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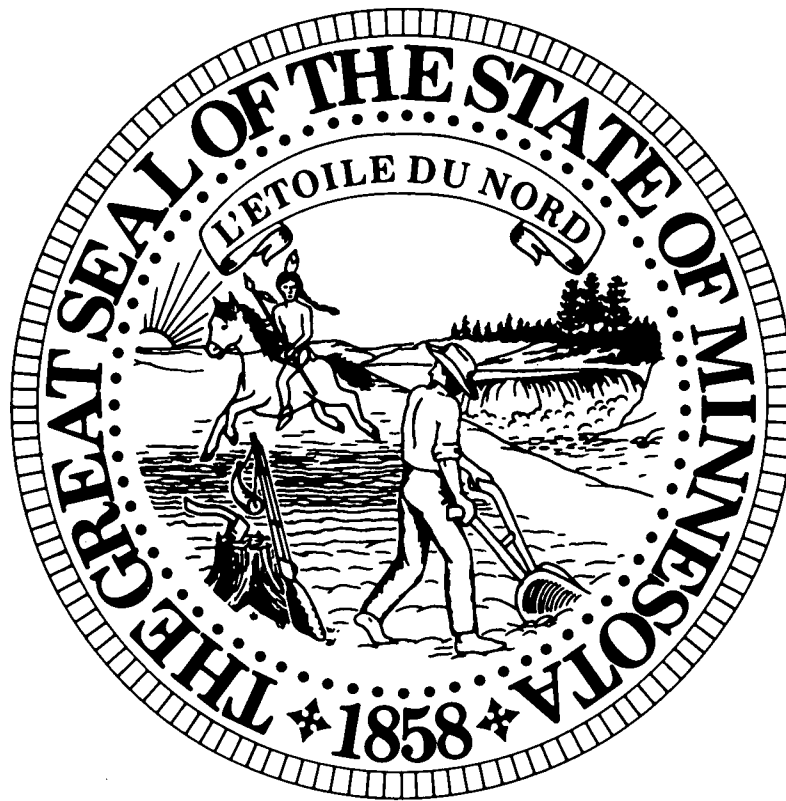
The Minnesota State Register

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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, professional-technical-consulting contracts, non-state bids and public contracts and grants.

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals for commodities, including printing bids.

Printing Schedule and Submission Deadlines

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Vol. 18 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
42	Monday 18 April	Monday 4 April	Monday 11 April
43	Monday 25 April	Monday 11 April	Monday 18 April
44	Monday 2 May	Monday 18 April	Monday 25 April
45	Monday 9 May	Monday 25 April	Monday 2 May

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FOR LEGISLATIVE NEWS

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

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

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For subscription information call 612/296-0931.

Commodity awards can be obtained from the **Materials Management Helpline** 612/296-2600.

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 1-800-657-3757.

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Proposed Rules

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

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

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

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

Department of Education

Proposed Permanent Rules Relating to Development and Content of Individual Education Program Plan

Notice of Intent to Adopt a Rule Without a Public Hearing

The Minnesota State Board of Education intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed rule and may also submit a written request that a hearing be held on the rule.

Agency Contact Person. Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Nevin Nolder
Minnesota Department of Education
819 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
(612) 296-8586

Subject of Rule and Statutory Authority. The proposed rule is about the continuation of parental rights upon a student's arriving at the age of majority, and about the development and content of individual education program plans. The statutory authority to adopt this rule is *Minnesota Statutes* 121.11, subd. 7b and *Laws of 1993*, article 43, Sec. 35, Subd. 5. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 P.M., May 19, 1994 to submit written comment in support of or in opposition to the proposed rule and any part or subpart of the rule. Your comments must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on May 19, 1994. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reasons for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their request in writing. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Modifications. The proposed rule may be modified as a result of public comment. The modifications must be supported by data and views submitted to the agency and may not result in a substantial change in the proposed rule as attached and printed in the *State Register*. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact

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

person. This statement describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule.

Adoption and Review of Rule. If no hearing is required, after the end of the comment period the Board may adopt the rule. The rule and supporting documents will then be submitted to the attorney general for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the attorney general or be notified of the attorney general's decision on the rule. If you wish to be so notified, or wish to receive a copy of the adopted rule, submit your request to the agency contact person listed above.

Marsha Gronseth
Executive Director

Rules as Proposed

3525.0200 DEFINITIONS FOR SPECIAL EDUCATION.

[For text of subps 1 to 10, see M.R.]

Subp. 11a. **Parent or parents.** For a pupil under age 18, "parent" or "parents" means the mother, father, guardian, conservator, or surrogate parent who has been appointed in accordance with parts 3525.2430 to 3525.2455 for a pupil under age 18. For a pupil over age 18 or over, it means "parent" or "parents" also includes the pupil unless a guardian or conservator has been appointed, in which case it means the guardian or conservator. When the parents are separated or divorced, it means the parent who has the legal right, by court decree or agreement, to determine the pupil's education, even though the pupil may be living with the other parent.

Parents whose legal rights have not been terminated but who have not been granted legal custody have the right of access to, and to receive copies of important school records and the right to be informed by school officials about the child's welfare, educational progress, and status, and to attend school and parent-teacher conferences unless otherwise ordered by a court. The school need not hold a separate conference for each parent.

[For text of subps 15a to 26, see M.R.]

3525.2900 INDIVIDUAL EDUCATION PROGRAM PLAN.

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

Subp. 3. **Content and sequence of individual educational program plan.** In preparing the IEP, the district shall follow this sequence and shall include the following:

A. The pupil's current levels of functioning in all performance areas included in part 3525.2550. This information is based on assessment and progress review data. If a more extensive assessment is not necessary, as in part 3525.3000 or 3525.3100, parent or teacher reports or screening data can be used to summarize a pupil's level of performance.

B. A description of the pupil-based special education instructional needs identified through assessment.

The team shall document on the IEP the pupil's instructional needs to function and participate in the activities and environments relevant to the pupil. Instructional needs refer to pupil-based skills, functions, or outcomes that affect performance and adjustment and do not refer to special education services, categories, teaching strategies, prescriptions for specific therapy, or broad curricular goals.

C. A statement of annual instructional goals based on the identified instructional needs.

The goals are a component of the IEP that set the academic and functional behaviors the pupil is expected to master within 12 months. Annual goals must be broad statements of academic and functional behavior to be demonstrated by the student and be based on the pupil's identified instructional needs.

Goal statements shall consist of the behavior to be changed and the expected annual ending level of performance.

D. Instructional objectives including the criteria for attainment.

Each annual goal will have more than one short-term objective and each objective must be a subtask or otherwise address a component of the goal. Objectives must be pupil-based and attainable within a year, with most target dates within a shorter time span.

E. A description of the special education and related services needed to accomplish the goals and objectives, including the type of service, amount of time and frequency of each service, starting date and anticipated duration of each service, the site and setting for the services, and the names and school telephone numbers of the personnel responsible for providing the services. For each related service, an explanation must be included why that service is necessary for the pupil to benefit from the educational program.

F. According to the principle of least restrictive alternatives, substantiate why the proposed educational placement is the most appropriate in terms of the person's educational needs. The IEP shall include:

(1) the changes in staffing, transportation, facilities, curriculum, methods, materials, equipment, and regular education that will be made to permit successful accommodation and education of the pupil in the least restrictive environment, including any modifications to the district's standardized testing program, district graduation requirements, or district discipline policy; and

(2) a description of the educational activities, frequency, and amount of time in which the pupil will participate in environments which include nondisabled peers. This provision must be included in the plan only when the pupil will be placed in a segregated special education program more than 50 percent of the school day.

A. a statement of the pupil's present levels of educational performance;

B. a statement of annual goals, including short-term instructional objectives;

C. a statement of the specific special education and related services to be provided to the pupil and the extent that the pupil will be able to participate in regular educational programs;

D. the projected dates for initiation of each service and the anticipated duration of services;

E. appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being achieved;

F. alterations of the pupil's school day, which must be based on student needs and not administrative convenience;

G. a transition plan; and

H. conditional intervention procedures to be used.

Gambling Control Board

Proposed Permanent Rules Governing Lawful Gambling

Notice of Intent to Adopt a Rule Without a Public Hearing Unless 25 or More Persons Request a Hearing; Notice of Hearing if 25 or More Persons Request a Hearing; and Notice of Cancellation of Hearing if 25 or More Persons Do Not Request a Hearing

Introduction. The Minnesota Gambling Control Board intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rule within 30 days or by May 18, 1994, a public hearing will be held on June 10, 1994. To find out whether the rule will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after May 18, 1994, the end of the 30-day comment period, and before June 10, 1994, the scheduled hearing date.

Agency Contact Person. Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Sharon A. Beighley, Rules Coordinator
Minnesota Gambling Control Board
1711 West County Road B
Suite 300 South
Roseville MN 55113
612-639-4000

Subject of Rule and Statutory Authority. The proposed rule relates to illegal gambling activities at sites where organizations are licensed to conduct lawful gambling, and the disciplinary sanctions currently enforced on those organizations whose leased premises are located on the site of the illegal gambling activity. The statutory authority to adopt the rule is *Minnesota Statutes*, section 349.151, subdivision 4(a), (1992) which lists the powers and duties of the Board. Section 349.151, subdivision 4(a), clause (1) authorizes the Board to regulate lawful gambling to ensure that it is conducted in the public interest, clause (5) authorizes the Board to promulgate rules authorized by this chapter; and clause (15) authorizes the Board to take all necessary steps to ensure the

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Proposed Rules

integrity of and public confidence in lawful gambling. A copy of the proposed rule is published in the *State Register* on April 18, 1994 and attached to this notice as mailed. A copy is also available free of charge by contacting the agency contact person.

Comments. You have until 4:30 P.M. on Wednesday, May 18, 1994 to submit written comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 P.M. on May 18, 1994. Your written request for a public hearing must include your name, address, and telephone number. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing.

Modifications. The proposed rule may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rule as attached and printed in the *State Register*, and must be supported by data and views submitted to the agency or presented at the hearing. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for June 10, 1994 will be cancelled if the Board does not receive requests from 25 or more persons that a hearing be held on the rule. If you requested a public hearing, the Board will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Sharon A. Beighley at 612-639-4000 after May 18, 1994 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rule, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.14 to 14.20. The hearing will be held on Friday, June 10, 1994 in the Kelly Inn, I-94 & Marion Street, St. Paul, Minnesota beginning at 9:00 A.M. and continuing until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined by the administrative law judge. The administrative law judge assigned to conduct the hearing is Steve Mihalchick. Judge Mihalchick can be reached at the Office of Administrative Hearings, #1700 Washington Square, 100 Washington Avenue South, Minneapolis, Minnesota 55401, telephone number 612-349-2544.

Hearing Procedure. If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rule. You may also mail written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the administrative law judge at the hearing. Comments received during this period will be available for review at the Office of Administrative Hearings. You and the agency may respond in writing within five business days after the submission period ends to any new information submitted. All written materials and responses submitted to the administrative law judge must be received at the Office of Administrative Hearings no later than 4:30 P.M. on the due date. No additional evidence may be submitted during the five-day period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.0200 to 1400.1200 and *Minnesota Statutes*, sections 14.14 to 14.20. Questions about procedure may be directed to the administrative law judge.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement describes the need for and reasonableness of each provision of the proposed rule. It also includes a summary of all the evidence and argument which the Board anticipates presenting at the hearing, if one is held. The statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

Small Business Considerations. The Minnesota Gambling Control Board is subject to *Minnesota Statutes*, section 14.115 (1992), regarding small business considerations in rulemaking. The Board's evaluation of the applicability of the methods contained in *Minnesota Statutes*, section 14.115, subdivision 2, (1992) for reducing the impact of the proposed rules on small businesses have been considered and discussed in the Statement of Need and Reasonableness. There will be no negative impact on small businesses inasmuch as no additional fees or license requirements need to be submitted by the organization. There is potential for positive financial impact on small businesses, as under the proposed rules organizations would no longer face suspension for one year for a first occurrence of illegal gambling at their leased premises. The proposed rule would reduce the suspension time for a first violation from one year to 90 days. There is, however, also the potential for a negative financial impact on small business bar owners whose establishments may be the site of illegal gambling, resulting in the loss of income from charitable gambling and the rents paid by the licensed organization(s) to operate at that site.

