

Outside opinions sought regarding proposed rule governing sales and use taxation relating to producing, fabricating, printing, or processing property furnished by consumer . . . . . 799

Outside opinions sought regarding proposed rule governing sales tax on entertainment . . . . . 799

## **State Grants**

### **Health Department**

Applications sought from medical care providers interested in becoming screening and testing sites for the breast and cervical cancer control program . . . . 800

### **Water and Soil Resources Board**

Applications accepted for local water resources protection and management program grants . . . . . 801

## **Professional, Technical & Consulting Contracts**

### **Administration Department**

Employee assistance provider services sought . . . . . 801

### **Corrections Department**

Library coordinator contracts available . . . . . 802

### **State Designer Selection Board**

Proposals sought for a state university project . . . . . 802

### **Employee Relations Department**

Proposals sought to provide actuarial and consulting services to employee insurance division . . . . . 805

### **Human Services Department**

Proposals sought for software development services to enhance the Minnesota child support enforcement system . . . . . 805

Contract available for actuarial assistance in establishing rates for primary, acute and long term care managed care demonstration . . . . . 806

### **Technical Colleges Board**

Professional research, photographic and editorial services sought . . . . . 808

## **Non-State Public Bids and Contracts**

### **Minnesota Historical Society**

Bids sought for general construction services for stabilization of the Meighen store wagon barn Forestville, MN . . . . . 808

Bids sought for lighting fixtures . . . . . 809

### **Minnesota Zoo**

Contract available for service at Minnesota Zoological Garden . . . . . 809

## **State Contracts & Advertised Bids**

### **Administration Department**

**Materials Management Division:** Commodities and requisitions open for bid . . . . . 809

**Print Communications Division:** Typesetting, keylining, photo prep and seps, printing, binding, labeling and mailing contracts open for bid . . . . . 813

# 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.

Issues 1-15 inclusive Vol. 17

### Agriculture Department

1505.2100; .2200; .2300; .2400; .2500; .2600; .2700; .2800 (adopted) .....	711
1505.2000; .2010; .2020; .2030; .2040; .2050; .2060; .2070; .2080 (repealed) .....	711

### Animal Health Board

1719.0100 s.4,5,7,8,10,12,13,14,15; .0200 through .3200 (withdrawn) .....	784
1720.0010 except s.1 and 2; .0280; .0290; .0300; .0310; .0540; .0550; .0560; .0570 (proposed repealer withdrawn) .....	784

### Architecture, Engineering, Land Surveying, Landscape Architecture and Interior Design Board

1800.0500 (adopted) .....	711
---------------------------	-----

### Commerce Department

2808.0100; .1000; .1100; .1200; .1300; .1400; .1500; .1600; .1700; .2000; .2100; .2200; .3000; .3100; .3200; .3300; .4000; .4100; .4200; .5000; .5100; .5200; .5300; .5400; .5500; .5600; .6000; .7000; .7100; .7200; .7300; .7400 (withdrawn) .....	784
2808.0100; .1000; .1100; .1200; .1300; .1400; .1500; .1600; .1700; .2000; .2100; .2200; .3000; .3100; .3200; .3300; .4000; .4100; .4200; .5000; .5100; .5200; .5300; .5400; .5500; .5600; .6000; .7000; .7100; .7200; .7300; .7400 (proposed) .....	741
2808.3000 s.3a; s.7 (proposed repealer) .....	767

### Corrections Department

2945.0100; .0110; .0120; .0130; .0500; .0510; .0520; .0530; .1000; .1010; .1600; .1610; .2100; .2110; .2120; .2130; .2500; .2510; .2520; .2530; .2540; .2550; .3400; .3410; .3420; .3430; .3440; .3450; .4700; .4710; .4720; .4730; .4740; .4750; .4760; .5400; .5410; .5420; .5430; .5440; .5450; .5460; .5470; .5480; .5490 (adopted) .....	711
--	-----

### Employee Relations

3920.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200; .1300 (adopted) .....	712
--	-----

### Higher Education Coordinating Board

4830.8510; .8535; .8540; .8550; .8570; .8575 (adopted) .....	712
4830.8560; .8580 (repealed) .....	712

### Transportation Department

8820.0100; .2500; .4000; .4010; .4020; .4030; .4040; .4050; .4060; .4070; .4080; .4090; .9980; .9985; .9990 (proposed) .....	705
--	-----

### Human Services Department

9506.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0080; .0090; .0100; .0110 (proposed emergency) .....	768
9525.3010; .3015; .3020; .3025; .3030; .3035; .3040; .3045; .3050; .3055; .3060; .3065; .3070; .3075; .3080; .3085; .3090; .3095; .3100 (proposed) .....	768
9553.0035; .0040; .0050; .0060 (adopted) .....	784

## 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 Real Estate Appraiser Licensing and Education

#### 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 Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, Sections 14.223 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes* Sections 45.023, 82B.13, and 82B.19.

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

Any person may make a written request for a public hearing on the rules 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 rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to *Minnesota Statutes* Section 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted on or before October 19, 1992 to:

Donna M. Watz  
Staff Attorney  
Minnesota Department of Commerce  
133 East Seventh Street  
St. Paul, Minnesota 55101  
(612) 297-1118

The proposed rules 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 rules as noticed.

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

**A STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available upon request from Donna M. Watz, Staff Attorney, at the above referenced address.

If no hearing is required, upon adoption of the rules, the rules and required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form related 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

**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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who wish to receive a copy of the adopted rules, must submit a written request to Donna M. Watz, Staff Attorney at the above-referenced address.

Dated: 25 September 1992

Bert J. McKasy  
Commissioner of Commerce

### Rules as Proposed (all new material)

#### 2808.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter, the terms defined in this part have the meanings given them.

Subp. 2. **Applicant.** "Applicant" means an individual who has applied to the commissioner of commerce pursuant to *Minnesota Statutes*, chapter 82B, for a license as a real estate appraiser.

Subp. 3. **Appraisal foundation or foundation.** "Appraisal foundation" or "foundation" means the appraisal foundation established on November 30, 1987, as a nonprofit corporation under the laws of Illinois.

Subp. 4. **Appraisal standards board.** "Appraisal standards board" means the independent board of the appraisal foundation responsible for promulgation of minimum appraisal standards for federally related transactions.

Subp. 5. **Appraiser qualifications board.** "Appraiser qualifications board" means the independent board of the appraiser foundation responsible for promulgation of qualification criteria for licensure of real estate appraisers authorized to conduct appraisals on federally related transactions, and for issuing or endorsing a uniform state real estate appraiser qualification examination.

Subp. 6. **Certified federal residential real property appraiser.** "Certified federal residential real property appraiser" means an individual licensed under *Minnesota Statutes*, section 82B.11, to perform appraisals on one- to four-family residential units or agricultural property regardless of transaction value or complexity.

Subp. 7. **Certified federal general real property appraiser.** "Certified federal general real property appraiser" means an individual licensed under *Minnesota Statutes*, section 82B.11, to perform appraisals on all types of real property.

Subp. 8. **Classroom hour.** "Classroom hour" means 60 minutes out of each 60-minute segment.

Subp. 9. **Commissioner.** "Commissioner" means the commissioner of commerce.

Subp. 10. **Coordinator.** "Coordinator" means an individual who is responsible for monitoring real estate appraisal education offerings.

Subp. 11. **Federal appraisal subcommittee.** "Federal appraisal subcommittee" means the appraisal subcommittee of the Federal Financial Institutions Examinations Council as set forth under *United States Code*, title 12, sections 3301 et. seq.

Subp. 12. **Federal financial institutions regulatory agency.** "Federal financial institutions regulatory agency" means the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, or the National Credit Union Administration.

Subp. 13. **Federal residential real property appraiser.** "Federal residential real property appraiser" means an individual licensed under *Minnesota Statutes*, section 82B.11, to perform appraisals on noncomplex one- to four-family residential units or agricultural property having a transactional value of less than \$1,000,000 and complex one- to four-family residential units or agricultural property having a transactional value of less than \$250,000.

Subp. 14. **Federally related transaction.** "Federally related transaction" means any real estate-related financial transaction that a federal financial institutions regulatory agency or the federal Resolution Trust Corporation engages in, contracts for, or regulates; and that requires the services of a licensed or certified real estate appraiser.

Subp. 15. **Foundation appraisal organization.** "Foundation appraisal organization" means a member private appraisal trade organization of the appraisal foundation including, but not limited to, the following: American Institute of Real Estate Appraisers, American Society of Appraisers, American Society of Farm Managers and Rural Appraisers, International Association of Assessing Officers, International Right of Way Association, National Association of Independent Fee Appraisers, National Society of Real Estate Appraisers, or Society of Real Estate Appraisers.

Subp. 16. **Instructor.** "Instructor" means an individual lecturing in a real estate appraisal education offering.

Subp. 17. **Person.** "Person" means a natural person, firm, institution, partnership, corporation, or association.

Subp. 18. **Real estate appraiser or real property appraiser.** "Real estate appraiser" or "real property appraiser" means a person who develops and communicates appraisals on real property and holds a current, valid license issued under *Minnesota Statutes*, chapter 82B.

Subp. 19. **Real estate-related financial transaction.** "Real estate-related financial transaction" means any transaction involving

the sale, lease, purchase, investment in, or exchange of real property, including interests in property, or the financing thereof; the refinancing of real property or interests in real property; and the use of real property or interests in property as security for a loan or investments, including mortgage-backed securities.

Subp. 20. **Sponsor.** "Sponsor" means a person offering or providing real estate appraisal education.

Subp. 21. **State real property appraiser.** "State real property appraiser" means an individual licensed under *Minnesota Statutes*, section 82B.11, to perform appraisals on residential real property or agricultural acreage which does not require a net income capitalization analysis under the uniform standards of professional appraisal practice.

#### LICENSING

##### 2808.1000 PAYMENT OF FEES.

Subpart 1. **Cash not accepted.** All fees shall be paid by check, draft, or other negotiable or nonnegotiable instrument or order of withdrawal that is drawn against funds held by a financial institution. Cash will not be accepted.

Subp. 2. **Overpayment of fees.** An overpayment of a fee paid pursuant to *Minnesota Statutes*, chapter 82B, shall be refunded within a reasonable time after a letter requesting the refund is received by the commissioner and signed by the person making the overpayment.

Refunds shall not be given other than for overpayment of fees. A request for a refund of an overpayment must be received by the commissioner within six months of the date of deposit or it will be forfeited.

Subp. 3. **Fees to federal appraisal subcommittee.** In addition to the fees required for licensure under *Minnesota Statutes*, section 82B.09, the commissioner shall collect and remit such other fees as are required by the federal appraisal subcommittee.

##### 2808.1100 LICENSE.

Subpart 1. **Application for real estate appraiser license.** After successful completion of the appropriate prelicensing education requirements and real estate appraiser licensing examination, an individual shall have one year from the date of the examination to apply for a real estate appraiser license. Application shall be on forms prescribed by the commissioner.

Failure to apply for a license will require reexamination.

Subp. 2. **Cancellation of license.** A real estate appraiser's license shall be canceled by the commissioner for failure of a licensee to complete continuing education requirements. In this case, the license must be returned to the commissioner within ten days of receipt of notice of cancellation.

Subp. 3. **Reinstatement of license.** Within two years of a license cancellation, a person who was previously licensed may reinstate the license without examination by completing the required application, paying the required fee for a new license application, and reporting successful completion of all outstanding continuing education requirements for the period during which the license was canceled. The license shall be reinstated without reexamination by completing the required instruction, filing an application, and paying the fee for the license within two years of the cancellation date.

##### 2808.1200 CHANGE OF INFORMATION; NOTICE TO COMMISSIONER.

A licensee must notify the commissioner in writing of any change in the information contained in the license application no later than ten days after the change.

##### 2808.1300 NONRESIDENT APPOINTMENT OF COMMISSIONER FOR SERVICE OF PROCESS.

Subpart 1. **Requirement for appointment.** Each real estate license applicant who is a nonresident of the state shall appoint the commissioner to serve as attorney for the applicant upon whom may be served all legal process in any action or proceeding to which that person may be a party and which relates to or involves any transaction governed by *Minnesota Statutes*, chapter 82B.

Subp. 2. **Form for consent to service of process.** The form for appointment of the commissioner as attorney for service of process shall be as provided in this subpart.

STATE OF MINNESOTA  
DEPARTMENT OF COMMERCE  
LICENSING UNIT  
133 East Seventh Street  
Saint Paul, Minnesota 55101

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## Proposed Rules

### INDIVIDUAL APPOINTMENT OF ATTORNEY FOR SERVICE OF PROCESS KNOW ALL PERSONS BY THESE PRESENTS:

That in compliance with the Laws of the State of Minnesota, . . . . ., a nonresident, does hereby appoint the Commissioner of Commerce of the State of Minnesota, successor or successors in office as his/her true and lawful attorney upon whom may be served all legal process in any action or proceeding in which he/she may be a party and which relates to or involves any transaction covered by *Minnesota Statutes*, chapter 82B, and does hereby expressly consent and agree that service upon such attorney shall be as valid and binding as if due and personal service had been made upon him/her and that such appointment shall be irrevocable.

IN WITNESS WHEREOF, I have hereunto set my hand this  
. . . . . day of , . . . . . 19 . . . . .

STATE OF . . . . . )  
COUNTY OF . . . . . ) SS.

On this . . . . . day of . . . . ., 19 . . . . ., personally appeared before me, a notary public in and for said County and State, . . . . ., to me known to be the person described in and who executed the foregoing instrument and who, being by me first sworn, acknowledged that he/she executed the same as his/her free act and deed.

Notary Public, . . . . . County . . . . .  
(NOTARIAL SEAL) My Commission expires . . . . .

### 2808.1400 WITHDRAWAL OF LICENSE OR APPLICATION.

A licensee or license applicant may at any time file with the commissioner a request to withdraw from the status of licensee or to withdraw a pending license application. Withdrawal from the status of licensee or withdrawal of the license application becomes effective upon receipt by the commissioner unless a revocation, suspension, or denial proceeding is pending when the request to withdraw is filed or a proceeding to revoke, suspend, deny, or to impose conditions upon the withdrawal is instituted within 30 days after the request to withdraw is filed. If a proceeding is pending or instituted, withdrawal becomes effective at the time and upon the conditions the commissioner by order determines. If no proceeding is pending or instituted and withdrawal automatically becomes effective, the commissioner shall institute a revocation or suspension proceeding within one year after withdrawal became effective and enter a revocation or suspension order as of the last date on which the license was in effect.

### 2808.1500 FAILURE TO RENEW LICENSE.

If a license lapses or becomes ineffective due to the licensee's failure to timely file a renewal application and the licensee continues to conduct business for which a license is required, the commissioner shall institute a revocation or suspension proceeding within two years after the license was last effective and enter a revocation or suspension order as of the last date on which the license was in effect.

### 2808.1600 REVOCATIONS.

If the commissioner finds that any licensee or applicant is no longer in existence or has ceased to do business as a real estate appraiser or is subject to an adjudication of mental incompetence or to the control of a committee, conservator, or guardian, or cannot be located after reasonable search, the commissioner may by order revoke the license or deny the application of that person.

### 2808.1700 COURSE COMPLETION CERTIFICATES FOR REAL ESTATE APPRAISER LICENSE.

Subpart 1. **Submitting to commissioner.** Applicants for a real estate appraiser license shall submit to the commissioner, along with their application for licensure, a copy of the course completion certificate for all required prelicensing education coursework applicable to the class of license sought.

Subp. 2. **Forms.** The real estate appraiser prelicensing education course completion certificate must be on forms provided by the commissioner.

Subp. 3. **Copies to be maintained.** Students are responsible for maintaining copies of course completion certificates.

### EXAMINATION AND EXPERIENCE

### 2808.2000 PASSING GRADE FOR EXAMINATION.

A passing grade for a real estate appraiser licensing examination shall be a score of 75 percent or higher.

The commissioner shall not accept the scores of a person who has cheated on an examination. Cheating on a real estate appraiser examination shall be grounds for denying an application for an appraiser's license.



**2808.2100 EXAMINATION REQUIREMENTS.**

Subpart 1. **State real property appraiser examination.** To qualify for a license as a state real property appraiser, an applicant must pass a current uniform state residential real property appraiser (Level I) examination approved by the appraiser qualifications board. The examination must test the applicant's knowledge of appraisal terms, principles, theories, and ethics as provided in *Minnesota Statutes*, section 82B.12, and part 2808.7000.

Subp. 2. **Federal residential real property appraiser examination.** To qualify for a license as a federal residential real property appraiser, an applicant must pass a current uniform state residential real estate appraiser (Level I) examination approved by the appraiser qualifications board. The examination must test the applicant's knowledge of appraisal terms, principles, theories, and ethics as provided in *Minnesota Statutes*, section 82B.12, and part 2808.7000.

Subp. 3. **Certified federal residential real property appraiser examination.** To qualify for a license as a certified federal residential real property appraiser, an applicant must pass a current uniform state residential real estate appraiser (Level I) examination approved by the appraiser qualifications board. The examination must test the applicant's knowledge of appraisal terms, principles, theories, and ethics as provided in *Minnesota Statutes*, section 82B.12, and part 2808.7000.

Subp. 4. **Certified federal general real property appraiser examination.** To qualify for a license as a certified federal general real property appraiser, an applicant must pass a current uniform state general real estate appraiser (Level II) examination approved by the appraiser qualifications board. The examination must test the applicant's knowledge of appraisal terms, principles, theories, and ethics as provided in *Minnesota Statutes*, section 82B.12, and part 2808.7100.

**2808.2200 EXPERIENCE REQUIREMENTS.**

Subpart 1. **Verification of experience.** Each applicant for licensure as a real estate appraiser who is required to provide evidence of experience before licensing shall do so by affidavit on forms and in a manner prescribed by the commissioner.

Subp. 2. **Acceptable appraisal experience.** Acceptable appraisal experience includes, but is not limited to, fee and staff appraisal, ad valorem tax appraisal, review appraisal, appraisal analysis, real estate counseling, highest and best use analysis, feasibility analysis and study, and teaching appraisal courses. Teachers may request credit for either the classroom hour or experience requirement, but not both.

Subp. 3. **Education may not substitute.** Education, other than teaching, may not substitute for experience.

Subp. 4. **One year equivalent.** For purposes of this part, 1,000 cumulative hours constitutes one year of appraisal experience.

Subp. 5. **State real property appraiser.** To be eligible for licensure as a state real property appraiser, an applicant need not demonstrate evidence of experience in real estate appraising.

Subp. 6. **Federal residential real property appraiser.** To be eligible for licensure as a federal residential real property appraiser, an applicant must provide the commissioner with evidence of at least two years of experience in real estate appraising.

Subp. 7. **Certified federal residential real property appraiser.** To be eligible for licensure as a certified federal residential real property appraiser, an applicant must provide the commissioner with evidence of at least two years of experience in real estate appraising.

Subp. 8. **Certified federal general real property appraiser.** To be eligible for licensure as a certified federal general real property appraiser, an applicant must provide the commissioner with evidence of at least two years of experience in real estate appraising. At least 50 percent, or 1,000 hours, must be in nonresidential appraisal work.

**PRELICENSING EDUCATION****2808.3000 PRELICENSURE EDUCATION REQUIREMENTS.**

Subpart 1. **State real property appraiser.** To qualify for a license as a state real property appraiser, an applicant must provide evidence to the commissioner of successful completion of an approved course of prelicense education consisting of 60 classroom hours of instruction in appraisal principles and appraisal practices and 15 classroom hours of instruction in appraisal ethics and the uniform standards of professional appraisal practice. Applicants for licensure must demonstrate that their education involved coverage of all topics listed in part 2808.7200

Subp. 2. **Federal residential real property appraiser.** To qualify for a license as a federal residential real property appraiser, an applicant must provide evidence to the commissioner of successful completion of an approved course of prelicense education consisting

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## Proposed Rules

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of 60 classroom hours of instruction in appraisal principles and appraisal practices and 15 classroom hours of instruction in appraisal ethics and the uniform standards of professional appraisal practice. Applicants for licensure must demonstrate that their education involved coverage of all topics listed in part 2808.7200.

Each applicant is required to successfully complete all required coursework prior to taking a licensing examination.

Subp. 3. **Certified federal residential real property appraiser.** To qualify for a license as a certified federal residential real property appraiser, an applicant must provide evidence to the commissioner of successful completion of an approved course of prelicensing education consisting of 165 classroom hours of instruction in appraisal principles and appraisal practices, and include, at least, 15 classroom hours of instruction in appraisal ethics and the uniform standards of professional appraisal practice. Applicants for licensure must demonstrate that their education involved particular emphasis on the appraisal of one- to four-family residential units and included coverage of all topics listed in part 2808.7300.

Each applicant is required to successfully complete all required coursework prior to taking a licensing examination.

Subp. 3a. **Education requirement prior to January 1, 1994.** Prior to January 1, 1994, an approved course of prelicensing education for licensure as a certified federal residential real property appraiser shall consist of 105 classroom hours of instruction in appraisal principles and appraisal practices, and include, at least, 15 classroom hours of instruction in appraisal ethics and the uniform standards of professional appraisal practice. Applicants for licensure must demonstrate that their education involved an emphasis on the appraisal of one- to four-family residential units and included coverage of the topics listed in part 2808.7300.

Each applicant is required to successfully complete all required coursework prior to taking a licensing examination.

Subp. 4. **Certified federal general real property appraiser.** To qualify for a license as a certified federal general real property appraiser, an applicant must provide evidence to the commissioner of successful completion of an approved course of prelicensing education consisting of 165 classroom hours of instruction in appraisal principles and appraisal practices, and include, at least, 15 hours of instruction in appraisal ethics and the uniform standard of professional appraisal practice. Applicants must demonstrate that their education involved an emphasis on the appraisal of nonresidential properties and included coverage of the topics listed in part 2808.7400.

Each applicant is required to successfully complete all required coursework prior to taking a licensing examination.

Subp. 5. **Approval of course offerings.** Sponsors must submit their courses to the commissioner for approval at least 30 days prior to the date on which the course is to be held. Each application for approval of the instructor unless the instructor has already been approved. Applications must be submitted on forms prescribed by the commissioner.

Subp. 6. **Approval of subsequent offerings.** If approval has been granted for the initial offering of a course, approval for subsequent offerings shall be granted without requiring a new application if a "Notice of Subsequent Offering" is filed with the commissioner at least 30 days in advance of the date the course is to be held.

Subp. 7. **Approval of courses not submitted for approval.** Licensees may receive credit for courses attended which have not been submitted for approval by a coordinator. Requests for approval of these courses must be submitted on forms prescribed by the commissioner.

Subp. 8. **Successful completion of prelicensing education.** Successful completion of prelicensing education requires full-time classroom attendance throughout the course, completion of required assignments or reading materials, and passage of a written examination designated by the sponsor that is sufficiently comprehensive to measure the student's knowledge of all aspects of the course.

Subp. 9. **Additional course content.** Prelicensing courses may include coverage of subject matter not prescribed in this part; however, the subject matter must be presented in addition to, and may not be substituted for, the course content or hours specified in this part.

Subp. 10. **Textbooks.** Each real estate appraiser prelicensing course must require the use of a text or other written materials. Texts and materials must be approved by the commissioner prior to initiation of the course. The commissioner may also require the use of additional materials as appropriate to assure thorough coverage of the topic areas prescribed in this part.

Subp. 11. **Prelicensing education courses; access.** All prelicensing education course offerings shall be open to any interested individual. Access may be restricted by the sponsor based on class size only, not by membership in any group or on any other basis.

Subp. 12. **Fees.** Fees for courses shall be reasonable and clearly identified to students.

Reasonable discounts of tuition may be offered on the basis approved by the department in the course approval.

If a course is postponed for any reason, students shall be given the choice of attending the course at a later date or having their tuition refunded in full. The fees must be refunded within ten days of postponement unless the student has notified the sponsor that the student has chosen to attend the later course.

If a course is canceled for any reason, all fees shall be promptly refunded within ten days of cancellation.

A sponsor may have a refund policy addressing cancellation by students or student failure to complete a course, so long as the policy is clear to potential students.

Subp. 13. **Adequate facilities to be used.** Each course of study shall be conducted in a classroom or other facility that is conducive to learning and is adequate to comfortably accommodate the faculty and the number of students enrolled. The sponsor may limit the number of students enrolled in a course. Approved courses shall not be held on the premises of a real estate brokerage, appraisal firm, franchise, or affiliate thereof.

Subp. 14. **Limitation on use toward continuing education.** Prelicensing education courses may not be taken for credit toward continuing education requirements unless the student is currently licensed as a real estate appraiser and has not taken the same prelicensing education course within the prior five-year period.

#### **2808.3100 CERTIFICATION OF COURSE COMPLETION.**

Subpart 1. **Forms.** Applicants for real estate appraiser licensure must provide evidence of successful completion of all required prelicensing instruction at the time of license application.

Certification of successful course completion of prelicensing education must be provided on forms prescribed by the commissioner.

Subp. 2. **Certification after completion.** A certificate of prelicensing education course completion issued prior to the last scheduled class meeting for the course will not be accepted by the commissioner.

Subp. 3. **Records maintained.** Sponsors of real estate appraiser prelicensing education courses must maintain copies of all applicants' grades and attendance records on file for five years from the beginning date of the courses.

Grade and attendance records must be made available to the commissioner upon request.

Subp. 4. **Examinations maintained.** Sponsors of real estate appraiser prelicensing education courses must maintain a master copy of each course examination, answer key, course date, and instructor's name on file for two years from the date of completion of the course.

Examination files must be made available to the commissioner upon request.

#### **2808.3200 PRELICENSING EDUCATION COORDINATORS.**

Each course of real estate appraisal licensing education must have at least one coordinator, approved by the commissioner, who is responsible for supervising the education program and assuring compliance with the statutes and rules governing the offering of real estate appraisal education courses.

Part 2808.4100 constitutes the general requirements for real estate appraiser prelicensing education coordinators.

#### **2808.3300 PRELICENSING EDUCATION INSTRUCTORS.**

Subpart 1. **General requirement.** Each course of real estate appraisal prelicensing education must be taught by an instructor, approved by the commissioner, who is qualified by education, training, or experience to assure competent instruction. Failure to have only approved instructors teach at an approved prelicensing education offering will result in loss of course approval. If, after approval of a course, the instructor named in the application for course approval is unable to teach the course and there is insufficient time to obtain approval of a substitute instructor, credit for the parts of a course taught by an unapproved instructor may be obtained if the requirements in items A and B are met.

A. Within 15 business days after the course is taught by an unapproved instructor, a request for approval of the instructor is filed with the department. The request must be made on forms prescribed by the commissioner.

B. Notice of the use of an unapproved instructor must be given to all enrollees as soon as that fact is known and again prior to the commencement of the course. The notice must state that an instructor for this course is not an approved instructor as required by the Department of Commerce. If approval is not obtained:

(1) no credit may be earned for the course;

(2) a full refund will be given if the enrollee decides not to attend the course; and

(3) if the enrollee does attend the course and does not earn credit for the course, a refund will be automatically made. The refund will be made when the department's determination is made as to the disapproval of the substitute instructor.

