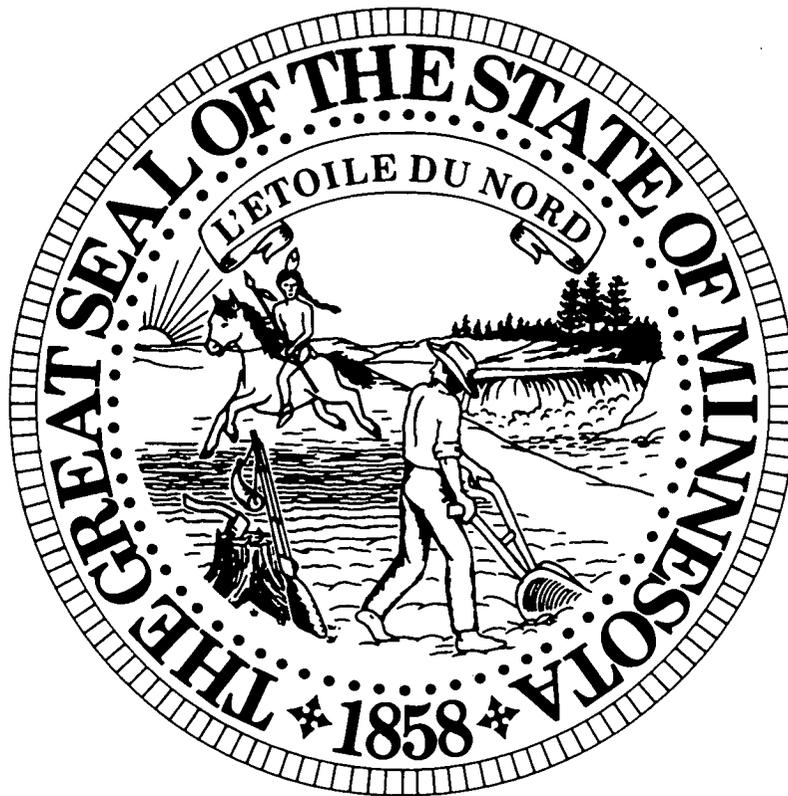


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3

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30	Monday 23 January	Monday 9 January	Friday 13 January
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Contact: Senate Public Information Office (612) 296-0504
Room 231 State Capitol, St. Paul, MN 55155

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

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

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Individual 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 Agriculture

Proposed Permanent Rules Relating to Genetically Engineered Organisms

Notice of Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held on February 16, 1995 in Conference Room 1, at the Minnesota Department of Agriculture, 90 West Plato Blvd., St. Paul, MN, beginning at 10:00 a.m. and continuing until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the administrative law judge. The administrative law judge assigned to conduct the hearing is Richard C. Luis. Judge Luis can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, MN 55401, (612) 349-2542.

Hearing Procedure. At the hearing, 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 rules. 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. The 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.

Subject of Rules and Statutory Authority. The proposed rules are about issuance of permits for proposed releases of genetically engineered agriculturally related organisms. The statutory authority to adopt these rules is *Minnesota Laws, 1994*, Chapter 454, section 7, to be codified as *Minnesota Statutes*, section 18F.12, (1994). A copy of the proposed rules are published in the *State Register* and attached to this notice as mailed.

Agency Contact Person. Comments or questions on the rules must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 90 West Plato Blvd., St. Paul, MN 55107, (612) 296-6906, Fax (612) 297-7678.

Modifications. The proposed rules may be modified as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rules as attached and printed in the *State Register* and must be supported by data and views presented at the hearing. If the proposed rules affect you in any way, you are encouraged to participate in the rule making process.

Statement of Need and Reasonableness. Notice is hereby given that a statement of need and reasonableness is now available for review at the agency and at the Office of Administrative Hearings. This statement of need and reasonableness includes a summary

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.

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of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and reasonableness of the proposed rules. Copies of the statement of need and reasonableness may be reviewed at the agency or at the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Small Business Considerations. Some of the businesses affected by these rules would be defined as a small business according to *Minnesota Statutes* section 14.115. Overall, the impact of the rules should be beneficial to all businesses by eliminating previous duplication and unneeded paperwork. Additional information on the impact on small business is available in the Statement of Need and Reasonableness.

Expenditure of Public Money by Local Public Bodies. These rules will not result in the expenditure of public money by local public bodies.

Impact on Agricultural Lands. *Minnesota Statutes*, section 14.11, subd. 2, requires that if rules have a direct and substantial adverse impact on agricultural land, the agency must comply with specific additional requirements. The proposed rules will not impact agricultural land in the state.

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, 1st Floor, Centennial Office Building, 658 Cedar St., St. Paul, MN 55155, (612) 296-5148.

Adoption Procedure After the Hearing. After the close of the hearing record, the administrative law judge will issue a report on the proposed rules.

Notice: Any person may request notification of the date on which the administrative law judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. Any person may also request notification of the date on which the rules are adopted and filed with the Secretary of State. The notice of adoption must be mailed on the same day that the rules are filed. If you want to be notified, you may so indicate at the hearing or send a request in writing to the agency contact person, Carol Milligan, at any time prior to the filing of the rules with the Secretary of State.

Dated: 19 December 1994

Elton Redalen
Commissioner

Rules as Proposed (all new material)

1558.0010 SCOPE.

Subpart 1. **Regulatory authority.** The Minnesota Department of Agriculture is authorized to regulate the release of agriculturally related genetically engineered organisms in Minnesota. The requirement for environmental review is subject to *Minnesota Statutes*, chapter 116D, and rules adopted under it. The categories of releases are as follows: releases requiring permits, notifications, and commercial use.

Subp. 2. **Releases requiring permits.** All releases of agriculturally related genetically engineered organisms, pesticides, fertilizers, soil amendments, or plant amendments, that do not fall under the notification process or that have not been exempted for commercial use, require a release permit. The procedure for filing a release permit application is outlined in part 1558.0040.

Subp. 3. **Notification.** Corn, soybeans, cotton, tobacco, tomato, potato, and any other plants designated by the commissioner under part 1558.0060, subpart 1, may follow the notification procedure in part 1558.0060, provided that they meet all the eligibility criteria in part 1558.0060, subpart 1, and the performance standards in part 1558.0060, subpart 2.