Expenditure of Public Money by Local Public Bodies. This rule will not require the expenditure of public money by local public bodies, therefore *Minnesota Statutes*, section 14.11, subd. 1 is not applicable.

Impact on Agricultural Lands. This rule will have no impact on agricultural lands, therefore *Minnesota Statutes*, section 14.11, subdivision 2 is not applicable.

Lobbyist Registration. *Minnesota Statutes* chapter 10A requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at First Floor, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone number 612-296-5148.

Adoption Procedure if no Hearing. If no hearing is required, after the end of the comment period the Board may adopt the rule. The rule and supporting documents will then be submitted to the attorney general for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the attorney general or be notified of the attorney general's decision on the rule. If you want to be so notified, or wish to receive a copy of the adopted rule, submit your request to the agency contact person listed above.

Adoption Procedure After the Hearing. If a hearing is held, after the close of the hearing record, the administrative law judge will issue a report on the proposed rule. You may request to be notified of the date on which the administrative law judge's report will be available, after which date the Board may not take any final action on the rule for a period of five working days. If you want to be notified about the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. You may also request notification of the date on which the rule is adopted and filed with the Secretary of State. The Board's Notice of Adoption must be mailed on the same day that the rule is filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to the agency contact person at any time prior to the filing of the rule with the Secretary of State.

Dated: 21 March 1994

Harry W. Baltzer, Executive Director
Minnesota Gambling Control Board

Rules as Proposed

7861.0010 DEFINITIONS.

[For text of subps 1 to 3c, see M.R.]

Subp. 3d. Immediate family. "Immediate family" means spouse, children, parents, siblings.

[For text of subps 4 to 13, see M.R.]

7861.0040 PREMISES PERMITS.

[For text of subps 1 to 3, see M.R.]

Subp. 4. Attachments to application. The following must be attached to the premises permit application:

A. A copy of the lease must be submitted. A lease must be on a form prescribed by the board and must contain at a minimum the following information:

- (1) the name, business address, and telephone number of the lessor;
- (2) the name, business address, and license number of the licensed organization;
- (3) the name and street address of the leased premises;
- (4) the term of the agreement, which must be one year concurrent with the term of the premises permit, unless terminated sooner by mutual consent of the parties or pursuant to subitem (11);
- (5) the type of gambling activity to be conducted;
- (6) the monetary consideration, if any, expressed in terms of number of dollars per month or number of dollars per bingo occasion, whichever is applicable;
- (7) the dimensions of the leased premises and the total number of square feet leased;
- (8) the days and hours of each bingo occasion, if any;
- (9) all obligations between the organization, its employees or agents, and the lessor and its employees or agents;

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Proposed Rules

(10) an irrevocable consent from the lessor that:

(a) the board and its agents, the commissioners of revenue and public safety and their agents, and law enforcement personnel have access to the permitted premises at any reasonable time during the business hours of the lessor;

(b) the organization has access to the permitted premises during any time reasonable and when necessary for the conduct of lawful gambling on the premises;

(c) the owner of the premises or the lessor will not manage the conduct of gambling at the premises;

(d) the lessor, the lessor's immediate family, and any agents or gambling employees of the lessor will not participate as players in the conduct of lawful gambling on the premises;

(11) a clause that provides for the termination of the lease if the premises is the site where illegal gambling, liquor, prostitution, or tax evasion violations have has occurred;

(12) a clause stating that the lessor shall not modify, terminate, or refuse to renew the lease in whole or in part because the organization reported to a state or local law enforcement authority or the board the occurrence at the site of illegal gambling activity in which the organization did not participate; and

(13) any other agreements between the organization and the lessor.

B. A copy of the sketch of the floor plan with dimensions showing what portion is being leased and the total square footage.

C. A copy of the resolution from the appropriate local unit of government under *Minnesota Statutes*, section 349.213, subdivision 2, approving the premises permit.

[For text of subs 5 to 8, see M.R.]

Subp. 9. **Issuance and denial.** The following items apply to the issuance or denial of premises permits:

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

B. Notwithstanding the provisions of item A, the director shall deny a premises permit application when:

(1) the applying organization does not have a licensed gambling manager or person who will be issued a gambling manager's license at the time the premises permit is issued;

(2) the applying organization does not have a license to conduct lawful gambling or will not have a license to conduct lawful gambling at the time the premises permit is issued; or

(3) the proposed site is a site where illegal gambling has occurred within the last 12 months or the lessor has been convicted of illegal gambling within the last 12 months. illegal gambling was conducted at the proposed site within the 90 days immediately preceding the date of the premises permit application, and at a time when no licensed organization had a premises permit for the site;

(4) another organization's premises permit for the proposed site is under suspension or revocation pursuant to part 7861.0050; or

(5) a prior premises permit for the proposed site would have been subject to suspension or revocation under part 7861.0050 and the suspension period or revocation that could have been imposed for that site has not elapsed.

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

[For text of subp 10, see M.R.]

7861.0050 ILLEGAL GAMBLING.

Subpart 1. **Prohibition.** Illegal gambling may not be conducted at a premises site for which a licensed organization has a premises permit to conduct lawful gambling.

Subp. 2. **Discipline against license.** ~~The board shall suspend an organization's premises permit for one year for any violation of this part.~~ The board shall suspend or revoke an organization's license if the organization or its agents participated in the illegal gambling prohibited by subpart 1, or knowingly permitted it at a site owned or on premises leased by an organization.

Subp. 3. **Discipline against premises permit.** The suspension or revocation of a premises permit is a contested case under Minnesota Statutes, chapter 14. For violations of subpart 1 which occur after the effective date of this part, the board shall suspend or revoke an organization's premises permit as follows:

A. for the first violation of subpart 1 at a site, the board shall suspend each premises permit for the site for a period of 90 days from the date of the board's final resolution or determination on the violation;

B. for the second violation of subpart 1 at a site, the board shall suspend each premises permit for the site for a period of two

years from the date of the board's final resolution or determination on the violation. If a complete change of ownership of the site occurred between the first and second violations, the second violation is considered a first violation for purposes of this subpart and the board shall suspend each premises permit for the site for a period of 90 days; and

C. for the third violation of subpart 1 at a site, the board shall revoke each premises permit for the site for a minimum period of five years from the date of the board's final resolution or determination on the violation, which permanent revocation shall continue unless and until a complete change of ownership occurs after the third violation. If a complete change of ownership occurred between the second and third violations, the third violation is considered a first violation for purposes of this subpart and the board shall suspend each premises permit for the site for a period of 90 days from the date of the board's final resolution or determination on the violation.

Subp. 4. Complete change of ownership. For purposes of this part, the term "complete change of ownership" means that no person or member of the immediate family of the person who, at the time of the prior violation was an owner or lessor of the site or otherwise held a direct or indirect financial interest in the site, is at the time of the subsequent violation an owner or lessor of the site, holds a direct or indirect financial interest of more than five percent in the site, or is a participant in business or employment activity at and for the licensed site. An appropriately recorded contract for deed does not constitute a prohibited direct or indirect financial interest for purposes of this part. The existence of a complete change of ownership is an affirmative defense of an organization that has, or is applying for, a premises permit for the site.

7861.0060 CONDUCT OF LAWFUL GAMBLING.

[For text of subs 1 to 3, see M.R.]

Subp. 4. Posting of information. A licensed organization must prominently post the following information at the permitted premises:

- A. the name of the licensed organization;
- B. the license number of the licensed organization and the premises permit number;
- C. the expiration date of the premises permit;
- D. the notice of compulsive gambling information which must at a minimum include the toll-free telephone number established by the commissioner of human services for the Minnesota hotline for compulsive gambling; and
- E. a statement, on a form prescribed by the board, that illegal gambling is prohibited; and
- F. the house rules governing the conduct of gambling at the premises. The sign on which this information is posted must be adequately lighted, legible, and must at least 18 inches by 24 inches in size.

[For text of subs 5 to 7, see M.R.]

7861.0130 EXCLUDED BINGO AND RAFFLES.

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

Subp. 2. Restrictions. An organization may not conduct excluded bingo if it has been licensed to conduct lawful gambling in the current calendar year. The director shall deny an excluded bingo application when the premises permit for the site of the proposed excluded bingo is subject to suspension or revocation pursuant to part 7861.0050.

The organization conducting lawful gambling must comply with *Minnesota Statutes*, section 349.166.

7861.0140 EXEMPTED LAWFUL GAMBLING.

[For text of subs 1 to 3, see M.R.]

Subp. 4. Restrictions. An organization conducting exempted lawful gambling must comply with *Minnesota Statutes*, section 349.166, subdivision 2. An organization that is licensed may not receive an exemption permit during the same calendar year it has a license. The director shall deny an exempted lawful gambling application when the premises permit for the site of the proposed exempted lawful gambling is subject to suspension or revocation pursuant to part 7861.0050.

7865.0020 SUSPENSIONS OR REVOCATIONS.

[For text of subs 1 to 3, see M.R.]

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Subp. 4. **Additional grounds.** Any grounds for denial of a license are also grounds for suspension or revocation of a license. Any grounds for denial of a premises permit are also grounds for suspension or revocation of a premises permit.

[For text of subp 5, see M.R.]

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 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 Case Management for Persons with Mental Retardation or Related Conditions (Parts 9525.0004 to 9525.0036) and Technical Amendments to Rules Governing Related Services

The rules proposed and published at *State Register*, Volume 18, Number 5, pages 431-463, August 2, 1993 (18 SR 431), are adopted with the following modifications:

Rules as Adopted

9505.0323 MENTAL HEALTH SERVICES.

Subp. 5. **Extension of time available to complete a recipient's diagnostic assessment.** The two-hour time limit in subpart 4, item C, for completing the diagnostic assessment does not apply if the mental health professional conducting the diagnostic assessment documents in the recipient's record that the recipient has a condition specified in item A and a circumstance specified in item B, C, or D, is present. In this event, medical assistance will pay for the recipient's diagnostic assessment of up to eight hours in length and the mental health professional conducting the diagnostic assessment must develop the recipient's individual treatment plan. The mental health professional conducting the diagnostic assessment must document in the recipient's record the circumstances requiring the extended time. For purposes of this subpart, "initial diagnostic assessment" refers to the first time that a recipient receives a diagnostic assessment of a set of symptoms indicating a possible mental illness.

A. The recipient has a diagnosis of mental illness and is:

(1) A person with mental retardation as defined in part ~~9525.0004~~ 9525.0016, subpart ~~2~~ 2, or a related condition as defined in *Minnesota Statutes*, section 252.27, subdivision 1a.

9525.0004 DEFINITIONS.

Subp. 2. **Advocate.** "Advocate" means an individual who has been authorized, in a written statement by the person or the person's legal representative, to speak on the person's behalf and help the person understand and make informed choices in matters related to identification of needs and choice of services and supports. ~~When involved in the case management process under parts 9525.0004 to 9525.0036, an advocate and the advocate's employer must have no direct or indirect financial interest in providing the services or supports, including case management, they are advocating the person receive.~~

Subp. 10. **Host county.** "Host county" means the county in which the services described in a person's individual service plan are provided. If supported employment is or community integration services are provided in a setting outside the county where the license holder is located, the county where supported employment services are provided is not considered the host county for purposes of parts 9525.0004 to 9525.0036.

Subp. 16. **Least restrictive environment.** "Least restrictive environment" means an environment where services are;

A. delivered with minimum limitation, intrusion, disruption, or departure from typical patterns of living available to persons without disabilities ~~and where services;~~

B. do not subject the person or others to unnecessary risks to health or safety; and

C. maximize the person's level of independence, productivity, and inclusion in the community.

Subp. 20. ~~Person with a related condition.~~ "Person with a related condition" has the meaning given to "related condition" under *Minnesota Statutes*, section 252.27, subdivision 1a.