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## Proposed Rules

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Subp. 2. **Instructor qualifications.** To qualify for approval by the commissioner, an instructor must meet the requirements in items A and B.

A. An instructor who teaches prelicensing education to persons seeking licensure as either state real property appraisers or federal residential real property appraisers must have completed 75 classroom hours of real estate appraiser education, have two years of full-time experience as a real estate appraiser within the preceding seven years, and be licensed as a real estate appraiser.

B. An instructor who teaches prelicensing education to persons seeking licensure as either certified residential real property appraisers or certified federal general real property appraisers must have completed 165 classroom hours of real estate appraiser education, have five years of full-time experience as a real estate appraiser within the previous seven years with at least 50 percent of the experience being in income property appraising, and be licensed as a certified residential real property appraiser or a certified federal general real property appraiser.

Subp. 3. **Responsibilities.** Approved instructors must:

- A. comply with all laws and rules pertaining to real estate appraiser prelicensing education;
- B. provide students with current and accurate information;
- C. maintain an atmosphere conducive to learning in a classroom; and
- D. provide assistance to the students and respond to questions relating to course material.

Subp. 4. **Waiver.** The commissioner may approve as an instructor an individual who through education, training, or experience possesses qualifications equivalent to those required by this part.

### REAL ESTATE APPRAISER CONTINUING EDUCATION

#### 2808.4000 GENERAL CONTINUING EDUCATION REQUIREMENTS.

Subpart 1. **Continuing education requirements.** To be eligible for continuous licensing, each real estate appraiser licensee is required to successfully complete 15 classroom hours of continuing education within the 12-month period immediately preceding license renewal.

Subp. 2. **Courses approved for continuing education credit.** Only courses which impart substantive and procedural knowledge relating to the real estate appraisal field will be approved for credit. The burden of demonstrating that courses impart substantive or procedural knowledge in the real estate appraisal field is on the person seeking approval or credit.

Credit will be granted for educational offerings that cover the real estate-related appraisal topics in part 2808.7400.

Subp. 3. **Courses not approved for continuing education.** Courses that include the following topics will not be approved for continuing education credit:

- A. courses designed to prepare students for a license examination, except as permitted by part 2808.3000, subpart 14;
- B. courses in mechanical office or business skills, including typing, speed-reading, or use of calculators or other machines or equipment;
- C. courses in sales promotion, including meetings held in conjunction with the general business of the licensee;
- D. courses in motivation, salesmanship, psychology, time management, or communication;
- E. courses related to office management or intended to improve the operation of the licensee's business;
- F. courses that can be completed by the student at home or outside the classroom without the supervision of an instructor approved by the Department of Commerce; or
- G. courses that do not otherwise offer substantive or procedural knowledge in the field of real estate appraisal as determined by the Department of Commerce.

Subp. 4. **Approval of course offerings.** Sponsors must submit their courses to the commissioner for approval at least 30 days before the date on which the course is to be held. Each application for approval of a course offering must be accompanied by the application for approval of the instructor unless the instructor has already been approved. Applications must be submitted on forms prescribed by the commissioner.

Subp. 5. **Approval of subsequent offerings.** If approval has been granted for the initial offering of a course, approval for subsequent offerings shall be granted without requiring a new application if a "Notice of Subsequent Offering" is filed with the commissioner at least 30 days in advance of the date the course is to be held.

Subp. 6. **Approval of continuing education courses not submitted for approval.** Licensees may receive continuing education credit for courses attended which have not been submitted for approval by a coordinator. Requests for approval of these courses must be submitted on forms prescribed by the commissioner.

Subp. 7. **Credit hours.** Credit toward satisfaction of continuing education requirements will only be granted where course offerings are at least one-half hour in length. The number of hours approved will only include time spent on educational activities.

Continuing education courses must be attended in their entirety in order for a licensee to receive full credit. Sponsors may not issue certificates of completion to students who have not attended a continuing education course in its entirety. Proportional credit may not be given for partial attendance at a continuing education course. Certificates of completion, however, may be issued to students who have completed the entire course even if the student did so by attending more than one offering of the course.

Upon completion of approved courses, students shall receive credit for the number of hours approved for the course based on one hour of credit for each classroom hour of attendance.

The approved instructor for a continuing education course shall earn 1-1/2 hours of continuing education credit for each classroom hour of instruction of approved continuing education courses.

Neither students nor instructors may earn continuing education credit for attending or instructing at any subsequent offering of the same continuing education course for three years after attending or teaching the course.

Subp. 8. **Examinations.** Course examinations will not be required for continuing education courses unless the sponsor requires an examination.

Subp. 9. **Textbooks.** Textbooks are not required for real estate appraiser continuing education courses. If textbooks are not used, students must be provided with a syllabus containing, at a minimum, the course title, the times and dates of the course offering, the names and addresses or telephone numbers of the course coordinator and instructor, and a detailed outline of the subject matter to be covered. A textbook or syllabus must be available for the use of each student during the course. Any printed material disbursed to the students must be of a readable quality. Any textbook required must contain accurate and current information relating to the subject being taught.

Subp. 10. **Continuing education courses; access.** Continuing education course offerings must be open to any interested individuals. Access may be restricted by the sponsor based on class size only, not on membership in any group or on any other basis.

Subp. 11. **Fees.** Fees for courses shall be reasonable and clearly identified to students.

Reasonable discounts of tuition may be offered.

If a course is canceled for any reason, all fees shall be promptly refunded within ten days of cancellation.

If a course is postponed for any reason, students shall be given the choice of attending the course at a later date or having their tuition refunded in full. Fees must be refunded within ten days of postponement unless the student has notified the sponsor that the student has chosen to attend the later course.

A sponsor may have a refund policy addressing cancellation by students or a student's failure to complete a course, as long as that policy is clear to potential students.

Subp. 12. **Adequate facility to be used.** Each course of study shall be conducted in a classroom or other facility that is conducive to learning and adequate to comfortably accommodate the faculty and the number of students enrolled. The sponsor may limit the number of students enrolled in a course. Approved courses shall not be held on the premises of a real estate brokerage, appraisal firm, franchise, or an affiliate thereof.

Subp. 13. **National examination preparatory course.** Courses offered in preparation for a recognized national appraisal organization accreditation examination shall be assigned continuing education credit hours in the same manner as other courses.

Subp. 14. **Extensions.** Upon appropriate showing of a bona fide financial or medical hardship, the commissioner shall extend, for up to 90 days, the time period during which the continuing education must be successfully completed. Loss of income from either attendance at courses or cancellation of a license is not a bona fide financial hardship.

Requests for extensions must be submitted in writing no later than June 1 of the year due and shall include an explanation with verification of the hardship, plus verification of enrollment at an approved course of study.

Subp. 15. **Waiver of continuing education classroom requirement.** If a licensee provides satisfactory documentation to the commissioner that the licensee is unable, and will continue to be unable, to attend actual classroom course work because of a physical handicap, medical condition, or similar reason, classroom attendance at continuing education courses shall be waived for a period not to exceed one year.

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## Proposed Rules

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The commissioner shall require that the individual read a sufficient number of real estate appraisal textbooks or listen to a sufficient number of real estate appraisal-related tapes as would be necessary for the licensee to satisfy the licensee's educational credit hour needs. The commissioner shall award the licensee credit hours for reading books or listening to tapes by determining how many credit hours would be granted to a classroom course involving the same material and giving the licensee the same number of credit hours.

The licensee may apply each year for a new waiver upon the same terms and conditions as were necessary to secure the original waiver. The commissioner may request the documentation of the condition upon which the request for waiver is based as shall be necessary to satisfy the commissioner of the existence of the condition and that the condition does preclude attendance at continuing education courses.

### **2808.4100 CONTINUING EDUCATION COURSE COORDINATOR.**

**Subpart 1. General requirement.** Each course of study shall have at least one coordinator, approved by the commissioner, who is responsible for supervising the program and assuring compliance with the statutes and rules governing the offering of real estate appraiser education courses. Assistants may be hired by the sponsor; however, the approved coordinator remains responsible for compliance with the laws.

**Subp. 2. Qualifications.** Course coordinators shall possess one of the following qualifications:

- A. a minimum of five years of experience during the immediately preceding five-year period as a full-time real estate appraiser;
- B. at least three years of practical experience during the immediately preceding five-year period in the administration of an education program; or
- C. a degree in education plus at least two years of practical real estate appraisal experience during the immediately preceding five-year period.

**Subp. 3. Applications; forms.** Applications for coordinator approval shall be submitted on forms prescribed by the commissioner.

**Subp. 4. Responsibilities.** The coordinator must:

- A. assure compliance with all laws and rules pertaining to real estate appraiser education;
- B. notify the commissioner of any material change in applications for course or instructor approval;
- C. assure that students are provided with current and accurate information;
- D. supervise and evaluate courses and instructors. The commissioner may request written evaluations of courses and/or instructors either by students or coordinators;
- E. investigate written complaints relating to course offerings and/or instructors, and forward a copy of the written complaints to the Department of Commerce;
- F. maintain accurate records relating to course offerings, instructors, and student attendance for a period of five years from the date the course was completed. If the coordinator leaves the employ of the sponsor, the records must be turned over to the replacement coordinator or an officer of the sponsor. If a sponsor ceases operation, the coordinator is responsible for maintaining the records or providing a custodian of the records acceptable to the commissioner. In order to be acceptable, custodians must agree to make copies of student records available to students at a reasonable fee. Under no circumstances will the commissioner act as custodian of the records;
- G. be available to instructors and students throughout the course offerings, and provide the name of the coordinator and a telephone number at which the coordinator can be reached; and
- H. provide students with a course completion certificate, on a form prescribed by the commissioner, within 30 days of completion of the course. However, a coordinator may require payment of the course tuition as a condition for receiving the course completion certificate.

### **2808.4200 CONTINUING EDUCATION INSTRUCTORS.**

**Subpart 1. General requirements.** Each course of real estate appraiser continuing education must be taught by an instructor who is qualified by education, training, or experience to ensure competent instruction. Failure to have only approved instructors teach at an approved continuing education offering will result in loss of course approval.

If, after approval of a course, the instructor named in the application for course approval is unable to teach the course and there is insufficient time to obtain approval of a substitute instructor, proportional credit will be given for those parts of the course taught by approved instructors.

Credit for the parts of a course taught by an unapproved instructor may be obtained if the requirements in items A and B are met.

A. Within 15 business days after the course is taught by an unapproved instructor, a request for approval of the instructor is filed with the department. The request must be made on forms prescribed by the commissioner.

B. Notice of the use of an unapproved instructor must be given to all enrollees as soon as that fact is known and again prior to the commencement of the course. The notice must state that an instructor for this course is not an approved instructor as required by the Department of Commerce. If approval is not obtained:

- (1) no credits or fewer credit hours may be earned for the course than the course was originally approved for;
- (2) a full refund will be given if the enrollee decides not to attend the course;

(3) if the enrollee does attend the course and does not earn the number of credit hours for which the course was originally approved, a refund will automatically be made in proportion to the reduction in credit hours earned. The refund will be paid when the department's determination is made as to the approval of the substitute instructor.

Subp. 2. **Instructor qualifications.** The provisions in items A to D apply to the approval and qualification of continuing education instructors. Continuing education instructors must have:

- A. a degree in any area plus two years of practical experience in the subject area being taught;
- B. five years of practical experience in the subject area being taught;
- C. a college or graduate degree in the subject area being taught; or

D. held an appraiser's license for three years or have three years of practical experience in the subject area being taught. These individuals shall also have completed at least 60 hours of approved continuing education in the subject area being taught.

Subp. 3. **Responsibilities.** Approved instructors must:

- A. comply with all laws and rules pertaining to real estate appraiser continuing education;
- B. provide students with current and accurate information;
- C. maintain an atmosphere conducive to learning in a classroom; and
- D. provide assistance to the students and respond to questions relating to course material.

Subp. 4. **Waiver.** The commissioner may approve as an instructor an individual who through education, training, or experience possesses qualifications equivalent to those required by this part.

Subp. 5. **Guest lecturers.** Guest lecturers who do not meet the requirements of subpart 2 may be used to teach up to one-third of any course, provided the guest lecturer possesses training or experience directly related to the particular subject matter covered in the course. Coordinators have the responsibility for assuring that the requirements of this subpart are met.

#### **GENERAL REQUIREMENTS FOR PRELICENSING AND CONTINUING EDUCATION**

##### **2808.5000 ADVERTISING OF COURSES.**

Subpart 1. **Truth in advertising.** Advertising of course offerings must be truthful and not deceptive or misleading. Courses may not be advertised in any manner as being approved unless approval has been granted, in writing, by the commissioner.

Subp. 2. **Approval statement.** No advertisement, pamphlet, circular, or other similar materials pertaining to an approved course offering may be circulated or distributed in this state unless one of the following statements is prominently displayed on the cover of the materials used to advertise education courses:

- A. for prelicense education courses, "This course has been approved by the Minnesota Commissioner of Commerce for (number) hours of real estate appraiser prelicensing education";
- B. for continuing education courses, "This course has been approved by the Minnesota Commissioner of Commerce for (number) hours of real estate appraiser continuing education."

Subp. 3. **Course hours approved.** The number of hours for which a course has been approved or for which approval is pending shall be displayed as provided in subpart 2 on any advertisement for the course. If a course offering involves attendance for a period that is longer than the number of hours of credit approved, the advertisement must clearly state that credit will not be earned for the entire course.

Subp. 4. **Advertising pending approval.** Upon submission of a request for prelicensing or continuing education course approval, a sponsor may also request permission to use the term "approval pending" in course advertisements. Upon receipt of the request, the

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## Proposed Rules

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commissioner will grant written permission for use of the term. When used, the words "approval pending" must be clearly visible in the advertisement.

Subp. 5. **Nonapproved courses to be distinguished.** Advertising of approved courses must be clearly distinguishable from the advertisement of other nonapproved courses and services.

### 2808.5100 MANDATORY NOTICE TO STUDENTS.

At the beginning of each approved real estate appraiser education offering, one of the following notices, as appropriate, shall be read to the students:

A. for prelicensing education courses, "This course has been approved by the Minnesota Commissioner of Commerce for (number) hours of real estate appraiser prelicensing education credit. If you have any comments about this offering, please provide them in writing to the Commissioner of Commerce, 133 East Seventh Street, Saint Paul, Minnesota 55101"; or

B. for continuing education courses, "This course has been approved by the Minnesota Commissioner of Commerce for (number) hours of real estate appraiser continuing education credit. If you have any comments about this offering, please provide them in writing to the Commissioner of Commerce, 133 East Seventh Street, Saint Paul, Minnesota 55101."

### 2808.5200 EDUCATION REPORTING REQUIREMENTS.

Subpart 1. **Requirement; forms.** Real estate appraiser education credit must be reported by the licensee on forms and in a manner prescribed by the commissioner.

Forms will not be accepted unless they reflect completion of all required hours. Licensees are encouraged to submit the appropriate forms as soon as they have completed the required hours of real estate appraiser education. Incomplete forms will be returned to the licensee.

Subp. 2. **Continuing education reporting deadlines.** Forms for reporting completion of continuing education requirements must be received by the commissioner no later than August 31 of the year due.

Forms submitted between June 15 and August 31 must be accompanied by the appropriate application and fees for license renewal. Forms that are personally submitted or postmarked no later than August 1 shall be considered timely received and the licensee shall be considered to be continuously licensed regardless of whether a renewed license is issued to the licensee before August 31. Persons who have failed to make a timely application for renewal of a license and who have not received the renewal license as of September 1 are unlicensed until the time the license has been issued by the commissioner and is received.

Forms submitted by mail must be addressed to Minnesota Department of Commerce, Licensing Unit, 133 East Seventh Street, Saint Paul, Minnesota 55101.

Subp. 3. **New licensees; waiver of reporting requirement.** Persons licensed for the first time on or after June 1 in any year shall not be subject to the continuing education requirements of *Minnesota Statutes*, section 82B.19, subdivision 1, until the next annual reporting period begins.

### 2808.5300 FALSIFICATION OF REPORTS.

A licensee or applicant found to have falsified a real estate appraiser education report to the commissioner shall be considered to have violated *Minnesota Statutes*, section 82B.13 or 82B.19, and shall be subject to suspension or revocation of the licensee's real estate appraiser license or denial of the applicant's application for licensing.

### 2808.5400 GENERAL POWERS OF COMMISSIONER.

Subpart 1. **Action against approval.** The commissioner may deny, censure, suspend, or revoke the approval of a coordinator, instructor, or course if any is determined not to be in compliance with the statutes or rules governing the offering of real estate appraiser education courses. The commissioner may also refuse to approve courses by specific sponsors if it is determined that past offerings have not been in compliance with real estate appraiser education laws and rules.

Subp. 2. **Right to audit.** The commissioner has the right to audit an education course offering with or without notice to the sponsor.

### 2808.5500 MANAGEMENT RESPONSIBILITY OF SPONSORS.

Sponsors of real estate appraisal education courses are responsible for the actions of the coordinators and instructors.

### 2808.5600 PROHIBITED PRACTICES FOR SPONSORS, COORDINATORS, AND INSTRUCTORS.

Subpart 1. **Prohibitions.** In connection with an approved course, sponsors, coordinators, and instructors shall not:

A. recommend or promote the services or practices of a particular real estate appraiser or appraisal firm, real estate brokerage, franchise, coordinator, instructor, or sponsor;



- B. encourage or recruit individuals to engage the services of, or become associated with, a particular real estate appraiser, appraisal firm, real estate brokerage, or franchise;
- C. use materials, clothing, or other evidence of affiliation with a particular real estate appraiser, appraisal firm, real estate brokerage, or franchise;
- D. require students to participate in other programs or services offered by the sponsor, coordinator, or instructor;
- E. take a Minnesota real estate appraiser licensing examination without the prior approval of the commissioner;
- F. attempt, either directly or indirectly, to discover questions or answers on a real estate appraiser licensing examination; or
- G. disseminate to any other person specific questions, problems, or information known or believed to be included in licensing examinations.

Subp. 2. **Notification of misconduct.** Coordinators and instructors must notify the commissioner within ten days after the occurrence of any of the following:

- A. a felony or gross misdemeanor conviction of or disciplinary action taken against the real estate appraiser license or other occupational license held by the coordinator or instructor, which may be grounds for denying or revoking instructor or coordinator approval; and
- B. any change of information contained in an application for approval as a coordinator or instructor.

### STANDARDS OF APPRAISER CONDUCT

#### 2808.6000 STANDARDS OF CONDUCT.

Subpart 1. **Compliance with the uniform standards of professional appraisal practice.** In addition to an act compelled or prohibited by *Minnesota Statutes*, chapter 82B, or this chapter, an appraiser must act in accordance with the standards of professional appraisal practice as defined in *Minnesota Statutes*, section 82B.02, subdivision 12.

Subp. 2. **Disclosure requirements.** In addition to the requirements of the standards of professional appraisal practice as defined by *Minnesota Statutes*, section 82B.02, subdivision 12, an appraiser must, prior to performing any appraisal service which requires licensing pursuant to *Minnesota Statutes*, chapter 82B, disclose in writing to the person contracting for the appraisal service the information identified in item D. In addition, an appraiser must prepare a written disclosure providing the information identified in items A to M. The written disclosure must be included as part of the final written appraisal report. As specified in this subpart, an appraiser must:

- A. disclose who has employed the appraiser;
- B. disclose who the appraisal is rendered for, if not the person who employed the appraiser;
- C. disclose the purpose of the appraisal, including an explanation of the difference between the appraisal being given and an appraisal of fee simple market valuation;
- D. disclose any conflict of interest or situation which might reasonably be perceived to be a conflict of interest which shall include, but not be limited to, the following situations:
  - (1) whether the appraiser has any ownership interest in the subject property or contiguous properties;
  - (2) whether there is an ownership interest by a spouse, parent, or child of the appraiser in the property or contiguous properties; and
  - (3) whether the appraiser has a continuing business relationship with one of the parties, for example, any part-time or full-time employment of the appraiser, spouse, children living at home, or dependent children.

Failure to promptly give notification of a conflict shall be considered a violation of the standards of professional appraisal practice;

- E. disclose that the appraisal is a reevaluation and identify the areas of difference between the two appraisals and the justification for the changes;
- F. disclose any facts concerning the valuation needed for loan purposes or similar information that was provided to the appraiser before or during the appraisal;

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## Proposed Rules

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G. disclose that the appraiser has not performed appraisals of the type requested or for the type of property to be appraised as a regular part of the appraiser's business in the preceding five-year period, provided that if the appraiser asserts qualification by training or related experience to perform the appraisal, the appraiser shall set forth the training or experience and how it is applicable to the appraisal;

H. disclose the license classification of the appraiser and the types of appraisals that the appraiser is authorized to conduct under the licensure;

I. disclose any lack of experience or training that would affect the ability of the appraiser to perform the appraisal or could cause rejection of the appraisal by the party requiring the appraisal;

J. disclose any appraisal on the same property made by the appraiser in the last three years;

K. disclose all pertinent assumptions upon which a valuation based upon income from the property is derived such as expected occupancy rates, rental rates, construction of future improvements, roads, or highways;

L. prior to performing the appraisal, disclose whether the appraiser has previously been to the property; and

M. disclose any other fact or circumstance that could bring the reliability of the appraisal or the impartiality of the appraiser into question.

Subp. 3. **Additional requirements.** In addition to the requirements of subparts 1 and 2, an appraiser must:

A. not knowingly make any of the following unacceptable appraisal practices:

(1) include inaccurate or misleading factual data about the subject neighborhood, site, improvements, or comparable sales;

(2) fail to comment on negative factors with respect to the subject neighborhood, subject property, or proximity of the subject property to adverse influences;

(3) unless otherwise disclosed in the appraisal report, use comparables in the valuation process that the appraiser has not at least personally inspected from the exterior by driving by them;

(4) select and use inappropriate comparable sales or fail to use comparables that are physically and by location the most similar to the subject property;

(5) use data, particularly comparable sales data, that was provided by parties who have a financial interest in the sale or financing of the subject property without the appraiser's verification of the information from a disinterested source. For example, it would be inappropriate for an appraiser to use comparable sales provided by the real estate broker who is handling the sale of the subject property, unless the appraiser verifies the accuracy of the data provided through another source and makes an independent investigation to determine that the comparables provided were the best ones available;

(6) use adjustments to the comparable sales that do not reflect the market's reaction to the differences between the subject property and the comparables, or fail to make adjustments when they are clearly indicated;

(7) develop a valuation conclusion that is based either partially or completely on factors identified in *Minnesota Statutes*, chapter 363, including race, color, creed, religion, sex, marital status, status with regard to public assistance, disability, familial status of the owner or occupants of nearby property, or national origin of either the prospective owners or occupants of the properties in the vicinity of the subject property; or

(8) develop a valuation conclusion that is not supported by available market data;

B. provide a resume, current within six months of the date it is provided, to anyone who employs the appraiser, indicating all professional degrees and licenses held by the appraiser;

C. prior to performing the appraisal, view the entire property, inside and out, as well as confirm the existence of any contiguous highways, buildings, or other factors that affect the valuation of the property; and

D. reject any request by the person who has employed the appraiser that is in conflict with the requirements of Minnesota law or this chapter and withdraw from the appraisal assignment if the employing party persists in the request.

Subp. 4. **Enforcement.** Failure to comply with the provisions of this part is a prohibited practice under *Minnesota Statutes*, section 82B.20, subdivision 2, clause (17).