Subp. 4. **Commercial use exemption.** Agriculturally related genetically engineered organisms, pesticides, fertilizers, soil amendments, or plant amendments that have passed the USDA procedure for delisting by petition, or similar procedures of the USDA or other federal regulatory agencies, may be considered for a commercial use exemption in Minnesota if they meet the guidelines and procedures in part 1558.0070.

1558.0020 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to this chapter.

Subp. 2. **Agriculturally related organism.** "Agriculturally related organism" means any organism that is used in agricultural production or processing of agricultural products. It includes livestock and livestock products; dairy animals and dairy products; poultry and poultry products; domestic fur-bearing animals; animal feeds; horticultural stock; nursery stock, as detailed in *Minnesota Statutes*, section 18.46, subdivision 3; fruits; vegetables; forage; grain; wild rice; seeds; bees; apiary products; and products for the control or mitigation of noxious weeds. It excludes vaccines and drugs for use in humans; genetic engineering of human

germ cells and human somatic cells intended for use in human gene therapy; vaccines for use in livestock, dairy animals, poultry, domestic fur-bearing animals, or private aquatic life; genetically engineered wild animals; and forestry products.

Subp. 3. **Applicant.** "Applicant" means a person who files an application with the commissioner for a release permit, notification, or exemption for an agriculturally related genetically engineered organism.

Subp. 4. **Application.** "Application" means the document filed by the person or persons with the commissioner for a release permit, notification, or exemption for an agriculturally related genetically engineered organism.

Subp. 5. **Commissioner.** "Commissioner" means the commissioner of agriculture or an agent authorized by the commissioner.

Subp. 6. **Containment facility.** "Containment facility" means a laboratory, greenhouse, building, structure, or other similar facility that complies with the most recent applicable National Institute of Health Guidelines for Research Involving Recombinant DNA Molecules which is incorporated by reference and published in the *Federal Register* or is certified by the USDA Animal and Plant Health Inspection Service as a containment facility. Such facilities must also be certified under part 1558.0080, subpart 2, or has been exempted by the commissioner under part 1558.0080, subpart 3.

Subp. 7. **Environmental assessment worksheet; EAW.** "Environmental assessment worksheet" or "EAW" means a document complying with part 4410.0200, subpart 24.

Subp. 8. **Environmental impact statement; EIS.** "Environmental impact statement" or "EIS" has the meaning given in part 4410.0200, subpart 26.

Subp. 9. **Environmental Quality Board; EQB.** "Environmental Quality Board" or "EQB" means the Minnesota Environmental Quality Board.

Subp. 10. **Federal application.** "Federal application" means an application, notification, or petition and supporting documents submitted to any agency of the United States government for the release of a genetically engineered organism.

Subp. 11. **Genetic engineering.** "Genetic engineering" means the introduction of new genetic material into an organism or the regrouping of an organism's genes using techniques or technology designed by humans. This does not include selective breeding, hybridization, or nondirected mutagenesis.

Subp. 12. **Genetically engineered organism; GEO.** "Genetically engineered organism" or "GEO" means an agriculturally related organism that has been modified directly or indirectly using genetic engineering, as defined in *Minnesota Statutes*, section 18F.02, subdivision 5, experimental genetically engineered pesticides, as defined in *Minnesota Statutes*, section 18B.01, subdivision 10b, genetically engineered fertilizer as defined in *Minnesota Statutes*, section 18C.005, subdivision 12b, genetically engineered plant amendments, as defined in *Minnesota Statutes*, section 18C.005, subdivision 12c, or genetically engineered soil amendments, as defined in *Minnesota Statutes*, section 18C.005, subdivision 12d.

Subp. 13. **Organism.** "Organism" means an animal, plant, bacterium, cyanobacterium, fungus, protist, or virus.

Subp. 14. **Release.** "Release" means the placement or use of a GEO outside a containment facility or under any other conditions not specifically determined by the commissioner to be adequate containment pursuant to part 1558.0080, subpart 1 or 2.

Subp. 15. **Release permit.** "Release permit" means the terms, conditions, and authorization by the commissioner under this chapter for the release of a genetically engineered organism.

Subp. 16. **Responsible person.** "Responsible person" means a person who has custody of, control of, or responsibility for an agriculturally related genetically engineered organism.

Subp. 17. **USDA.** "USDA" means the United States Department of Agriculture.

1558.0030 CONSIDERATIONS.

Subpart 1. **Considerations.** In determining whether a release permit, notification, or exemption for commercial use should be issued, denied, modified, suspended, or revoked, and in specifying or modifying conditions of release, the commissioner must consider the following:

A. the familiarity and predictability of the ecologically relevant biological properties of the introduced DNA, the vector if one exists, the recipient, and the engineered organisms;

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B. the history of previous environmental releases, evidence from laboratory studies, or other uses of the genetically engineered organisms;

C. the potential for the genetically engineered organism to cause any adverse environmental effects, including but not limited to:

(1) whether the organism is native, currently found in the area, or nonnative to the release area;

(2) whether the genetically engineered organism is pathogenic to target or nontarget organisms and to what extent this trait has been changed from the nontransgenic parents;

(3) the extent of the changes to the genetically engineered organism's competitiveness and survivability under normal and environmentally stressful conditions including, but not limited to, resource base, dormancy, temperature tolerance, fire resistance, drought resistance, or ability to disperse in the environment, that have been made as a result of the genetic engineering;

(4) the potential for the genetically engineered organisms' genes to transfer to other organisms and the resultant effects on other organisms' competitiveness, dispersal, dormancy, pathogenicity or toxicity, fertility, expansion of their resource base or range, and any other fitness characteristics; and

(5) the potential of the genetically engineered organism to adversely affect the groundwater environment or to pass harmful genes to organisms found in groundwater;

D. the adequacy of and appropriateness of the measures, if any are needed, for confinement of the genetically engineered organism;

E. any previous risk assessments for the same or similar organisms prepared by federal or state agencies and their adequacy and relevance to the current proposal, including, but not limited to, consideration of the following:

(1) the environmental conditions that existed in previous releases and their relationship to the proposed use;

(2) whether the genetically engineered organisms failed to demonstrate an ability to be self-reproducing or competitive because of transient factors; and

(3) whether the scale of the assessment was adequate to assess potential for establishing a self-reproducing population;

F. the conclusions reached and conditions imposed by federal agencies with jurisdiction over the proposed release;

G. the conclusions reached or conditions imposed by federal or state agencies on previous releases in Minnesota or elsewhere and their adequacy and relevance to the current proposal;

H. the type, extent, and reversibility of adverse environmental effects;

I. the cumulative potential effects of related or anticipated future projects; and

J. the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority.

Subp. 2. **Federal documents.** Federal documents may be used to address some or all of the considerations in subpart 1.