Subp. 21. ~~Person with mental retardation.~~ "Person with mental retardation" means a person who has been diagnosed under part 9525.0016 as having substantial limitations in present functioning, manifested as significantly subaverage intellectual functioning existing concurrently with demonstrated deficits in adaptive behavior, and who manifests these conditions before the person's 22nd birthday.

Subp. 22. ~~20. Provider.~~ "Provider" means a corporation, governmental unit, partnership, individual, or individuals licensed by the state if a license is required, or approved by the county board if a license is not required, to provide one or more services to persons with mental retardation or related conditions.

Subp. 23. ~~21. Public guardian.~~ "Public guardian" has the meaning given it in *Minnesota Statutes*, section 252A.02, subdivision 7.

Subp. 24. ~~22. Qualified mental retardation professional.~~ "Qualified mental retardation professional" means a person who meets the qualifications in *Code of Federal Regulations*, title 42, section 483.430.

Subp. 25. ~~23. Residential program.~~ "Residential program" has the meaning given it in *Minnesota Statutes*, section 245A.02, subdivision 14.

Subp. 26. ~~24. Screening team or service planning team.~~ "Screening team" or "service planning team" means the team established under *Minnesota Statutes*, section 256B.092, which must consist of the person, the person's case manager, the legal representative, if any, and a qualified mental retardation professional. The case manager may also act as the qualified mental retardation professional if the case manager meets the definition under subpart 24 ~~22~~. The provisions of *Minnesota Statutes*, section ~~260.251~~ 260.191, shall also apply. Screening members must have no direct or indirect service provider interest with the person. For purposes of the screening team or service planning team, the case manager shall not be deemed to have a direct or indirect service provider interest.

Subp. 27. ~~25. Semi-independent living services.~~ "Semi-independent living services" has the meaning given it in *Minnesota Statutes*, section 252.275, subdivision 1.

Subp. 28. ~~26. Training and habilitation services.~~ "Training and habilitation services" has the meaning given it in part 9525.1500, subpart 36.

9525.0008 APPLICABILITY AND PURPOSE.

Subp. 2. **Purpose.** The purpose of parts 9525.0004 to 9525.0036 is to set standards for the provision of case management to persons with mental retardation or related conditions that are designed to result in the following outcomes:

9525.0012 COUNTY BOARD CASE MANAGEMENT RESPONSIBILITIES.

Subp. 2. **Designation of case manager.** Within ten working days after receiving an application for services, the county board shall designate a case manager who meets the requirements in subpart 6. The case manager shall assure that a diagnostic assessment under part 9525.0016 is conducted within 35 working days of receipt of an application for services by the county board. The county board shall send a written notice that includes the name, telephone number, and location of the designated case manager or a change in case manager to the person, the person's legal representative and advocate, if any, and current service providers. Upon the county board's determination that a person is in need of case management and an application for services has not yet been filed, the county board must designate a case manager within ten working days.

Subp. 4. **County request to provide case management and other services.** The county board ~~may~~ must apply to the commissioner in writing ~~for to request~~ authorization for the county to be both the provider of residential ~~or,~~ training and habilitation ~~services,~~ or semi-independent living services, and the provider of case management. The commissioner shall grant authorization if the county board can demonstrate that a method of preventing conflict of interest has been established ~~and the designated case manager~~

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will not be involved in the provision of residential or training and habilitation services for the person that includes the following assurances:

A. that the designated case manager and the case manager's direct supervisor must not be involved in the provision of residential, training and habilitation, or semi-independent living services for the person; and

B. that the level of services provided to the person must be consistent with the assessed needs of the person as identified in the individual service plan.

Subp. 7. **Service authorization.** The county board shall determine the adequacy and quality of services provided to meet the person's needs based on the cost and effectiveness of and in consideration of the cost of the services. The county board must not authorize, provide, or pay for services unless identified as needed in the individual service plan, except in the case of emergency services.

9525.0016 CASE MANAGEMENT ADMINISTRATION.

Subp. 2. **Diagnostic definitions.** For purposes of subpart 3, the terms in items A to ~~E~~ have the meanings given them.

A. "Person with a related condition" means a person who has been diagnosed under this part as having a severe, chronic disability that meets all of the following conditions:

(1) is attributable to cerebral palsy, epilepsy, autism, Prader-Willi syndrome, or any other condition, other than mental illness as defined under Minnesota Statutes, section 245.462, subdivision 20, or an emotional disturbance, as defined under Minnesota Statutes, section 245.4871, subdivision 15, found to be closely related to mental retardation because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with mental retardation and requires treatment or services similar to those required for persons with mental retardation;

(2) is manifested before the person reaches 22 years of age;

(3) is likely to continue indefinitely; and

(4) results in substantial functional limitations in three or more of the following areas of major life activity:

(a) self-care;

(b) understanding and use of language;

(c) learning;

(d) mobility;

(e) self-direction; or

(f) capacity for independent living.

B. "Person with mental retardation" means a person who has been diagnosed under this part as having substantial limitations in present functioning, manifested as significantly subaverage intellectual functioning, existing concurrently with demonstrated deficits in adaptive behavior and who manifests these conditions before the person's 22nd birthday.

C. "Deficits in adaptive behavior" means a significant limitation in an individual's effectiveness in meeting the standards of maturation, learning, personal independence, and social responsibility expected for the individual's age level and cultural group, as determined by clinical assessment and, generally, standardized scales.

~~B. D.~~ "Significantly subaverage intellectual functioning" means a full scale IQ score of 70 or less based on assessment that includes one or more individually administered standardized intelligence tests developed for the purpose of assessing intellectual functioning. Errors of measurement must be considered according to subpart 5.

~~E. E.~~ "Substantial functional limitations" means the long-term inability to significantly perform or direct the performance of an activity or task.

Subp. 3. **Diagnostic requirements to determine eligibility for case management.** The county agency shall arrange for a comprehensive diagnostic evaluation to be completed within 35 working days following receipt of an application for case management. To be eligible for case management under parts 9525.0004 to 9525.0036, the case manager, based on all parts of the comprehensive diagnostic evaluation, must determine that the person has a diagnosis of mental retardation ~~or~~, a related condition, or is a child under the age of five who demonstrates significantly subaverage intellectual functioning concurrent with demonstrated deficits in adaptive behavior, but for whom, because of the child's age, a diagnosis may be inconclusive.

The comprehensive diagnostic evaluation must consist of:

Subp. 4. **Administration of tests of intellectual functioning and assessments of adaptive behavior.** Standardized tests of intellectual functioning and assessments of adaptive behavior, adaptive skills, and developmental functioning must be normed for

individuals of similar chronological age and be administered by a person who is trained and experienced in administration of these tests and who is a licensed psychologist, certified school psychologist, or certified psychometrist ~~who is trained and experienced in the administration of these tests working under technical supervision of a licensed psychologist~~. The written narrative report shall reflect any specific behavioral, psychological, sensory, health, or motor deficits, as well as cultural, social, or physical environmental factors that may bias the results of the testing. Testing methods must be modified to accommodate individuals whose background, culture, or language differs from the general population from which specific tests were standardized.

Subp. 14. **Conciliation and appeals.** The county agency shall arrange a conciliation conference as required by *Minnesota Statutes*, section 256.045, subdivision 4a, upon request of the person or the person's legal representative if there is a dispute about the county's actions or failure to act under parts 9525.0004 to 9525.0036 and *Minnesota Statutes*, section 256B.092. The conference must be facilitated by a representative of the commissioner and must be conducted within 30 days of the request at a time and place that allows for participation of the person, the person's legal representative, if any, and the appropriate representative of the county agency. Other interested persons may participate in the conciliation conference if requested by the person or the person's legal representative. The county agency shall prepare a written summary report of the conference results and submit the report to the participants and the department within 30 days of the request for a conference. Case management appeals must be conducted according to *Minnesota Statutes*, section 256.045.

9525.0024 CASE MANAGEMENT SERVICE PRACTICE STANDARDS.

Subpart 1. **Assessment of individual needs.** The case manager shall assess or arrange for an assessment of the functional skills and needs of the person and the supports and services which meet the person's identified needs and preferences. Assessment information obtained by other providers, including schools and vocational rehabilitation agencies, may be used to meet the assessment requirements of this subpart. This subpart does not require assessment in areas agreed to as unnecessary by the case manager and the person, or the person's legal representative, or when there has been functional assessment completed in the previous 12 months, for which the case manager and the person or the person's legal representative agree that further assessment is not necessary. Where the county is acting as public guardian, the case manager shall seek authorization from the ~~department~~ public guardianship office for waiving any assessment requirements. Assessments related to health, safety, and protection of the person for the purpose of identifying service type, amount, and frequency, or assessments required to authorize services, must not be waived.

The assessment of ~~service~~ the person's preference, functional skills, and need for services and ~~support needs~~ supports must address the following areas:

I. educational skills/cognitive skills ~~abilities~~; and

Subp. 3. **Individual service plan development.** The designated case manager, who is familiar with the person and the person's need for services and supports, shall lead the individual service planning team activities. Annual service planning activities must result in the development or revision and implementation of the person's individual service plan. Individual service plans may be completed on forms developed for interagency planning, such as transition and individual family service plans, if they contain the components required under items A to K. Service plans containing the components in items A to K meet the service plan requirements under parts 9550.0010 to 9550.0092.

The written individual service plan must contain:

D. specific supports and services, including case management services, and the amount and frequency of the services to be provided to the person based on available resources, and the person's needs and preferences;

Subp. 8. **Monitoring and evaluation activities.** The case manager shall specify the frequency of monitoring and evaluation activities in the person's individual service plan based on the level of need of the person and other factors which might affect the type, amount, or frequency of service. The case manager shall conduct a monitoring visit with each person on at least a semiannual basis. Case manager monitoring and evaluation activities must result in a determination of:

F. whether the person and the person's legal representative are satisfied with the services received.

If the provider fails to carry out the provider's responsibilities consistent with the individual service plan or develop an individual program plan when needed, ~~or the case manager is otherwise dissatisfied with the provision of services~~, the case manager shall notify the provider and, as necessary, the interdisciplinary team. If the concerns are not resolved by the provider or interdisciplinary team, the case manager shall notify the person or the person's legal representative, ~~the~~ appropriate licensing and certification agen-

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cies, and the county board where services are being provided. The case manager shall identify other steps needed to assure that the person receives the needed services and protections.

9525.0900 DEFINITIONS.

Subp. 16. **Person with mental retardation.** "Person with mental retardation" has the meaning given it in part ~~9525.0004~~ 9525.0016, subpart ~~2+ 2~~.

9525.1500 DEFINITIONS.

Subp. 27. **Person with mental retardation or a related condition or person.** "Person with mental retardation or a related condition" or "person" means:

- A. a person with mental retardation as defined under part ~~9525.0004~~ 9525.0016, subpart ~~2+ 2~~; or
- B. a person with a related condition as defined under part ~~9525.0004~~ 9525.0016, subpart ~~20 2~~.

9525.1800 DEFINITIONS.

Subp. 19b. **Mental retardation or related condition or MR/RC.** "Mental retardation or related condition" or "MR/RC" has the meaning given to "mental retardation" in part ~~9525.0004~~ 9525.0016, subpart ~~2+ 2~~, and the meaning given to "related condition" in *Minnesota Statutes*, section 252.27, subdivision 1a.

9525.3015 DEFINITIONS.

Subp. 23. **Person with mental retardation.** "Person with mental retardation" has the meaning given it in part ~~9525.0004~~ 9525.0016, subpart ~~2+ 2~~.

9550.6210 DEFINITIONS.

Subp. 11. **Mental retardation or a related condition.** "Mental retardation or a related condition" has the meaning of "mental retardation" under part ~~9525.0004~~ 9525.0016, subpart ~~2+ 2~~, and the meaning of "related condition" given in *Minnesota Statutes*, section 252.27, subdivision 1a.