**2808.7000 NATIONAL UNIFORM EXAMINATION CONTENT OUTLINE RESIDENTIAL REAL PROPERTY APPRAISER CLASSIFICATION (1-4 Units)**

	<b>% WEIGHT</b>	<b>LEVEL OF DIFFICULTY</b>
I. INFLUENCES ON REAL ESTATE VALUE	3-4%	Conceptual
A. Physical and Environmental		
B. Economic		
C. Governmental and Legal		
D. Social		
II. LEGAL CONSIDERATIONS IN APPRAISAL	6-8%	Conceptual, Definitions
A. Real estate vs. real property		
B. Real property vs. personal property		
C. Limitations on real estate ownership		
1. Private		
a. Deed restrictions		
b. Leases		
c. Mortgages		
d. Easements		
e. Liens		
f. Encroachments		
2. Public		
a. Police power		
(1) Zoning		
(2) Building and fire codes		
(3) Environmental regulations		
b. Taxation		
(1) Property tax		
(2) Special assessments		
c. Eminent domain		
d. Escheat		
D. Legal rights and interests		
1. Fee simple estate		
2. Life estate		
3. Leasehold interest		
4. Leased fee interest		
5. Other legal interests		
a. Easement		
b. Encroachment		
E. Forms of property ownership		
1. Individual		
2. Tenancies and undivided interests		
3. Special ownership forms		
a. Condominiums		
b. Cooperative		
c. Timesharing		
F. Legal descriptions		
1. Metes and bounds		
2. Government survey		
3. Lot and block		
G. Transfer of title		
1. Basic types of deeds		
2. Recordation		

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## Proposed Rules

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		<b>% WEIGHT</b>	<b>LEVEL OF DIFFICULTY</b>
III.	<b>TYPES OF VALUE</b>	3-5%	Conceptual, Definitions
	A. Market Value or Value in Exchange		
	B. Price		
	C. Cost		
	D. Investment Value		
	E. Value in Use		
	F. Assessed Value		
	G. Insurable Value		
IV.	<b>ECONOMIC PRINCIPLES</b>	7-9%	Conceptual, Definitions
	A. Anticipation		
	B. Balance		
	C. Change		
	D. Competition		
	E. Conformity		
	F. Contribution		
	G. Increasing and Decreasing Returns		
	H. Substitution		
	I. Supply and Demand		
	J. Surplus Productivity		
V.	<b>REAL ESTATE MARKETS AND ANALYSIS</b>	5-7%	Conceptual
	A. Characteristics of real estate markets		
	1. Availability of information		
	2. Changes in supply vs. demand		
	3. Immobility of real estate		
	4. Segmented markets		
	5. Regulations		
	B. Absorption analysis		
	1. Demographic data		
	2. Competition		
	3. Absorption		
	4. Forecasts		
	C. Role of money and capital markets		
	1. Competing investments		
	2. Sources of capital		
	D. Real estate financing		
	1. Mortgage terms and concepts		
	a. Mortgagor		
	b. Mortgagee		
	c. Principal and Interest		
	2. Mortgage payment plans		
	a. Fixed rate, level payment		
	b. Adjustable rate		
	c. Buydown		
	d. Other		
	3. Types of mortgages		
	a. Conventional		
	b. Insured		
VI.	<b>VALUATION PROCESS</b>	4-6%	Conceptual
	A. Definition of the problem		
	1. Purpose and use of appraisal		
	2. Interests to be appraised		
	3. Type of value to be estimated		
	4. Date of the value estimate		
	5. Limiting conditions		

## Proposed Rules

	% WEIGHT	LEVEL OF DIFFICULTY
<ul style="list-style-type: none"> <li>B. Collection and analysis of data               <ul style="list-style-type: none"> <li>1. National and regional trends</li> <li>2. Economic base</li> <li>3. Local area and neighborhood                   <ul style="list-style-type: none"> <li>a. Employment</li> <li>b. Income</li> <li>c. Trends</li> <li>d. Access</li> <li>e. Locational convenience</li> </ul> </li> <li>4. Site and improvements</li> </ul> </li> <li>C. Analysis of highest and best use</li> <li>D. Application and limitations of each approach to value               <ul style="list-style-type: none"> <li>1. Sales comparison</li> <li>2. Cost</li> <li>3. Income capitalization</li> </ul> </li> <li>E. Reconciliation and final value estimate</li> <li>F. The appraisal report</li> </ul>		
<p>VII. PROPERTY DESCRIPTION</p> <ul style="list-style-type: none"> <li>A. Site Description               <ul style="list-style-type: none"> <li>1. Utilities</li> <li>2. Access</li> <li>3. Topography</li> <li>4. Size</li> </ul> </li> <li>B. Improvement description               <ul style="list-style-type: none"> <li>1. Size</li> <li>2. Condition</li> <li>3. Utility</li> </ul> </li> <li>C. Basic construction and design               <ul style="list-style-type: none"> <li>1. Techniques and materials                   <ul style="list-style-type: none"> <li>a. Foundations</li> <li>b. Framing</li> <li>c. Finish (exterior and interior)</li> </ul> </li> <li>2. Functional utility</li> </ul> </li> </ul>	2-4%	Conceptual, Definitions
<p>VIII. HIGHEST AND BEST USE ANALYSIS</p> <ul style="list-style-type: none"> <li>A. Four tests               <ul style="list-style-type: none"> <li>1. Physically possible</li> <li>2. Legally permitted</li> <li>3. Economically feasible</li> <li>4. Maximally productive</li> </ul> </li> <li>B. Vacant site or as if vacant</li> <li>C. As improved</li> <li>D. Interim use</li> </ul>	5-7%	Conceptual, Definitions, Analysis/ Application
<p>IX. APPRAISAL STATISTICAL CONCEPTS</p> <ul style="list-style-type: none"> <li>A. Mean</li> <li>B. Median</li> <li>C. Mode</li> <li>D. Range</li> <li>E. Standard deviation</li> </ul>	1-3%	Conceptual, Analysis/ Application

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# Proposed Rules

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	% WEIGHT	LEVEL OF DIFFICULTY
X. SALES COMPARISON APPROACH	21-24%	Conceptual, Definitions, Analysis/ Application
A. Research and selection of comparables		
1. Data sources		
2. Verification		
3. Units of comparison		
a. Data sources		
b. Size		
(1) Square foot		
(2) Acres		
(3) Other		
c. Utility (examples only)		
(1) Rooms		
(2) Beds		
(3) Other		
B. Elements of comparison		
1. Property rights conveyed		
a. Leased fee/leasehold		
b. Easements		
c. Others		
2. Financing terms and cash equivalency		
a. Loan payment		
b. Loan balance		
3. Conditions of sale		
a. Arms length sale		
b. Personalty		
4. Market conditions at time of contract and closing		
5. Location		
6. Physical characteristics		
C. Adjustment process		
1. Sequence of adjustments		
2. Dollar adjustments		
3. Percentage adjustments		
4. Paired sales analysis		
D. Application of sales comparison approach		
XI. SITE VALUE	4-6%	Conceptual, Definitions, Analysis/ Application
A. Sales comparison		
B. Land residual		
C. Allocation		
D. Extraction		
E. Plottage and Assemblage		
XII. COST APPROACH	8-10%	Conceptual, Definitions, Analysis/ Application
A. Steps in cost approach		
1. Reproduction vs. replacement cost		
a. Comparative unit method		
b. Unit-in-place method		
c. Quantity survey method		
d. Cost service index		
2. Accrued depreciation		
a. Types of depreciation		
(1) Physical deterioration		
(a) Curable		
(b) Incurable		
(c) Short-lived		
(d) Long-lived		

	% WEIGHT	LEVEL OF DIFFICULTY
<ul style="list-style-type: none"> <li>(2) Functional obsolescence                             <ul style="list-style-type: none"> <li>(a) Curable</li> <li>(b) Incurable</li> </ul> </li> <li>(3) External obsolescence                             <ul style="list-style-type: none"> <li>(a) Locational</li> <li>(b) Economic</li> </ul> </li> <li>b. Methods of estimating depreciation                             <ul style="list-style-type: none"> <li>(1) Age-life method</li> <li>(2) Breakdown method and sequence of deductions</li> <li>(3) Market extraction of depreciation</li> </ul> </li> <li>B. Application of the cost approach</li> </ul>		
<p>XIII. INCOME APPROACH</p> <ul style="list-style-type: none"> <li>A. Estimation of income and expenses                             <ul style="list-style-type: none"> <li>1. Gross market income</li> <li>2. Effective gross income                                     <ul style="list-style-type: none"> <li>a. Vacancy</li> <li>b. Collection loss</li> </ul> </li> <li>3. Operating expenses                                     <ul style="list-style-type: none"> <li>a. Fixed expenses</li> <li>b. Variable expenses</li> <li>c. Reserve for replacements</li> </ul> </li> <li>4. Net operating income</li> </ul> </li> <li>B. Operating expense ratios</li> <li>C. Gross rent multiplier</li> </ul>	7-9%	Conceptual, Definitions, Analysis/ Application
<p>XIV. VALUATION OF PARTIAL INTERESTS</p> <ul style="list-style-type: none"> <li>A. Life estates</li> <li>B. Undivided interest in commonly held property</li> <li>C. Easements</li> <li>D. Timeshares</li> <li>E. Cooperatives</li> <li>F. Leased fee estate</li> <li>G. Leasehold estate</li> </ul>	1-3%	Conceptual, Definitions
<p>XV. APPRAISAL STANDARDS AND ETHICS</p>	7-11%	Conceptual, Definitions
<p><b>2808.7100 NATIONAL UNIFORM EXAMINATION CONTENT OUTLINE GENERAL REAL PROPERTY APPRAISER CLASSIFICATION</b></p>		
<p>I. INFLUENCES ON REAL ESTATE VALUE</p> <ul style="list-style-type: none"> <li>A. Physical and Environmental</li> <li>B. Economic</li> <li>C. Governmental and Legal</li> <li>D. Social</li> </ul>	2-3%	Conceptual
<p>II. LEGAL CONSIDERATIONS IN APPRAISAL</p> <ul style="list-style-type: none"> <li>A. Real estate vs. real property</li> <li>B. Real property vs. personal property                             <ul style="list-style-type: none"> <li>1. Fixtures</li> <li>2. Trade Fixtures</li> <li>3. Machinery and equipment</li> </ul> </li> </ul>	7-8%	Conceptual, Definitions

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# Proposed Rules

	% WEIGHT	LEVEL OF DIFFICULTY
C. Limitations on real estate ownership		
1. Private		
a. Deed restrictions		
b. Leases		
c. Mortgages		
d. Easements		
e. Liens		
f. Encroachments		
2. Public		
a. Police power		
(1) Zoning		
(2) Building and fire codes		
(3) Environmental regulations		
b. Taxation		
(1) Property tax		
(2) Special assessments		
c. Eminent domain		
d. Escheat		
D. Legal rights and interests		
1. Fee simple estate		
2. Life estate		
3. Leasehold interest		
4. Leased fee interest		
5. Other legal interests		
a. Easement		
b. Encroachment		
E. Forms of property ownership		
1. Individual		
2. Tenancies and undivided interests		
3. Special ownership forms		
a. Condominiums		
b. Cooperative		
F. Legal descriptions		
1. Metes and bounds		
2. Government survey		
3. Lot and block		
G. Transfer of title		
1. Basic types of deeds		
2. Recordation		
III. TYPES OF VALUE	2-3%	Conceptual, Definitions
A. Market Value or Value in Exchange		
B. Price		
C. Cost		
D. Investment Value		
E. Value in Use		
F. Assessed Value		
G. Insurable Value		
H. Going Concern Value		
IV. ECONOMIC PRINCIPLES	3-5%	Conceptual, Definitions
A. Anticipation		
B. Balance		
C. Change		
D. Competition		
E. Conformity		



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**Proposed Rules**

	<b>% WEIGHT</b>	<b>LEVEL OF DIFFICULTY</b>
F. Contribution		
G. Increasing and Decreasing Returns		
H. Opportunity Cost		
I. Substitution		
J. Supply and Demand		
K. Surplus Productivity		
V. REAL ESTATE MARKETS AND ANALYSIS	5-7%	Conceptual, Analysis/ Application
A. Characteristics of real estate markets		
1. Availability of information		
2. Changes in supply vs. demand		
3. Immobility of real estate		
4. Segmented markets		
5. Regulations		
B. Absorption analysis		
1. Demographic data		
2. Competition		
3. Absorption		
4. Forecasts		
5. Existing space inventory		
6. Current and projected space surplus		
7. New space		
C. Role of money and capital markets		
1. Competing investments		
2. Sources of capital		
D. Real estate financing		
1. Mortgage terms and concepts		
a. Mortgagor		
b. Mortgagee		
c. Principal and Interest		
2. Mortgage payment plans		
a. Fixed rate, level payment		
b. Adjustable rate		
c. Buydown		
d. Other		
3. Types of mortgages		
a. Conventional		
b. Insured		
VI. VALUATION PROCESS	2-4%	Conceptual
A. Definition of the problem		
1. Purpose and use of appraisal		
2. Interests to be appraised		
3. Type of value to be estimated		
4. Date of the value estimate		
5. Limiting conditions		
B. Collection and analysis of data		
1. National and regional trends		
2. Economic base		
3. Local area and neighborhood		
a. Employment		

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# Proposed Rules

	% WEIGHT	LEVEL OF DIFFICULTY
<ul style="list-style-type: none"> <li>b. Income</li> <li>c. Trends</li> <li>d. Access</li> <li>e. Locational convenience</li> <li>4. Site and improvements</li> </ul>		
C. Analysis of highest and best use		
D. Application and limitations of each approach to value		
<ul style="list-style-type: none"> <li>1. Sales comparison</li> <li>2. Cost</li> <li>3. Income capitalization</li> </ul>		
E. Reconciliation and final value estimate		
F. The appraisal report		
<b>VII. PROPERTY DESCRIPTION</b>	2-4%	Conceptual, Definitions
A. Site Description		
<ul style="list-style-type: none"> <li>1. Utilities</li> <li>2. Access</li> <li>3. Topography</li> <li>4. Size</li> </ul>		
B. Improvement description		
<ul style="list-style-type: none"> <li>1. Size</li> <li>2. Condition</li> <li>3. Utility</li> </ul>		
C. Basic construction and design		
<ul style="list-style-type: none"> <li>1. Techniques and materials               <ul style="list-style-type: none"> <li>a. Foundations</li> <li>b. Framing</li> <li>c. Finish (exterior and interior)</li> <li>d. Mechanical</li> </ul> </li> <li>2. Functional utility</li> </ul>		
<b>VIII. HIGHEST AND BEST USE ANALYSIS</b>	5-7%	Conceptual, Definitions, Analysis/ Application
A. Four tests		
<ul style="list-style-type: none"> <li>1. Physically possible</li> <li>2. Legally permitted</li> <li>3. Economically feasible</li> <li>4. Maximally productive</li> </ul>		
B. Vacant site or as if vacant		
C. As improved		
D. Interim use		
<b>IX. APPRAISAL MATH AND STATISTICS</b>	3-5%	Conceptual, Analysis/ Application
A. Compound interest concepts		
<ul style="list-style-type: none"> <li>1. Future value of \$1</li> <li>2. Present value of \$1</li> <li>3. Future value of an annuity of \$1 per period</li> <li>4. Present value of an annuity of \$1 per period</li> <li>5. Sinking fund factor</li> <li>6. Installment to amortize \$1 (loan constant)</li> </ul>		
B. Statistical concepts used in appraisal		
<ul style="list-style-type: none"> <li>1. Mean</li> <li>2. Median</li> <li>3. Mode</li> <li>4. Range</li> <li>5. Standard deviation</li> </ul>		

	<b>% WEIGHT</b>	<b>LEVEL OF DIFFICULTY</b>
<p>X. SALES COMPARISON APPROACH</p> <p>A. Research and selection of comparables</p> <ol style="list-style-type: none"> <li>1. Data sources</li> <li>2. Verification</li> <li>3. Units of comparison                             <ol style="list-style-type: none"> <li>a. Income                                     <ol style="list-style-type: none"> <li>(1) Potential gross income multiplier</li> <li>(2) Effective gross income multiplier</li> <li>(3) Overall rate</li> </ol> </li> <li>b. Size                                     <ol style="list-style-type: none"> <li>(1) Square foot</li> <li>(2) Acres</li> <li>(3) Other</li> </ol> </li> <li>c. Utility (examples only)                                     <ol style="list-style-type: none"> <li>(1) Motel and apartment units</li> <li>(2) Theater seats</li> <li>(3) Other</li> </ol> </li> </ol> </li> </ol> <p>B. Elements of comparison</p> <ol style="list-style-type: none"> <li>1. Property rights conveyed                             <ol style="list-style-type: none"> <li>a. Easements</li> <li>b. Leased fee/Leasehold</li> <li>c. Mineral rights</li> <li>d. Others</li> </ol> </li> <li>2. Financing terms and cash equivalency                             <ol style="list-style-type: none"> <li>a. Loan payment</li> <li>b. Loan balance</li> </ol> </li> <li>3. Conditions of sale                             <ol style="list-style-type: none"> <li>a. Arms length sale</li> <li>b. Personalty</li> </ol> </li> <li>4. Market conditions at time of contract and closing</li> <li>5. Location</li> <li>6. Physical characteristics</li> <li>7. Tenant improvements</li> </ol> <p>C. Adjustment process</p> <ol style="list-style-type: none"> <li>1. Sequence of adjustments</li> <li>2. Dollar adjustments</li> <li>3. Percentage adjustments</li> <li>4. Paired sales analysis</li> </ol> <p>D. Application of sales comparison approach</p>	<p>10-12%</p>	<p>Conceptual, Definitions, Analysis/ Application</p>
<p>XI. SITE VALUE</p> <ol style="list-style-type: none"> <li>A. Sales comparison</li> <li>B. Land residual</li> <li>C. Allocation</li> <li>D. Extraction</li> <li>E. Ground rent capitalization</li> <li>F. Subdivision analysis                             <ol style="list-style-type: none"> <li>1. Development cost: direct and indirect</li> <li>2. Contractor's overhead and profit</li> <li>3. Forecast absorption and gross sales</li> </ol> </li> </ol>	<p>3-5%</p>	<p>Conceptual, Definitions, Analysis/ Application</p>

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## Proposed Rules

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	% WEIGHT	LEVEL OF DIFFICULTY
4. Timeshares		
5. Cooperatives		
XV. APPRAISAL STANDARDS AND ETHICS	7-11%	Conceptual, Definitions

### **2808.7200 CERTIFIED STATE AND FEDERAL REAL PROPERTY APPRAISER INITIAL EDUCATION.**

Various appraisal courses may be credited toward the 75 classroom hour education requirement. Applicants must demonstrate that their education involved coverage of all topics listed below with particular emphasis on the appraisal of one to four unit residential properties:

- A. influences on real estate value;
- B. legal considerations in appraisal;
- C. types of value;
- D. economic principles;
- E. real estate markets and analysis;
- F. valuation process;
- G. property description;
- H. highest and best use analysis;
- I. appraisal statistical concepts;
- J. sales comparison approach;
- K. site value;
- L. cost approach;
- M. income approach;
  - (1) gross rent multiplier analysis;
  - (2) estimation of income and expenses; and
  - (3) operating expense ratios;
- N. valuation of partial interests; and
- O. appraisal standards and ethics.

### **2808.7300 CERTIFIED FEDERAL RESIDENTIAL REAL PROPERTY APPRAISER INITIAL EDUCATION.**

Various appraisal courses may be credited toward the 165 classroom hour education requirement. Applicants must demonstrate that their education involved coverage of all topics listed below with particular emphasis on the appraisal of one to four unit residential properties:

- A. influences on real estate value;
- B. legal considerations in appraisal;
- C. types of value;
- D. economic principles;
- E. real estate markets and analysis;
- F. valuation process;
- G. property description;
- H. highest and best use analysis;
- I. appraisal statistical concepts;
- J. sales comparison approach;
- K. site value;
- L. cost approach;

- M. income approach;
  - (1) gross rent multiplier analysis;
  - (2) estimation of income and expenses;
  - (3) operating expense ratios; and
  - (4) direct capitalization;
- N. valuation of partial interests;
- O. appraisal standards and ethics; and
- P. narrative report writing.

**2808.7400 CERTIFIED FEDERAL GENERAL REAL PROPERTY APPRAISER INITIAL EDUCATION.**

Various appraisal courses may be credited toward the 165 classroom hour education requirement. Applicants must demonstrate that their education included coverage of all topics listed below with particular emphasis on the appraisal of one to four unit residential properties:

- A. influences on real estate value;
- B. legal considerations in appraisal;
- C. types of value;
- D. economic principles;
- E. real estate markets and analysis;
- F. valuation process;
- G. property description;
- H. highest and best use analysis;
- I. appraisal math and statistics;
- J. sales comparison approach;
- K. site value;
- L. cost approach;
- M. income approach;
  - (1) estimation of income and expenses;
  - (2) operating statement ratios;
  - (3) direct capitalization;
  - (4) cash flow estimates;
  - (5) measures of cash flow; and
  - (6) discounted cash flow analysis;
- N. valuation of partial interests;
- O. appraisal standards and ethics; and
- P. narrative report writing.

**REPEALER.** *Minnesota Rules*, part 2808.3000, subpart 3a, is repealed on January 1, 1994. *Minnesota Rules*, part 2808.3000, subpart 7, is repealed on December 1, 1995.

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## **Department of Human Services**

### **Proposed Permanent Rules Relating to Public Guardianship for Persons with Mental Retardation**

#### **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 Building, Rooms 3-E and 3-F, 444 Lafayette Road, St. Paul, MN 55155 on November 16, 1992 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 Jon Lunde, Administrative Law Judge, Office of Administrative Hearings, 100 Washington Square #1700, Minneapolis, Minnesota 55401-2138; telephone (612) 341-7645, 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. Any written material or responses must be received at the office no later than 4:30 p.m. on the final day. 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 five business days to respond in writing to any new information submitted during the comment period. During the five-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 five-day period. Any written material or responses must be received at the office no later than 4:30 p.m. on the final day. The written responses shall be added to the rulemaking record. 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*, section 14.14 to 14.20 and by *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

*Minnesota Rules*, parts 9525.3010 to 9525.3100 establish standards for counties providing public guardianship services to adults with mental retardation. Parts 9525.3010 to 9525.3100 specify the powers and duties of a public guardian or conservator, establish criteria governing consent to the use of psychotropic medications and the use of aversive and deprivation procedures, and specify exceptions to the public guardian's power to consent to medical procedures. Parts 9525.3010 to 9525.3100 incorporate relevant private guardianship requirements contained in *Minnesota Statutes*, sections 525.539 to 525.705.

The agency's authority to adopt the proposed rules is contained in *Minnesota Statutes*, section 252A.21, subdivision 2.

The adoption of this rule will increase aggregate local public body spending by over \$100,000 in either of the first two years following the rule's adoption. See the fiscal note attached to this notice which contains the Department's reasonable estimate of the total cost to all local public bodies on the state to implement the rule for the two years immediately following adoption of the rule.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Laura Plummer Zrust, Department of Human Services, Rules and Bulletins Division, 444 Lafayette Road, St. Paul, MN 55155-3816, (612) 297-1217. 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 Laura Plummer Zrust, Rules and Bulletins Divisions at the above address or phone number.

**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 indicate 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. The notice must be mailed on the same day the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the agency at any time prior to the filing of the rules 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.

Lobbyists must register with the State Ethical Practices Board. Questions should be directed to the Ethical Practices Board, 1st Floor, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, (612) 296-5148.

Natalie Haas Steffen  
Commissioner

**Fiscal Note**

**I. INTRODUCTION**

This fiscal note projects the fiscal impact of proposed *Minnesota Rules*, parts 9525.3010 to 9525.3100, on state and local agencies. It should be noted at the outset that in completing the cost survey discussed in part IV, local agencies identified costs directly related to the implementation of *Minnesota Statutes*, chapter 252A. Chapter 252A was amended in the 1992 session to delete the requirement that the roles of public guardian and case manager be performed by separate county staff. Accordingly, the costs as originally reported by counties has been reduced significantly. This fiscal note distinguishes those costs related to the statutory requirements from those costs directly attributable to parts 9525.3010 to 9525.3100. Costs attributable to *Minnesota Statutes*, chapter 252A are discussed in part V, subpart A. Costs attributable to parts 9525.3010 to 9525.3100 are identified and discussed in part V, subpart B. For purposes of determining fiscal impact of the proposed rule, this fiscal note focuses solely on those costs directly attributable to parts 9525.3010 to 9525.3100.

**II. FISCAL IMPACT**

**A. FISCAL IMPACT OF PROPOSED RULE**

	Local Costs	State Costs
Year One	\$203,408	\$180,000
Year Two	\$203,408	\$180,000
TOTAL	\$406,816	\$360,000

**B. FISCAL IMPACT OF MINNESOTA STATUTES, CHAPTER 252A ON LOCAL AGENCIES**

TOTAL: \$582,369 per year

Note: See part IV for methodology and part V for treatment of individual statutory and rule costs.

**III. BACKGROUND INFORMATION ON THE PROPOSED RULE AND FUNDING SOURCES**

**1. Purpose of the Rule**

The purpose of rule parts 9525.3010 to 9525.3100 (Rule 175) is to:

- (1) establish minimum standards that govern county provision of public guardianship services to persons with mental retardation;
- (2) distinguish the role of public guardian from the role of case manager in the areas of screening and service planning under *Minnesota Statutes*, section 256B.092, and consent determination for aversive and deprivation procedures and psychotropic medications;
- (3) specify the powers and duties of a public guardian or conservator required by *Minnesota Statutes*, chapter 252A;
- (4) incorporate statutorily relevant requirements from the private guardianship law under *Minnesota Statutes*, sections 525.539 to 525.705;
- (5) establish criteria governing consent to the use of aversive and deprivation procedures; and
- (6) specify exceptions to the public guardianship power to consent to medical procedures including sterilization, electroconvulsive therapy, psychosurgery, experimental treatment, research, limited treatment plans, and "do not resuscitate" orders.

**2. Statutory Authority for the Rule**

*Minnesota Statutes*, chapter 252A.

**3. Reasons for Adoption of the Rule**

Rule adoption is necessary to implement *Minnesota Statutes*, chapter 252A. *Minnesota Statutes*, § 252A.21, subdivision 2, requires the commissioner to adopt rule which implements the statute. Subdivision 2 specifically requires that the rules must include standards for performance of guardianship or conservatorship duties, including, but not limited to: twice a year visits to the ward; quarterly reviews of records from day, residential and support services; specific standards for action on "do not resuscitate" orders, sterilization requests, and the use of aversive and deprivation procedures. *Laws of Minnesota* 1992, Chapter 456, require the Department to publish the rules in proposed form within 90 days of the August 1 effective date of the legislation.

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## Proposed Rules

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### 4. Availability of Funds

No specific funding was appropriated by the Legislature for public guardianship services. Public guardianship services may be funded through Title XX, CSSA Block Grant funds and/or local revenue sources. Specific funding sources to be targeted for guardianship services is a local agency decision.

### 5. Projected State and Local Costs

#### A. State Costs.

Public guardianship services mandated by *Minnesota Statutes*, chapter 252A and proposed *Minnesota Rules*, parts 9525.3010 to 9525.3100, are delegated by the commissioner to the local agencies. All guardianship functions are delegated to the local agencies except for the following areas in which the Department retains final authority: (1) consent for "do not resuscitate" orders; (2) consent to limited medical treatment; (3) consent to the ward's participation in research; and (4) consent to temporary care placement. Further, recommendation by the Department as well as a court order are required for sterilization, electroconvulsive therapy, psychosurgery and experimental treatment.

Under parts 9525.3010 to 9525.3100, the Department is required to provide technical assistance to counties in their provision of guardianship services as well as to retain administrative and consent authority in certain specified areas. The Legislature previously authorized two full-time equivalent staff for the Guardianship Unit. However, the Department has found that additional staff resources have been necessary in order to perform all of the responsibilities required. Consequently, the Department in the past has adjusted staff resources to meet these needs.

The Department projects that adoption of parts 9525.3010 to 9525.3100 will require increased staff resources equal to two full-time equivalent professional staff persons and one full-time support staff. This is based on the fact that the administrative functions of the Department will increase significantly once counties are implementing the rule requirements. Therefore, the projected fiscal impact is \$180,000 in each of the first two years. These costs are directly attributable to the salary and overhead costs for the above-referenced guardianship staff positions necessary for the administration of parts 9525.3010 to 9525.3100.

#### B. Local Costs.

Additional local costs with the adoption of this rule are estimated to be approximately \$200,000 per year. Historically, public guardianship services have been provided through a state supervised, county administered program. Parts 9525.3010 to 9525.3100 continue to delegate responsibility for provision of public guardianship services to the local agencies consistent with current and past practice. Parts 9525.3010 to 9525.3100 do not change the current structure, but rather clarify specific county responsibilities. Specific costs for performance of these functions are identified in part V of this fiscal note.

## IV. METHODOLOGY USED IN DETERMINING COSTS UNDER NEW RULE

The Department in Request Bulletin No. 91-60A, requested all 87 county agencies to review a draft of proposed Rule 175 and to identify additional agency costs directly attributable to the rule by specific rule part.

Use of the request bulletin afforded counties an opportunity to provide fiscal information to the Department on the cost of the rule. Identification of additional costs by specific rule part permitted to the Department to reexamine proposed rule parts to determine if less costly alternatives were available to achieve the objective.

Sixty-one counties responded to the survey. Of the reporting counties, a number of counties did not identify costs attributable to specific rule parts, but indicated that compliance with Rule 175 would result in additional costs or additional staffing. As indicated in part V, those counties which did not supply costs specific to a given rule part were treated as non-reporting counties for purposes of that rule part. Six counties reported that the proposed rule would have no fiscal impact on their agency.

The majority of counties reporting identified costs attributable to *Minnesota Statutes*, chapter 252A. Specifically, costs identified as being attributable to the statute included:

(1) Additional staffing needed to comply with the requirement under section 252A.21, subdivision 2, that the duties of guardianship or conservatorship and case manager can not be performed by the same person. As noted in the introduction, this requirement was deleted by the 1992 amendments. Therefore, costs identified by counties as directly attributable to the hiring of additional staff to perform the separate guardianship function have been deleted from the determination of local costs for purposes of this fiscal note.