1558.0040 RELEASE PERMIT PROCEDURES.

Subpart 1. **Procedure and application.** Release permits, including EAWs prepared by the commissioner, are required from the commissioner for all releases of GEOs except those exempted under subpart 13, or those regulated under part 1558.0060, 1558.0070, or 1558.0080. The commissioner shall provide application forms.

A. Applications for release permits for GEOs must be submitted to the commissioner and must contain:

(1) name, title, address, telephone number, and signature of the responsible person;

(2) name, address, and telephone number of cooperators or participants in the state;

(3) origin, destination, name of responsible person, and containment procedures for movement and storage of GEOs;

(4) the amount or number of organisms, material, cultures, or seeds to be shipped or used in this state;

(5) the expected date of release and the expected duration of the release;

(6) a statement certifying that the use of the genetically engineered organism will be in accordance with this chapter;

(7) all information required for an EAW, as given in part 1558.0050;

(8) supporting documentation, including research information and any United States Environmental Protection Agency, USDA, or other federal agency regulatory application or approval document, if requested to verify or substantiate information given in the permit application or respond to public comments; and

(9) any information needed for an experimental use permit under *Minnesota Statutes*, chapter 18B.

B. During the permit process, the commissioner may request additional information necessary to determine the potential for unreasonable adverse effects on human health or the environment of the proposed release.

Subp. 2. **Application submission.** An application must be accepted or rejected by the commissioner within 14 days of its receipt. The commissioner may reject an application if the regulation of the genetically engineered organism is not authorized under *Minnesota Statutes*, chapter 18B, 18C, or 18F, or if the application does not contain all the required information.

If the commissioner rejects an application, the applicant must be informed in writing of the deficiencies that exist and requirements that, if corrected, will allow acceptance of the application. The applicant may submit the additional information or withdraw the application. Acceptance of the application does not constitute issuance of the permit.

Subp. 3. **Application distribution.** Within 14 days of the application acceptance, a copy of the application with not public information deleted, including the EAW prepared by the Minnesota Department of Agriculture, must be distributed to: the chair of the EQB, the Legislative Reference Library, local government units within whose boundaries the release is proposed, and any other person upon request to the commissioner. EAWs must be distributed according to the EQB distribution list. Not public data is available for review by any state agency according to provisions of *Minnesota Statutes*, section 13.05, subdivision 9, of the Minnesota Government Data Practices Act.

Subp. 4. **Application review.** The application must be reviewed using an interdisciplinary approach that will ensure the integrated use of the natural and environmental sciences, including involvement of the following disciplines as appropriate: microbiology, ecology, public health, biological safety, agronomy, animal science, plant biology, risk assessment, molecular biology, biochemistry, entomology, vertebrate biology, physical and biological containment, and other appropriate disciplines. Application review must address the considerations in part 1558.0030, including federal documents, and evidence from laboratory studies and previous releases. After reviewing a completed release permit application including the EAW and comments from reviewers, the commissioner may issue a release permit for GEOs if the commissioner determines that the applicant has adequately demonstrated that the proposed release does not have the potential for unreasonable adverse effects on human health or the environment. The commissioner may deny issuance of a GEO release permit if the release of the GEO under proposed terms and conditions of the release permit may cause unreasonable adverse effects on human health or the environment.

The Board of Animal Health must be consulted on permits that relate to livestock and domestic animals.

Subp. 5. **Data privacy.** Information submitted as part of the permit application, which meets one of the definitions in *Minnesota Statutes*, section 13.37, subdivision 1, paragraph (a) or (b), of the Minnesota Government Data Practices Act, may be designated as such in the application by clearly and conspicuously marking it as "security information" or "trade secret information." Information that is submitted and marked "confidential business information" must be considered not public data under the federal Freedom of Information Act, *United States Code*, title 5, section 552, as amended, and *Minnesota Statutes*, section 13.03, subdivision 4. This information may be provided to interdisciplinary reviewers if they sign a nondisclosure agreement and they do not represent in any capacity any business or enterprise engaged in competition with the applicant.

Subp. 6. **Permit conditions.** The commissioner may prescribe terms and conditions including, but not limited to, the period for the GEO release permit, the amount or number of GEOs to be released, monitoring activities, department inspection schedules, reporting of experimental results, and experiment termination procedures. The commissioner may impose additional reasonable and appropriate release permit conditions to mitigate or minimize the adverse effects of the release on human health or the environment.

Subp. 7. **Violation of the permit.** A person may not violate terms or conditions of a permit issued under this section. The commissioner may modify, suspend, or revoke the release permit at any time if the commissioner finds that its terms or conditions are being violated or are inadequate to avoid unreasonable adverse effects on human health or the environment pursuant to *Minnesota Statutes*, section 18F.07, subdivision 2. If adverse effects are observed, the permit will be suspended. If adverse effects can be mitigated by modification of the conditions for release, the permit may be reinstated. Revocation may result in termination and disposal of all GEOs. *Minnesota Statutes*, section 18D.301, subdivision 1, authorizes procedures and penalties as outlined in *Minnesota Statutes*, chapter 18D, to be applied to violations of *Minnesota Statutes*, chapter 18B, 18C, or 18F.

Subp. 8. **Adverse effects.** It is the responsibility of the applicant to notify the commissioner of any unexpected occurrences or adverse effects within 48 hours.

Subp. 9. **Application fee.** An application for a release permit for a GEO must be accompanied by a nonrefundable application

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Proposed Rules

fee of \$125 in accordance with *Minnesota Statutes*, section 18F.07, subdivision 4, or \$150 if an experimental use permit is required under *Minnesota Statutes*, section 18B.28, subdivision 4.

Subp. 10. **Permit renewal.** Releases that are substantially the same as a previous release may be eligible for a permit renewal. The applicant must submit a written permit renewal request to the commissioner at least 30 days before release of the GEO. A request may be denied based on evidence of unreasonable adverse effects on human health or the environment.