9560.0652 DEFINITIONS.

Subp. 3. **Mental retardation.** "Mental retardation" means the condition of a person with mental retardation as defined in part ~~9525.0004~~ 9525.0016, subpart ~~2+ 2~~.

Department of Jobs and Training

Adopted Permanent Rules Relating to Vocational Rehabilitation Services: Order of Selection, Consumer Financial Participation, and Purchase of Services

The rules proposed and published at *State Register*, Volume 18, Number 15, pages 1025-1041, October 11, 1993 (18 SR 1025), are adopted with the following modifications:

Rules as Adopted

3300.5010 DEFINITIONS.

Subp. 13. **Functional area.** "Functional area" means mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills. For the purposes of this subpart:

A. "communication" means the ability to effectively give and receive information through spoken words or concepts, such as writing, speaking, listening, sign language, or other adaptive methods;

B. "interpersonal skills" means the ability to establish and maintain personal, family, and community relationships as it affects, or is likely to affect, job performance and security;

C. "mobility" means the physical and psychological ability to move about from place to place inside and outside the home, including travel to and from usual destinations in the community for activities of daily living, training, or work;

D. "self-care" means the skills needed to manage self or living environment, such as eating, toileting, grooming, dressing, money management, and management of special health or safety needs, including medication management, as they affect an individual's ability to participate in training or work-related activities;

E. "self-direction" means the ability to plan, initiate, organize, or carry out goal-directed activities or solve problems related to self-care, socialization, recreation, and working independently;

F. “work skills” means:

- (1) the ability to do specific tasks required to carry out job functions; and
- (2) the capacity to benefit from training in how to perform tasks required to carry out job functions; and

G. “work tolerance” means the capacity to effectively and efficiently perform jobs requiring various levels of physical demands, psychological demands, or both.

Subp. 23. **Job placement.** “Job placement” means services that assist eligible consumers in seeking and obtaining gainful employment. These services include one or more of the following:

A. providing eligible consumers with information on employment opportunities and trends contacting employers to develop or identify job opportunities and assisting eligible consumers in securing employment;

B. communicating and negotiating with community resources and employers to increase employment opportunities for eligible consumers assessing the characteristics and tasks of an eligible consumer’s job choice to determine the skills, knowledge, and abilities needed to perform the tasks involved in the job;

C. assessing the characteristics and tasks of an eligible consumer’s job choice to determine the skills, knowledge, and abilities needed to perform the tasks involved in the job assisting the eligible consumer to become knowledgeable about job duties, personnel benefits, rates of pay, employment policies and practices, and the job location prior to job acceptance;

D. assisting employers in restructuring job tasks and removing architectural and transportation barriers to accommodate eligible consumers providing group or individual counseling or training or both regarding the techniques for obtaining and maintaining employment, including assisting eligible consumers in preparing resumes and job applications and in developing job interviewing skills;

E. counseling eligible consumers on job seeking skills and assisting consumers with the development of job seeking plans enhancing disability awareness through educating eligible consumers and employers about various disabilities and resulting vocational implications, rehabilitation technology, job accommodations, services provided by the division, incentives to the employer, and current disability-related legislation;

F. counseling eligible consumers on job retention skills providing on-site job analysis, consultation, and recommendations for work site and job modification, when appropriate;

G. assisting eligible consumers in preparing resumes and job applications and in developing job interviewing skills maintaining contact for a reasonable period of time to promote adequate job adjustment and retention;

H. advising eligible consumers and employers of alternative means of carrying out essential work tasks; and assisting in the resolution of consumer-employer conflicts; assisting employers to identify, modify, or eliminate architectural, procedural, instructional, attitudinal, or communication barriers to the employment and advancement of persons with disabilities; and

I. assisting employers with affirmative action programs and projects on behalf of eligible consumers;

J. collaborating with organizations involved in employment assistance on behalf of eligible consumers;

K. assisting employers in determining appropriate equipment and systems needs on behalf of eligible consumers; and

L. informing eligible consumers and employers of federal and state antidiscrimination laws maintaining communication and coordination with other community agencies and resources concerning job openings, coordination of services to assist eligible consumers to obtain and retain employment, and joint efforts to increase employment opportunities for people with disabilities.

Subp. 40. **Serious functional limitation.** “Serious functional limitation” means a reduction that, due to a severe physical or mental impairment, in one or more of an individual’s functional capacities, including mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills; is restricted to the degree that the individual requires services or accommodations not typically routinely made for other individuals in order to prepare for, enter, engage in, or retain employment.

Subp. 45. **Vehicle adaptations.** “Vehicle adaptations” means changes made to the structure or control devices of a motor vehicle for a person with a disability to enter, exit, or operate the vehicle safely and legally.

3300.5020 CONDITIONS FOR IMPLEMENTING AN ORDER OF SELECTION.

Subpart 1. **Determination of open priority categories.** At least annually, The commissioner shall determine the need for an

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order of selection annually. The commissioner's determination shall be made after consulting with and obtaining advice from the State Rehabilitation Advisory Council. The commissioner's determination shall be based on the anticipated ~~need~~ number of individuals eligible for services from the vocational rehabilitation program and the resources anticipated to be available to the vocational rehabilitation program. The commissioner shall open as many priority categories as it is projected that the division can serve, starting with the first priority category listed in part 3300.5030. The division retains the discretion to open and close established priority categories based on an assessment of need and resources, but the division must not change the established order of categories. The open priority categories for order of selection must be identified in the division's state plan for vocational rehabilitation submitted annually to the federal Rehabilitation Services Administration. The division must conduct public meetings on the plan prior to its adoption, as provided by Code of Federal Regulations, title 34, section 361.18, paragraph (a)(1).

Subp. 2. **Discontinuation of order of selection.** The division shall discontinue an order of selection when it determines that it can provide vocational rehabilitation services to all eligible individuals who have applied for services from the vocational rehabilitation program.

~~Subp. 3.~~ **Continuation of services.** When there is a change in the priority categories open under an order of selection, the division must continue to provide vocational rehabilitation services in accordance with an individualized written rehabilitation program developed before the change occurred.

3300.5040 CONSUMER FINANCIAL PARTICIPATION IN COST OF VOCATIONAL REHABILITATION SERVICES.

Subp. 6. **Services exempted from financial participation.** The division must not require eligible consumer financial participation for the following services:

- G. ~~interpreter services;~~
- H. ~~notetaker services;~~
- I. ~~reader services;~~
- J. job coaching;
- K. H. on-the-job training;
- L. I. independent living skills training that supports an employment goal;
- M. J. single-time nonrecurring purchases of goods and services costing \$300 or less; and
- N. K. postemployment services consisting of the services identified in this subpart.

Subp. 7. **Income verification.** If an eligible consumer's individualized written rehabilitation program includes or is expected to include vocational rehabilitation services other than those identified in subpart 6, the eligible consumer shall provide the division with written verification of the eligible consumer's gross family income and sources of income, unless the eligible consumer provides the division with written verification that the eligible consumer is exempt from the determination of the degree of financial participation under subpart 4. The eligible consumer shall provide the division with a copy of the first page of the most recent federal income tax return documenting the eligible consumer's gross family income. If there has been a substantial change in the eligible consumer's or family's income, either an increase or a decrease, to the degree that it would change the eligible consumer's financial participation, the eligible consumer shall provide the division with written verification of the eligible consumer's present gross family income.

Subp. 9. **Variance.** An eligible consumer who cannot pay for vocational rehabilitation services to the extent required in subpart 1 may apply to the commissioner for a variance in the determination of financial need as follows:

E. An eligible consumer who receives a variance must immediately notify the commissioner in writing if the eligible consumer's ~~financial situation~~ gross family income improves.

3300.5050 COMPARABLE BENEFITS AND SERVICES.

Subp. 2. **Consumer responsibilities.** Except in the circumstances described in subpart 1, an eligible consumer must, with the assistance of the division, participate in the search for and use of comparable benefits as follows:

B. If grants or scholarships are not available to the eligible consumer because the eligible consumer is in default on repayment of a student loan, the division must not participate financially in the purchase of postsecondary training services until the division determines that a responsible repayment effort has been made. This determination shall be made by the rehabilitation counselor in consultation with the eligible consumer and the ~~lending institution~~ holder of the loan, after considering such factors as the financial resources available to the eligible consumer and the attempts that have been made to work out a satisfactory repayment agreement with the ~~lending institution~~ holder of the loan. The requirement of a responsible repayment effort will be deemed to be satisfied if the consumer has made six consecutive payments.

3300.5060 TERMS AND CONDITIONS FOR PROVISION OF VOCATIONAL REHABILITATION SERVICES.**Subp. 2. Child care.**

C. The division must not provide child care unless ~~there is an emergency where~~ an eligible consumer's individualized written rehabilitation program would be interrupted if child care is not provided. The division must:

Subp. 4. Interpreter services for postsecondary training.

A. Before the division purchases interpreter services for postsecondary training, the amount of consumer financial participation in the cost of interpreters must be determined under part 3300.5040.

B. Before interpreter services are provided, the eligible consumer must, with the assistance of the division, participate in the search for and use of comparable benefits under part 3300.5050, subpart 2, item D.

~~B-C.~~ Division payments for interpreter services must be made to the postsecondary training institution based on the number of credits for which the eligible consumer is registered.

~~C-D.~~ The division must not pay for interpreter services to assist an eligible consumer to participate in extracurricular activities. Interpreters must be provided only for actual class attendance, tutoring requiring interpreter services, or out-of-class assignments requiring interpreter services.

Subp. 6. Notetaker services for postsecondary training.

A. Before the division purchases notetaker services for postsecondary training, the amount of consumer financial participation in the cost of notetaker services must be determined under part 3300.5040.

B. Before notetaker services are provided, the eligible consumer must, with the assistance of the division, participate in the search for and use of comparable benefits under part 3300.5050, subpart 2, item D.

~~B-C.~~ Any division payments for notetaker services must be based on the number of credits for which the eligible consumer is registered.

~~C-D.~~ The division must not pay for notetaker services to assist an eligible consumer to participate in extracurricular activities. Notetaker services must be provided only for actual class attendance, tutoring requiring notetaker services, and out-of-class assignment requiring notetaker services.

Subp. 8. Reader services for postsecondary training.

A. Before the division purchases reader services for postsecondary training, the amount of consumer financial participation in the cost of reader services must be determined under part 3300.5040.

B. Before reader services are provided, the eligible consumer must, with the assistance of the division, participate in the search for and use of comparable benefits under part 3300.5050, subpart 2, item D.

~~B-C.~~ Any division payments for reader services must be based on the number of credits for which the eligible consumer is registered.

~~C-D.~~ The division must not pay for reader services to assist an eligible consumer to participate in extracurricular activities. Reader services must be provided only for actual class attendance, tutoring requiring reader services, and out-of-class assignments requiring reader services.

Subp. 12. Transportation services.**I. Division purchases of vehicle repairs must be made as follows:**

(1) repair to a vehicle owned or used by an eligible consumer must not be provided unless ~~there is an emergency where~~ an eligible consumer's ability to participate in an individualized written rehabilitation program would be interrupted if vehicle repair is not provided. The division may provide vehicle repair only if no other means of transportation, such as public transportation, paratransit, or carpooling, is available and the repair is necessary for the safe and legal operation of the vehicle; and

Subp. 13. Tuition, fees, books, supplies, and tools and equipment for postsecondary training.

F. For specialized postsecondary training programs for persons who are deaf or hard of hearing, where the provision of inter-

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preters is included in the cost of tuition and fees for all students, the tuition cap must be increased by an amount determined according to subpart 4, items B C and D.

EFFECTIVE DATE. *Minnesota Rules*, parts 3300.5000; 3300.5010; 3300.5020; 3300.5030; and 3300.5050 are effective October 1, 1993. Part 3300.5040 is effective April 1, 1994. Part 3300.5060 is effective October 1, 1993, except for the following items, that are effective April 1, 1994: to 3300.5060, are effective either five working days after the notice of adoption of these rules is published in the *State Register*, or April 1, 1994, whichever is later.