(2) Performance of powers and duties required by section 252A.111;

(3) Annual reviews required by section 252A.16; and

(4) Quarterly reviews required under section 252A.21, subdivision 2.

Specific statutory costs are identified and discussed in part V below.



Costs identified by the counties as being directly attributable to the rule parts included:

- (1) Consent to the use of aversive and deprivation procedures (part 9525.3045);
- (2) Consent to the use of psychotropic medications (part 9525.3050);
- (3) Nondelegated consents (parts 9525.3055 and 9525.3060);
- (4) Maintenance of records (part 9525.3060); and
- (5) Training for guardians (parts 9525.3095).

Other additional costs identified included primarily administrative and overhead costs such as travel, mileage, meals, lodging and office space. Specific rule costs are identified and discussed in part V below.

To adjust total costs to account for the counties that did not respond to the survey, the Department used the ratio of the number of wards per county in each of the nonreporting counties to the total number of public wards in the state; i.e. 5,662 wards. The sixty-one reporting counties serve approximately 85 percent of the public wards. Therefore, reported costs were adjusted to provide an estimate of 100 percent of the costs had all counties responded to the survey, by multiplying the obtained average cost per ward for each rule part by the additional 15 percent of wards not represented by the survey results; i.e. 850 wards.

Finally, there was considerable variation in costs reported by counties. Accordingly, after careful analysis of the reported data, costs which were determined to be excessive as compared to other counties with the same or similar numbers of wards, were adjusted based on the overall average cost per ward reported for all counties. The overall average cost per ward was obtained by averaging actual costs reported by all reporting counties for each rule part. This average included county costs which were quite excessive, thereby likely inflating the overall average for some rule parts. For purposes of this fiscal note and to allow for variation in the needs of ward from county to county, county costs were determined to be excessive and adjusted based on number of wards if their reported costs exceeded the overall average cost per ward by 200% or more.

#### V. TREATMENT OF INDIVIDUAL COST ITEMS

##### A. Statutory Costs.

1. *Minnesota Statutes*, § 252A.111: **Powers and Duties of Public Guardian = \$85,553**

Thirty-four of the sixty-one reporting counties identified additional costs for performing the powers and duties required by statute totalling \$85,553. The remaining 27 reporting counties reported zero costs attributable *Minnesota Statutes*, section 252A.111.

2. *Minnesota Statutes*, § 252A.16: **Annual Reviews** and *Minnesota Statutes*, § 252A.21: **Quarterly Reviews = \$496,816**

The sixty-one reporting counties identified additional costs for staff time in completing annual and quarterly reviews totalling \$496,816. The average cost per ward for annual and quarterly reviews was \$103 per ward.

Costs identified in item 1 to 3 above reflect actual numbers reported by counties. Notwithstanding that a number of reported costs were significantly excessive based on the number of wards per county, this data has not been adjusted since it is not included in the projected fiscal impact of the rule.

##### B. Rule Costs.

1. Part 9525.3045: **Consent to Aversive and Deprivation Procedures = \$28,941**

The sixty-one reporting counties identified additional costs attributable to the consent to aversive and deprivation procedures totalling \$71,371. The average cost per ward was \$15. Based on the number of wards per county, costs reported by seven counties were determined to be excessive and were adjusted based on the average cost per ward. With these adjustments, the costs totalled \$45,133. If the cost estimates represent 85 percent of the total costs to all counties, 100 percent equals \$57,883.

Procedures governing consent to the use of aversive and deprivation procedures are governed by an existing Department rule, *Minnesota Rules*, parts 9525.2700 to 9525.2810 (Rule 40). Therefore, costs attributed to these consents are directly attributable to another rule and can not be characterized as a new cost. However, Rule, 40 applies only to those persons with mental retardation or related conditions who are served in or by a program licensed by the commissioner under *Minnesota Statutes*, chapter 245A (the Human Services Licensing Act) and section 252.88, subdivision 2. Consequently, Rule 40 does not protect all wards since all wards are not necessarily served by a program licensed by the Commissioner of Human Services. Accordingly, part 9525.3045 also requires compliance with federal regulations governing consent to the use of aversive and deprivation procedures. Therefore, these costs may

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## Proposed Rules

be considered new costs. It was determined that half of the costs could reasonably be attributed to this rule as new costs. The total projected cost then equals \$28,941.

2. Part 9525.3050: **Consent to Psychotropic Medications** = \$62,866

The sixty-one reporting counties identified additional costs attributable to part 9525.3050 in the amount of \$76,705. The average cost per ward was \$16. Based on the number of wards per county, costs reported by eight counties were 200% or more above the overall average cost per ward and were adjusted based on the average. The adjusted total equalled \$49,266. If the costs estimates represent 85% of the total costs to all counties, 100 percent equals \$62,866.

3. Part 9525.3055: **Nondelegated consents** = \$11,587

The sixty-one reporting counties identified additional costs attributable to part 9525.3055 totalling \$12,217. Many of the reporting counties identified minimal or zero costs based on the low incidence of requests in this area. The average cost per ward was \$3. Based on the number of wards per county, costs reported by five counties were determined to be excessive and were adjusted on the average cost per ward. Adjusted costs equalled \$9,037. If the cost estimates represent 85 percent of the total costs to counties, 100 percent equals \$11,587.

4. Part 9525.3070, subpart 2: **Maintenance of records** = \$51,314

The sixty-one reporting counties identified additional costs attributable to part 9525.3070, subpart 2 in the amount of \$78,472. The average cost per ward was \$16. Based on the number of wards per county, ten counties were determined to be excessive and their costs adjusted based on the overall average cost per ward. Cost adjustments were particularly necessary due to the fact that a number of these counties identified costs for setting up new filing and record-keeping systems, which are not required by the rule. In fact, part 9525.3070, subpart 2 specifically states that a separate guardianship record is not required. Therefore, while the Department recognizes that some costs are related to the record-keeping requirement, costs identified for establishing completely new systems can not be totally attributed to the rule part. Therefore, the adjusted costs equalled \$37,714. If the cost estimates represent 85% of the total costs to all counties, 100 percent equals \$51,314.

5. Part 9525.3095 **Guardianship Training** = \$48,700

The sixty-one reporting counties identified additional costs attributable to part 9525.3095 totalling \$67,038. The average cost per ward was \$14. Based on the number of wards per county, costs reported by 11 counties were determined to be excessive and were adjusted based on the average overall cost per ward. Adjusted costs totalled \$36,800. If the cost estimates represent 85% of the total costs to all counties, 100 percent equals \$48,700.

Last, based on the results of the cost survey, a provision originally contained in the draft rule has been eliminated. Draft part 9525.3070, subpart 3 required the counties to establish and maintain an on-call system for emergencies during non-office hours. Survey data revealed that the incidence of such emergencies was very low; the average time spent by county staff on emergencies per ward was 12 minutes. The majority of reporting counties indicated that either they already have this type of procedure in place or that due to the low incidence such a system is unnecessary. Further, only five counties indicated significant costs attributable to this rule part. However, these costs did total \$69,703. Based on the low incidence in addition to the fact that community emergency alternatives such as the 911 system are available for true emergencies, the Department determined that projected costs attributable to this rule could be decreased by eliminating this rule requirement.

6. **Total Projected Rule Costs:**

<u>Rule part</u>	<u>Requirement</u>	<u>Cost</u>
9525.3045	Aversive and Deprivation	\$ 28,941
9525.3050	Psychotropic medications	\$ 62,866
9525.3055 and 9525.3060	Nondelegated consents	\$ 11,587
9525.3070	Record maintenance	\$ 51,314
9525.3095	Training	\$ 48,700
<u>TOTAL</u>		\$203,408

SUMMARY

Projected additional costs attributable to the rule parts equal \$203,408 for each of the two years following adoption of this rule.

Dated: 25 September 1992

Natalie Haas Steffen, Commissioner  
Department of Human Services

**Rules as Proposed (all new material)****9525.3010 SCOPE.**

Subpart 1. **Applicability.** Parts 9525.3010 to 9525.3100 implement *Minnesota Statutes*, chapter 252A, by setting standards that govern the responsibility of county boards in providing public guardianship services to persons with mental retardation. Parts 9525.3010 to 9525.3100 do not apply to persons with related conditions as defined in *Minnesota Statutes*, section 252.27, subdivision 1a. All guardianship responsibilities in parts 9525.3010 to 9525.3100 are delegated by the commissioner to the county of guardianship responsibility, unless otherwise stated. For purposes of parts 9525.3010 to 9525.3100, the term "ward" includes "conservatee," the term "guardianship" includes "conservatorship," and the term "public guardian" or "guardian" includes "public conservator" or "conservator," unless otherwise stated.

Subp. 2. **Purpose.** The purpose of parts 9525.3010 to 9525.3100 is to:

- A. provide supervision and protection to persons with mental retardation who are unable to fully provide for their own needs and for whom no qualified person is willing and able to act as private guardian;
- B. set standards that the department and local agencies are to follow in the provision of public guardianship services;
- C. safeguard the decision making powers of persons with mental retardation so that they are not restricted beyond the clearly established need; and
- D. assist persons with mental retardation in receiving those services to which they are entitled under state and federal law.

**9525.3015 DEFINITIONS.**

Subpart 1. **Scope.** For the purposes of parts 9525.3010 to 9525.3100, the following terms have the meanings given to them in this part.

Subp. 2. **Aversive procedure.** "Aversive procedure" has the meaning given it in part 9525.2710, subpart 4.

Subp. 3. **Best interest.** "Best interest" means the principle of decision making that weighs the desires and objectives of the ward and the benefits and harms to the ward of a particular act or course of action, based on reasonable alternatives, and selects the alternative that provides the most benefit and least harm.

Subp. 4. **Biomedical ethics committee.** "Biomedical ethics committee" means a multidisciplinary group established by a health care institution to address ethical dilemmas which arise within the institution.

Subp. 5. **Case management.** "Case management" means the administration and services provided under *Minnesota Statutes*, section 256B.092.

Subp. 6. **Case manager.** "Case manager" has the meaning given it in part 9525.0015, subpart 5.

Subp. 7. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Human Services or the commissioner's designated representative.

Subp. 8. **Conservatee.** "Conservatee" means a person with mental retardation for whom the court has appointed a public conservator.

Subp. 9. **Contract.** "Contract" has the meaning given it in part 9525.0015, subpart 7.

Subp. 10. **County of guardianship responsibility.** "County of guardianship responsibility" means the county social services agency in the county in which guardianship has been established by the court.

Subp. 11. **County staff acting as guardian.** "County staff acting as guardian" means the person designated by the county board to exercise public guardianship responsibilities delegated to the local agency.

Subp. 12. **Department.** "Department" means the Minnesota Department of Human Services.

Subp. 13. **Deprivation procedure.** "Deprivation procedure" has the meaning given it in part 9525.2710, subpart 12.

Subp. 14. **Do not resuscitate.** "Do not resuscitate" means a physician's order placed in the ward's medical chart to withhold cardiopulmonary resuscitation (CPR) in the event of cardiopulmonary arrest.

Subp. 15. **Electroconvulsive therapy or electroshock therapy.** "Electroconvulsive therapy" or "electroshock therapy" means a treatment by which a medically controlled seizure is produced by passing an electric current across part of the brain.

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## Proposed Rules

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Subp. 16. **Experimental treatment.** "Experimental treatment" means drugs, therapies, or treatments that are unproven, have been confined largely to laboratory use, or have progressed to limited human application and trials, and lack wide recognition from the scientific community as a proven and effective measure of treatment.

Subp. 17. **Individual service plan.** "Individual service plan" means the written plan, developed by the service planning team, containing the components listed in *Minnesota Statutes*, section 256B.092.

Subp. 18. **Informed consent.** "Informed consent" means the principle that the consent is valid only if the person giving consent understands the nature of the treatment, the benefits, the risk of harm to the ward, the alternatives, and can give a reason for selecting a particular alternative. Informed consent requires that the person giving consent:

- A. is able to receive and assimilate relevant information;
- B. has the capacity to make reasoned decisions based upon relevant information;
- C. is giving consent voluntarily and without coercion;
- D. understands the nature of the diagnosis, the prognosis, and the current clinical condition; and
- E. understands the risk of harm to the ward and the benefits of all treatment alternatives, including risks and benefits of no treatment.

Subp. 19. **Least restrictive alternative.** "Least restrictive alternative" means the alternative that is the least intrusive and most normalized given the level of supervision and protection required for each individual ward. This level of supervision and protection allows risk taking to the extent that there is no reasonable likelihood that serious harm will happen to the ward or others.

Subp. 20. **Licensed physician.** "Licensed physician" means a person defined in *Minnesota Statutes*, section 252A.02, subdivision 5.

Subp. 21. **Local agency.** "Local agency" means the county of guardianship responsibility or the supervising agency.

Subp. 22. **Near relative.** "Near relative" means a spouse, parent, adult sibling, or adult child as defined in *Minnesota Statutes*, section 252A.02, subdivision 6.

Subp. 23. **Person with mental retardation.** "Person with mental retardation" has the meaning given it in part 9525.0015, subpart 20.

Subp. 24. **Psychotropic medication.** "Psychotropic medication" means a medication prescribed to treat mental illness and associated behaviors or to control or alter behavior. The major classes of psychotropic medications include:

- A. neuroleptic;
- B. antidepressant;
- C. antianxiety;
- D. antimania;
- E. stimulant;
- F. sedative-hypnotic;
- G. antiobsessive-compulsive;
- H. antiaggression; and
- I. mood stabilizers.

Subp. 25. **Public conservator.** "Public conservator" means the commissioner of human services when exercising some, but not all the powers designated in *Minnesota Statutes*, section 252A.111.

Subp. 26. **Public guardian.** "Public guardian" means the commissioner of human services when exercising all of the powers designated in *Minnesota Statutes*, section 252A.111.

Subp. 27. **Regional center or regional treatment center.** "Regional center" or "regional treatment center" means a state-operated facility for persons with mental illness, mental retardation, or chemical dependency that is under direct administrative authority of the commissioner.

Subp. 28. **Research.** "Research," as defined in *Code of Federal Regulations*, title 45, section 46.102(d), means a systematic investigation designed to develop or contribute to generalized knowledge.

Subp. 29. **Residential service.** "Residential service" has the meaning given it in part 9525.0015, subpart 30.

Subp. 30. **State facility.** "State facility" has the meaning given it in *Minnesota Statutes*, section 246.50, subdivision 3. State facility includes state-operated community-based services.

Subp. 31. **Sterilization.** "Sterilization" means any medical procedure, treatment, or operation performed for the purpose of rendering a person permanently incapable of reproducing.

Subp. 32. **Supervising agency.** "Supervising agency" means the local agency that, upon agreement with the county of guardianship responsibility, fulfills designated guardianship responsibilities.

Subp. 33. **Terminal condition.** "Terminal condition" means an incurable or irreversible condition that is expected to result in death and for which the administration of medical treatment will serve only to prolong the dying process.

Subp. 34. **Ward.** "Ward" means a person with mental retardation for whom the court has appointed a public guardian.

#### **9525.3020 PERSONS SUBJECT TO PUBLIC GUARDIANSHIP.**

Subpart 1. **Private guardianship preferred.** The commissioner, acting through the local agency, shall seek parents, near relatives, and other interested persons to assume a private guardianship appointment as a preferred alternative over public guardianship.

Subp. 2. **Commissioner as adviser.** The commissioner, acting through the local agency, shall seek out persons with mental retardation who are not under public guardianship but are in need of guardianship services and advise them of the availability of services and assistance.

Subp. 3. **Guardian of the estate.** When a ward has a personal estate beyond that which is necessary for the ward's personal and immediate needs, the county staff acting as guardian shall:

A. determine whether a guardian of the estate has been appointed;

B. determine whether a guardian of the estate is necessary under the criteria in *Minnesota Statutes*, section 525.54, subdivision 3, if no guardian of the estate has been appointed; and

C. petition the probate court in the county of guardianship responsibility for the appointment of a private guardian of the estate, if a guardianship of the estate is determined to be necessary.

#### **9525.3025 PROCESS OF APPOINTING A PUBLIC GUARDIAN.**

Subpart 1. **Nomination of commissioner.** Under *Minnesota Statutes*, section 252A.03, subdivision 1, nomination of the commissioner to act as public guardian is made by submitting a notarized sworn request directly to the commissioner. The commissioner may be nominated by any of the following:

A. the person with mental retardation;

B. an interested person, including a public official, spouse, parent, adult sibling, legal counsel, adult child, or next of kin; and

C. the current private guardian of the person who is unable or unwilling to continue to act as guardian and who requests the commissioner to act as public guardian.

Subp. 2. **Comprehensive evaluation.** Upon receipt of the written nomination, the commissioner shall order the local agency of the county in which the proposed ward resides, to arrange for the comprehensive evaluation of the proposed ward. The local agency shall complete and file the comprehensive evaluation according to *Minnesota Statutes*, section 252A.04. The local agency shall prepare and forward the comprehensive evaluation to the commissioner within 90 days of the date the commissioner orders the evaluation. When the proposed ward is under medical care, the requirements regarding drugs, medications, and other treatments under *Minnesota Statutes*, section 252A.04, subdivision 2, apply. The comprehensive evaluation must consist of the following reports required under *Minnesota Statutes*, section 252A.02, subdivision 12:

A. a medical report on the health status and physical condition of the proposed ward;

B. a report on the proposed ward's intellectual capacity and functional abilities; and

C. a report from the case manager that includes the most current assessment of individual service needs, the most current individual service plan, if applicable, and a description of contacts with and responses of near relatives of the proposed ward about the notification to them that a nomination for public guardianship has been made and that they may seek private guardianship.

Subp. 3. **Commissioner's acceptance or rejection of nomination.** Under *Minnesota Statutes*, section 252A.03, the commissioner shall accept or reject the nomination in writing to the nominating person within 20 working days of receipt of the comprehensive evaluation. If the commissioner rejects the nomination, the person, parents, spouse, or near relatives may file a petition to appoint the

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## Proposed Rules

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commissioner as public guardian under *Minnesota Statutes*, section 252A.06. The commissioner shall accept the nomination if the following criteria are met:

- A. the person was diagnosed as being a person with mental retardation;
- B. the person is in need of the supervision and protection of a guardian; and
- C. no qualified person is willing to become a private guardian.

Subp. 4. **Petition.** When the commissioner agrees to accept a nomination for appointment as public guardian, the local agency shall petition on behalf of the commissioner within 20 working days of receipt of the commissioner's acceptance, under *Minnesota Statutes*, section 252A.05. The petition must include the items specified in *Minnesota Statutes*, section 252A.06, subdivision 2.

Subp. 5. **Filing the comprehensive evaluation.** Under *Minnesota Statutes*, section 252A.07, subdivision 1, when a petition is brought by the commissioner or local agency after the acceptance of the nomination, a copy of the comprehensive evaluation must be filed with the petition. If the petition is brought by a person other than the commissioner or local agency and a comprehensive evaluation has been prepared within a year of the filing of the petition, the commissioner shall forward a copy of the comprehensive evaluation to the court upon notice of filing of the petition. If a comprehensive evaluation has not been prepared within a year of the filing of the petition, the local agency or the commissioner, upon notice of filing of a petition, shall arrange for a comprehensive evaluation to be prepared and forwarded to the court within 90 days. A copy of the comprehensive evaluation must be made available according to *Minnesota Statutes*, section 252A.07, subdivision 2.

Subp. 6. **Exception.** A comprehensive evaluation must be filed with the court before a court hearing. However, the action may proceed pursuant to the exception under *Minnesota Statutes*, section 252A.07, subdivision 3.

Subp. 7. **Notice of hearing.** The notice of hearing of the petition for appointment of public guardian is governed by *Minnesota Statutes*, sections 252A.081 and 525.55, which require that notice be personally served upon the proposed ward by a nonuniformed officer.

Subp. 8. **Hearing.** The public guardianship hearing is governed by *Minnesota Statutes*, section 252A.101.

### 9525.3030 LIMITS OF GUARDIANSHIP POWERS AND DUTIES.

Under *Minnesota Statutes*, section 525.56, a guardian has only those powers necessary to provide for the demonstrated needs of the ward. The guardian is granted the duty and power to exercise supervisory authority over the ward in a manner that limits civil rights and restricts personal freedoms only to the extent necessary to provide needed care and services. The department or county staff acting as guardian shall intervene under parts 9525.3010 to 9525.3100, only if the court has determined that the ward is incapable of exercising certain rights.

### 9525.3035 GENERAL STANDARDS FOR GUARDIANSHIP.

Subpart 1. **Generally.** For purposes of parts 9525.3010 to 9525.3100, guardianship responsibilities are divided into the following four general functions:

- A. planning;
- B. protection of rights;
- C. consent determination; and
- D. monitoring and evaluation of services.

Subp. 2. **Planning.** The county staff acting as guardian shall participate in planning on behalf of the ward. In planning for the ward, the county staff acting as guardian shall:

- A. obtain knowledge of the ward in order to make decisions on the ward's behalf that are in the best interest of the ward;
- B. consider availability of services and service entitlements under applicable state and federal law in order to plan for the individual needs of the ward and assist and represent the ward;
- C. determine that services are being provided in a manner consistent with the least restrictive alternative and the ward's best interest; and
- D. pursue steps toward the development of community-based services for the ward.

Subp. 3. **Protection of rights.** The public guardian shall protect the legal rights and interests of the ward. The public guardian shall take appropriate action if the ward's legal rights are abridged. If actions by providers of public and private services do not meet the individual needs and best interest of the ward, the public guardian shall pursue appropriate action on behalf of the ward according to applicable state law.

Subp. 4. **General standards for consent determination.** The public guardian shall determine whether activities are in the ward's

best interest. Specific public guardianship consent authority is described in parts 9525.3040 to 9525.3060. The following standards apply to all consents regarding the ward. Unless otherwise specified, when determining whether to consent to any activity which affects the ward, the public guardian must not consent to the activity, unless:

- A. the activity is in the ward's best interest;
- B. no less restrictive alternatives exist;
- C. the activity is not in violation of the religious, moral, or cultural beliefs of the ward; and
- D. reasonable efforts have been made to obtain the opinion of the nearest relative.

Subp. 5. **Monitoring and evaluation.** The county staff acting as guardian shall monitor and evaluate services provided to the ward according to part 9525.3065.

Subp. 6. **Release of information.** The county staff acting as guardian must not consent to the release of any information about the ward, unless the release is:

- A. in compliance with all applicable data practice laws including *Minnesota Statutes*, chapter 13; and
- B. in the ward's best interest.

### **9525.3040 POWERS AND DUTIES OF PUBLIC GUARDIAN.**

Subpart 1. **General powers.** The powers and duties of the public guardian are governed by *Minnesota Statutes*, sections 252A.111 and 525.56, subdivisions 1 to 3. The general powers and duties of the county staff acting as guardian are:

- A. The power to determine the ward's place of residence consistent with state and federal law.
- B. The duty to determine that provision has been made for the ward's care, comfort, maintenance needs, including food, shelter, health care, social and recreational requirements, and whenever appropriate, training, education, and habilitation or rehabilitation.
- C. The duty to take reasonable care of the ward's clothing, furniture, vehicles, and other personal effects, and, if other property requires protection, the power to seek appointment of a guardian of the estate.
- D. The power to give necessary consent to enable the ward to receive necessary medical or other professional care. Exceptions to consent to medical care under parts 9525.3055 to 9525.3060 apply. This power includes consent to aversive and deprivation procedures under part 9525.3045 and psychotropic medications under part 9525.3050.
- E. The power to approve or withhold approval of any contract the ward makes, except for necessities.
- F. The duty and power to exercise supervisory authority over the ward in a manner that limits civil rights and restricts personal freedom only to the extent necessary to provide needed care and services.

Subp. 2. **Additional powers.** The public guardian has the additional powers granted under *Minnesota Statutes*, section 252A.111, subdivision 2.

Subp. 3. **Special duties.** Under *Minnesota Statutes*, section 252A.111, subdivision 6, the county staff acting as guardian shall:

- A. maintain close contact with the ward, visiting at least twice a year;
- B. determine whether written consent should be given before filming of the ward for public dissemination, after permitting and encouraging input by near relatives of the ward. All filming must depict the ward with dignity and must not be contrary to the best interest of the ward. Consent for filming must include a consideration of the purpose and intended use of the film;
- C. take actions and make decisions on behalf of the ward that encourage and allow the maximum level of independent functioning in a manner least restrictive of the ward's personal freedom consistent with the need for supervision and protection; and
- D. permit and encourage maximum self-reliance on the part of the ward and permit and encourage input by the nearest relative of the ward in planning and decision making on behalf of the ward.

### **9525.3045 CONSENT TO USE OF AVERSIVE AND DEPRIVATION PROCEDURES.**

Subpart 1. **Generally.** The county staff acting as guardian has the authority to give informed consent for the use of aversive and deprivation procedures. Technical assistance from the department about the use of aversive and deprivation procedures is available to

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## Proposed Rules

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the local agency upon request. The county staff acting as guardian must withdraw consent at any time that the use of aversive and deprivation procedures do not appear to be in the best interest of the ward.

Subp. 2. **Informed consent.** The county staff acting as guardian must not consent to the use of aversive and deprivation procedures unless all requirements in parts 9525.2700 to 9525.2810, *Code of Federal Regulations*, title 42, section 483.13, and other requirements existing in state and federal law governing the use of such procedures are met.

Subp. 3. **Monitoring data.** The county staff acting as guardian shall monitor the use of aversive and deprivation procedures by reviewing data required under parts 9525.2700 to 9525.2810 and *Code of Federal Regulations*, title 42, section 483.13, to determine whether continued use of aversive or deprivation procedures is consistent with these requirements and is in the best interest of the ward. Documentation of this review must be included in the quarterly review required under part 9525.3065, subpart 2.

### 9525.3050 CONSENT TO USE OF PSYCHOTROPIC MEDICATIONS.

Subpart 1. **Generally.** The county staff acting as guardian has the authority to give informed consent for the use of psychotropic medications for the ward. Technical assistance from the department about the use of psychotropic medications is available to the local agency upon request. The county staff acting as guardian staff must withdraw consent at any time that the use of psychotropic medication does not appear to be in the best interest of the ward.

Subp. 2. **Informed consent.** The county staff acting as guardian must not consent to the use of psychotropic medications, unless the following information is documented and reviewed by the local agency:

- A. the target behavior or condition for which the psychotropic medication is to be used;
- B. a description of the target behavior or condition in specific observable and measurable terms;
- C. the current rate, intensity, and quantification of the target behavior or condition;
- D. the expected benefits including the level to which the psychotropic medication is to change the target behavior or condition;
- E. the other therapies and programs available and which have been considered, or tried and rejected, and the rationale for selecting psychotropic medications as opposed to alternative therapies or programs; and
- F. specific information about the psychotropic medication to be used including:
  - (1) the generic and commonly known brand name;
  - (2) the proposed dose;
  - (3) the possible dosage range and maximum dosage;
  - (4) the route of administration;
  - (5) the estimated duration of therapy; and
  - (6) the risks and possible side effects of the psychotropic medication, including the manner in which the deleterious side effects may be alleviated.