Subp. 11. **Release reports.** Release reports are required by the commissioner for all releases. Release reports must include:

A. the release permit identification number; and

B. methods of observation, resulting data, and analysis or observations of adverse effects on human health or the environment.

Subp. 12. **Access.** Access to the release site must be allowed for state regulatory officials to inspect facilities or the field test site, or both, and any records necessary to evaluate compliance with this chapter. Records must be kept for three years. Access of regulatory officials from state agencies other than the Department of Agriculture must be coordinated through the Department of Agriculture.

Subp. 13. **Partial or complete exemptions.** Partial or complete exemptions from the permit procedures may be given by the commissioner based on the considerations in part 1558.0030 and adequacy of alternative oversight as it relates to those considerations.

A. The applicant may file a written request to the commissioner for the exemption of an individual release or for a class of releases. The request must include a copy of the federal application or documentation and the information necessary to determine if there is a potential for significant adverse environmental effects. The determination must be based on the considerations in part 1558.0030 and the adequacy of alternative oversight as it relates to those considerations. The commissioner shall make a determination within 30 days of the receipt of the exemption request and documentation. Class exemptions may be initiated by the commissioner.

B. There will be public notice of the request in the first available EQB Monitor and a public comment period for class exemptions. The determination must be based on the considerations in part 1558.0030, the adequacy of alternative oversight as it relates to those considerations, and review of comments.

1558.0050 ENVIRONMENTAL ASSESSMENT WORKSHEETS.

Subpart 1. **Reason for EAWs.** EAWs are prepared by the Minnesota Department of Agriculture as part of the release permit application in part 1558.0040. EAWs are designed to look at environmental effects associated with a proposed release. The EAW findings are used to determine if an EIS is needed, if the permit should be granted, and if any permit conditions are needed to mitigate or lower risks that have been identified by the EAW. The EAW must be written in plain and objective language and include a clear presentation of the proposed release and issues of concern. Information for EAWs must be submitted by the applicant on forms provided by the department as part of the permit application. The EAW, which is prepared by the department using information from the applicant and other sources, is intended to be a summary of the considerations in part 1558.0030 as they relate to the proposed release; however, supporting documents must be referenced and available upon request.

Subp. 2. **EAW considerations.** The applicant for a release permit must provide information addressing the considerations in part 1558.0030, subpart 1, so that a draft EAW can be prepared for any proposed release requiring an EAW. Federal documents may be used to address the considerations.

Subp. 3. **EAW review.** The EAW must be reviewed using an interdisciplinary approach that will ensure the integrated use of the natural and environmental sciences, including involvement of the following disciplines as appropriate: microbiology, ecology, public health, biological safety, agronomy, animal science, plant biology, risk assessment, molecular biology, biochemistry, entomology, vertebrate biology, physical and biological containment, and other appropriate disciplines. The notice of availability of the EAW and the public comment period must be published in the first available EQB Monitor.

Subp. 4. **EAW findings.** The commissioner shall issue findings of fact based on the EAW. The findings must determine if there is a potential for significant environmental effects. If there is a potential for significant environmental effects, an EIS must be prepared. The findings may also be used to determine if the permit should be granted or denied, and if any permit conditions are needed to mitigate or lower risks that have been identified by the EAW.

Subp. 5. **EIS preparation and review.** An EIS, if required, must be written and reviewed under the procedures in part 4410.2000.

1558.0060 NOTIFICATION PROCEDURES FOR CERTAIN GENETICALLY ENGINEERED PLANTS.

Subpart 1. **Genetically engineered plants eligible for release under the notification procedure.** In accordance with *Minnesota Statutes*, section 116C.98, genetically engineered plants that meet the eligibility criteria of items A to F and whose release meets the performance standards in subpart 2 are eligible for release under the notification procedure of subpart 3.

A. The genetically engineered plant is:

(1) one of the following species: corn (*Zea mays* L.), cotton (*Gossypium hirsutum* L.), potato (*Solanum tuberosum* L.), soybean (*Glycine max* L. Merr.), tobacco (*Nicotiana tabacum* L.), or tomato (*Lycopersicon esculentum* L.); or

(2) additional plant species that the commissioner, after public notice and after complying with *Minnesota Statutes*, chapter 18F, and the rules adopted under it, has determined may be safely used in accordance with the organism eligibility criteria in items B to F and the release performance standards in subpart 2.

B. The genetically engineered material is stably integrated into the plant genome.

C. The function of the genetically engineered material is known and its expression in the genetically engineered organism does not result in disease.

D. The genetically engineered material does not:

(1) cause the production of an infectious entity;

(2) encode substances that are known or likely to be toxic to nontarget organisms known or likely to feed or live on the plant species; or

(3) encode products intended for pharmaceutical use.

E. To ensure that the introduced genetic sequences do not pose a significant risk of the creation of any new plant viruses they must be:

(1) noncoding regulatory sequences of known function;

(2) sense or antisense genetic constructs derived from viral coat protein genes from plant viruses that are prevalent and endemic in the area where the use will occur and that infect plants of the same host species; or

(3) antisense genetic constructs derived from noncapsid viral genes from plant viruses that are prevalent and endemic in the area where the use will occur and that infect plants of the same host species.

F. The plant has not been modified to contain the following genetic material from animals or human pathogens:

(1) any nucleic acid sequence derived from an animal or human virus; or

(2) coding sequences whose products are known or likely causal agents of disease in animals or humans.

Subp. 2. Performance standards for release under the notification procedure.

A. The performance standards in this subpart must be met for any releases under the notification procedure.

B. If the genetically engineered plants or plant materials are shipped, they must be shipped in such a way that the viable plant material is unlikely to be disseminated while in transit and must be maintained at the facility in such a way that there is no release into the environment.

C. The genetically engineered plants must be planted in such a way that they are not inadvertently mixed with nonregulated plant materials of any species which are not part of the release.

D. The plants and plant parts must be maintained in such a way that the identity of the material is known while it is in use, and the plant parts must be contained or devitalized when no longer in use.

E. There must be no viable vector agent associated with the genetically engineered plants.

F. The field trial must be conducted so that:

(1) the genetically engineered plants will not persist in the environment; and

(2) no offspring can be produced that could persist in the environment.

G. Upon termination of the field test:

(1) no viable material may remain which is likely to volunteer in subsequent seasons; or

(2) plant volunteers must be managed to prevent persistence in the environment.