- A. subpart 2, item A;
- B. subpart 3, item A;
- C. subpart 4, items B and C;
- D. subpart 5, items A; E, subitem (2); F; and G;
- E. subpart 6, items B and C;
- F. subpart 7, item B;
- G. subpart 8, items B and C;
- H. subpart 9, item A;
- I. subpart 10, items A and C;
- J. subpart 11, item A;
- K. subpart 12, items A, E, F, and G; and
- L. subpart 13, items A, C, H, I, J, K, and M.

Department of Natural Resources

Adopted Exempt Rules Governing Experimental Fishing Regulations

Rules as Adopted

6264.0300 DESIGNATED EXPERIMENTAL WATERS.

[For text of subps 1 to 27, see M.R.]

Subp. 28. Pool Two of the Mississippi River experimental regulations. While on or fishing in the following waters, angling for walleye, sauger, smallmouth bass, and largemouth bass shall be limited to catch and release only, whereby any walleye, sauger, smallmouth bass, or largemouth bass must be returned immediately to the water. Catch and release angling for walleye, sauger, smallmouth bass, and largemouth bass shall be legal continuously (year round). It shall be unlawful for anyone to have in possession or under control, regardless of where taken, any walleye, sauger, smallmouth bass, or largemouth bass, while being on or fishing in these waters. Possession includes personal possession and possession in a vehicle. By December 1, 1996, the public will be given an opportunity to comment on provisions of this subpart using the public review and notification process specified in Minnesota Statutes, section 97C.001.

	<u>Name</u>	<u>Location</u>	<u>County</u>	<u>End Date</u>
A.	<u>Minnesota River</u>	<u>T.28, R.23, S.Various, downstream from Mendota Bridge</u>	<u>Dakota, Hennepin, Ramsey</u>	<u>3/1/1999</u>
B.	<u>Minnehaha Creek</u>	<u>T.28, R.23, S.17,18, downstream from Minnehaha Falls</u>	<u>Hennepin</u>	<u>3/1/1999</u>

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	<u>Name</u>	<u>Location</u>	<u>County</u>	<u>End Date</u>
C.	<u>Pool Two of the Mississippi River</u>	<u>T.26,27,28,115, R.17,18,21,22, 23, S.Various, between the Hastings and Ford Dams, including all backwater and connecting waters except:</u>	<u>Dakota, Hennepin, Ramsey, Washington</u>	<u>3/1/1999</u>
(1)	<u>Crosby Lake</u>	<u>T.28, R.23, S.14, 15,22,23</u>	<u>Ramsey</u>	
(2)	<u>Pickerel Lake</u>	<u>T.28, R.23, S.12, 13,14</u>	<u>Dakota, Ramsey</u>	
(3)	<u>Upper Lake</u>	<u>T.28, R.23, S.22</u>	<u>Ramsey</u>	
(4)	<u>Little Pig's Eye Lake</u>	<u>T.28, R.22, S.23</u>	<u>Ramsey</u>	
(5)	<u>Unnamed (North Star Steel) Lake</u>	<u>T.28, R.22, S.14, 23</u>		

Subp. 29. Crooked Lake experimental regulations. In Crooked Lake, all largemouth bass in possession shall be 16 inches or more in length as measured from the tip of the nose to the tip of the tail when fully extended. Largemouth bass less than 16 inches in length shall be returned immediately to the water. It is unlawful for anyone to have in possession or under control, regardless of where taken, any largemouth bass which are less than 16 inches in length, while being on or fishing in Crooked Lake. Possession includes personal possession and possession in a vehicle.

	<u>Name</u>	<u>Location</u>	<u>County</u>	<u>End Date</u>
	<u>Crooked Lake</u>	<u>T.31,32, R.24, S.4,33</u>	<u>Anoka</u>	<u>3/1/2001</u>

Subp. 30. Olson and DeMontreville experimental regulations. In Olson and DeMontreville Lakes, all largemouth bass in possession must be either less than 12 inches or more than 16 inches in length as measured from the tip of the nose to the tip of the tail when fully extended. All largemouth bass which are 12 to 16 inches in length, inclusive, shall be returned to the water immediately. It is unlawful for anyone to have in possession or under control, regardless of where taken, any largemouth bass which are 12 to 16 inches in length, inclusive, while being on or fishing in Olson and DeMontreville lakes. Possession includes personal possession and possession in a vehicle.

	<u>Name</u>	<u>Location</u>	<u>County</u>	<u>End Date</u>
A.	<u>Olson Lake</u>	<u>T.29, R.21, S.8,9</u>	<u>Washington</u>	<u>3/1/2001</u>
B.	<u>DeMontreville Lake</u>	<u>T.29, R.21, S.4, 5,9</u>	<u>Washington</u>	<u>3/1/2001</u>

Subp. 31. Clear Lake experimental regulations. While on or fishing in Clear Lake, angling for largemouth bass shall be limited to catch and release only, whereby any largemouth bass caught must be immediately returned to the water. Catch and release angling for largemouth bass shall be legal during the open season for largemouth bass in inland waters. It is unlawful for

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anyone to have in possession or under control, regardless of where taken, any largemouth bass while being on or fishing in Clear Lake. Possession includes personal possession and possession in a vehicle.

<u>Name</u>	<u>Location</u>	<u>County</u>	<u>End Date</u>
<u>Clear Lake</u>	<u>T.107, R.22, S.4, 5.8,9,16,17</u>	<u>Waseca</u>	<u>3/1/1999</u>

Subp. 32. Rainy Lake experimental regulations. The provisions of this subpart are effective as of May 14, 1994, and apply to the waters listed below. To the extent that this subpart is inconsistent with part 6266.0700, subpart 2, the provisions of this subpart apply. While on or fishing in the waters listed below, all walleye in possession or under control, regardless of where taken, must be less than 17 inches in length from the tip of the nose to the tip of the tail when fully extended, except that a person's possession limit may include one walleye greater than 25 inches in length, and except that walleye legally taken from Ontario waters of Rainy Lake that are not within the above length limits may be possessed with documented proof of fishing on Ontario waters of Rainy Lake. Proof of fishing must consist of documentation of a residence or property on Ontario waters of Rainy Lake, or a dated receipt from an Ontario resort on Rainy Lake. A person in possession of walleye that were legally taken in Ontario waters of Rainy Lake, but not within the legal sizes for the waters listed below, may not fish on the waters listed below. Possession includes personal possession and possession in a vehicle.

<u>Name</u>	<u>Location</u>	<u>County</u>	<u>End Date</u>
<u>Rainy Lake</u>	<u>T.67,68,69,70, 71, R.18,19,20, 21,22,23,24, S. Various, Minnesota waters of Rainy Lake from the dam in International Falls to the dam in Kettle Falls, Black Bay including Gold Portage, Rat Root Lake, and all of the Rat Root River</u>	<u>Koochiching, St. Louis</u>	<u>3/1/2000</u>

Veterans Homes Board

Adopted Permanent Rules Relating to Veterans Homes

The rules proposed and published at *State Register*, Volume 18, Number 21, pages 1366-1378, November 22, 1993 (18 SR 1366), are adopted with the following modifications:

Rules as Adopted

9050.0050 PERSONS ELIGIBLE FOR ADMISSION.

Subp. 4. **Exceptions.** An applicant otherwise eligible for admission to a board-operated facility under subpart 2 or 3 who has adequate means of support may be admitted to a board-operated facility if the applicant complies with the requirements in *Minnesota Statutes*, section 198.03. An applicant seeking admission under *Minnesota Statutes*, section 198.03, and this subpart must not have past unpaid ~~debts~~ bills to the state for maintenance charges for prior residence in a board-operated facility. An applicant who has past unpaid bills to the state for maintenance charges for prior residence in a board-operated facility must satisfy the past debt for maintenance charges before an application for admission will be placed on the active waiting list. For the purpose of this part "satisfy" means that the applicant has either paid the debt or entered into an agreement to repay the debt. The agreement must conform with *Minnesota Statutes*, section 198.03, subdivision 3.

9050.0070 TYPES OF ADMISSIONS.

Subp. 3. **Criteria for admission to and continued stay in a boarding care facility.** The decision about admission to or continued stay in a board-operated facility licensed to provide boarding care must be based on the facility's ability to meet the care needs of the applicant or resident. A person whose care needs can be met by the board-operated facility must be admitted, placed on the waiting list, or retained as a resident if the admissions committee or utilization review committee determines the person meets the criteria in items A to N. A person whose care needs cannot be met must be denied admission or continued stay if the admissions committee or utilization review committee determines the person does not meet the criteria in items A to N.

L. A person with a diagnosis of chemical abuse within the past six months or a diagnosis of chemical dependency, excluding a chemical dependency diagnosis of "in remission," must have successfully completed a chemical dependency treatment program as described in parts 9050.0040, subparts 25 and 99, and 9530.5000 to 9530.6500, or an equivalent chemical dependency program, or must be chemically free. For the purposes of this item, a person is chemically free if the person has three months of nonuse or use with no symptoms of dependency as identified in the current edition of the Diagnostic and Statistical Manual of Mental Disorders prior to admission and demonstrates no symptoms of abuse or dependency during residence. If the medical records obtained by the admissions committee do not document that a person is chemically free, the person's chemical-free status may be verified by a collateral contact. For purposes of this part, "collateral contact" means an oral or written communication initiated by facility staff for the purpose of gathering information from an individual or agency, other than the applicant, to verify or supplement information provided by the applicant. Collateral contact includes contact with family members, criminal justice agencies, educational institutions, and employers. The current list of accepted equivalent chemical dependency programs as defined in part 9050.0040, subpart 40a, must be kept at the board office.

Subp. 4. **Criteria for admission to and continued stay in a nursing home facility.** The decision about admission or continued stay in a board-operated facility licensed as a nursing home must be based on the facility's ability to meet the care needs of the person. A person whose care needs can be met by the facility must be admitted, placed on the waiting list, or retained as a resident if the admissions committee or utilization review committee determines that the person meets all of the criteria in items A to G. A person whose care needs cannot be met must not be admitted or retained as a resident if the admissions committee determines the person fails to meet all of the criteria in items A to G.

G. A person with a diagnosis of chemical abuse within the past six months or a diagnosis of chemical dependency, excluding a chemical dependency diagnosis of "in remission," must have successfully completed a chemical dependency treatment program as described in parts 9050.0040, subparts 25 and 99, and 9530.5000 to 9530.6500, or an equivalent chemical dependency program, or must be chemically free. For the purpose of this item, a person is chemically free if the person has three months of nonuse or use with no symptoms of dependency as identified in the current edition of the Diagnostic and Statistical Manual of Mental Disorders before admission and demonstrates no symptoms of abuse or dependency during residence. If the medical records obtained by the admissions committee do not document that a person is chemically free, the person's chemical-free status may be verified by a collateral contact. For purposes of this part, "collateral contact" means an oral or written communication initiated by facility staff for the purpose of gathering information from an individual or agency, other than the applicant, to verify or supplement information provided by the applicant. Collateral contact includes contact with family members, criminal justice agencies, education institutions, and employers. The current list of accepted equivalent chemical dependency programs as defined in part 9050.0040, subpart 40a, shall be kept at the board office. Persons whose long-term medical condition is assessed as precluding continued chemical abuse may be accepted for nursing care.

9050.1030 RESIDENT CARE SERVICES.

Subpart 1. **General.** Care services provided to residents of Minnesota veterans homes must be consistent with the overall goals and obligations of each facility as expressed in statute, the homes' mission statements, and rules governing the board-operated facilities, and must be consistent with available funding and limited if the service is not reimbursable by public or private resources according to *Minnesota Statutes*, section 144.651, subdivision 6.

Care services are provided according to Department of Health licensure regulations and the certification requirements of the United States Department of Veterans Affairs. Laws pertaining to resident care services include chapter 4655; *Minnesota Statutes*, chapters 144 and 144A; United States Department of Veterans Affairs Code M-1, part 1, chapter 3; and United States Department of Veterans Affairs Guide for Inspection of State Veterans Homes Nursing Home Care Standards and Guide for Inspection of State

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Veterans Homes: Domiciliary Care Standards. United States Department of Veterans Affairs publications shall be available for review at each board-operated facility.