Consent for psychotropic medication may be withdrawn at any time and automatically expires one year from the date of consent unless a shorter time is agreed upon by the county staff acting as guardian.

Subp. 3. **Monitoring side effects.** The county staff acting as guardian must not consent to the use of a psychotropic medication, unless the Dyskinesia Identification System: Condensed User Scale (DISCUS) and Monitoring of Side-Effects Scale (MOSES) evaluation tools are in place for the monitoring of side effects, including tardive dyskinesia (TD) and akathisia. For purposes of this subpart, the following terms have the meaning given them.

A. "Tardive dyskinesia" means a variable combination of abnormal involuntary movements associated with the use, usually one to two years or more, of antipsychotic medication such as thioridazine, haloperidol, and thiothixene.

B. "Akathisia" means a syndrome characterized by an inability to remain in a sitting posture, with motor restlessness and a feeling of muscular quivering. This syndrome may appear as a complication of therapy with antipsychotic medication such as phenothiazines or reserpine.

C. "Dyskinesia Identification System: Condensed User Scale" or "DISCUS" means an assessment scale which monitors tardive dyskinesia by measuring the presence of involuntary movements in the following areas of the body:

- (1) face;
- (2) eyes;
- (3) oral;
- (4) lingual;



- (5) head, neck, and trunk;
- (6) upper limb; and
- (7) lower limb.

D. "Monitoring of Side-Effects Scale" or "MOSES" means an assessment scale which monitors general side effects in the following areas of the body:

- (1) eyes, ears, and head;
- (2) mouth;
- (3) nose, throat, and chest;
- (4) gastrointestinal;
- (5) musculoskeletal and neurological;
- (6) skin;
- (7) urinary and genital; and
- (8) psychological.

Subp. 4. **Monitoring schedules.** In addition to the requirements of subpart 3, the county staff acting as guardian must not consent to the use of psychotropic medications, unless there is documentation that the following monitoring criteria are in place:

A. the monitoring of side effects is documented at least once, seven to 14 days after the initiation or dosage increase of any psychotropic medication;

B. the monitoring of side effects is documented at least once every six months if any psychotropic medication continues to be prescribed; and

C. the monitoring of tardive dyskinesia or tardive akathisia is documented as occurring at least once every six months if neuroleptic/amoxapine medication are prescribed and at least once per year if neuroleptic/amoxapine medication are not prescribed but tardive dyskinesia or tardive akathisia is diagnosed. The county staff acting as guardian must withdraw consent to the use of psychotropic medications at any time the conditions under this subpart are not met.

Subp. 5. **Data review of target behavior.** The county staff acting as guardian must not consent to the use of psychotropic medications, unless there is in place a method for collecting data on the incidence of the behavior that the psychotropic medication is to increase and decrease or eliminate which provides a basis to determine the effectiveness of the psychotropic medication. This data collection method must include:

A. an objective description of the target behaviors to be increased and decreased or eliminated;

B. the data collection method;

C. the target behavior criterion level which represents treatment effectiveness;

D. quantification of the target behaviors to be increased and decreased or eliminated based upon data collected since the last review;

E. any current behavioral or therapeutic programs assigned to the target behaviors and the effectiveness of those programs;

F. the psychotropic medication, dose, and route of administration before and after the review;

G. the date for the next review; and

H. the data review must occur:

(1) at least once per month for at least one month after any psychotropic medication initiation;

(2) at least once per month for at least one month after any psychotropic medication dosage adjustment; and

(3) at least once every three months if the psychotropic medication and dose are stabilized.

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## Proposed Rules

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### 9525.3055 NONDELEGATED CONSENT.

Subpart 1. **Generally.** The commissioner retains the authority to provide consent in the areas described in this part. Local agencies do not have authority to grant consent under subparts 2 to 4.

Subp. 2. **Do not resuscitate orders.** The county staff acting as guardian shall submit an application for a "do not resuscitate" order to the department for written approval. Consent for a "do not resuscitate" order must not be given in the absence of a terminal condition, unless the physician states that initiating cardiopulmonary resuscitation would be medically futile or would harm the ward. The application must contain documentation of the following:

- A. that the county staff acting as guardian has visited the ward;
- B. that the ward has been informed of the reasons and consequences of the order, and to the extent the ward is able to comprehend, the ward agrees to the order;
- C. that the county staff acting as guardian has made reasonable efforts to obtain the opinion of the nearest relative;
- D. that the physician's written recommendation includes:
  - (1) a statement indicating whether the "do not resuscitate" order is appropriate;
  - (2) a statement of the ward's physical condition including current physical and adaptive skills, the terminal condition, and deterioration that has occurred since the onset of the terminal condition;
  - (3) a statement that death is imminent or that initiating cardiopulmonary resuscitation would be medically futile or would harm the ward. For purposes of this part, death occurring within one year is considered imminent; and
  - (4) a statement of the ward's prognosis given the terminal condition or medically futile condition;
- E. a statement that the request for the order is not based on discrimination because of the ward's mental retardation;
- F. upon request by the department, a report from a biomedical ethics committee, if one exists within the health care institution, that affirms that the proper procedures have been followed on behalf of the ward; and
- G. a recommendation by the county staff acting as guardian for or against the request.

Subp. 3. **Limited medical treatment.** The county staff acting as guardian shall submit an application to the department for written approval. The standards in subpart 2 govern the application for limited medical treatment. For purposes of this part, limited medical treatment means a life-sustaining treatment that has been deemed through ethical decision making, to be useless or gravely burdensome to the ward.

Subp. 4. **Research.** The county staff acting as guardian shall submit an application to the department for written approval for the ward's participation in research of any kind. The application must contain the following information required for informed consent under *Code of Federal Regulations*, title 45, section 46.116:

- A. an explanation of the purposes of the research;
- B. the expected duration of the ward's participation;
- C. a description of the procedures to be followed;
- D. identification of any procedures which are experimental;
- E. a description of any reasonably foreseeable risks or discomforts to the ward;
- F. a description of any benefits to the ward or to others which may reasonably be expected from the research;
- G. a description of appropriate alternative procedures or course of treatment, if any, that might be advantageous to the ward;
- H. a statement that describes the extent, if any, to which the confidentiality of records that identify the ward will be maintained and that notes that the Food and Drug Administration may inspect the records;
- I. for research involving more than minimal risk, an explanation about whether any compensation is available, and an explanation about whether medical treatments are available if injury occurs and, if so, what they consist of or where further information may be obtained;
- J. an explanation of who to contact for answers to questions about the research and the ward's rights, and who to contact in the event of a research-related injury to the ward; and
- K. a statement that participation is voluntary, that refusal to participate will involve no penalty or loss of benefits to which the ward is otherwise entitled, and that the ward may discontinue participation at any time without penalty or loss of benefits.

Subp. 5. **Temporary care placement.** The county staff acting as guardian shall request the department's written approval for a ward's temporary placement at a regional center. A ward's admission to a regional center for the purpose of receiving temporary care

must not exceed 90 calendar days in any calendar year. The number of days of temporary care needed must be specified at the time of the ward's admission. The request must include a plan for establishment of a community placement for the ward within 90 calendar days of the date of temporary placement.

### **9525.3060 NONDELEGATED CONSENT REQUIRING A COURT ORDER.**

Subpart 1. **Generally.** No guardian may give consent for psychosurgery, electroconvulsive therapy, sterilization, or experimental treatment of any kind, unless the procedure is first approved by order of the court. Under *Minnesota Statutes*, section 525.56, subdivision 3, the court determines if the procedure is in the best interest of the ward. A petition for a court order for nondelegated consent is governed by *Minnesota Statutes*, section 525.56, subdivision 3, paragraph (4), clause (b). Before the court hearing, the county staff acting as guardian shall obtain the written recommendation of the department pursuant to *Minnesota Statutes*, chapter 252A.

Subp. 2. **Sterilization.** The county staff acting as guardian shall make application to the department for a written recommendation regarding sterilization of a ward. The application must include those reports prepared by a licensed physician, a psychologist who is qualified in the diagnosis and treatment of mental retardation, and a social worker who is familiar with the ward's social history and adjustment or the case manager for the ward, as required by *Minnesota Statutes*, section 525.56, subdivision 3, paragraph (4), clause (c). These reports must include the following:

- A. why sterilization is being proposed;
- B. whether sterilization is necessary and is the least intrusive method for alleviating the problem presented;
- C. whether sterilization is in the best interest of the ward; and
- D. medical reports specifically considering the medical risks of sterilization, the consequences of not performing the sterilization, and whether alternative methods of contraception could be used to protect the best interest of the ward.

Subp. 3. **Department recommendation.** The department must not recommend sterilization of a ward, unless the following conditions have been met:

- A. the ward has engaged in sexual intercourse or it is reasonably likely that the ward will engage in sexual intercourse;
- B. all alternative methods of contraception, medical intervention, and behavior modification have been considered or have been tried unsuccessfully, including the use of contraceptives by the partner;
- C. the physician has submitted a written statement that the proposed surgical procedure presents no undue risk for the ward; and
- D. the ward has been fully informed and has agreed to the procedure, to the extent that the ward can comprehend the procedure and the reasons for it.

Subp. 4. **Electroconvulsive therapy, psychosurgery, and experimental treatment.** Under *Minnesota Statutes*, section 525.56, subdivision 3, paragraph (4), clause (a), no ward may receive electroconvulsive therapy, psychosurgery, or experimental treatment of any kind, unless the court orders the treatment. The county staff acting as guardian shall make application to the department for a written recommendation before petitioning the court. The application must contain documentation that the following conditions have been met:

- A. the drug, therapy, or treatment is intended to treat a serious or life-threatening disease, pathological condition, or behavioral pattern;
- B. more accepted methods have been tried and found to be ineffective;
- C. there is not a comparable or satisfactory alternative drug, therapy, or treatment available that is approved or generally recognized in the treatment of the disease, pathological condition, or behavior; and
- D. that the county staff acting as guardian has:
  - (1) visited the ward to observe the condition;
  - (2) informed the ward of the procedure, the potential risks, and the reasons for the procedure in a manner the ward can comprehend;
  - (3) obtained the opinion of the nearest relative, to the extent possible;

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## Proposed Rules

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- (4) described the ward's current physical condition in the application;
- (5) described the effect of previous medical interventions in the application;
- (6) obtained a physician's recommendation; and
- (7) made a recommendation for or against the procedure.

### 9525.3065 MONITORING AND EVALUATION.

Subpart 1. **Annual review.** Under *Minnesota Statutes*, section 252A.16, the county staff acting as guardian shall conduct an annual review of the status of each ward. The county staff acting as guardian shall submit to the department by the annual birthday of each ward, a copy of the annual review for each ward receiving public guardianship services during the past calendar year. The annual review must be in writing in the form determined by the local agency and must minimally include a description of the ward's:

- A. physical adjustment and progress;
- B. mental adjustment and progress;
- C. social adjustment and progress; and
- D. legal status based on items A to C.

If the county staff acting as guardian determines that the ward is no longer in need of guardianship or is capable of functioning under a less restrictive conservatorship, the local agency shall petition the court for a termination or modification of public guardianship as specified in part 9525.3085.

Subp. 2. **Quarterly review of records.** Under *Minnesota Statutes*, section 252A.21, subdivision 2, the county staff acting as guardian shall review the records from the day, residential, and any support services on a quarterly basis. The quarterly review of records must be in writing in the form determined by the local agency. The quarterly review must contain any data about the use of aversive and deprivation procedures under part 9525.3045 and psychotropic medications under part 9525.3050. In conducting the quarterly review, the county staff acting as guardian shall indicate in writing whether:

- A. the ward is satisfied with the services;
- B. the services are in the best interest of the ward;
- C. the services are being provided according to the ward's individual service plan; and
- D. the services continue to meet the needs of the ward in the least restrictive environment.

The local agency shall maintain a record of all quarterly reviews according to the local agency's record maintenance schedule and submit copies to the department upon request.

Subp. 3. **Additional reports.** The county staff acting as guardian shall provide additional reports as requested by the department.

### 9525.3070 COUNTY OF GUARDIANSHIP RESPONSIBILITY.

Subpart 1. **Responsibilities delegated to county of guardianship responsibility.** All guardianship responsibilities in parts 9525.3010 to 9525.3100, are delegated by the commissioner to the county of guardianship responsibility except for those responsibilities retained by the commissioner under parts 9525.3055 to 9525.3060. The county of guardianship responsibility retains general supervisory responsibility for the ward throughout the duration of the public guardianship.

Subp. 2. **Maintenance of records.** The county of guardianship responsibility shall maintain a record for each ward. A separate guardianship record is not required. The guardianship record may be part of the existing client record. The county of guardianship responsibility, and any designated supervising agency, shall retain records on a ward until a court order terminates the guardianship or until the death of the ward. Records of a person previously under public guardianship may be destroyed four years from the date the file is closed.

Subp. 3. **Ward relocation.** The county staff acting as guardian shall notify the department when a ward permanently relocates or temporarily leaves Minnesota for an extended stay. Notification is required for the following:

A. leaving the state for more than 90 days. The county staff acting as guardian shall determine whether leaving the state more than 90 days is in the best interest of the ward. If necessary, the county staff acting as guardian shall refer the ward to the appropriate local agency in the other state for ongoing supervision.

B. moving permanently from Minnesota. The county staff acting as guardian shall determine whether moving permanently from the state is in the best interest of the ward. When a determination is made that the ward will move, the local agency shall seek termination of the public guardianship according to part 9525.3085.

**9525.3075 SUPERVISING AGENCY.**

Subpart 1. **Referral.** When a ward moves or plans to move to another county, the county of guardianship responsibility may refer the ward to the county where the person is living, or plans to live, with a request for fulfilling the powers and duties of guardianship.

Subp. 2. **Transfer of responsibility.** All or any portion of the powers and duties that have been delegated by the commissioner to the county of guardianship responsibility may be transferred to the county of supervisory responsibility by written agreement between the two local agencies. Upon entering into a written agreement with the county of guardianship responsibility, the supervising agency is responsible for the ward. The county of guardianship responsibility shall notify the department of all transfers of responsibilities by submitting a copy of the written agreement to the department within 30 calendar days of the effective date of the agreement.

Subp. 3. **Transfer of venue.** The county of guardianship responsibility may be changed by the court through a transfer of venue according to *Minnesota Statutes*, section 525.57.

**9525.3080 COUNTY CONTRACTING FOR PUBLIC GUARDIANSHIP SERVICES.**

Local agencies may contract with a public or private agency or individual who is not a service provider for the person for the public guardianship representation required by the screening and the individual service and program planning process. Local agencies must not contract with any party for the provision of other public guardianship duties required under parts 9525.3010 to 9525.3100.

**9525.3085 MODIFICATION OR TERMINATION OF PUBLIC GUARDIANSHIP.**

Subpart 1. **Generally.** A hearing for the modification or termination of a public guardianship is governed by *Minnesota Statutes*, section 252A.19. The commissioner serves as public guardian with all the powers awarded pursuant to the guardianship until termination or modification by the court.

Subp. 2. **Petition.** The commissioner, ward, county staff acting as guardian, or any interested person may petition the appointing court or the court to which venue has been transferred, for an order to terminate or modify the public guardianship under *Minnesota Statutes*, section 252A.19, subdivision 2. If the local agency determines that the ward no longer needs public guardianship, the local agency shall petition the court for a termination or modification of the public guardianship under *Minnesota Statutes*, section 252A.19.

Subp. 3. **Specific modifications.** The specific forms of modification available are set forth in *Minnesota Statutes*, section 252A.19, subdivision 2. Each of these alternatives is a change in legal status of the ward and requires a court hearing.

Subp. 4. **Comprehensive evaluation.** The county staff acting as guardian shall arrange for a comprehensive evaluation of the ward at the court's request, under *Minnesota Statutes*, section 252A.19, subdivision 4.

**9525.3090 DEATH OF A WARD OR CONSERVATEE.**

Subpart 1. **Report.** The county staff acting as guardian shall report the death of a ward to the department and to the court that appointed the guardian, within 14 calendar days of the date of death. The written report must state the date, time, place, and cause of death. If a vulnerable adult investigation is conducted under *Minnesota Statutes*, section 626.557, a final report must be submitted to the department when the investigation is completed.

Subp. 2. **Closing of local agency record.** Upon the death of a ward and notification of the department, the guardianship record may be closed.

Subp. 3. **Termination of guardianship.** Under *Minnesota Statutes*, section 525.60, the guardianship of an adult ward terminates upon death.

**9525.3095 GUARDIANSHIP TRAINING.**

The local agency shall establish a plan for the training of all county staff acting as guardians. The plan must include at least ten hours of training annually in the areas of guardianship and mental retardation. Training and development sessions attended by county staff acting as guardians must be documented and kept on file at the local agency.

**9525.3100 REVIEW OF PUBLIC GUARDIANSHIP MATTERS.**

Subpart 1. **Informal review.** Informal review by the department of matters pertaining to public guardianship services is available upon request. Interested persons may request a review by submitting a written request directly to the guardianship unit. A review by the guardianship unit is not considered an appeal under *Minnesota Statutes*, section 256.045, because section 256.045 does not apply

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## Proposed Rules

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to guardianship matters. An informal review does not preclude any appeal rights available under *Minnesota Statutes*, sections 525.71 to 525.731.

Subp. 2. **De novo review.** The commissioner, ward, or any interested person may petition the appointing court or the court to which venue has been transferred to review de novo any decision made by the county staff acting as guardian or the department acting as guardian, on behalf of a ward according to *Minnesota Statutes*, section 252A.19, subdivision 2.

Subp. 3. **Appeals.** Appeals from an order of public guardianship are governed by *Minnesota Statutes*, section 252A.21, subdivision 1.

## Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

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

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

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

## Department of Human Services

### Adopted Permanent Rules Relating to Payment Rates for Intermediate Care Facilities for Persons with Mental Retardation or Related Conditions

The rules proposed and published at *State Register*, Volume 16, Number 52, pages 2776-2779, June 22, 1992 (16 SR 2776), are adopted as proposed.

## Withdrawn Rules

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### Board of Animal Health

#### Withdrawn Rules Relating to Animal Carcasses

The rules proposed and published at *State Register*, Vol. 16, Number 52, Pages 2770-2776 on June 22, 1992 (16 S.R. 2770) are modified as follows:

Parts 1719.0100 Subparts 4, 5, 7, 8, 10, 12, 13, 14, 15; 1719.0200 through 1719.3200; and the Repealer except for the portions which repeal 1720.0010 Subparts 1 and 2; 1720.0280 through 1720.0310; and 1720.0540 through 1720.0570 are withdrawn.

## Department of Commerce

### Notice of Withdrawal of Proposed Rule

#### In the Matter of the Proposed Adoption of the Rule Relating to Real Estate Appraisers

**NOTICE IS HEREBY GIVEN** that the above-referenced proposed rule, which was published in the *State Register* on August 3, 1992 (volume 17, Number 5, pages 178-218) is hereby withdrawn. Replacement rules are being published in this volume of the *State Register*.

Dated: 25 September 1992

Bert J. McKasy  
Commissioner of Commerce  
State of Minnesota

# Emergency Rules

## Proposed Emergency Rules

According to Minn. Stat. of 1984, §§14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

- 1) that a free copy of the proposed emergency rule is available upon request from the agency;
- 2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
- 3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
- 4) that the emergency rule may be modified if the data and views submitted support such modification.

## Adopted Emergency Rules

Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

## Continued/Extended Emergency Rules

Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. 14.14-14.28 supercede emergency rules.

## Department of Human Services

### Proposed Emergency Rules Governing Children's Health Plan Plus

#### Notice of Intent to Adopt an Emergency Rule

**NOTICE IS HEREBY GIVEN** that the State Department of Human Services intends to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rule is contained in *Minnesota Statutes*, section 256.936, subdivision 2 (*Laws 1992*, chapter 549, article 4, section 3). The agency, in adopting the rule, is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules in *Minnesota Statutes*, sections 14.29 to 14.36.

All persons have 25 days or until 4:30 p.m. on November 6, 1992 after publication to submit data and views on the proposed emergency rule or any part or subpart of the rule in writing. Any comments must be submitted to:

Stephanie L. Schwartz  
Minnesota Department of Human Services  
444 Lafayette Road  
St. Paul, Minnesota 55155-3816  
(612) 297-4302

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

A free copy of the proposed emergency rule is available by contacting Stephanie L. Schwartz at the address and telephone number above.

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

Upon adoption of the emergency rule by the agency, the emergency rule as adopted and its supporting documents will be delivered to the Attorney General for reviews as to legality and form to the extent 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 Stephanie L. Schwartz at the address and telephone number above.

The emergency rule will take effect five working days after approval by the Attorney General and be effective for 720 days.

The adoption of this emergency rule will increase aggregate local public body spending by over \$100,000 in the two fiscal years

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# Emergency Rules

following the rule's adoption. See the fiscal note attached to this notice which contains the Department's reasonable estimate of the total cost to all local public bodies in the state to implement the rule for the two fiscal years following adoption of the rule.

Dated: 4 September 1992

Natalie Haas Steffen  
Commissioner

## Fiscal Note

### I. NET FISCAL IMPACT OF RULE\*

	<u>FY '93</u>	<u>FY '94**</u>
Local	\$201,972	\$227,546
State	\$ 14,766	\$ 78,423
<b>TOTAL</b>	\$216,738	\$305,969

\*See Part III for Methodology and Summary Explanation of Costs

### II. BACKGROUND INFORMATION ON RULE AND FUNDING SOURCES

#### A. Purpose of Rule

This rule, known informally as Emergency Rule 100, governs the administration of Children's Health Plan Plus (interim name), formally known as "HealthRight."

The purpose of the emergency rule is to: 1) establish eligibility for the plan; 2) specify the application process and where applications are available; 3) specify when covered services begin and what those services are; 4) require that covered health services are secondary to other health coverage for which enrollees are eligible; 5) specify premium payments, when premiums are due and the consequences if premiums are received late or not at all; 6) require the commissioner to manage the plan's spending, to make a quarterly assessment of expected expenditures for covered health services, and make necessary adjustments to ensure that expenditures remain within the limits of available revenues; 7) require copayments from enrollees; 8) require the commissioner to perform an annual redetermination of continued eligibility and require enrollees to cooperate in this redetermination; 9) require enrollees to report changes in income, address, size of family, etc. to the Department; 10) require the commissioner to verify enrollees' gross annual family incomes by performing random audits; 11) require the commissioner to coordinate the plan with the medical assistance (MA) program; 12) require the commissioner to reimburse eligible providers; and 13) allow enrollees to appeal the suspension, reduction, or termination of covered services/eligibility.

\*\*Normally, Fiscal Notes detail the impact of the proposed rule or rule amendments for the two calendar years following promulgation. If so, this Fiscal Note would project anticipated costs until January of 1995. However, available Department calculations are based on FY '93 (July 1, 1992 to June 30, 1993) and FY '94 (July 1, 1993 to June 30, 1994) calculations. Therefore, the reader is asked to keep in mind that the Department's numbers are based on calculations following fiscal years, not calendar years.

#### B. Statutory Authority

The proposed emergency rule is authorized by *Minnesota Statutes*, section 256.936, subdivision 2 (*Laws 1992*, chapter 549, article 4, section 3), which gives the commissioner authority to "adopt the emergency rules to govern implementation" of Children's Health Plan Plus. When promulgated, this legislation requires that this emergency rule will be in effect for 720 days, or until approximately December 22, 1994.

#### C. Reasons for Adoption of Emergency Rule

In *Laws 1992*, chapter 549, article 4, sections 2 to 11, the 1992 legislature expanded the Department's Children's Health Plan (CHP), the program providing health care services to low income children, to also cover families of these low income children (and, in coming years, single adults and households without children). During the legislative session, this expanded health care package was named "HealthRight."

This proposed emergency rule is necessary to administer "HealthRight," renamed Children's Health Plan Plus, and to comply with *Minnesota Statutes*, section 256.936, as noted above.

#### D. Background and Funding Source

Currently, 27,877 children are receiving covered health services, defined as services reimbursed under MA (with specific exceptions), through the CHP. For FY '92, the cost to the state for CHP was \$8,270,978; for FY '93, it is estimated that it will cost \$13,195,341.

The department anticipates that by 1997, 158,000 people will be enrolled in Children's Health Plan Plus and that it will cost the state \$91,951,497 to administer the plan through FY '94.

Pursuant to the requirements set out in the "HealthRight" legislation, there will be costs to the state and to counties. For example,



there will be costs associated with the required annual redetermination of plan eligibility and the random audits; with coordination of the plan with MA; and with appeals heard by the Department. These costs were figured into the Finance Department's Fiscal Note dated April 8, 1992 and discussed during the 1992 legislative session.

There are also expected to be costs for the state and counties where this proposed emergency rule sets out requirements not specifically required by statute. These are detailed in Part III, below.

There are three funding sources for Children's Health Plan Plus.

- Beginning July 1, 1992, a 5¢ increase on cigarette tax effective until end of FY 1994; expected to raise approximately \$26,000,000 to provide start up and reserve funds. Beginning in FY '95, these revenues will go to the General Fund.
- 2% tax on hospitals and health care providers; will be phased in over two year period.
- premiums and enrollment fees; expected to raise approximately \$22,187,047 through FY '94. These payments will only cover 21.01% of costs in FY '93 and 19.30% of costs in FY '94. The remainder will be paid for from the first two sources.

All funds will be collected by the Health Care Access Fund, established by the State Treasury.

### III. METHODOLOGY AND EXPLANATION OF COSTS

Because this rule administers Children's Health Plan Plus, there are some costs to the state and to counties that were not considered during the 1992 legislative session.

#### A. Proposed part 9506.0030, subpart 5, item A

This proposed subpart requires the commissioner to refer applicants to the local social service agency if applicants may be eligible for MA. The commissioner must consider, at a minimum, the age of the applicant, the income of the applicant, whether the applicant is pregnant, and whether the applicant is disabled.

Referring applicants to the county level is expected to result in increases in MA. Increases are also anticipated in the numbers of general assistance medical care (GAMC) recipients, because often the parents of MA-eligible children are eligible for GAMC. These increases will result in increased administrative costs for counties.

The projected caseload impact of Children's Health Plan Plus on MA and GAMC is an increment of the impact of the CHP. Before the 1992 "HealthRight" legislation, the Department's February 1992 forecast projected that 63 MA enrollees and 50 GAMC enrollees would be added for every 100 additional CHP enrollees. The change from the CHP to Children's Health Plan Plus is expected to generate additional enrollment in MA and GAMC, above the level calculated in February 1992.