Subp. 3. Notification procedure. Notification must be directed to the commissioner, including the following:

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Proposed Rules

- A. the name, title, address, telephone number, and signature of the responsible person;
- B. information necessary to identify the genetically engineered plant or plants, including:
 - (1) the scientific, common, or trade name and the phenotype of the genetically engineered plant;
 - (2) the designations for the genetic loci, the encoded proteins or functions, and the donor organisms from which used genetic material was derived; and
 - (3) the method by which the recipient was transformed;
- C. the names and locations of the origination and destination facilities for movement or the field site location for the environmental release, and the size of the use;
- D. the expected date of release and the expected duration of the release; and
- E. a statement that certifies that the use of the genetically engineered organism will comply with this chapter.

Subp. 4. **Federal notification as application.** A copy of the federal notification information including all confidential business information necessary to determine that the guidelines are met by the applicant as well as complete site identification may be used in the application.

Subp. 5. **Notification before release.** Notification must be submitted at least 30 days before the day of use.

Subp. 6. **Release reports.** Release reports, if required by the commissioner, must include:

- A. the release number;
- B. methods of observation, resulting data, and analysis regarding all deleterious effects on plants, nontarget organisms, or the environment; and
- C. any other available information requested by the commissioner regarding the impact of the genetically engineered organism on human health or the environment.

Subp. 7. **Unexpected occurrences.** The commissioner must be notified of any unexpected occurrences relating to the release within 48 hours.

Subp. 8. **Access.** Access must be allowed for state regulatory officials to inspect facilities or the field test site, or both, and any records necessary to evaluate compliance with the provisions of subparts 1 to 6. Access of regulatory officials from state agencies other than the Department of Agriculture must be coordinated through the department.

Subp. 9. **Administrative action in response to notification.**

- A. The commissioner shall publish notice of the proposed release at the earliest opportunity in the EQB Monitor and shall mail notice to the chief executive of the county within which the release will take place.
- B. The commissioner shall grant or deny permission to release the noticed genetically engineered plant within 30 days of the receipt of the notification.
- C. A person denied permission for use of a genetically engineered plant under notification may apply for a permit for release of that genetically engineered plant without prejudice.
- D. The commissioner shall notify the chair of the Environmental Quality Board of any unexpected occurrences relating to the release.
- E. The commissioner has the right to rescind any notifications if there is evidence of unreasonable adverse effects on human health or the environment.

1558.0070 COMMERCIAL USE EXEMPTION.

Subpart 1. **Commercial use.** Any GEO that has passed the USDA procedure for delisting by petition, or similar procedures of the USDA or other federal regulatory agencies, may be considered for a commercial use exemption. Releases where the primary goal is experimental or developmental do not fall in this category.

Subp. 2. **Procedures.** Granting of exemptions must be based on federal delisting or deregulation, experience from past releases, and the considerations in part 1558.0030, subpart 1. GEOs that have a commercial use exemption need not obtain a release permit.

- A. An applicant must submit any federal documents needed to address the considerations in part 1558.0030, subpart 1.
- B. Notice of the exemption of GEOs to allow for commercial use must be published in the EQB Monitor 30 days prior to sale.
- C. The commissioner may require additional use conditions or marketing limits to mitigate or lower risk for unreasonable adverse effects on human health or the environment resulting from commercial use of a GEO.

D. The commissioner may allow an exemption from item A, B, or C for commercial use of individual GEOs or classes of GEOs based on a history of past releases. For class exemptions there must be a public comment period.

E. The commissioner may reject an application for a GEO commercial use exemption based on unreasonable adverse effects on human health or the environment.

F. The commissioner may modify, suspend, or revoke the commercial use exemption should any unreasonable adverse effects on human health or the environment be observed.

1558.0080 USES NOT REQUIRING A RELEASE PERMIT, NOTIFICATION, OR COMMERCIAL USE EXEMPTION.

Subpart 1. **Containment facility.** The use of a GEO in a containment facility is not a release and does not require a release permit. A containment facility must meet applicable guidelines of the National Institute of Health Guidelines for Research Involving Genetically Engineered Organisms or USDA Animal and Plant Health Inspection Service Standard and Supplemental Conditions for Containment of Plant Pests Under Permit as certified by the commissioner. The commissioner retains the right to inspect facilities to ensure compliance.

Subp. 2. **Facility exemption.** The use of a GEO in a facility that does not meet the requirements of a containment facility; but, has been found by the commissioner to provide adequate containment, to prevent unreasonable risk of release into the environment for the specific use proposed, is not a release and does not require a release permit. The commissioner retains the right to inspect facilities to ensure compliance.

Subp. 3. **Movement of GEOs.** GEOs must be moved in such a way that the viable organism is unlikely to be disseminated in transit and it must be maintained at the destination facility in such a way that there is no release into the environment. All GEOs must be clearly labeled. Movement of GEOs does not require a permit but must comply with items A and B.

A. Interstate movement of GEOs is governed by the most recent NIH shipment guidelines, which are incorporated by reference and published in the *Federal Register*, with state concurrence. The commissioner retains the right to inspect facilities to ensure compliance or otherwise modify the movement permit issued by the federal agency to ensure proper containment.

B. Intrastate movement of GEOs requires notification to the commissioner of the intent to move the GEOs and adherence to NIH shipment guidelines. The commissioner retains the right to inspect facilities to ensure compliance or otherwise modify the movement permit to ensure proper containment.

1558.0090 CONCURRENT REVIEW.

Multiple permits are not required under this chapter. The commissioner shall review permit requirements concurrently if more than one permit is required from the commissioner under this chapter or *Minnesota Statutes*, chapter 18B, 18C, or 18F. GEOs requiring a permit under *Minnesota Statutes*, chapter 18F, are exempt from obtaining a permit under *Minnesota Statutes*, chapter 18B or 18C, but are not exempt from the requirements of those permits if they are different than *Minnesota Statutes*, chapter 18F. The additional information must be submitted with the application for a release permit, notification, or exemption under *Minnesota Statutes*, chapter 18F. Only one permitting fee may be charged under this chapter.