Resident care services must be authorized by the Minnesota Veterans Homes Board of Directors.

Services that are veteran-exclusive through the United States Department of Veterans Affairs are not available to nonveteran residents according to part 9050.0510, subpart 2.

A resident, resident's guardian, legal representative, family member, conservator, or other person designated by the resident must be informed in writing by the admission staff of each board-operated facility or the resident's social worker, before or at the time of admission and when changes occur, of services that are included in the facility's basic per diem and of other services that may be available at additional charges.

The facility staff shall assist residents in obtaining information and making application for possible benefits or programs to which the residents are entitled according to parts 9050.0770 and 9050.0800, subpart 2, item G, and *Minnesota Statutes*, section 144.651, subdivision 17.

9050.1070 RESIDENT RIGHTS AND RESPONSIBILITIES.

Subp. 6. **Resident councils.** Residents may organize, maintain, and participate in a resident advisory council with elected officers to express feelings and thoughts about the facility, facility policies, and resident care issues according to *Minnesota Statutes*, sections 144.651, subdivision 27, and 144A.33; United States Department of Veterans Affairs Code M-1, part 1, chapter 3; and United States Department of Veterans Affairs Guide for Inspection of State Veterans Homes Nursing Home Care Standards and Guide for Inspection of State Veterans Homes: Domiciliary Care Standards. United States Department of Veterans Affairs publications shall be available for review at each board-operated facility.

Space for resident council meetings must be provided at each board-operated facility. Staff or visitors may only attend resident council meetings at the council's invitation.

The administrator shall designate a staff person, with approval of the resident council, to assist the council and respond to written requests that result from council meetings.

Minutes of resident council meetings must be kept and made available to residents and other persons as the resident council determines. Minutes of resident council meetings must also be made available to the Department of Health and the United States Department of Veterans Affairs to show that resident council meetings are being held at each facility.

The designated staff person or other appropriate staff persons shall inform the resident council of:

Subp. 9. **Resident grievances and complaints.** A resident may voice grievances and complaints and recommend changes in rules, policies, and services of the board-operated facility without retaliation according to *Minnesota Statutes*, sections 198.32, 144.651, subdivision 20, and 144A.13; United States Department of Veterans Affairs Code M-1, part 1, chapter 3; and United States Department of Veterans Affairs Guide for Inspection of State Veterans Homes Nursing Home Care Standards and Guide for Inspection of State Veterans Homes: Domiciliary Care Standards. United States Department of Veterans Affairs publications shall be available for review at each board-operated facility.

On admission, each resident must be informed in writing of the right to complain. A notice of the right to complain must be posted in a conspicuous place in each board-operated facility.

Residents may complain through the facility grievance and complaint procedures. A resident may also voice grievances to the administrator, the board, the commissioner of veterans affairs, the commissioner of health, facility staff, other residents, the family council, or outside representatives of the resident's choice.

The grievance procedure at each board-operated facility must include the following:

Revenue Notices

The Department of Revenue began issuing revenue notices in July of 1991. Revenue notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue revenue notices is found in *Minnesota Statutes* §270.0604.

Department of Revenue

Revenue Notice # 94-7: Extension of Due Dates for 1993 Tax Returns of Exempt Organizations

The Internal Revenue Service has announced that the due dates for the filing of federal Form 990-T, *Exempt Organization Business Income Tax Return*, have been extended to the later of the 15th day of the fifth month after the end of the organization's tax year or July 15, 1994. (See Announcement 94-37, Internal Revenue Bulletin 1994-11, March 14, 1994). This is because of delays in the printing and mailing of the 1993 forms.

Organizations required to file federal Form 990-T are also required to file state Form M-4, *Minnesota Franchise Tax Return*, and attach a copy of the Form 990-T. In order that the state and federal due dates remain consistent, the Department of Revenue adopts the federal extension. If Form M-4 is filed on or before the extended due date, no late filing or late payment penalties will be imposed, but interest accrues from the original due date. This extension only applies to the 1993 Form M-4's.

Dated: 18 April 1994

Debra L. McMartin
Assistant Commissioner for Tax Policy

Official Notices

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.

Department of Agriculture

Food Inspection Division

Department of Health

Division of Environmental Health

Notice of Solicitation of Outside Information or Opinions Relating to Proposed Rules Governing Food Safety and Sanitation Standards

NOTICE IS HEREBY GIVEN that the Minnesota Department of Agriculture and the Minnesota Department of Health are jointly seeking information or opinions from sources outside these departments in preparing to revise existing *Minnesota Rules* relating to food safety and sanitation. The following rules may be subject to revision.

Requirements of the Commissioner of Health governing: Food and Beverage Establishments, *Minnesota Rules* parts 4625.2401 to 4625.7801; and Vending Machines and Roller Towels, Generally, *Minnesota Rules*, Chapter 4635.

Requirements of the Commissioner of Agriculture governing: Meat Inspection, *Minnesota Rules*, Chapter 1540; Meat, Fish,

Official Notices

and Poultry Industry, *Minnesota Rules*, Chapter 1545; Retail Food Store Sanitation, *Minnesota Rules*, Chapter 1547; Food; General Rules, *Minnesota Rules*, Chapter 1550; and Food Definitions and Standards, *Minnesota Rules*, Chapter 1555.

The Department of Health and the Department of Agriculture are jointly considering the revision of these existing state food sanitation and safety standards in light of the adoption by the federal Food and Drug Administration of the *Food Code of 1993*. The federal *Food Code of 1993* contains model regulations that jurisdictions may adopt relative to food service, retail and vending operations. Staff of the departments will be examining and analyzing the new federal food code of 1993 and discussing it with members of the public and persons on an advisory task force with the intent of consolidating state food sanitation and safety standards and incorporating federal standards by reference.

Authority for the commissioner of agriculture to adopt food sanitation rules is contained in *Minnesota Statutes*, sections 28.13, 28A.09, 28A.10, 29.27, 30.19, 31.101, 31.104, 31.11, 31.31, 31.36, 31.495, 31.54, 31.671, 31.73, 31.75, 31.76, 31.77, 31.781, 31.783, 31.785, 31.94, 31.95, 31A.08, 32.394, 32.397, 32.401 and 34.09.

Authority for the commissioner of health to adopt standards relating to food safety and sanitation is contained in *Minnesota Statutes*, section 144.05, clauses (b) and (c); section 144.08; section 144.12, subdivision 1; sections 157.04, 157.08, 157.09, 157.13, and sections 327.10 to 327.67.

Copies of the federal *Food Code 1993* in spiral bound, reproduced or diskette version may be purchased from the United States Department of Commerce, Technology Administration, National Technical Information Service, 5285 Port Royal Road, Springfield, Va. 22161 (703) 487-4650 by referring to report number PB94-113941AS. A copy of the federal *Food Code 1993* is also available for review at the State Law Library, Judicial Center, 25 Constitution Avenue, St. Paul, 55155.

The departments of agriculture and health anticipate adoption of revised rules by February of 1996. A copy of this notice will be mailed to all parties who have registered their names with the department of agriculture and the department of health for purposes of notice of rulemaking activity; and a copy of the notice will be mailed to representatives of the industries who are anticipated to serve on an advisory task force on this matter.

The departments will jointly form a rule advisory task force with representation from community health service agencies, affected industries including restaurants, lodging establishments, hotels and motels, resorts, campgrounds, retail grocers, bakers, convenience stores, food equipment, vending machines, and experts in food science and food technology. It is anticipated that the task force will meet monthly for six to 12 months.

The department of agriculture and the department of health request information and opinion on the subject matter of these rules at this time. Interested or affected persons or groups may submit data or views on the subject matter of the rules in writing or orally. Written statements should be simultaneously submitted to both departments to the following persons:

Thomas W. Masso
Minnesota Department of Agriculture
Food Inspection Division
90 West Plato Blvd.
St. Paul, Minnesota 55107
and
M. Frederick Mitchell
Minnesota Department of Health
Division of Environmental Health
925 S. E. Delaware Street
Minneapolis, Minnesota 55459-0040

Oral statements will be received during regular business hours over the telephone by Mr. Masso at (612) 296-2629 and by Mr. Mitchell at (612) 627-5016.

All statements of information will be accepted by the departments until a notice of proposed rule adoption is published in the *State Register*. Any written material received by the Minnesota Department of Agriculture and by the Minnesota Department of Health in response to this notice shall become part of the rulemaking record on this matter.

Mary Jo O'Brien
Commissioner of Health
Elton R. Redalen
Commissioner of Agriculture

This notice can be made available in alternative formats.

Minnesota Early Childhood Care and Education Council

Notice of Three Regional Meetings to Receive Input to Be Held in Marshall, Eveleth and Crookston

NOTICE IS HEREBY GIVEN that the Minnesota Early Childhood Care and Education Council (ECCE) has scheduled three Regional meetings to receive input from individuals involved in early childhood care and education. This information will be used by the Council in its attempt to improve the quality of services for young children throughout the state of Minnesota. Direct inquiries to: Jevne Kloeber, Executive Director, Minnesota Early Childhood Care and Education Council, Third Floor, Ford Building, 117 University Avenue, St. Paul, MN 55155; Phone: 612/296-1400; FAX 612/296-1401; TDD MRS 612/297-5353 (Metro) or TDD MRS 800/627-3529 (Greater Minnesota).

Southwestern Regional Meeting-April 28, 7-9 PM, in the conference room at the Western Community Action Agency, 203 W. Main Street, Marshall, Minnesota.

Northeastern Regional Meeting-May 3, 7:30-9:30 PM at the Range Technical College, Eveleth Campus, 1100 Industrial Park Drive, Highway 53, Eveleth, Minnesota.

Northwestern Regional Meeting-May 3, 7-9 PM at the Crookston Law Enforcement Center, Crookston, Minnesota.

Ethical Practices Board

Notice: Late Filing Fees

Effective immediately, upon receipt of a written request for a waiver the Ethical Practices Board will waive a late filing fee only if satisfied that the statement or report was not filed on time due to sickness, injury, or other compelling reason.

Department of Jobs and Training

Notice of Public Meeting on the State Plan Revision for Independent Living Services and Vocational Rehabilitation Services

The Minnesota Department of Jobs and Training - Division of Rehabilitation Services (DRS), State Rehabilitation Advisory Council (SRAC) and Statewide Independent Living Council (SILC) are sponsoring a public meeting to receive comments on independent living (IL) and vocational rehabilitation (VR) programs and services in Minnesota. The SILC, the SRAC and DRS are committed to assisting Minnesotans with disabilities to reach their goals for working and living in the community. This public meeting will provide interested persons the opportunity to contribute their experiences, concerns and ideas about IL and VR services in Minnesota. This public comment will help DRS and the councils meet their responsibilities for annual revision of the State Plan for vocational rehabilitation services and for planning independent living and vocational rehabilitation programs and services. The meeting is held in accordance with the requirements of the Rehabilitation Act of 1973 (PL 93-112) as amended, Title I (vocational rehabilitation) and Title VII (independent living). The meeting will be held at: **St. Paul, MN; Wed., May 18, 1994; Room 15, State Capitol Building; afternoon session: 3:00 - 5:00 pm; evening session: 7:00 - 9:00 pm.**

All interested persons are invited, including persons with disabilities, present and former IL and VR service consumers, advocates, and service providers. Comment is especially invited on IL and VR services, working relationships between state government and centers for independent living, the transition of students with disabilities from school to work, consumer satisfaction with existing IL and VR services, improving VR and IL services to persons with the most severe disabilities, improving IL and VR services to persons who are minorities, improving IL and VR services to persons who have been unserved or underserved.