Total new (since February 1992) county administrative costs are calculated as follows:

	FY '93	FY '94
Additional MA recipients	915	1,031
County share administrative cost/case*	\$ 150	\$ 150
<b>Total county share cost for added MA cases</b>	<b>\$137,250</b>	<b>\$154,650</b>
Additional GAMC recipients	966	1,088
County share administrative costs/case	\$ 67	\$ 67
<b>Total county share costs for added GAMC cases</b>	<b>\$ 64,722</b>	<b>\$ 72,896</b>
<b>TOTAL COUNTY SHARE COSTS FOR ADDED MA &amp; GAMC CASES</b>	<b>\$201,972</b>	<b>\$227,546</b>

\*county administrative costs are calculated as follows: FY '91 annual county figures for total MA administrative costs ÷ total number of FY '91 MA cases

Therefore, for FY '93, this proposed subpart will cost each county approximately \$2,322.00, and for FY '94, approximately \$2,616.00.

#### B. Proposed part 9506.0050, subpart 6

This proposed subpart requires that if an enrollee's premium payment is not received by the due date, the Department must send a notice to the enrollee. This will result in costs to the Department.

Total costs are calculated as follows:

	FY '93	FY '94
projected average enrolled households	2,675	14,207
→		
households × 12 premium notices/year	32,100	170,484
→		

## Emergency Rules

assumption that 15%* will require late notices	4,815	25,573
→		
cost of sending late notices at 40¢/notice	\$1,926	\$10,229
<b>TOTAL</b>	<b>\$1,926</b>	<b>\$10,229</b>

\*15% based on 10% actual CHP late notices + 5% extra "cushion"

### C. Proposed part 9506.0050, subpart 8

This proposed part requires the Department to send out premium billing notices. For monthly premiums, the Department must send out the notices by the first of each month preceding the month for which coverage will be provided. For quarterly premiums, the Department must send out the notices by the first of the month immediately preceding the first month of the next quarter for which coverage will be provided. *Minnesota Statutes*, section 256.936, subdivision 4, paragraph (c) (*Laws 1992*, chapter 549, article 4, section 7) allows payment of premiums monthly or quarterly. Sending out notices will result in costs to the Department.

Using the numbers from Item B, above, total costs are calculated as follows:

	<u>FY '93</u>	<u>FY '94</u>
projected average enrolled households	2,675	14,207
→		
households × 12 premium notices/year (used for ease in calculation)	32,100	170,484
→		
cost of sending notices at 40¢/notice	\$12,840	\$68,194
<b>TOTAL</b>	<b>\$12,840</b>	<b>\$68,194</b>
<b>TOTAL COSTS</b>		
	<u>FY '93</u>	<u>FY '94</u>
1. cost to counties of additional MA and GAMC recipients	\$201,972	\$227,546
2. cost to state to send late premium notices	\$ 1,926	\$ 10,229
3. cost to state to send premium notices	<u>\$ 12,840</u>	<u>\$ 68,194</u>
<b>TOTAL</b>	<b>\$216,738</b>	<b>\$305,969</b>

Dated: 4 September 1992

Natalie Haas Steffen  
Commissioner

### Rules as Proposed (all new material)

#### 9506.0010 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 9506.0010 to 9506.0110 [Emergency] have the meanings given them in this part.

Subp. 2. **Aid to families with dependent children or AFDC.** "Aid to families with dependent children" or "AFDC" means the program authorized under title IV-A of the Social Security Act to provide financial assistance and services to needy families with dependent children.

Subp. 3. **Applicant.** "Applicant" means a person who submits a written application to the department for a determination of eligibility for children's health plan plus.

Subp. 4. **Child.** "Child" means a person who is less than 18 years of age.

Subp. 5. **Children's health plan.** "Children's health plan" means the program authorized under *Minnesota Statutes* 1990 and amended in 1991 Supplement, section 256.936, providing health care services to low-income children.

Subp. 6. **Children's health plan plus.** "Children's health plan plus" means the program authorized in *Laws 1992*, chapter 549, article 4, and recodified as *Minnesota Statutes*, section 256.9351, to provide appropriate covered health services for children and adults.

Subp. 7. **Community health offices.** "Community health offices" means department of health district offices, community health service agencies, or affiliated local public health nursing services under the authority of a community health board defined in *Minnesota Statutes*, section 145A.02, subdivision 5, a board of health defined in *Minnesota Statutes*, section 145A.02, subdivision 2, or a county

board of commissioners defined in *Minnesota Statutes*, section 145A.02, subdivision 8.

Subp. 8. **Commissioner.** "Commissioner" means the commissioner of the Department of Human Services or the commissioner's designee.

Subp. 9. **Covered health services.** "Covered health services" means the services listed in *Minnesota Statutes*, section 256.936, subdivision 2a, paragraphs (a) to (d).

Subp. 10. **Department.** "Department" means the Department of Human Services.

Subp. 11. **Dependent sibling.** "Dependent sibling" has the meaning given in *Minnesota Statutes*, section 256.936, subdivision 2b, paragraph (a).

Subp. 12. **Eligible provider.** "Eligible provider" has the meaning given in *Minnesota Statutes*, section 256.936, subdivision 1, paragraph (a).

Subp. 13. **Employer-subsidized health coverage.** "Employer-subsidized health coverage" means health coverage for which the employer pays at least 50 percent of the cost of coverage for the employee, excluding dependent coverage.

Subp. 14. **Enrollee.** "Enrollee" means an applicant determined eligible by the department to receive covered health services under children's health plan plus who has paid the required premium under part 9506.0050 [Emergency].

Subp. 15. **Family.** "Family" means parents or stepparents and their birth or adopted children, or guardians and their wards who are children, and the children's dependent siblings residing in the same household, including children and dependent siblings temporarily absent from the household in settings such as schools, camps, or visitation as specified in *Minnesota Statutes*, sections 518.131, subdivision 1, paragraph (a), and 518.175. When a parent or parents and his, her, or their child or children, or a guardian and his or her ward who is a child, are residing with other relatives, and the parent, parents, or guardian apply for children's health plan plus, family means only the parent or parents and his, her, or their child or children, or the guardian and his or her ward who is a child.

Family includes an emancipated minor and, if the emancipated minor is married, the emancipated minor and his or her spouse. Beginning July 1, 1994, for households without children, family also includes spouses.

Subp. 16. **General assistance medical care.** "General assistance medical care" has the meaning given in *Minnesota Statutes*, section 256D.02, subdivision 4a.

Subp. 17. **Gross annual family income.** "Gross annual family income" means the total of items A and B. Before July 1, 1994, it includes income for all family members. Beginning July 1, 1994, gross annual family income for single individuals means the total of items A and B. In either case, if a guardian is applying for children's health plan plus, the guardian's income must be included.

A. For self-employed persons and wage earners, gross annual family income includes:

(1) for farm and nonfarm self-employed persons, income has the meaning given in *Minnesota Statutes*, section 256.936, subdivision 1, paragraph (c); and

(2) for wage earners, income means money earned before any deduction, disregard, or exclusion received in the four months immediately before application for children's health plan plus, multiplied by three to reflect a 12-month period.

B. For all applicants, gross annual family income includes the following money received in the four months immediately before the application, multiplied by three to reflect a 12-month period:

(1) supplemental security income under title XVI of the Social Security Act;

(2) social security benefits;

(3) veterans' administration benefits;

(4) unemployment benefits;

(5) workers' compensation benefits;

(6) child support;

(7) spousal maintenance or support payments; and

(8) income from any other source, including training stipends, grants, scholarships, and rent.

Subp. 18. **Local social service agency.** "Local social service agency" means the local county agency under the authority of the county welfare or human services board or county board of commissioners that is responsible for human services.

Subp. 19. **Medical assistance.** "Medical assistance" means the program authorized under title XIX of the Social Security Act and *Minnesota Statutes*, chapter 256B.

Subp. 20. **Other health coverage.**

A. "Other health coverage" means:

## Emergency Rules

- (1) basic hospital coverage;
- (2) medical-surgical or major medical coverage;
- (3) Medicare Part A and/or Part B coverage under title XVIII of the Social Security Act;
- (4) supplemental Medicare coverage under *Minnesota Statutes*, sections 62A.31 to 62A.44;
- (5) coverage through a health maintenance organization under *Minnesota Statutes*, chapter 62D;
- (6) coverage through a health maintenance organization under *Minnesota Statutes*, chapter 62D, combined with Medicare benefits under title XVIII of the Social Security Act; or
- (7) coverage through the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) under *United States Code*, title 10, chapter 55, sections 1079 and 1086.

B. "Other health coverage" does not mean:

- (1) medical assistance under *Minnesota Statutes*, chapter 256B;
- (2) general assistance medical care under *Minnesota Statutes*, section 256D.02, subdivision 4a;
- (3) coverage under a regional demonstration project for the uninsured funded under *Minnesota Statutes*, section 256B.73;
- (4) coverage under the Hennepin county assured care program; or
- (5) coverage under the Group Health, Inc. community health plan.

Subp. 21. **Parent.** "Parent" means the birth, step, or adoptive mother or father of a child.

Subp. 22. **Permanent resident.** "Permanent resident" has the meaning given in *Minnesota Statutes*, section 256.936, subdivision 4c, paragraph (c).

Subp. 23. **Third party payer.** "Third party payer" has the meaning given in part 9505.0015, subpart 46.

Subp. 24. **WIC program.** "WIC program" means the Special Supplemental Food Program for Women, Infants and Children administered by the United States Department of Agriculture under *United States Code*, title 42, section 1786, providing nutritious food and nutrition education to low-income pregnant and postpartum women and their children.

### 9506.0020 [Emergency] ELIGIBILITY FOR CHILDREN'S HEALTH PLAN PLUS.

Subpart 1. **Children enrolled in children's health plan or children whose children's health plan application is received on or before September 30, 1992.** Children enrolled in the children's health plan, or children whose children's health plan application is received by the department, local social service agency, or appropriate referral source defined in part 9506.0030 [Emergency], subpart 1, on or before September 30, 1992, and who are found eligible for the children's health plan, will be enrolled in children's health plan plus if items A to C are met.

A. Eligibility.

- (1) The children applying are at least one year of age or older, but less than 18 years of age.
- (2) The children applying are permanent residents of Minnesota.
- (3) The children applying are not eligible for medical assistance, including medical assistance for pregnant women, under *Minnesota Statutes*, chapter 256B.
- (4) The child's family has a gross annual family income that does not exceed 185 percent of the federal poverty guidelines.
- (5) The children applying are not otherwise insured for the covered health services.

B. Continuous eligibility. Children whose children's health plan application is received by the department, local social service agency, or appropriate referral source defined in part 9506.0030 [Emergency], subpart 1, on or before September 30, 1992, and who are otherwise eligible for children's health plan, remain eligible for children's health plan plus:

- (1) regardless of age;
- (2) regardless of the presence or absence of other children in the same household; and
- (3) even if their family's gross annual income after enrollment exceeds 185 percent of the federal poverty guidelines, subject to children's health plan plus premium under part 9506.0050 [Emergency], subpart 2, item A or B, as long as all other eligibility requirements of this part are met, and continuous enrollment in children's health plan plus or the medical assistance program is maintained.

If the requirements in this item are not met, children may apply for children's health plan plus under subpart 2.

C. Premium payments. Until July 1, 1993, children eligible for the children's health plan are exempt from paying children's health plan plus premiums under part 9506.0050 [Emergency], subpart 2, item A or B, but must pay the children's health plan

enrollment fee under part 9506.0050 [Emergency], subpart 1. If the children's health plan application is received by the department, local social service agency, or appropriate referral source defined in part 9506.0030 [Emergency], subpart 1, after September 30, 1992, applicants must pay the children's health plan plus premiums under part 9506.0050 [Emergency], subpart 2, item A or B, instead of the children's health plan enrollment fee under part 9506.0050 [Emergency], subpart 1, unless the commissioner accepts children's health plan applications after September 30, 1992, as provided by *Laws 1992*, chapter 549, article 4, section 17.

**Subp. 2. Families with children enrolled in children's health plan, emancipated minors enrolled in children's health plan, and families with children or emancipated minors whose children's health plan plus application is received after September 30, 1992.** Until January 1, 1993, families with children enrolled in the children's health plan, emancipated minors enrolled in the children's health plan, and families with children or emancipated minors whose children's health plan plus applications are received by the department, local social service agency, or appropriate referral source defined in part 9506.0030 [Emergency], subpart 1, after September 30, 1992, will be enrolled in children's health plan plus if the requirements in items A to C are met.

**A. Eligibility.**

- (1) The children applying are at least one year of age or older, but less than 18 years of age.
- (2) The family members applying are permanent residents.
- (3) The family members applying are not eligible for medical assistance, including medical assistance for pregnant women, under *Minnesota Statutes*, chapter 256B.
- (4) The family has a gross annual family income that does not exceed 185 percent of the federal poverty guidelines.
- (5) The family members applying are not otherwise insured for the covered health services.
- (6) The family members applying must not have access to subsidized health coverage through an employer, and must not have had access to employer-subsidized health coverage during the 18-month period immediately preceding the family member's application for children's health plan plus. The requirement in this subitem does not apply if:
  - (a) the subsidized health coverage was lost for reasons that would not disqualify the family member from receiving unemployment benefits under *Minnesota Statutes*, section 268.09; or
  - (b) the family member applying has not had access to employer-subsidized health coverage because of a layoff.
- (7) If one child from the family applies, all children must apply, unless the child or the children not applying have other health coverage. Children and dependent siblings may apply even if their parents are not applying.
- (8) Parents applying must also apply for their children and the children's dependent siblings, if the children and dependent siblings are eligible under this part.
- (9) If one parent in the household applies, both parents must apply, unless the other parent has other health coverage.

**B. Continuous eligibility. Individuals remain eligible for children's health plan plus:**

- (1) regardless of age;
- (2) regardless of the presence or absence of children in the same household; and
- (3) even if their gross annual family income after enrollment exceeds 185 percent of the federal poverty guidelines, subject to children's health plan plus premiums under part 9506.0050 [Emergency], subpart 2, item A or B, as long as all other eligibility requirements of this part are met, and continuous enrollment in children's health plan plus or the medical assistance program is maintained.

**C. Premium payments.** Family members eligible for children's health plan plus must pay children's health plan plus premiums under part 9506.0050 [Emergency], subpart 2, item A or B.

**Subp. 3. Families with children and emancipated minors who apply for children's health plan plus.** Beginning January 1, 1993, families with children and emancipated minors will be enrolled in children's health plan plus if the requirements in items A to C are met.

**A. Eligibility.**

- (1) The family members applying are permanent residents.
- (2) The family members applying are not eligible for medical assistance, including medical assistance for pregnant women, under *Minnesota Statutes*, chapter 256B.
- (3) The family's gross annual family income does not exceed the gross income limits in *Minnesota Statutes*, section 256.936, subdivision 4b, paragraph (c).
- (4) The family members applying must not have access to subsidized health coverage through an employer, and must not have had access to employer-subsidized health coverage during the 18-month period immediately preceding the family member's

## Emergency Rules

application for children's health plan plus. The requirement in this subitem does not apply if:

(a) the subsidized health coverage was lost for reasons that would not disqualify the family member from receiving unemployment benefits under *Minnesota Statutes*, section 268.09; or

(b) the family member applying has not had access to employer-subsidized health coverage because of a layoff.

(5) The family member applying has not had other health coverage for at least the four months immediately preceding the date of application.

(6) If one child from the family applies, all children must apply, unless the child or the children not applying have other health coverage. Children and dependent siblings may apply even if their parents are not applying.

(7) Parents applying must also apply for their children and dependent siblings, if the children and dependent siblings are eligible under this part.

(8) If one parent in the household applies, both parents must apply, unless the other parent has other health coverage.

B. Continuous eligibility. Individuals remain eligible for children's health plan plus:

(1) regardless of age; or

(2) regardless of the presence or absence of children in the same household;

(3) as long as they do not have other health coverage; and

(4) even though their income exceeds the limits in *Minnesota Statutes*, section 256.936, subdivision 4b, paragraph (c), if:

(a) they initially enrolled in children's health plan plus;

(b) they pay the full cost of coverage; and

(c) all other eligibility requirements of this part are met and continuous enrollment in children's health plan plus or the medical assistance program is maintained.

C. Premium payments. The family members applying must pay children's health plan plus premiums under part 9506.0050 [Emergency], subpart 2, item A or B.

Subp. 4. **Single adults and households without children who apply for children's health plan plus.** Beginning July 1, 1994, single adults and households without children will be enrolled in children's health plan plus, in addition to families with children and emancipated minors eligible under subparts 1 to 3, if the requirements in items A to C are met.

A. Eligibility.

(1) The single adult or the family members applying are permanent residents.

(2) The single adult or the family members applying are not eligible for medical assistance, including medical assistance for pregnant women, under *Minnesota Statutes*, chapter 256B.

(3) The single adults or family members applying do not have gross annual family incomes exceeding the gross annual income limits of *Minnesota Statutes*, section 256.936, subdivision 4b, paragraph (c).

(4) The single adults or family members applying must not have access to subsidized health coverage through an employer, and must not have had access to employer-subsidized health coverage during the 18-month period immediately preceding the single adult's or family member's application for children's health plan plus. The requirement in this subitem does not apply if:

(a) the subsidized health coverage was lost for reasons that would not disqualify the single adult or the family member of the household from receiving unemployment benefits under *Minnesota Statutes*, section 268.09; or

(b) the single adult or family member applying has not had access to the employer-subsidized health coverage because of a layoff.

(5) The single adult or the family member applying does not have other health coverage and has not had other health coverage for at least the four months immediately preceding the date of application.

B. Continuous eligibility. The single adult or the family members remain eligible for children's health plan plus:

(1) as long as they do not have other health coverage; and

(2) even if their gross annual family income after enrollment exceeds the limits in *Minnesota Statutes*, section 256.936, subdivision 4b, paragraph (c).

C. Premium payments. The single adult or the family members applying must pay children's health plan plus premiums under part 9506.0050 [Emergency], subpart 2, item A or B.

**9506.0030 [Emergency] APPLICATION FOR CHILDREN'S HEALTH PLAN PLUS.**

Subpart 1. **Availability.** Applications for children's health plan plus will be made available by the department to appropriate referral sources. Appropriate referral sources include:

- A. eligible provider offices;
- B. local social service agencies;
- C. school district offices;
- D. public and private elementary schools in which 25 percent or more of the students receive free or reduced price lunches;
- E. community health offices; and
- F. WIC program sites.

The department shall establish a toll-free telephone number and a metropolitan area telephone number providing information about children's health plan plus. The department shall include these telephone numbers on department-published enrollment information. "Metropolitan area" has the meaning given in *Minnesota Statutes*, section 473.121, subdivision 2.

Subp. 2. **Children's health plan enrollment fees and children's health plan plus premium payments.** The appropriate referral sources under subpart 1 may:

- A. accept applications and forward them to the department;
- B. collect the children's health plan enrollment fee of \$25, not to exceed \$150 per family, under *Minnesota Statutes*, section 256.936, subdivision 4, and forward it to the department; and
- C. collect the initial children's health plan plus premium payment under part 9506.0050 [Emergency], subpart 2, item A or B, and forward it to the department.

Subp. 3. **Necessary information for eligibility determination.** Applicants must provide all information necessary for the commissioner to determine eligibility under children's health plan plus and potential eligibility for medical assistance under *Minnesota Statutes*, chapter 256B. Necessary information includes:

- A. social security number;
- B. proof of permanent residency under *Minnesota Statutes*, section 256.936, subdivision 4c. The signature of an applicant on the application attesting to permanent residency meets the affidavit requirement under *Minnesota Statutes*, section 256.936, subdivision 4c, paragraph (d), clause (3);
- C. household composition;
- D. status of availability or lack of availability of other health coverage;
- E. status of availability or lack of availability of access to employer-subsidized health coverage; and
- F. proof of gross annual family income.

Upon the commissioner's request, applicants must provide additional necessary information.

Subp. 4. **Processing applications.** Before applicants are enrolled in children's health plan plus, a complete application must be received by the department, applicants must be determined eligible under part 9506.0020 [Emergency], and the initial premium under part 9506.0050 [Emergency], subpart 2, item A or B must be paid. Coverage begins according to part 9506.0040 [Emergency], subpart 1.

Subp. 5. **Screening for medical assistance eligibility.**

A. The commissioner shall refer applicants to the local social service agency if applicants are potentially eligible for the medical assistance program under *Minnesota Statutes*, chapter 256B. To determine potential eligibility, the commissioner shall use the following criteria:

- (1) age of the applicant;
- (2) income of the applicant;
- (3) whether the applicant is pregnant; and
- (4) whether the applicant has any illness, injury, or incapacity indicating a disability.

The commissioner shall not enroll applicants in children's health plan plus until they are determined ineligible for medical assistance under *Minnesota Statutes*, chapter 256B, by a local social service agency. The commissioner shall not enroll applicants who do not cooperate with the process of determining their eligibility for the medical assistance program.

B. The commissioner shall disenroll from children's health plan plus enrollees who are potentially eligible for medical assistance

## Emergency Rules

under *Minnesota Statutes*, chapter 256B, and who do not cooperate with the process of determining their eligibility for the medical assistance program.

C. The commissioner shall disenroll from children's health plan plus enrollees who are determined eligible for the medical assistance program under *Minnesota Statutes*, chapter 256B, by a local social service agency.

D. The commissioner shall delay children's health plan plus enrollment for otherwise eligible parents if the parents' child applicant is potentially eligible for the medical assistance program under *Minnesota Statutes*, chapter 256B. Parents eligible for children's health plan plus may enroll in children's health plan plus upon a determination regarding their child's eligibility for the medical assistance program under *Minnesota Statutes*, chapter 256B, by a local social service agency and upon payment of children's health plan plus premium under part 9506.0050 [Emergency], subpart 2, item A or B. The commissioner shall not enroll parents in children's health plan plus if they do not cooperate in determining their child's eligibility for the medical assistance program under *Minnesota Statutes*, chapter 256B.

### 9506.0040 [Emergency] COVERED HEALTH SERVICES.

Subpart 1. **When coverage begins.** Coverage under children's health plan plus begins on the first day of the month following the month in which a complete application is entered by the department into the eligibility file and the initial premium payment is received by the department. However, if enrollees are hospitalized on the first day of coverage, coverage begins the day following discharge from the hospital.

Subp. 2. **Chemical dependency health services.** Enrollees who may need chemical dependency services under children's health plan plus must be assessed by a local social service agency as defined in *Minnesota Statutes*, section 254B.01, subdivision 5, under the assessment provisions of parts 9530.6600 to 9530.6655. Enrollees who are financially eligible for consolidated chemical dependency treatment fund services under *Minnesota Statutes*, chapter 254B, must receive chemical dependency treatment services under *Minnesota Statutes*, chapter 254B, if:

- A. they have exhausted the covered chemical dependency health services under children's health plan plus; or
- B. an assessment indicates that they need a level of care not provided under children's health plan plus.

Subp. 3. **Workers' compensation benefits.** Covered health services do not include covered health services paid for by workers' compensation under *Minnesota Statutes*, chapter 176.

Subp. 4. **Cost avoidance.** Covered health services under parts 9506.0010 to 9506.0110 [Emergency] are secondary to other health coverage for which enrollees are eligible, except for chemical dependency health services under subpart 2. The department will not pay for covered health services until coverage is denied by all potential third party payers. The eligible provider must attempt to collect reimbursement from the other third party payers before billing the department for a covered health service. The commissioner shall use cost avoidance techniques to ensure benefit coordination for enrollees.

Subp. 5. **Subrogation.** When the department provides, pays for, or becomes liable for covered health services, it shall have a lien for the cost of care upon any and all causes of action accruing to the enrollee, or to the enrollee's legal representatives, as a result of injuries necessitating covered health services.

### 9506.0050 [Emergency] PREMIUM PAYMENTS.

Subpart 1. **Premium payment required.** Enrollees must pay premiums based on the sliding fee scale in subpart 2 before enrollment in children's health plan plus is complete and to maintain eligibility in children's health plan plus. Until July 1, 1993, enrollees in the children's health plan who are eligible for children's health plan plus under part 9506.0020 [Emergency], subpart 1, and whose children's health plan plus application was received by the department, local social service agency, or appropriate referral source defined in part 9506.0030 [Emergency], subpart 1, on or before September 30, 1992, in lieu of the premium under subpart 2, must pay an enrollment fee of \$25, not to exceed \$150 per family.

#### Subp. 2. Premium payments.

A. Beginning July 1, 1993, the sliding fee scale used to determine an enrollee's premium payment must comply with *Minnesota Statutes*, section 256.936, subdivision 4b, paragraph (c). The premium shall be a percentage of an enrollee's gross annual family income during the previous four months.

B. Between October 1, 1992 and June 30, 1993, the commissioner will use a sliding fee scale that sets an enrollee's premium payment as a percentage of the enrollee's gross annual family income equal to two-thirds of the percentages specified under *Minnesota Statutes*, section 256.936, subdivision 4b, paragraph (c).

C. An enrollee's premium payment table and an explanation for the premium payment table is available upon request from the department.

#### Subp. 3. Premium payment adjustments.

A. The commissioner shall adjust enrollees' premium payments upon receipt of the information required under part 9506.0080



[Emergency], subpart 1. Adjustments to enrollees' premium payments become effective on the first day of the month following issuance by the department of an adjusted premium invoice.

B. Under *Minnesota Statutes*, section 256.936, subdivision 2, the commissioner may:

(1) decrease the premium subsidy by ten percent for families with gross annual family income above 200 percent of the federal poverty guidelines; and

(2) decrease the premium subsidy by ten percent for families with gross annual family income at or below 200 percent.

Subp. 4. **Premiums paid monthly or quarterly.** Applicants must choose to pay premiums on a monthly or a quarterly basis.

Subp. 5. **Premium payment due date.**

A. The initial premium must be received by the department within four months of the date on an applicant's first premium notice for children's health plan plus, otherwise applicants must submit a new children's health plan plus application.

B. Subsequent monthly premiums must be received by the department by the 15th of the month preceding the month for which the premium is paid; subsequent quarterly premiums must be received by the department by the 15th of the month preceding the beginning of the quarter for which the premium is paid.

Subp. 6. **Late premium payments.** If a premium is not received by the due date in subpart 5, the department must send a written notice to the enrollee informing the enrollee the required premium has not been received and the required premium must be received by the department before the first day of the next month, for premiums paid on a monthly basis, or before the first day of the first month of the next quarter, for premiums paid on a quarterly basis.

Subp. 7. **Premium payments not received.** If a monthly premium is not received by the department by the last day of the month in which coverage is provided, coverage ends and the enrollee is disenrolled from children's health plan plus. If a quarterly premium is not received by the last day of the first month following the quarter for which the last premium was paid, coverage ends and the enrollee is disenrolled from children's health plan plus.

Disenrolled enrollees must wait four calendar months before reenrolling for children's health plan plus and must comply with parts 9506.0010 to 9506.0110 [Emergency]. When enrollees reenroll for children's health plan plus, their premium payment must include the unpaid premium for any month in which coverage was provided.

Subp. 8. **Billing notices.**

A. For monthly premiums, the department will send out premium payment notices by the first of each month preceding the month for which coverage will be provided.

B. For quarterly premiums, the department will send out premium payment notices by the first of the month immediately preceding the first month of the next quarter for which coverage will be provided.