Department of Labor and Industry

Proposed Permanent Rules Relating to Occupational Safety and Health Incorporations by Reference

Notice of Intent to Incorporate by Reference Rules of the Federal Occupational Safety and Health Administration and Invitation to Comment on These Rules

NOTICE IS HEREBY GIVEN that the Department of Labor and Industry, Occupational Safety and Health Division (Minnesota OSHA) proposes to adopt the following revisions to the Department of Labor and Industry, Occupational Safety and Health Rules, as authorized under *Minnesota Statutes* 182.655 (1992). This notice proposes the adoption by reference of

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Proposed Rules

Occupational Safety and Health Standards that have already been proposed and adopted by the Federal Occupational Safety and Health Administration (Federal OSHA).

All interested or affected persons have 30 days from the date this notice is published in the *State Register* to submit, in writing, data and views on the proposed amendments to the rule. Comments in support of or in opposition to the proposed amendments are encouraged. Each comment should identify the portion of the proposed amendment addressed, the reason for the comment, and any proposed change.

Any person may file with the Commissioner written objections to the proposed amendments stating the grounds for those objections and may request a public hearing. A public hearing will be held if 25 or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period. Requests for hearing must include the name and address of the person submitting the request, define the reasons for the request, and discuss any proposed changes. If a public hearing is required, the Department will proceed according to the provisions of *Minnesota Statutes* § 182.655 and *Minnesota Rules* 5210.0010 to 5210.0100.

Written comments or requests for a public hearing should be sent to: Occupational Safety and Health Division, Department of Labor and Industry, 443 Lafayette Road, St. Paul, Minnesota 55155-4307. A complete copy of the standards proposed for adoption is available by writing to this address or by calling (612) 296-2116 or (612) 297-3254.

John B. Lennes, Jr.
Commissioner

SUMMARY OF CHANGES

The following is a brief summary of the proposed standard. Persons interested in reviewing the complete *Federal Register* notice referenced below may obtain copies from the above address.

“Logging Operations, Final Rule.” On October 12, 1994, Federal OSHA published a revised final standard specifying safety requirements covering all logging operations, regardless of the end use of the forest products (saw logs, veneer bolts, pulpwood, chips, etc.). This revision replaces the existing standard, 29 CFR 1910.266, that had applied only to pulpwood logging, and thereby expands coverage to provide protection for all employees engaged in logging operations. The revised standard is effective February 9, 1995.

The final standard includes basic elements that must be covered in the employer's training program, such as safe performance of assigned work tasks; safe use of tools; recognition and control of workplace hazards; and prevention and control of general logging hazards. Current as well as new employees must be trained. All trainees must work under the supervision of an experienced logger until the trainee can demonstrate that he/she can work alone safely.

The standard requires the employer to ensure that personal protective equipment is provided, used, properly maintained, and inspected before each workshift. Employers must ensure that each employee receives first-aid training at least every three years and CPR training at least annually. The final rule retains the requirement that employees work within visual or audible contact of another employee. Employers must provide first-aid kits at each worksite, landing area, and on each crew vehicle.

Each chainsaw placed into initial service after the effective date of the standard must be equipped with a chain brake and otherwise meet the requirements of ANSI B175.1-1991 “Safety Requirements for Gasoline Powered Chainsaws.”

Each tractor, skidder, swing yarder, log stacker and mechanical felling device, such as a tree shears or feller-buncher, placed into service after the effective date of the final standard shall be equipped with a falling object protective structure (FOPS) and/or rollover protective structure (ROPS). Employers are required to replace FOPS or ROPS which have been removed from any machine. Forklift trucks used in logging operations must be equipped with an overhead guard.

The new standard requires the use of those work practices that are necessary for the safe felling and handling of trees and logs. The immediate supervisor must be consulted before felling is commenced so the supervisor can point out when employee actions or workplace conditions could create hazards for employees. No yarding machine may be operated within two tree lengths of any tree being manually felled; no employee may approach a felling operation closer than two tree lengths of the tree being felled until the feller acknowledges it is safe to do so; and, before each tree is felled, conditions must be evaluated and precautions taken so a hazard is not created for an employee.

By this notice Minnesota OSHA proposes to adopt the revised final standard covering Logging Operations. The standard will become effective in Minnesota five days after publication of the adoption notice in the *State Register*.

Rules as Proposed

5205.0010 ADOPTION OF FEDERAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS BY REFERENCE.

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

Adopted Rules

Subp. 2. **Part 1910.** Part 1910: Occupational Safety and Health Standards as published in Volume 43, No. 206 of the *Federal Register* on October 24, 1978, and corrected in Volume 43, No. 216 on November 7, 1978, which incorporates changes, additions, deletions, and corrections made up to November 7, 1978; and subsequent changes made prior to May 31, 1993:

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

Q. *Federal Register*, Volume 59:

[For text of subitems (1) to (4), see M.R.]

(5) *Federal Register*, Vol. 59, No. 196, dated October 12, 1994, "Logging Operations, Final Rule (1910.266) and Amendment to 1910.269(r)(5)."

[For text of subps 3 to 6, see M.R.]

Subp. 7. **Part 1928.** Part 1928: Occupational Safety and Health Standards for Agriculture as published in Part II, Volume 40, No. 81 of the *Federal Register* on April 25, 1975, and subsequent changes made prior to May 31, 1993:

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

G. *Federal Register*, Vol. 59, No. 196, dated October 12, 1994, "Logging Operations, Final Rule (1928.21(a)(3))."

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.

Higher Education Coordinating Board

Adopted Permanent Rules Relating to Financial Assistance

The rules proposed and published at *State Register*, Volume 19, Number 3, pages 152-153, July 18, 1994 (19 SR 152), are adopted as proposed.

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Executive Orders

Office of the Governor

Executive Order #94-9: Providing the Commissioner of Transportation with the Authority to Cooperate and Act as Agent in Receiving Federal Funds under the Intermodal Surface Transportation Efficiency Act of 1991

I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and *Minnesota Statutes* 1994, Sections 4.035 and 4.07, do hereby issue this Executive Order:

WHEREAS, the Intermodal Surface Transportation Efficiency Act of 1991 provides federal monies for programs such as the Transportation Enhancement Program which funds non-roadway projects and the Congestion Mitigation/Air Quality Program which funds projects that contribute to attainment of the National Ambient Air Quality Standards; and

WHEREAS, no State agency has been designated to apply for, receive, and accept federal ISTEA funds for such purposes; and

WHEREAS, *Minnesota Statutes* 1994, Section 4.07 authorizes the Governor to designate a State agency to apply for, receive, and accept federal funds where no State agency has been otherwise designated;

NOW, THEREFORE, under the provisions of *Minnesota Statutes* 1994, Section 4.07, I hereby order the Department of Transportation of the State of Minnesota, acting through its Commissioner, to act as agent in accepting federal monies for and on behalf of the State of Minnesota, any agency, any governmental subdivision, or other appropriate entity for eligible non-roadway projects in the State of Minnesota funded under the Intermodal Surface Transportation Efficiency Act of 1991 or subsequent federal transportation acts.