Spoken and written comments will be received at the meetings. American Sign Language interpreters and real-time captioning will be provided. Other accommodation will be arranged on request. For additional information or accommodations please contact

Official Notices

the MN Division of Rehabilitation Services at V/TDD - (612) 297-2705. Persons who cannot attend the meeting may leave a recorded statement at (612) 282-6617 between May 13 and May 20, 1994, or send written comments to DRS, Attn: Stephen Serkland, 390 No. Robert St., St. Paul, MN, 55101.

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective April 18, 1994 prevailing wage rates were determined and certified for commercial construction projects in:

Anoka County: Lincoln, Washington, Wilson, L.O. Jacob, Hoover & Jefferson Schools Fire Alarm-Coon Rapids & Anoka. Portable School District Offices & New High School Bleachers-St. Francis. M.C.F. Lino Lakes Paint Water Tower Exterior-Lino Lakes.

Beltrami County: Bemidji State University Pipe Tunnel Asbestos Removal.

Blue Earth County: Good Thunder Elementary & Amboy Middle School Asbestos Abatement.

Clay County: MN/DOT Barnesville Truck Station Ventilation Modifications.

Hennepin County: U of M Morrill Hall 1994 Reroofing, Minneapolis Schools Telephone Systems Repairs, HCMC Demand Delivery System-Minneapolis. Minnetonka Regional Park Phase I Development-Minnetrista.

Houston County: High School Reroofing-Caledonia.

Jackson County: MN/DOT Windom Radio Tower Painting.

Lake County: MN/DOT Palisade Head Radio Tower Painting.

Martin County: Fairmont National Guard Armory Reroofing-Fairmont.

Ottertail County: MN/DOT Eagle Lake Radio Tower Painting, Community College Cooling Unit Addition-Fergus Falls, Perham Middle & High School Auditorium Remodel-Perham.

Polk County: Crookston National Guard Armory Reroofing-Crookston.

Ramsey County: Johnson High School Parking Addition, Highland Park Sr. High School Health Care Clinic Renovation, Hazel Park Middle School Accessibility Improvements, U/M ALG Canopy Addition & Snow Melt System, North End Elementary School 1994 Reroofing, AASF Boiler & Steam Pipes Asbestos Abatement-St. Paul. High School Science Rooms Remodeling-Arden Hills/New Brighton. Irondale High School Interior Elevator-New Brighton.

Rice County: National Guard Armory Boiler Replacement, & Asbestos Abatement-Northfield.

St. Louis County: Range Technical College 1994 Reroofing-Hibbing.

Stearns County: St. Cloud Prison Complex Air Conditioning-St. Cloud.

Stevens County: Briggs Library Elevator Modernization, MN/DOT Headquarters Shop Ventilation Modification-Morris.

Swift County: National Guard Armory Boiler Replacement & Asbestos Abatement-Appleton.

Watowan County: National Guard Armory Reroofing-St. James.

Wright County: Wastewater Treatment Facility-Cokato.

Copies of the certified wage rates for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

John B. Lennes, Jr.
Commissioner

Minnesota Board of Peace Officer Standards and Training

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Peace Officer Standards of Conduct and Use of Force Training

NOTICE IS HEREBY GIVEN that the Minnesota Board of Peace Officer Standards and Training (POST) is seeking information or opinions from sources outside the agency in preparing to propose the adoption and amendment of the rules governing peace

officer standards of conduct and use of force training. At this time, the Board may also amend other rules as deemed appropriate. The adoption of the rules is authorized by *Minnesota Statutes*, section 626.843, subdivision 1(e) and subdivision 1(n), *Minnesota Statutes*, section 626.845, subd. 1(i), and *Minnesota Statutes*, section 626.8452, subdivision 2 and subdivision 3.

The Minnesota Board of Peace Officer Standards and Training requests information and opinions concerning the subject matter of these rules. Interested persons or groups may submit data or views on subject matters of concern in writing or orally. Written statements should be addressed to: George P. Wetzel, Jr., Deputy Director, Minnesota POST Board, 1600 University Avenue, Suite 200, St. Paul, MN 55104. Oral statements will be received during regular business hours over the telephone at (612) 643-3060 and in person at the above address.

The Board will also solicit information by holding eight preliminary public hearings at various locations throughout the state, in addition to those hearings which may be required under *Minnesota Statutes*, chapter 14. The hearings will be conducted in lieu of formation of an advisory task force. Information regarding dates and locations of the hearings may be obtained by calling (612) 643-3060. Preliminary public hearings will be completed by October 1, 1994. Anticipated date of rule adoption is January 30, 1995.

All statements of information and opinions shall be accepted until the close of the rulemaking record, as provided for under *Minnesota Statutes*, chapter 14. Any written material received by the Board 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: 11 April 1994

Ray Cummings
Executive Director

Board of Teaching

Notice of Solicitation of Outside Information or Opinions Regarding Teacher Licensure

NOTICE IS HEREBY GIVEN that the Minnesota Board of Teaching is seeking information or opinions from sources outside the Board in preparing to revise its licensure system for teachers. This revision is authorized by *Minnesota Statutes*, sections 125.05 and 125.185, which authorize the Board to license teachers and to adopt rules for such licensure. This revision is also authorized by *Laws of Minnesota 1993*, Chapter 224, Article 12, Sections 33 and 39, which repeal Board of Teaching licensure rules effective August 1, 1996, and require that licensure rules be outcome-based and clearly related to the results-oriented graduation rule.

The Minnesota Board of Teaching requests information and opinions concerning the revision of its licensure system. 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:

Judith A. Wain, Executive Secretary
Minnesota Board of Teaching
608 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-2415, (office) or (612) 297-2094 (TDD) and in person at the above address.

All statements of information and comment will be accepted until further notice is given or the Notice of Hearing or Notice of Intent to Adopt Without a Hearing are published in the *State Register*. Any written material received by the Minnesota Board of Teaching shall become part of the rulemaking record to be submitted to the Attorney General or Administrative Law Judge in the event that rules are adopted.

Dated: 18 April 1994

Judith A. Wain
Executive Secretary

Professional, Technical & Consulting Contracts

Workers' Compensation Court of Appeals

Notice of Usual Attorney Fees on Appeal

Please be advised that for appeals filed after June 1, 1994, the Workers' Compensation Court of Appeals' normal amount of taxable attorney's fees on appeal, to be taxed in favor of the prevailing employee, will be changed to the levels set forth as follows:

1. For cases heard without oral argument - \$750.00; and
2. For cases heard with oral argument:
 - a. For attorneys whose offices are within one hundred miles of St. Paul - \$1,000.00;
 - b. For attorneys whose offices are located more than one hundred miles from St. Paul - \$1,200.00.

Fees will be awarded only where there is evidence that sufficient time and effort were expended by counsel in support of a successful appeal or petition or in opposition to an unsuccessful appeal or petition. Evidence of such effort would be the pleadings, briefs, or oral argument concerning the issue upon which the party prevailed.

This action supersedes our prior setting of attorney's fees on appeal last established on May 5, 1980. For appeals filed prior to June 1, 1994, the old schedule will remain in effect. Mileage will be determined by references to the MNDOT official highway mileage tables (1976).

By the Court:
Steven D. Wheeler
Chief Judge

Professional, Technical & Consulting Contracts

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

In accordance with *Minnesota Rules Part 1230.1910*, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612)296-2600 or [TDD (612)297-5353 and ask for 296-2600].

Department of Corrections

Health Services Unit

Notice of Request for Proposal for Primary Care Physicians' Services

NOTICE IS HEREBY GIVEN that the Minnesota Department of Corrections is seeking the services of a Primary Care Physician at the Minnesota Correctional Facility-Lino Lakes. The Primary Care Physician would be on-site at the Lino Lakes Correctional Facility four hours per week. The scope of services include primary care and follow-up services, secondary and tertiary referrals, physical examinations, health education, and health maintenance information to the inmate population. Proposals should cover the period from May 1, 1994 through June 30, 1995.

Individuals interested in submitting proposals for Primary Care Physician should contact:

Dana Baumgartner
Health Care Administrator
Department of Corrections
612/642-0248

Proposals must be submitted to the Department of Corrections no later than 4:30 p.m., April 25, 1994.

Environmental Quality Board

Public Notice of Request for Proposals (RFP) for Professional Services Assisting with Technical Writing and Editing of the University of Minnesota Steam Facilities Environmental Impact Statement

The Environmental Quality Board (EQB) anticipates hiring one or more professional technical writers and editors to assist with the organizing, drafting and editing of the Draft and Final Environmental Impact Statement being completed for the proposed renovation of the University of Minnesota steam facilities.

THIS REQUEST FOR PROPOSAL HAS BEEN SET-ASIDE FOR CERTIFIED TARGETED GROUP BUSINESSES AND INDIVIDUALS. PROPOSALS WILL ONLY BE ACCEPTED FROM CERTIFIED TARGETED BUSINESS GROUP BUSINESSES AND INDIVIDUALS. FOR INFORMATION REGARDING CERTIFICATION, CALL THE MATERIALS MANAGEMENT HELPLINE (612) 296-2600 [TTY/TDD: (612) 282-5799].

Multiple certified targeted businesses or individuals will be contracted with to provide writing and/or editing services on an as needed basis with no minimum work guarantee. Specific work tasks will be negotiated through individual work orders following execution of master contracts. Total work order expenditures through these contracts are not to exceed a total of approximately \$20,000.

A copy of the Request for Proposal is available by calling (612) 296-2603 or by writing or faxing John N. Wachtler, Project Manager, Minnesota Environmental Quality Board, 300 Centennial Building, 658 Cedar Street, St. Paul, MN 55155. Fax: (612) 296-3698.

All proposals must be received at the EQB by 4:30 p.m. on Friday, April 29, 1994. Late proposals will not be accepted.

Department of Finance

Notice of Request for Proposals for Airline Consultant Services

The Minnesota Department of Finance is seeking proposals for a consultant to provide a report to the state of Minnesota Commissioner of Finance on the financial condition of an airline and the economics of the airline industry.

To receive a Request for Proposal and background information, please call or write:

Peter G. Sausen
Assistant Commissioner
Minnesota Department of Finance
458 Cedar Street
4th Floor Centennial Office Building
Saint Paul, Minnesota 55155
(612) 296-8372

NOTE: Details concerning submission requirements, including due dates are included in the Request for Proposal. No other Minnesota Department of Finance personnel are authorized to discuss the project with responders before the submittal of the proposal.

Department of Finance

Notice of Request for Proposals for Financial Advisor Services

The Minnesota Department of Finance is seeking proposals for a financial advisor to assist the Commissioner of Finance in the issuance of up to \$50 million of state of Minnesota revenue bonds. The proceeds of the revenue bonds sold would be used to construct an aircraft maintenance facility in Duluth, Minnesota.

Professional, Technical & Consulting Contracts

To receive a Request for Proposal and background information, please call or write:

Peter G. Sausen
Assistant Commissioner
Minnesota Department of Finance
458 Cedar Street
4th Floor Centennial Office Building
Saint Paul, Minnesota 55155
(612) 296-8372

NOTE: Details concerning submission requirements, including due dates are included in the Request for Proposal. No other Minnesota Department of Finance personnel are authorized to discuss the project with responders before the submittal of the proposal.

Minnesota Historical Society

Notice of Request for Bids for Accessible Pathway System at Historic Fort Snelling - St. Paul, MN

The Minnesota Historical Society is seeking bids from qualified firms and individuals to provide all labor, equipment and materials for the construction of an accessible pathway system at Historic Fort Snelling, St. Paul, MN.

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.

Complete Specifications and details concerning bid submission requirements and deadlines are included in the Request for Bids.

Minnesota Historical Society

Notice of Request for Bids for Garage Renovation at Lower Sioux Agency - Morton, MN

The Minnesota Historical Society is seeking bids from qualified firms and individuals to provide all labor, materials and supplies for the renovation of an existing 18' x 18' garage.

The work will include, but not necessarily be limited to the following: Remove existing roof structure and replace with new hip roof. Block in certain windows and doors. Provide and install service door and new overhead door. Repair stucco and plaster. Replace overhead electric service with underground service and re-wire building. Remove and replace concrete floor. Associated other components will be included in the specifications.