#### **9506.0060 [Emergency] COPAYMENTS AND ELIGIBLE PROVIDER REIMBURSEMENT.**

Subpart 1. **Copayments required.** Enrollees must pay to eligible providers children's health plan plus copayments under *Minnesota Statutes*, section 256.936, subdivision 2a, paragraph (f).

Subp. 2. **Eligible provider reimbursement.** The commissioner will reimburse eligible providers for the lesser of:

A. the eligible provider's usual and customary fees, minus children's health plan plus copayments required under subpart 1; or

B. the maximum allowable medical assistance rate specified in part 9505.0445, minus children's health plan plus copayments required under subpart 1.

Subp. 3. **Reimbursement for covered health services.** Covered health services are reimbursed at the same rate and under the same conditions for medical assistance, with the exceptions listed in *Minnesota Statutes*, section 256.936, subdivision 2a, paragraphs (a) to (d) and (f).

Subp. 4. **Copayments not paid.** The commissioner shall not reimburse eligible providers at the full medical assistance rate if eligible providers cannot or do not collect children's health plan plus copayments from enrollees.

#### **9506.0070 [Emergency] ANNUAL REDETERMINATION OF ELIGIBILITY.**

Subpart 1. **Annual redetermination required.** The commissioner shall perform an annual redetermination of continued children's health plan plus eligibility for each enrollee.

Subp. 2. **Enrollee cooperation with annual redetermination.** Enrollees must provide information to the department in order for the commissioner to redetermine eligibility for children's health plan plus. The information must be provided so the redetermination can occur before the anniversary date that eligibility began under part 9506.0040 [Emergency], subpart 2. Enrollees who do not provide information to the department in order for the commissioner to redetermine eligibility are disenrolled from children's health plan plus. For purposes of this subpart, anniversary date means the annual occurrence of the first day of the month following the date of department approval of eligibility for children's health plan plus.

## Emergency Rules

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### 9506.0080 [Emergency] QUALITY CONTROL.

Subpart 1. **Changes.** As soon as identified, enrollees must report the following changes to the department:

- A. address;
- B. household composition;
- C. employment status;
- D. gross annual family income;
- E. availability of other health coverage;
- F. onset of disability or change in disability; and
- G. initiation of legal action to collect money for an accident or an injury.

Subp. 2. **Random audits.** The commissioner will verify enrollees' gross annual family income and children's health plan plus eligibility by performing random audits. For purposes of this part, random audits mean a review of children's health plan plus eligibility of randomly selected enrollees. During the review appropriate additional income and eligibility information shall be collected. Appropriate additional income and eligibility information includes the following:

- A. federal income tax returns;
- B. federal W2 forms;
- C. employment check stubs;
- D. family composition;
- E. residency;
- F. period uninsured; and
- G. status of availability or lack of availability of access to employer-subsidized coverage.

Enrollees who do not provide requested additional income and eligibility information are disenrolled from children's health plan plus.

Subp. 3. **Redetermination.** When the commissioner receives additional income and eligibility information regarding an enrollee, the commissioner shall redetermine the enrollee's children's health plan plus eligibility. Upon the commissioner's request, enrollees must provide additional income and eligibility information.

Under *Minnesota Statutes*, section 256.936, subdivision 3, the commissioner may execute data sharing arrangements with the Department of Revenue, the Department of Jobs and Training, and any other governmental agency in order to perform income verification related to children's health plan plus eligibility.

Subp. 4. **Commissioner's access to enrollee medical records.** The commissioner shall be allowed access to an enrollee's personal medical records in order to monitor compliance with the requirements of parts 9506.0010 to 9506.0110 [Emergency] for the purposes of identifying fraud, theft, or abuse in the administration of children's health plan plus.

### 9506.0090 [Emergency] COORDINATION OF CHILDREN'S HEALTH PLAN PLUS AND MEDICAL ASSISTANCE.

Subpart 1. **Coordination of children's health plan plus hospital inpatient services and enrollee eligibility under medical assistance spend down.** Under *Minnesota Statutes*, section 256.936, subdivision 2a, paragraph (e), the commissioner shall coordinate the provision of hospital inpatient services in children's health plan plus with enrollee eligibility under the medical assistance spend down. For purposes of this part, spend down has the meaning given in part 9505.0015, subpart 44.

Subp. 2. **Coordination of children's health plan plus coinsurance and medical assistance spend down.** Enrollees who would be eligible for medical assistance under *Minnesota Statutes*, chapter 256B, with a spend down must pay the coinsurance amount under *Minnesota Statutes*, section 256.936, subdivision 2a, paragraph (f), up to the spend down limit or the coinsurance amount, whichever is less.

Subp. 3. **Covered health services for pregnant enrollees.** The commissioner shall refer pregnant enrollees who are potentially eligible for the medical assistance program under *Minnesota Statutes*, chapter 256B, to a local social service agency for a determination of medical assistance eligibility and shall disenroll enrollees who are determined eligible from children's health plan plus.

### 9506.0100 [Emergency] CHILDREN'S HEALTH PLAN PLUS ADMINISTRATION.

To comply with *Minnesota Statutes*, section 256.936, subdivision 2, the commissioner shall:

- A. manage children's health plan plus spending;
- B. make a quarterly assessment of the expected expenditures for the covered health services for the fiscal years 1993 and 1994;

and

C. make necessary adjustments by following *Minnesota Statutes*, section 256.936, subdivision 2, to ensure that expenditures remain within the limits of available revenues.

**9506.0110 [Emergency] APPEALS.**

If the commissioner suspends, reduces, or ends eligibility for children's health plan plus, or for covered services, the commissioner shall provide notification according to the provisions in *Minnesota Statutes*, chapter 256B, and *Minnesota Rules*, chapter 9505. Applicants or enrollees aggrieved by a determination of the commissioner may appeal the determination according to *Minnesota Statutes*, section 256.045.

**RECODIFYING.** The references to *Minnesota Statutes*, section 256.936, shall be recodified as directed in *Laws 1992*, chapter 549, article 4, section 19.

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## Official Notices

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

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

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### Department of Administration

#### State Building Codes and Standards Division

#### Notice of Intent to Solicit Outside Opinion Regarding the Proposed Adoption of the 1993 National Electrical Code (NEC) by Reference

**NOTICE IS HEREBY GIVEN** that the State Building Codes and Standards Division is seeking information or opinions from sources outside the agency in preparing to adopt the 1993 National Electrical Code (NEC) by reference, with the proposed effective enforcement date of July 1, 1993. The promulgation of these rules is authorized by *Minnesota Statutes*, Section 16B.61 and 16B.64, which permits the agency to amend the Minnesota State Building Code.

The State Building Codes and Standards Division requests information and comments concerning the subject matter of the rule. Interested or affected persons or groups may submit statements of information or comment in writing. Written statements should be addressed to:

Peggi White  
Building Codes and Standards Division  
408 Metro Square Building  
121 East 7th Place  
St. Paul, Minnesota 55101

All statements of information and comments shall be accepted until November 20, 1992 at 4:30 p.m. Any written material received by the State Building Codes and Standards Division shall become part of the rulemaking record in the event the rule is adopted.

Thomas R. Joachim  
State Building Inspector

### Department of Commerce

#### Maximum Lawful Rate of Interest for Mortgages and Contracts for Deed for the Month of November 1992

**NOTICE IS HEREBY GIVEN** that pursuant to *Minnesota Statutes*, Section 47.20, Subdivision 4a, the maximum lawful rate of interest for conventional home mortgages and contracts for deed for the month of November 1992 is eleven and seventy-two one-hundredths (11.72) percentage points.

Dated: October 1992

Bert J. McKasy  
Commissioner of Commerce

## Department of Commerce

### Notice of Solicitation of Outside Information or Opinion In the Matter of Proposed Adoption or Amendment of Rules Regarding Credit Unions

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Commerce is seeking information or opinions from sources outside the agency in preparing to amend existing rules or adopt new rules relating to Credit Unions. Amendments will include but will not be limited to whether the present \$7,500 real estate loan documentation exemption should be increased and if so, to what level. The adoption of the rule or rule amendments is authorized by *Minnesota Statutes*, Section 45.023 which permits the commissioner of commerce to adopt or amend rules whenever necessary or proper in discharging the commissioner's official responsibilities.

Outside opinion is also being solicited as to how the rules will affect small business as defined under *Minnesota Statutes*, Section 14.115, subdivision 1.

The Minnesota Department of Commerce requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written comments should be addressed to:

James G. Miller, Deputy Commissioner  
Department of Commerce  
133 East Seventh Street  
St. Paul, Minnesota 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-2715 and in person at the above address.

All statements of information and opinions shall be accepted until November 20, 1992. Any written material received by the Minnesota Department of Commerce shall become part of the rulemaking record to be submitted to the Attorney General or Administrative Law judge in the event that the rules are adopted.

Dated: 30 September 1992

Bert J. McKasy  
Commissioner of Commerce

## State Board of Education Special Education Section

### Corrected Notice Soliciting Outside Opinions on Rules Governing Eligibility into Special Education Services

**NOTICE IS HEREBY GIVEN** that the State Board of Education is seeking information or opinions from sources outside the board in preparing the adoption of rules governing eligibility into Special Education Services for Individuals with Emotional or Behavioral Disorders; Mentally Impaired; Moderate/Severe; Specific Learning Disability; Speech or Language Impairments and Use of Behavioral Interventions with Pupils. The adoption of these rules is authorized by *Minnesota Statutes*, Section 120.17. **This authorization was erroneously reported as *Minnesota Statutes*, Section 169.45 in the September 28, 1992 Notice of Solicitation. The corrected statute granting authority for adoption of special education rules is *Minnesota Statutes*, Section 120.17.**

## Department of Labor and Industry

### Labor Standards Division

### Notice of Prevailing Wage Determinations for Commercial Projects

On October 12, 1992 the Commissioner certified prevailing wage rates for commercial projects construction in Washington county. Project is: Oakdale Chemical Storage Building.

Copies of the determined wage rates for Minnesota project(s) may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306, or calling (612) 296-6452. The charges for the cost of copying and mailing are \$1.36 per project.

John B. Lennes, Jr.  
Commissioner

## Minnesota Board of Social Work

### Board Meeting

The Minnesota Board of Social Work's regular board meeting for November has been changed from November 13, 1992 to November 20, 1992 at 12:00 p.m.

## Department of Revenue

### Appeals, Legal Services, and Criminal Investigation Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Sales and Use Taxation Relating to Producing, Fabricating, Printing, or Processing Property Furnished by Consumer

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Revenue is seeking information or opinions from sources outside the agency in preparing to propose the adoption of a rule governing sales and use tax on producing, fabricating, printing, or processing property furnished by consumer. The adoption of this rule is authorized by *Minnesota Statutes*, section 270.06 which requires the commissioner of revenue to make, publish, and distribute rules for the administration and enforcement of state tax laws.

The Minnesota Department of Revenue requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

John E. Streiff  
Department of Revenue  
Appeals, Legal Services, and  
Criminal Investigation Division  
10 River Park Plaza  
Mail Station 2220  
St. Paul, MN 55146-2220

Oral statements will be received during regular business hours over the telephone at (612) 296-1902 extension 133, or (612) 296-1022 and in person at the above address.

All statements of information and opinions shall be accepted until November 12, 1992. Any written material received by the Minnesota Department of Revenue shall become part of the rulemaking record to be submitted to the Attorney General or Administrative Law judge in the event that the rule is adopted.

Dated: 29 September 1992

John E. Streiff  
Attorney

## Department of Revenue

### Appeals, Legal Services, and Criminal Investigation Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Sales Tax on Entertainment

**NOTICE IS HEREBY GIVEN** that the State Department of Revenue is seeking information or opinions from sources outside the agency in preparing to propose the amendment of the rule governing sales tax on entertainment. The adoption of the rule is authorized by *Minnesota Statutes* section 270.06, which requires the commissioner of revenue to make, publish, and distribute rules for the administration and enforcement of state tax laws.

The Minnesota Department of Revenue requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

John E. Streiff  
Department of Revenue

## Official Notices

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Appeals, Legal Services, and  
Criminal Investigation Division  
10 River Park Plaza  
Mail Station 2220  
St. Paul, MN 55146-2220

Oral statements will be received during regular business hours over the telephone at (612) 296-1902 extension 133, or (612) 296-1022 and in person at the above address.

All statements of information and opinions shall be accepted until November 12, 1992. Any written material received by the Minnesota Department of Revenue shall become part of the rulemaking record to be submitted to the Attorney General or Administrative Law judge in the event that the rule is adopted.

Dated: 29 September 1992

John E. Streiff  
Attorney

## 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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## Department of Health

### Minnesota Breast and Cervical Cancer Control Program

#### Request for Applications

The Minnesota Department of Health (MDH) is seeking applications from Community Health Service Agencies, and public or nonprofit medical care providers and hospitals interested in becoming screening or testing sites for the Minnesota Breast and Cervical Cancer Control Program. Successful applicants will provide breast and cervical cancer screening and related services to uninsured and underinsured woman, with an emphasis on women who are low-income.

Providers will be expected to enroll participants in the program and provide breast and/or cervical cancer screening and certain diagnostic follow-up procedures to women who cannot afford to pay, establish and maintain a tracking and follow-up system to assure that women with abnormal tests receive appropriate follow-up, assure that all appropriate follow-up diagnostic and treatment services are provided to program participants, cooperate and where appropriate participate in the program's public and professional education activities, and comply with the program's quality assurance standards for breast and cervical cancer screening.

Approximately \$1,000,000 is available to purchase services for the period April 1, 1993 to July 15, 1994. Individual provider agreements will vary in size from less than \$20,000 to an estimated upper range up to \$150,000.

Organizations responding to this request must estimate the amount and cost of services they could provide and address issues of tracking and follow-up, provision of or referral for cancer treatment, quality assurance for mammography and pathology, and administrative capability. Prospective providers who have questions or want an application may contact:

Mark Schoenbaum  
Minnesota Breast and Cervical Control Program  
Division of Health Promotion and Education  
Minnesota Department of Health  
717 S.E. Delaware Street  
Minneapolis, MN 55440  
Phone: (612) 627-5464

**Applications are due by January 11, 1993 at 4:30 p.m. to the address above.** Late submissions will be considered only if funds remain after provider agreements are established with responders who meet the submission deadline.

This Request for Applications does not obligate the State to purchase these services, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

## **Board of Water and Soil Resources**

### **Announcement of Application Period for Local Water Resources Protection and Management Program Grants**

The Board of Water and Soil Resources (BWSR) is accepting applications from counties for Local Water Resources and Protection and Management Program grants. The following grants are available:

- Grants to develop a comprehensive local water plan authorized under *Minnesota Statutes*, section 103B.255 (formerly 473.8785); and
- Base grants for implementing a comprehensive local water plan.

The BWSR has \$2,535,000 available for these grants. To be considered, applications must be in the BWSR office in St. Paul by 4:30 p.m. January 15, 1993.

County Auditors have been notified of this application period. Any other local unit of government that wishes to be notified must contact the BWSR by writing to the Executive Director at the following address:

Ronald D. Harnack  
Executive Director  
Board of Water and Soil Resources  
155 South Wabasha Street, Suite 104  
St. Paul, MN 55107

An application packet which includes additional information about the grants can be obtained by writing to the BWSR office in St. Paul.

## **Professional, Technical & Consulting Contracts**

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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.

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### **Department of Administration**

**NOTICE IS HEREBY GIVEN** that the Department of Administration intends to engage the services of one or more employee assistance provider organizations with service access in Willmar, Minnesota:

The contractor will provide assessment and referral counseling services, employee education services and management/supervisory consultation services for state employees, dependent family members of state employees and state agencies in Willmar and the surrounding communities. The Contractor also will be expected to perform local outreach activity within various state agencies, (supervisory training, seminars, health fairs, etc.).

The contractor is expected to maintain a five-day per week operation with a fully staffed office.

The contract period shall run from January 1, 1993 to June 30, 1995.

The estimated amount of the contract should not exceed \$5,000. annually. Responses must be received no later than October 30, 1992, and should be addressed to:

Director  
State Employee Assistance Program  
Meridian National Bank  
205 Aurora Avenue, Suite 200  
Saint Paul, Minnesota 55103  
612-296-0765

## **Department of Corrections**

### **Education Unit**

#### **Notice of Availability of Contract for Library Coordinator**

The Department of Correction requires the services of a library coordinator. This is a part-time position responsible for coordinating library materials and services in the ten facilities administered by the Department of Corrections and managing grant applications and reports.

Hours of the position are flexible and arranged with the Education Coordinator. Pay will be at the rate of \$18.00 per hour.

#### **EVALUATION CRITERIA**

##### **REQUIRED:**

MLS from ALA accredited library school.

Experience in preparing grant applications and reports.

Experience in working with library networks.

Knowledge of library technology and automation.

Flexibility in scheduling.

Willingness to travel.

##### **DESIRED:**

Experience in coordinating library services and materials in a corrections environment.

Experience as a professional librarian in a correctional facility.

##### **FOR APPLICATION INFORMATION, CONTACT:**

Roger Knudson  
Education Coordinator  
Department of Corrections  
300 Bigelow Building  
450 No. Syndicate St.  
St. Paul, MN 55104  
612/642-0244

## **State Designer Selection Board**

### **Request for Proposal for a State University Project**

#### **To Minnesota Registered Design Professionals:**

The State Designer Selection Board has been requested to select a designer for a State University project. Design firms who wish to be considered for this project should deliver proposals on or before 4:00 p.m., November 3, 1992, to:

George Iwan  
Executive Secretary, State Designer Selection Board  
Room G-10, Administration Building  
St. Paul, Minnesota 55155-3000

#### **The proposal must conform to the following:**

- 1) Six copies of the proposal will be required.
- 2) All data must be on 8½" x 11" sheets, soft bound.
- 3) The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number and the name of the contact person.

#### **4) Mandatory Proposal contents in sequence:**

a) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc. If the response is from a joint venture, this information must be provided for firms comprising the joint venture.



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## Professional, Technical & Consulting Contracts

b) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. Identify roles that such persons played in projects which are relevant to the project at hand. NOTE NEW REQUIREMENT: The proposal must contain a statement indicating whether or not the consultants listed have been contacted and have agreed to be a part of the design team.

c) A commitment to enter the work promptly, if selected, by engaging the consultants, and assigning the persons named 4b above along with adequate staff to meet the requirements of work.

d) A list of State and University of Minnesota current and past projects and studies under contract or awarded to the prime firm(s) submitting this proposal during the three (3) years immediately preceding the date of this request for proposal. The prime firm(s) shall list and total all fees associated with these projects and studies whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects and studies listed pursuant to the above. NOTE: Please call for a copy of the acceptable format for providing this information.

e) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described. It must be noted if the personnel were, at the time of the work, employed by other than their present firms.

The proposal shall consist of no more than twenty (20) pages. Proposals not conforming to the parameters set forth in this request will be disqualified and discarded without further examination.

### 5) Statutory Proposal Requirements:

In accordance with the provisions of *Minnesota Statutes*, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted.

**The proposal will not be accepted unless it includes one of the following:**

- a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
  - b) A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights;
- or
- c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months; or
  - d) A statement certifying that the firm has an application pending for a certificate of compliance.
- 6) Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:
- a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or
  - b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

In accordance with existing statute, the Board will retain one copy of each proposal submitted.

Any questions concerning the Board's procedures, their schedule for the project herein described or the fee format form may be referred to George Iwan at (612) 296-4656.

### 7) PROJECT—26-92

New Library Building  
Winona State University

Appropriation: \$640,200.00 to plan through construction documents a new library building that will cost approximately \$13.2 million to construct.

Scope of Project: Plan through construction documents with the current appropriation. Bid, construct, equip and furnish the new building upon receipt by the System of a future appropriation.

Project Gross Square Feet (GSF): 120,100 gross square feet (GSF)  
89,000 net assignable square feet (NASF)  
Net to gross ratio is 0.74

### PROGRAM SUMMARY:

Collections

— 27,500 NASF

## Professional, Technical & Consulting Contracts

Reader seating/conference rooms	—	40,500 NASF
Staff and support space	—	10,000 NASF
Classroom space	—	1,000 NASF
Audio visual services	—	<u>10,000 NASF</u>
Subtotal	—	89,000 NASF
Custodial, circulation, and mechanical	—	<u>31,100 NASF</u>
TOTAL	—	120,100 NASF

### SITE:

The building will be located at the southeast corner of the campus central plaza, between the Performing Arts Center and Minne Hall, and will displace the existing tennis courts. The site includes a vacated city street with buried water, gas, and sewer lines.

### PURPOSE OF THE PROJECT:

The new building is expected to create a user friendly facility that provides the space and services to enhance student learning, and to be a center for electronically managed information. The most important purpose is to establish a teaching/learning facility which encourages students to visit the library, spend time in the library, and to learn the value of pulling together a set of resources (print, audio, video, computer) to develop a data base in support of research and/or basic learning.

The new library must conform in its design and function to the report of the Minnesota State University System Academic Library of the Future Task Force, titled "The Academic Library of the Future, a report to the Legislature" and dated November 1, 1991.

### BUILDING CONSTRUCTION:

The new library shall be similar in size and mass to the recently constructed Stark Hall, and shall reflect the architectural style and construction materials of that building. The new library and Stark Hall, within sight of each other, will serve as cornerstones of the campus and will tie together that part of the campus that is dominated by an older style of architecture. The building will have a reinforced concrete structural frame, veneer face brick, and decorative stone trim. The main entrance, facing the campus central plaza, must create an inviting facade which emphasizes the importance of the library.

The interior shall be designed for maximum space utilization, future space reorganization flexibility, climate control, contemporary electronic environment, highly flexible lighting system, energy efficiency, and appropriate fire suppression system. Color, light, wall/floor finishes, and sight lines are important.

Architectural Responsibilities: For planning through construction documents (current appropriation), the architect shall be responsible for, but not limited to, such tasks as: review of the University's space program, preparation of preliminary schematics and cost estimates (including consideration of alternative designs), project design, and preparation of final working drawings and specifications (including cost estimates). For future appropriation work (bidding and construction), the architect shall be responsible for bidding, and project administration during construction, including but not limited to preparation of construction change orders, review and approval of shop drawings and payment requests, oversight of project construction for owner (including on-site observation and chairing construction meetings), and project acceptance. Prior experience with design of university libraries or large public sector projects, and personnel with experience focused on construction will be important considerations.

Consultant's fee shall be fixed, and shall be computed as a percentage of the amount budgeted by the State for construction. Consultant's proposal shall state consultants policy concerning additional consultant services resulting from acceptable low bid exceeding or falling short of the construction budget.

Architectural firms that plan to submit a proposal should make an on-site visit in order to understand the integration of the new library with Stark Hall and the other campus buildings.

Architectural Fee: 75% of 6% of the budgeted construction cost for this schematic design phase through construction document phase; 6% of the budgeted construction cost for the total project fee.

### UNIVERSITY CONTACT:

John Burros  
Director of Facilities Management  
Somsen Hall 204H  
Winona State University  
Winona, Minnesota 55987  
(705) 457-5052

**STATE UNIVERSITY SYSTEM CONTACT:**

David Hardin  
Director of Facilities Management  
Minnesota State University System  
555 Park Street, Suite 230  
St. Paul, Minnesota 55103  
(612) 296-6624

M.J. Czarniecki III, Chair  
State Designer Selection Board

## **Department of Employee Relations**

### **Notice of Availability of Request for Proposal to Provide Actuarial and Consulting Services to the Employee Insurance Division**

The Minnesota Department of Employee Relations (DOER) is soliciting proposals from qualified Vendors for actuarial and consulting services. These services must comply with all applicable laws and administrative rules governing the operation of the State of Minnesota Employees Group Insurance Program, the Public Employees Insurance Plan, the state's self-insured Workers' Compensation Program, and the Private Employers Insurance Program. The Employee Insurance Division seeks proposals from firms with experience in actuarial and consulting services with a major presence in the Twin Cities metropolitan area. The overall goals of the Contract are to assist DOER in actuarial and employee insurance coverage design services including, analysis and consultation in the areas of:

- Cost estimation;
- Rating methods;
- Coverage levels;
- Risk pool structures;
- Strategic planning; and
- Other issues related to the administration of insurance benefits and workers' compensation.

A copy of the request for proposals is available from:

Dennis Mackey  
Minnesota Department of Employee Relations  
Employee Insurance Division  
200 Centennial Office Building  
658 Cedar Street  
St. Paul, MN 55155  
Telephone: (612) 297-8117

Proposals are due no later than 4:30 p.m. October 30, 1992.

## **Department of Human Services**

### **Child Support Enforcement Office**

### **Request for Proposals for Software Development Services to Enhance the Minnesota Child Support Enforcement System**

The Department of Human Services—Office of Child Support Enforcement is soliciting proposals from qualified firms to enhance the Child Support Enforcement System (CSES) to meet federal certification requirements and to improve the effectiveness and efficiency of CSES.

A copy of the detailed **Request for Proposal** can be obtained weekdays from 8:00 a.m. to 4:00 p.m. Vendors should obtain a copy of the detailed **Request for Proposal** as soon as possible to assure sufficient preparation time. The detailed **Request for Proposal** can be obtained by contacting:

Maxine Pedersen, Executive Secretary  
Department of Human Services

## Professional, Technical & Consulting Contracts

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Office of Child Support Enforcement  
444 Lafayette Road—4th Floor  
St. Paul, Minnesota 55155-3846  
Phone: (612) 297-1113

The estimated cost is \$2.7 million.

A Bidder's Conference will be held at 1:00 p.m. on October 23, 1992 in Room 4-A/B, 444 Lafayette Road, St. Paul, MN to respond to vendors' questions concerning this solicitation.

## Department of Human Services

### Coordinated Health Care Delivery Programs Long Term Care Options Project

### Notice of Availability of Contract for Actuarial Assistance in Establishing Rates for Primary, Acute and Long Term Care Managed Care Demonstration

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Human Services is seeking applications for professional services from recognized experts in actuarial science, health plan rate setting and long term care rate setting to develop a rate setting methodology for the Long Term Care Options Project funded by the Robert Wood Johnson Foundation. The foundation has provided funding for the design and development of an innovative managed care system, incorporating primary, acute and long term care services for elderly persons dually eligible for Medicaid and Medicare, into one managed care system. The rate setting methodology will be submitted to the Health Care Financing Administration (HCFA) as part of a proposal to demonstrate a new approach to financing and delivery of a broad range of health and long term care services at several sites in Minnesota. Necessary waivers will be requested from HCFA.

The population involved will include persons over 65 who are dually eligible for the Medicare and Medicaid programs and who reside within counties involved in five to seven service sites to be selected as part of the development phase. The population will include persons residing both in nursing homes and within the community including those currently requiring a variety of long term care services and those who may not be currently utilizing services.