Pursuant to *Minnesota Statutes* 1992, Section 4.035, subd. 2, this Order shall be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 1994, Section 4.035, subd. 3.

IN TESTIMONY WHEREOF, I have set my hand this 30th day of December, 1994.



Arne H. Carlson
Governor

Filed According to Law:



Joan Anderson Growe
Secretary of State

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 95-01: Sales and Use Tax - Fire Damage Cleaning Services

Minnesota Statutes, § 297A.01, subd. 3(j)(iii) imposes sales tax on "building and residential cleaning . . . [and] maintenance . . . services". Services taxable under this provision include fire damage cleaning, such as smoke and water removal, carpet cleaning, and washing of walls and venetian blinds.

Dated: 9 January 1995

Patricia A. Lien
Assistant Commissioner for Tax Policy

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

Agronomy Services Division

Notice of Cancellation of Minnesota Agricultural Chemical Response Compensation Board Meeting

NOTICE IS HEREBY GIVEN of cancellation of the Agricultural Chemical Response Compensation Board (ACRRA Board) meeting scheduled for January 18, 1995. The next regularly scheduled ACRRA Board meeting will be Wednesday, February 15, 1995; to be held at the Minnesota Department of Agriculture offices, 90 West Plato Boulevard, St. Paul, Minnesota, Conference Room One, at 9:00 a.m.

Call the ACRRA Program, (612) 297-3490, should you require additional information.

Department of Agriculture

Agronomy Services Division

Notice of a Retreat for the Minnesota Agricultural Chemical Response Compensation Board

The Agricultural Chemical Response Compensation Board (ACRRA Board) will meet on Thursday, January 26, 1995, 9:00 a.m. - 3:00 p.m., for a board retreat. The retreat will be held at U.S. Department of the Interior - Fish and Wildlife Service, Minnesota Valley National Wildlife Refuge Visitor Center, 3815 E. 80th Street, Bloomington, Minnesota. The general public may attend the meeting, but discussions and comment will be limited to Board members and staff only. If you plan on attending, you must R.S.V.P. the ACRRA staff by Tuesday, January 24, 1995.

Please call the ACRRA Program, (612) 297-3490, should you require additional information.

Official Notices

Department of Agriculture

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond under *Minnesota Statutes, Chapter 41C*

NOTICE IS HEREBY GIVEN that a public hearing will be held on **January 26, 1995, at 9:00 A.M. in Room 145** Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes, Chapter 41C*, in order to finance the purchase of **approximately 158 acres of bare farmland** located in **Section 14, T159, R48W, Kittson County, Minnesota** on behalf of **Thomas & Marlene Dowdle**, a married couple (the Borrowers). The maximum aggregate face amount of the proposed bond issue is **\$94,800.00**. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 21 December 1994

Wayne Marsolf
RFA Executive Director (acting)

Minnesota State Agricultural Society

Minnesota State Fair

Annual Meeting Notice

The 136th annual meeting of the Minnesota State Agricultural Society, governing body of the State Fair, will be held January 13, 14 and 15 at the St. Paul Radisson Hotel. The society's board of managers is scheduled to meet at 11:30 a.m., Sunday January 15.

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

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective January 9, 1995 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Anoka: Coon Rapids City Center City Hall, Police Facility, Civic Center-Coon Rapids.

Crow Wing: U of M Auditorium Wood Floor Replacement-Deerwood; Multiple Plane Storage Hangar-Brainerd.

Cottonwood: Talcot Lake Wildlife Management Area Office Accessibility.

Hennepin: Bloomington Schools Fire Protection & Alarm-Bloomington; U of M Blegen Hall Fire & Life Safety, Pioneer Hall, Sanford Hall, Comstock Hall, Kolthoff Hall, Morrill Hall 1995 Reroofing-Minneapolis.

Itasca: Civic Center Expansion-Grand Rapids.

Lyon: Southwest State University Natatorium Ceiling Renovation, Waterproofing at Underground Storeroom AS Building, Bellows Academic Center West Penthouse Cooling Tower Modifications, Food Service West Expansion & Remodeling-Marshall; Camden State Park Vault Toilet Liner Project, Sanitation Building Accessibility-Near Marshall.

Ramsey: U of M Gortner Lab 1995 Reroofing, Agriculture Engineering Shops Building 1995 Reroofing & Wall Repair, Ames, Harriet Bishop, Monroe, Riverview Telephone/Intercom-St. Paul.

Copies of the certified wage rate 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

Department of Natural Resources

Minnesota State Parks

Notice of Sponsorship Opportunities for Minnesota State Parks

Make a New Year's Resolution: Help Minnesota's Environment

Minnesota State Parks (MSP) greets approximately 8 million visitors a year to its 65 state parks and 3 recreation areas. MSP is requesting sponsorships from corporations, foundations, and citizens to fund interpretive programs and publications for the 1995 Interstate Centennial, ranging from \$2,000 - \$14,000.

MSP is also seeking sponsorships for publications, interpretive projects, and landscape projects for 1995, ranging from \$900 - \$60,000. For all the projects, MSP has allocated \$83,000, and \$50,500 in-kind contributions for a total commitment of \$133,500.

For more information, contact Kate Brady at 612-297-7979.

Public Employees Retirement Association (PERA)

Notice of Meeting of the Board of Trustees

A meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) will be held on Wednesday, January 11, 1995, at 9:30 a.m. in the offices of the association, 514 St. Peter Street, Suite 200 - Skyway Level, St. Paul, Minnesota.

Department of Public Safety

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing School Bus Operations

NOTICE IS HEREBY GIVEN that the State Department of Public Safety is seeking information or opinions from sources outside the Department in preparing to propose the adoption of the rules governing the operation of school buses. The adoption of the rule is authorized by *Minnesota Statutes*, section 169.449 which requires the Commissioner of Public Safety in consultation with the School Bus Safety Advisory Committee to adopt rules governing the operation of school buses used for the transportation of school children whether owned and operated by the school district or privately owned and under contract with the school district.