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.

Complete Specifications and details concerning bid submission requirements and deadlines are included in the Request for Bids.

Minnesota Historical Society

Notice of Request for Bids for Construction of Sewage Disposal System at Split Rock Lighthouse Historic Site - Two Harbors, MN

The Minnesota Historical Society is seeking bids from qualified firms to provide all labor, equipment and materials for the con-

Professional, Technical & Consulting Contracts

struction of a sewage disposal system at Split Rock Lighthouse Historic Site, Two Harbors, MN. The work will generally consist of construction of sanitary sewer, septic system and lift station.

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.

Complete Specifications and details concerning bid submission requirements and deadlines are included in the Request for Bids.

Department of Human Services

Fergus Falls Regional Treatment Center

Request for Proposals to Provide the Services of Locum Tenens Psychiatrists

Fergus Falls Regional Treatment Center, MN Department of Human Services, is soliciting proposals from qualified consultants to supply the following physicians licensed to practice in the State of Minnesota:

Services of a full time locum tenens board eligible or certified psychiatrist at the Fergus Falls Regional Treatment Center for diagnosis and treatment of emotional disorders of mentally ill, chemically dependent and mentally retarded clients.

Contract will be written for the period of July 1, 1994 through June 30, 1995. More detailed written information on position responsibilities may be obtained by contacting Leonard Woytassek, MD, Medical Director, Fergus Falls Regional Treatment Center, PO Box 157, Fergus Falls, MN 56538-0157. Telephone: (218) 739-7200.

Department of Human Services

Request for Proposals for General and Medical Services

NOTICE IS HEREBY GIVEN that Faribault Regional Treatment Center is seeking the following services for the period July 1, 1994 through June 30, 1995. These services are to be performed as requested by the administration of the Faribault Regional Treatment Center.

1. **Services of Board Certified Physicians** to provide weekend coverage at Faribault Regional Center. The amount of the contract is estimated not to exceed \$15,000.00.
2. **Services of a Radiologist** to interpret x-ray films taken by the center's x-ray technician. The amount of the contract is estimated not to exceed \$16,000.00.
3. **Services of a Physical Therapist** to provide Physical Therapy services for clients of Faribault Regional Center. The amount of the contract is estimated not to exceed \$30,000.00.
4. **Services of a Board Certified Dentist** to provide services for clients of Faribault Regional Center. The amount of the contract is estimated not to exceed \$20,124.00.
5. **Services of a Respiratory Therapist** to provide respiratory therapy to clients of Faribault Regional Center. The amount of the contract is estimated not to exceed \$12,240.00.
6. **Services of an Employment Counselor** to provide employment counseling services to employees of Faribault Regional Center. The amount of the contract is estimated not to exceed \$25,000.00.
7. **Services of two Board Certified Dentists** to provide Dental services to patients of Southern Cities Community Health Clinic. The amount of the contract is estimated not to exceed \$79,279.00.
8. **Services of a Board Certified Physician** to provide general medical services to patients of Southern Cities Community Health Clinic. The amount of the contract is estimated not to exceed \$10,400.00.
9. **Services of a Board Certified Psychiatrist** to provide consultation services in psychiatry to patients of Southern Cities Community Health Clinic. The amount of the contract is estimated not to exceed \$46,080.00.

Professional, Technical & Consulting Contracts

Direct inquiries and responses to:

Michael Hopwood, Contract Coordinator
Faribault Regional Treatment Center
802 Circle Drive
Faribault MN 55021
(507) 332-3645

Responses on the above services must be received by 2:00 pm on May 9, 1994

For copies of the Full Request for Proposals, please contact Michael Hopwood. Award of any of these contracts is contingent upon availability of funds. This request does not obligate the State and the State reserves the right to cancel the solicitation.

Department of Human Services

Mental Health Division

Request for Proposals to Evaluate Moose Lake Regional Treatment (RTC) Transition and Anoka-Metro RTC Community Hospital Beds

The Minnesota Department of Human Services is soliciting proposals from qualified parties to evaluate the replacement of Moose Lake Regional Treatment Center with alternative community-based mental health services including state-operated community-based and inpatient mental health treatment. The evaluation will also examine the impact of community hospital alternatives funded by Medicaid for clients usually served by the Anoka Regional Treatment Center. Proposals are being sought for the design, implementation and analysis of an evaluation study in collaboration with Department staff, county staff and representatives of mental health consumer and family groups. It is intended that the evaluation design be able to be continued in the counties located in the Moose Lake RTC and Anoka RTC catchment areas as well as possibly used in other areas.

The 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.

The Department has estimated that the cost of this contract will not exceed \$125,000. All proposals must be submitted no later than 4:30 p.m. May 16, 1994.

A meeting will be held on April 29, 1994 at 1 p.m. to discuss any questions about the RFP by prospective responders. No other contacts will be accepted. For a copy of a more detailed explanation of this request for proposals, please contact:

Jerry Storck
Mental Health Division
Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3828
Fax (612) 296-7731
Phone (612) 296-1858

Department of Human Services

St. Peter Regional Treatment Center

Notice of Request for a Proposal for General Practitioner Services

NOTICE IS HEREBY GIVEN that the St. Peter Regional Treatment Center, Residential Facilities Administration, Department of Human Services, is seeking services which are to be performed as requested by the Administration of the St. Peter Regional Treatment Center. The following contract will be written for the period July 1, 1994 through June 30, 1995.

Professional, Technical & Consulting Contracts

1. General Practitioner services needed to serve the needs of the clients at St. Peter Regional Treatment Center.

Responses must be received by May 9th. Direct inquiries to:

Cindy Zahratka, Contract Coordinator
St. Peter Regional Treatment Center
100 Freeman Drive
St. Peter, MN 56082
Phone: (507) 931-7715

Department of Transportation

Request for Proposal for Professional Services to Provide Ear Examinations, Audiometric Testing, and Written Evaluations of Test Data

This proposal is being requested by the Department of Transportation to provide for designated Mn/Dot employees, ear examinations, audiometric testing, and written evaluations of test data in accordance with applicable O.S.H.A. regulations. This request for proposal does not obligate the state to complete the project and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

A. Scope of project:

To provide for all Mn/Dot employees who are or have been exposed to noisy environments (over 85 DBA's) an annual hearing test performed in a soundproof booth that meets OSHA requirements.

B. Goals and objectives:

Selected vendor will visit all Mn/Dot districts and perform ear examinations and audiometric testing on all designated employees. Upon completion of testing will submit to the state an evaluation of tests and a written explanation of test data on each employee tested.

C. Project tasks:

- a. Contact responsible person in each district to set up date and times for employee testing.
- b. Check ear canals for obstruction prior to audiometric testing.
- c. Perform audiometric testing on all employees which have been designated by the responsible person at each district.
- d. Provide to the state an evaluation of the test results for each employee tested.
- e. Provide to the state written explanations of the test data.

Responder may propose additional tasks or activities if they will substantially improve the results of the project.

D. Department contacts:

Prospective responders who have any questions regarding this request for proposal may call or write:

David S. Smith, Supervisor Budget & Finance Unit
395 John Ireland Blvd., M.S. 700
St. Paul, MN 55155
(612) 296-6079

Please note that other department personnel are not allowed to discuss the project with responders before the submittal of proposed deadline.

E. All proposals must be sent to and received by:

David S. Smith, Supervisor Budget & Finance Unit
395 John Ireland Blvd., M.S. 700
St. Paul, MN 55155

Not later than 4:00 P.M. May 13, 1994.

Late proposals will not be accepted. Submit 3 copies of proposal. Proposals are to be sealed in mailing envelopes or packages

Non-State Public Bids and Contracts

with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of the project.

F. Project costs:

The department has estimated that the cost of this project should not exceed \$15,000.00 per fiscal year.

G. Project completion date:

OSHA requires annual hearing exams, all effected employees must be tested by the end of each fiscal year. Fiscal years end June 30.

H. Proposal contents:

The following will be considered minimum contents of the proposal:

1. A restatement of the objectives, goals, and tasks to show or demonstrate the responder's view of the nature of the project.
2. Identify and describe the deliverables to be provided by the responder.
3. Outline the responder's background and experience with particular emphasis on local, state, and federal government work. Identify personnel to conduct the project and detail their training and work experience. No change in personnel assigned to the project will be permitted without the approval of the state Project Director/Manager.
4. Responder will prepare a detailed cost and work plan which will identify the major tasks to be accomplished and be used as a scheduling and managing tool, as well as the basis for invoicing.
5. Identify the level of Mn/Dot's participation in the project as well as any other services to be provided by the department.

I. Evaluation criteria:

All proposals received by the deadline will be evaluated by representatives of the Department of Transportation. In some instances, an interview will be part of the evaluation process. Factors upon which proposals will be judged, but are not limited to, the following:

1. Expressed understanding of project objectives.
2. Project work plan.
3. Project cost detail.
4. Qualifications of both company and personnel. Experience of project personnel will be given greater weight than that of the firm.

Evaluation and selection will be completed by May 20, 1994.

J. Workers' Compensation:

The successful responder will be required to submit acceptable evidence of compliance with worker's compensation insurance coverage requirements prior to execution of the contract.

Non-State Public Bids and Contracts

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

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

Metropolitan Waste Control Commission

Public Notice for Letters of Interest for Professional Services

NOTICE IS HEREBY GIVEN that the Metropolitan Waste Control Commission is soliciting prequalifications for professional

Non-State Public Bids and Contracts

services for the Systemwide Evaluation of Air Emission Points and Completion of the Permit Application, MWCC Project Number 941200. Requesting proposals for services will be contingent upon 1995 annual budget authorization for the project.

Scope of Professional Services includes the collection, sampling, evaluation, and data inventory of systemwide air emission points, which must comply with all applicable federal, state, and local requirements, and will complete the process of the permit application. The services will include assisting the MWCC staff with necessary permitting and approvals to obtain air discharge permit(s). The estimated cost for the Professional Services is in the range of \$1,500,000 to \$2,000,000.

The tentative schedule for completing the Systemwide Evaluation of Air Emission Points is:

• Receive Letters Of Interest	April 1994
• Request Statement of Qualifications	May 1994
• Shortlist of Firms	May 1994
• Request Proposals	June 1994
• Receive Proposals	July 1994
• Select Consultant(s)	July 1994
• Notice to Proceed	August 1994

Due to the time constraint placed upon this project and the immense number of facilities that the MWCC owns and operates, it may be necessary to select more than one professional service firm to complete the requirements pertaining to the recently issued MPCA Minnesota Air Permit Rules regarding air emission points, thus resulting in more than one contract.

All firms interested in being considered for this Project are invited to submit a Letter Of Interest (LOI) asking for the Request For Qualifications (RFQ) package.

All inquiries and submittals are to be addressed to:

Administrative Assistant, Contracts & Documents Division
Metropolitan Waste Control Commission
Mears Park Center
230 East Fifth Street
St. Paul, MN 55101
(612) 229-2132

By Order of the
Metropolitan Waste Control Commission
Helen A. Boyer
Deputy Chief Administrator

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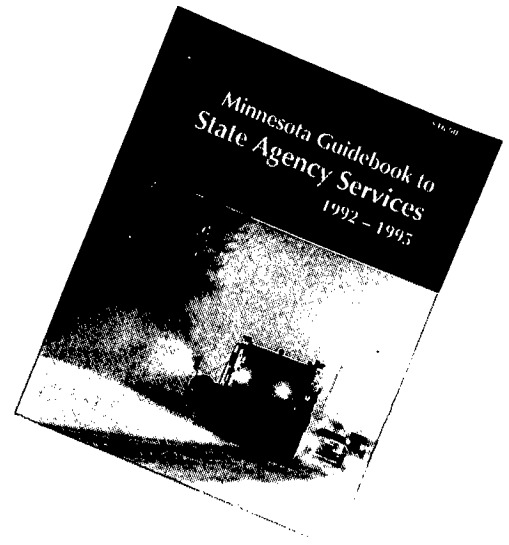
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