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

#### I. Purpose of the Project

The purpose of the project is to combine the financing and delivery of primary, acute and long term care services of community-based and institutionalized elders eligible for Medicaid and Medicare services. The goals are to provide services necessary to maximize independence of elders living in the community and to provide a coordinated services delivery system to those residing in nursing homes, as well as to ensure that services are provided in the most cost effective alternative setting feasible. Medicare and Medicaid services and funding are to be combined and utilized in conjunction with existing community services to provide a total care package for enrolled elders. The State will contract with a managed care organization (MCO) at each site to manage and deliver primary, acute and long term care services to enrolled elders. The MCO will consist of a partnership between local health and community service providers including physician, nursing facility and hospitals, and the county. The State will act as the overall insurer and will pay a combined Medicare/Medicaid capitation to the MCO to cover all Medicare and Medicaid covered services including nursing facility care and other long term care services.

Care delivery will be managed through a clinical management team including professionals such as physicians, nurse practitioners, RNs, and social workers. Emphasis will be on prevention and improved health outcomes and cost effective services for both community based and institutionalized elders.

The Robert Wood Johnson Foundation has provided the State of Minnesota with a grant for \$235,000 for development and design of a proposal to the Health Care Financing Administration to demonstrate this model. The development phase is funded through December 31, 1993. The amount of the contract for development of a rate setting methodology will not exceed \$40,000 for the period November 1, 1992 through December 31, 1993.

#### B. Scope of this Request for Assistance

The actuarial contractor will participate in a Design Team headed by Peter Fox, PDF Incorporated, principal consultant, and including state staff with expertise in long term care rate setting and managed care, as well as other professional consultants in research and evaluation, geriatrics, and marketing to further delineate the model to be demonstrated. The actuarial contractor will design a Medicare capitation rate methodology and Medicaid capitation rate methodology, will make recommendations for risk sharing arrangements with MCOs and prepare cost savings estimates to be included in a proposal to the Health Care Financing Administration for the demonstration phase.

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## Professional, Technical & Consulting Contracts

In designing the rate methodologies, the contractor must consider measures of case mix for nursing home and long term care populations, as well as state of the art research and methodologies designed to predict primary and acute care utilization patterns among elderly Medicare beneficiaries. It is recognized that because of the innovative nature of this project, some unique approaches may be required.

### C. Project Tasks

The following project tasks will be completed:

1. Meet with the state staff, Design Team, and other project participants according to an established schedule and as needed to clarify project goals, issues, covered services, populations, etc.
2. Complete a detailed project work plan and outline of specific issues to be addressed, and tasks to be completed in cooperation with designated Design Team members and DHS staff with expertise in managed care and long term care rate setting. The work plan should be submitted to DHS within 30 days after the contract is commenced.
3. Identify appropriate data sources to be utilized in ratesetting development.
4. Design and development of a Medicare capitation rate methodology appropriate to the population and services included.
5. Design and development of a Medicaid capitation rate methodology appropriate to the population and services included.
6. Recommendations for risk sharing arrangements between the State and the MCOs.
7. Development of cost savings estimates and methodologies for such estimates for demonstration of the LTCOP model.

### D. Project Cost

The cost of this project must not exceed \$40,000 for the proposed products and expenses. Hourly costs must not exceed \$200.

## II. Description of the Proposal

### A. A proposal submitted in response to this RFP must include the following:

1. A statement of respondents' understanding of the project objectives, goals, tasks and timetables.
2. A preliminary outline of issues and major tasks to be addressed in the project.
3. Names and credentials of individuals who will be providing consulting services. Particular emphasis should be given to background which demonstrates understanding of managed care rate setting innovations, state of the art research in service utilization patterns and predictors and case mix methodologies for Medicare and Medicaid beneficiaries, long term care rate setting methodologies and geriatric care network provider incentives and behavior.
4. A cost proposal outlining professional work hours by specific individual, number of hours required, rates, expenses and overhead rates.
5. A reference list of previous clients and types of projects completed including contact person and telephone numbers.
6. A writing sample that communicates how analysis of various rate setting methodologies was performed and the outcome/ or recommendation given to the client based on the analysis.

### B. Criteria for Selection

The contract will be awarded on the basis of the following criteria:

1. Relevant education, knowledge, experience and qualifications of individual consultants.
2. Demonstrated understanding of the innovative and experimental nature of the project and demonstration of willingness to work flexibility with the Design Team and state staff in order to address issues and problems arising out of this unique model.
3. Completeness of proposal in addressing required RFP elements.
4. Cost effectiveness of proposal, i.e., effective use of contract resources as demonstrated in the cost proposal.
5. Demonstrated understanding of unique issues involved in identifying long term care rates and primary, acute care services rates and subsequent effects on rate setting requirements for this project.
6. Knowledge of and understanding of various case mix and utilization adjusters/methodologies for both long term care and acute care service sectors.

### C. Workers Compensation Requirement

The successful responder will be required to submit acceptable evidence of compliance with state requirements for workers compensation insurance coverage prior to execution of the contract.

## Professional, Technical & Consulting Contracts

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### D. Data Privacy

The contractor will be required to comply with state and federal regulations and laws governing any data shared by the State with the contractor, including the Minnesota Government Data Practices Act, *Minnesota Statutes*, Chapter 13.

### E. Proposal Submission

Please submit three copies of the proposal to the contact person listed below by 4:30 p.m. on November 6, 1992. Each copy must be signed by an authorized member of the firm or by the person making the bid. Terms of the proposal must be valid for the length of the project.

Proposals will be evaluated and a contractor selected by November 13, 1992. All respondents will receive a written notice of the results of the process. In some instances, an interview may be requested. The Department reserves the right to reject all proposals, if such action is deemed to be in the best interest of the Department.

### F. Department Contact

Please direct all inquiries and responses to:

Pamela Parker  
Minnesota Department of Human Services  
444 Lafayette Road

St. Paul, Minnesota 55155-3852  
Phone: (612) 296-2140

## State Board of Technical Colleges

### Professional Services Sought

The State Board of Technical Colleges has need for a professional individual to research, develop and produce editorial content and corresponding photography for a Technical College magazine, news media information, and provide limited editorial services for agency leadership.

The person who is sought must have collegiate level education in journalism, photography skills as well as possess an extensive knowledge base of the Technical College System and goals and have the ability to translate that knowledge into interesting newsworthy articles.

It is anticipated that this work will require approximately 20 hours per week from November, 1992-June, 1993, and involve some travel. The total cost for professional services and expenses will not exceed \$13,200.

Interested persons must submit a complete resumé as well as a sample of their work to:

Glenda Moyers  
State Board of Technical Colleges  
100 Capitol Square Building

550 Cedar Street  
St. Paul, MN 55101

The deadline for submission is no later than 4 p.m. on October 26, 1992.

An equal opportunity educator/employer.

## Non-State Public Bids and Contracts

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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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## Minnesota Historical Society

### Notice of Request for Bids General Construction Services for Stabilization of the Meighen Store Wagon Barn Forestville, MN

The Minnesota Historical Society is seeking bids from qualified firms to provide all labor, material and services for the stabilization of the wagon barn at the Meighen Store Historic Site, Forestville, MN.

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## State Contracts and Advertised Bids

The Request for Bids is available by calling or writing Gary W. Goldsmith, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone (612) 297-5863.

In order to bid on this project, contractors must contact the Contracting Officer not later than 2:00 p.m. October 14, 1992.

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

### Minnesota Historical Society

#### Notice of Request for Bids for Lighting Fixtures

The Minnesota Historical Society is seeking bids from qualified firms and individuals to provide Altman brand stage lighting fixtures, together with lamps and associated components.

The Request for Bids is available by calling or writing Gary W. Goldsmith, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone (612) 297-5863.

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

### Minnesota Zoo

#### Notice of Availability of a Request for Proposals for Food Service, Minnesota Zoological Garden

The Minnesota Zoological Board announces the availability of a Food Service Request for proposal. In May, 1993 the present food service contract at the Minnesota Zoo expires. The Zoo is accepting proposals from qualified food service vendors or food service management companies to provide food and beverage service at the Zoo when the present contract expires.

The scope of the proposed contract, experience requirements, and evaluation criteria are described in a formal request for proposal. Prospective respondents can obtain a copy of the RFP by calling or writing Ms. Patricia Cook, 13000 Zoo Boulevard, Apple Valley, MN 55124, (612) 431-9362.

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## 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 CODE KEY

**A = Sealed Bid**  
**B = Write for Price**  
**C = Request for Proposal**  
**D = Request for Information**  
**E = \$0-\$1,500 Estimated Dollar Value**  
**F = \$1,500-\$5,000 Estimated Dollar Value**

**G = \$5,000-\$15,000 Estimated Dollar Value**  
**H = \$15,000-\$50,000 Sealed Bid**  
**I = \$50,000 and Over Sealed Bid/Human Rights Compliance Required**

**J = Targeted Vendors Only**  
**K = Local Service Needed**  
**L = No Substitute**  
**M = Installation Needed**  
**N = Pre-Bid Conference**  
**O = Insurance or Bonding Required**

**Commodity:** Waste tire abatement—northwest region  
**Contact:** Norma Cameron 612-296-2546  
**Bid due date at 2pm:** November 3  
**Agency:** Pollution Control Agency  
**Deliver to:** Northwest Region  
**Requisition #:** Price Contract

**Commodity:** A H—DEC computer maintenance contract  
**Contact:** Bernadette Vogel 612-296-3778  
**Bid due date at 2pm:** October 21  
**Agency:** Attorney General  
**Deliver to:** Various Places  
**Requisition #:** B 06000-12127

**Commodity:** B E—Raster—OPS monitor  
**Contact:** Bernadette Vogel 612-296-3778  
**Bid due date at 4:30pm:** October 19  
**Agency:** Minnesota Department of Health  
**Deliver to:** Minneapolis  
**Requisition #:** B 12200-13238

**Commodity:** B F—Hard disk  
**Contact:** Bernadette Vogel 612-296-3778  
**Bid due date at 4:30pm:** October 19  
**Agency:** Minnesota Department of Health  
**Deliver to:** Minneapolis  
**Requisition #:** B 12200-13248

**Commodity:** B G—Sun computer  
**Contact:** Bernadette Vogel 612-296-3778  
**Bid due date at 4:30pm:** October 19  
**Agency:** Minnesota Department of Health  
**Deliver to:** Minneapolis  
**Requisition #:** B 12500-13296

**Commodity:** B F—Hyperchem software  
**Contact:** Bernadette Vogel 612-296-3778  
**Bid due date at 4:30pm:** October 19  
**Agency:** Winona State University  
**Deliver to:** Winona  
**Requisition #:** B 26074-14731

**Commodity:** B F—Lumber  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** October 19  
**Agency:** Facilities Management Office  
**Deliver to:** Little Falls  
**Requisition #:** B 01000-07183

**Commodity:** A I M—Aluminum windows  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 2pm:** October 21  
**Agency:** Facilities Management Office  
**Deliver to:** Little Falls  
**Requisition #:** B 01000-07199

**Commodity:** A H—Sun workstation  
**Contact:** Bernadette Vogel 612-296-3778  
**Bid due date at 2pm:** October 21  
**Agency:** Minnesota Department of Health  
**Deliver to:** Minneapolis  
**Requisition #:** B 12200-13237

**Commodity:** B F—Keytronics keyboard  
**Contact:** Bernadette Vogel 612-296-3778  
**Bid due date at 4:30pm:** October 19  
**Agency:** Minnesota Department of Health  
**Deliver to:** Minneapolis  
**Requisition #:** B 12200-13246

**Commodity:** B F—Hard disk  
**Contact:** Bernadette Vogel 612-296-3778  
**Bid due date at 4:30pm:** October 19  
**Agency:** Minnesota Department of Health  
**Deliver to:** Minneapolis  
**Requisition #:** B 12500-13295

**Commodity:** B F—Simms memory  
**Contact:** Bernadette Vogel 612-296-3778  
**Bid due date at 4:30pm:** October 19  
**Agency:** Mankato State University  
**Deliver to:** Mankato  
**Requisition #:** B 26071-30107

**Commodity:** B E—Used keyboards for DG terminals  
**Contact:** Bernadette Vogel 612-296-3778  
**Bid due date at 4:30pm:** October 19  
**Agency:** Southwest State University  
**Deliver to:** Marshall  
**Requisition #:** B 26175-03245-1

**Commodity:** B F M—Overhead door installation  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** October 19  
**Agency:** Facilities Management Office  
**Deliver to:** Various Places  
**Requisition #:** B 01000-07185

**Commodity:** B E—Motorized leaf roller presses  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** October 21  
**Agency:** Minnesota Department of Agriculture  
**Deliver to:** Crookston  
**Requisition #:** B 04121-31310



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## State Contracts and Advertised Bids

**Commodity:** B E—"Trooper" radar  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** October 19  
**Agency:** St. Cloud State University  
**Deliver to:** St. Cloud  
**Requisition #:** B 26073-24139

**Commodity:** B F—27" TV receiver  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** October 19  
**Agency:** Mesabi Community College  
**Deliver to:** Virginia  
**Requisition #:** B 27150-50342

**Commodity:** B F—Video projection system  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** October 19  
**Agency:** Mesabi Community College  
**Deliver to:** Virginia  
**Requisition #:** B 27150-50344

**Commodity:** B F—Air flow calibration system  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** October 19  
**Agency:** Department of Labor & Industry  
**Deliver to:** St. Paul  
**Requisition #:** B 42703-18503

**Commodity:** A H—Materials for storage garage  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 2pm:** October 21  
**Agency:** Minnesota Correctional Facility  
**Deliver to:** Red Wing  
**Requisition #:** B 78760-03229

**Commodity:** B F—Calibration  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** October 19  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** St. Paul  
**Requisition #:** B 79000-31970

**Commodity:** B F—Sign stand (traffic)  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** October 19  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Golden Valley  
**Requisition #:** B 79500-83502

**Commodity:** B F—Spectrometer  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** October 19  
**Agency:** Winona State University  
**Deliver to:** Winona  
**Requisition #:** B 26074-14726

**Commodity:** B E—VCR player/recorder/editor  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** October 19  
**Agency:** Mesabi Community College  
**Deliver to:** Virginia  
**Requisition #:** B 27150-50343

**Commodity:** B F—Pneumatic flow controller  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** October 21  
**Agency:** Minnesota Pollution Control Agency  
**Deliver to:** St. Paul  
**Requisition #:** B 32200-34490

**Commodity:** B F—Vestibule door  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** October 21  
**Agency:** Cambridge Regional Human Services Center  
**Deliver to:** Cambridge  
**Requisition #:** B 55201-30286

**Commodity:** B F M—Time lapse VCR  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** October 19  
**Agency:** Minnesota Correctional Facility—Faribault  
**Deliver to:** Faribault  
**Requisition #:** B 78790-30549

**Commodity:** A H—Concrete beam testers  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 2pm:** October 21  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Maplewood  
**Requisition #:** B 79000-32033

**Commodity:** B F—Bentonite  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** October 19  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Fort Snelling  
**Requisition #:** B 79990-00380

**Commodity:** B F—Dishwasher  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** October 19  
**Agency:** Department of Administration  
**Deliver to:** St. Paul  
**Requisition #:** B 02307-34272

**Commodity:** B F—35MM camera  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** October 19  
**Agency:** Minnesota Department of Health  
**Deliver to:** Minneapolis  
**Requisition #:** B 12200-13236

**Commodity:** B F L—Light poles—Millerberne  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** October 19  
**Agency:** Minnesota Correctional Facility—Faribault  
**Deliver to:** Faribault  
**Requisition #:** B 78790-30553

**Commodity:** A H—Optical character readers  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 2pm:** October 19  
**Agency:** Minnesota Department of Jobs & Training  
**Deliver to:** Various Places  
**Requisition #:** B 21200-53055

**Commodity:** B F—Braille embosser  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 4:30pm:** October 16  
**Agency:** Minnesota Department of Jobs & Training  
**Deliver to:** Marshall  
**Requisition #:** B 21701-53013

**Commodity:** B F—Floor cleaning equipment  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 4:30pm:** October 16  
**Agency:** Willmar R.T.C.  
**Deliver to:** Willmar  
**Requisition #:** B 55106-03141

**Commodity:** A H—Relocation of public service  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 2pm:** October 21  
**Agency:** Department of Public Service  
**Deliver to:** St. Paul  
**Requisition #:** B 02310-36034

## State Contracts and Advertised Bids

**Commodity:** B F—Random breed mice  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** October 19  
**Agency:** Minnesota Department of Health  
**Deliver to:** Minneapolis  
**Requisition #:** B 12400-13497

**Commodity:** A H—Van modification/handicapped  
**Contact:** Brenda Thielen 612-296-9075  
**Bid due date at 2pm:** October 19  
**Agency:** Minnesota Department of Jobs & Training  
**Deliver to:** Various Places  
**Requisition #:** B 21607-47255

**Commodity:** A I—Braille embossers  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 2pm:** October 19  
**Agency:** Minnesota Department of Jobs & Training  
**Deliver to:** Various Places  
**Requisition #:** B 21200-53144

**Commodity:** B F—Minnesota topographic maps  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 4:30pm:** October 16  
**Agency:** Minnesota Pollution Control Agency  
**Deliver to:** St. Paul  
**Requisition #:** B 32300-34487

**Commodity:** B E—Chainsaws  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 4:30pm:** October 16  
**Agency:** Minnesota Department of Corrections  
**Deliver to:** Various Places  
**Requisition #:** B 78000-40753

**Commodity:** REVISION OF PREVIOUSLY PUBLISHED AD Automobiles, pick-up trucks and vans  
**Contact:** Dale Meyer 612-296-3773  
**Bid due date at 2pm:** October 20  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** B G—Fiber optic cable  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** October 14  
**Agency:** St. Cloud State University  
**Deliver to:** St. Cloud  
**Requisition #:** B 26073-24162

**Commodity:** A H K I M—Conveyor/Dumpster  
**Contact:** Jack Bauer 612-296-2621  
**Bid due date at 2pm:** October 14  
**Agency:** Materials Management Division  
**Deliver to:** Various Places  
**Requisition #:** B 02511-35568

**Commodity:** B F L—G F panels  
**Contact:** Jack Bauer 612-296-2621  
**Bid due date at 4:30pm:** October 21  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Various Places  
**Requisition #:** B 79800-04111

**Commodity:** B G—Wallace & Tiernan water control package  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 4:30pm:** October 16  
**Agency:** Mankato State University  
**Deliver to:** Mankato  
**Requisition #:** B 26071-09090

**Commodity:** B F K M—Floor scale  
**Contact:** Jack Bauer 612-296-2621  
**Bid due date at 4:30pm:** October 14  
**Agency:** Materials Management Division  
**Deliver to:** Various Places  
**Requisition #:** B 02511-35567

**Commodity:** B F K M—Postage machine/motor  
**Contact:** Jack Bauer 612-296-2621  
**Bid due date at 4:30pm:** October 21  
**Agency:** State Board of Electricity  
**Deliver to:** St. Paul  
**Requisition #:** B 11010-08658

**Commodity:** B E—Parts for Armstrong humidifier  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 4:30pm:** October 15  
**Agency:** Department of Administration  
**Deliver to:** St. Paul  
**Requisition #:** B 02307-34269

**Commodity:** Rubbish disposal  
**Contact:** Joyce Dehn 612-297-3830  
**Bid due date at 2pm:** October 21  
**Agency:** Anoka-Ramsey Community College  
**Deliver to:** Coon Rapids  
**Requisition #:** Price Contract

**Commodity:** B F L—Upgrade informix database  
**Contact:** Bernadette Vogel 612-296-3778  
**Bid due date at 4:30pm:** October 19  
**Agency:** Trade & Economic Development/Fiscal Services  
**Deliver to:** St. Paul  
**Requisition #:** B 22700-00805

**Commodity:** B E—Hard disk  
**Contact:** Bernadette Vogel 612-296-3778  
**Bid due date at 4:30pm:** October 19  
**Agency:** Bemidji State University  
**Deliver to:** Bemidji  
**Requisition #:** B 26070-14900

**Commodity:** B F L—Sharp LCD projector  
**Contact:** Bernadette Vogel 612-296-3778  
**Bid due date at 4:30pm:** October 19  
**Agency:** Moorhead State University  
**Deliver to:** Moorhead  
**Requisition #:** B 26072-03984

**Commodity:** B F—Tape storage subsystem  
**Contact:** Bernadette Vogel 612-296-3778  
**Bid due date at 4:30pm:** October 19  
**Agency:** Hennepin Community College  
**Deliver to:** Brooklyn Park  
**Requisition #:** B 27153-21467

**Commodity:** B E—Unistation software  
**Contact:** Bernadette Vogel 612-296-3778  
**Bid due date at 4:30pm:** October 19  
**Agency:** Department of Labor & Industry  
**Deliver to:** St. Paul  
**Requisition #:** B 42701-18543

**Commodity:** B F—Visually impaired equipment  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 4:30pm:** October 19  
**Agency:** Minnesota Department of Jobs & Training  
**Deliver to:** Various Places  
**Requisition #:** B 21200-52998

## State Contracts and Advertised Bids

**Commodity:** A I—Navigator paperless braille display  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 2pm:** October 21  
**Agency:** Minnesota Department of Jobs & Training  
**Deliver to:** Various Places  
**Requisition #:** B 21200-53056

**Commodity:** B F—Lotus & Wordperfect software  
**Contact:** Bernadette Vogel 612-296-3778  
**Bid due date at 4:30pm:** October 19  
**Agency:** Bemidji State University  
**Deliver to:** Bemidji  
**Requisition #:** B 26070-14898

**Commodity:** B F—486 DX/50 computer  
**Contact:** Bernadette Vogel 612-296-3778  
**Bid due date at 4:30pm:** October 19  
**Agency:** Bemidji State University  
**Deliver to:** Bemidji  
**Requisition #:** B 26070-14904

**Commodity:** B F—Panasonic printers  
**Contact:** Bernadette Vogel 612-296-3778  
**Bid due date at 4:30pm:** October 19  
**Agency:** Moorhead State University  
**Deliver to:** Moorhead  
**Requisition #:** B 26072-03998

**Commodity:** B F—Internal modem  
**Contact:** Bernadette Vogel 612-296-3778  
**Bid due date at 4:30pm:** October 19  
**Agency:** Department of Labor & Industry  
**Deliver to:** St. Paul  
**Requisition #:** B 42701-18537

**Commodity:** B G L—Floodlights  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** October 19  
**Agency:** Minnesota Correctional Facility—Faribault  
**Deliver to:** Faribault  
**Requisition #:** B 78790-30554

**Commodity:** A H—Visually impaired equipment  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 2pm:** October 19  
**Agency:** Minnesota Department of Jobs & Training  
**Deliver to:** Various Places  
**Requisition #:** B 21200-53000

**Commodity:** B G—Braille embosser  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 4:30pm:** October 19  
**Agency:** Minnesota Department of Jobs & Training  
**Deliver to:** Various Places  
**Requisition #:** B 21200-53068

**Commodity:** A H—Visually impaired equipment  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 2pm:** October 21  
**Agency:** Minnesota Department of Jobs & Training  
**Deliver to:** Various Places  
**Requisition #:** B 21701-52965

**Commodity:** B F K M—Copier purchase  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 4:30pm:** October 19  
**Agency:** Minnesota Department of Jobs & Training  
**Deliver to:** Crookston  
**Requisition #:** B 21200-53162

**Commodity:** B F—Braille embosser  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 4:30pm:** October 19  
**Agency:** Minnesota Department of Jobs & Training  
**Deliver to:** Various Places  
**Requisition #:** B 21701-52967

**Commodity:** B G K M—Copier purchase—rebid  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 4:30pm:** October 19  
**Agency:** Mankato State University  
**Deliver to:** Mankato  
**Requisition #:** B 26071-66674-1

## 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:** Get Ready, negs furnished, 24pp, 150M, saddle stitch  
**Contact:** Printing Buyer's Office  
**Bids are due:** October 13  
**Agency:** Higher Education Coordinating Board  
**Deliver to:** St. Paul  
**Requisition #:** 25839

**Commodity:** The Store Catalog, dylux, camera ready copy, 7M, 8½" x 11", 2-sided, 52pp + cover  
**Contact:** Printing Buyer's Office  
**Bids are due:** October 22  
**Agency:** Jobs and Training  
**Deliver to:** St. Paul  
**Requisition #:** 25926

1A. Title of Publication <b>MINNESOTA STATE REGISTER</b>	1B. PUBLICATION NO.						2. Date of Filing
	3	2	6	6	3	0	Oct. 6, 1992
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4. Complete Mailing Address of Known Office of Publication (Street, City, County, State and ZIP+4 Code) (Not printers)  
 State of Minnesota, Department of Administration, Print Communications Division  
 117 University Avenue, St. Paul, MN 55155

5. Complete Mailing Address of the Headquarters of General Business Offices of the Publisher (Not printer)  
 SAME AS THE ABOVE

6. Full Names and Complete Mailing Address of Publisher, Editor, and Managing Editor (This item MUST NOT be blank)  
 Publisher (Name and Complete Mailing Address)  
 State of Minnesota, Department of Administration, Print Communications Division  
 117 University Avenue, St. Paul, MN 55155

Editor (Name and Complete Mailing Address)  
 Paul Hoffman (Acting Editor), State of Minnesota, Department of Administration,  
 Print Communications Division, 117 University Avenue, St. Paul, MN 55155

Managing Editor (Name and Complete Mailing Address)

7. Owner (If owned by a corporation, its name and address must be stated and also immediately thereunder the names and addresses of stockholders owning or holding 1 percent or more of total amount of stock. If not owned by a corporation, the names and addresses of the individual owners must be given. If owned by a partnership or other unincorporated firm, its name and address, as well as that of each individual must be given. If the publication is published by a nonprofit organization, its name and address must be stated.) (Item must be completed.)

Full Name	Complete Mailing Address
State of Minnesota	117 University Avenue
Department of Administration	Saint Paul, Minnesota 55155
Print Communications Division	

8. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages or Other Securities (If there are none, so state)

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9. For Completion by Nonprofit Organizations Authorized To Mail at Special Rates (DMM Section 424.12 only)  
 The purpose, function, and nonprofit status of this organization and the exempt status for Federal income tax purposes (Check one)

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10. Extent and Nature of Circulation (See instructions on reverse side)	Average No. Copies Each Issue During Preceding 12 Months	Actual No. Copies of Single Issue Published Nearest to Filing Date
A. Total No. Copies (Net Press Run)	1,275	1,275
B. Paid and/or Requested Circulation	45	35
1. Sales through dealers and carriers, street vendors and counter sales		
2. Mail Subscription (Paid and/or requested)	1,007	1,007
C. Total Paid and/or Requested Circulation (Sum of 10B1 and 10B2)	1,052	1,042
D. Free Distribution by Mail, Carrier or Other Means (Samples, Complimentary, and Other Free Copies)	124	124
E. Total Distribution (Sum of C and D)	1,176	1,166
F. Copies Not Distributed	99	109
1. Office use, left over, unaccounted, spoiled after printing		
2. Return from News Agents		
G. TOTAL (Sum of E, F1 and 2—should equal net press run shown in A)	1,275	1,275

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