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

Hope Jensen, Rules Coordinator
Department of Public Safety
444 Cedar Street
Suite 100, Town Square
St. Paul, Minnesota 55101-2156

Oral statements will be received during regular business hours over the telephone at (612) 296-2906.

A copy of this notice will be mailed to all parties who have registered their name with the Department for the purpose of notice of

Official Notices

rulemaking activity. All statements of information and opinions will be accepted throughout the rulemaking process until the rules are adopted or withdrawn. Any written material received by the State Department of Public Safety shall become part of the rule-making record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 21 December 1994

Michael Jordan
Commissioner

Public Utilities Commission

Report of Public Forums and Meetings Attended by Commission Staff in Conjunction With the Local Calling Scope Investigation - P999/CI-94-296

Background

The 1994 Legislature added a subdivision to *Minnesota Statutes* § 237.161 which requires that the Minnesota Public Utilities Commission no longer accept petition for extended area telephone service through June 1, 1996, but instead institute:

"a proceeding or series of proceedings to investigate issues related to extended area telephone service and (the commission) shall issue a final order to establish, at a minimum, an orderly and equitable process and standards for determining the configurations of and cost allocations for extended area service in the state."
Minnesota Statutes § 237.161, subd. 6 (1994).

On April 20, 1994, the Public Utilities Commission gave notice of its intent to investigate the appropriate local calling scope of telephone subscribers in Minnesota. The Notice, which included publication in the *State Register* on May 2, 1994, solicited comments from interested parties regarding the parameters of the investigation.

Through notices in the *State Register* on August 29, October 10, and October 17, 1994, the Commission gave notice that its staff would hold 14 public forums around the state.

Completion of Public Forums

The Commission staff has completed its public forum process. All forums consisted of prepared remarks made by Commission staff, statements by parties in attendance, followed by discussion and question and answer sessions. Where practical, the forum or talk was videotaped or audiotaped. The following meetings/forums were held:

- | | |
|--------------------|---|
| September 14, 1994 | Koochiching Senior Center, International Falls; Woodlands Senior Apartments, International Falls; Cook City Hall, Cook. |
| September 15, 1994 | Northeast Telecommunity Meeting, Eveleth; Cloquet City Hall, Cloquet. |
| September 16, 1994 | West End Senior Center, Duluth; Rainbow Senior Center, Duluth. |
| September 20, 1994 | Bagley Senior Center, Bagley; Bagley City Hall, Bagley. |
| September 21, 1994 | Crookston City Council Chambers, Crookston; Erskine City Hall, Erskine. |
| September 22, 1994 | Kiwanis Breakfast Meeting, Crookston; Barnesville City Hall, Barnesville. |
| September 28, 1994 | Blue Earth City Hall, Blue Earth. |
| September 29, 1994 | Southeast Telecommunity Meeting, Rochester; LaCrescent Community Center, LaCrescent. |
| September 30, 1994 | Teleconference connecting Owatonna, Faribault, Mankato, Winona. |
| October 5, 1994 | Sauk Rapids Community Room, Sauk Rapids. |
| October 6, 1994 | Alexandria Economic Development Commission, Alexandria; Spicer City Hall, Spicer; Pine City Community Room, Pine City. |
| October 12, 1994 | Fulda City Hall, Fulda. |
| October 13, 1994 | Balaton Community Center, Balaton. |
| October 27, 1994 | Open Mike Radio Show, Virginia; Nashwauk City Hall, Nashwauk; Tower-Soudan School, Tower. |

To make an appointment to view the videotapes, or listen to the audiotapes, contact Clodet Pratt at the Department of Public Service at 612/296-6913. For questions regarding the meetings, or to receive a copy of the report of the meetings, contact Commission staff Joy Gullikson at 612/297-7071 or Diane Wells at 612/296-6068. They can also be reached through 800/657-3782.

Dated: 27 December 1994

Burl Haar
Executive Secretary

Teachers Retirement Association

Notice of Regular Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Thursday, February 2, 1995, at 9:30 a.m., in Suite 500, Gallery Building, 17 W. Exchange St., St. Paul, MN to consider matters which may properly come before the Board.

State Grants

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Office of Environmental Assistance

Notice of Request for Proposals for Grants to Public and Private Groups to Develop Pollution Prevention and Industrial Waste Source Reduction Projects or Practices

The Minnesota Office of Environmental Assistance (OEA) is a state agency dedicated to promoting an environmentally sound future through education, assistance and partnership-building to prevent waste and pollution, conserve and recover resources, and plan for the responsible management of all wastes.

This notice is issued by the Director of the Office of Environmental Assistance (OEA) under authority provided in *Minnesota Statutes* 115D.04 and 115A.152. Under this authority, the OEA has established the Waste and Pollution Prevention Assistance Grant Program. Through this Program, the OEA intends to provide grants to public and private entities to develop pollution prevention and industrial waste source reduction projects or practices. For the purposes of this grant program, solid waste resulting from any industrial, manufacturing, service or commercial activity that is or should be managed as a separate waste stream can be considered industrial waste.

The purpose of this notice is to solicit proposals for projects that meet the objectives of the Waste and Pollution Prevention Assistance Grant Program.

Examples of eligible projects include projects or programs which provide: (1) information on waste and pollution prevention methods; (2) technical assistance; and, (3) outreach programs including seminars, workshops, training programs, and other similar activities designed to provide waste and pollution prevention assistance to eligible recipients and other interested persons.

Eligible applicants are persons or organizations who use, generate, or release toxic pollutants, hazardous substances, hazardous wastes or industrial wastes. Individuals or organizations that provide information or assistance to those persons are also eligible to apply.

Eligible grant projects must have the potential to eliminate or reduce at the source the use, generation or release of toxic pollutants, hazardous substances, hazardous wastes or industrial wastes. The OEA has budgeted a total of \$300,000 for the fiscal year 1995 Waste and Pollution Prevention Assistance grant funding round.

Grant Program funds will be awarded up to a total of \$25,000 per project. In addition, larger grants (up to \$75,000) may be awarded to teams of nonprofit community groups, local governments, and business partners proposing to develop and implement broad, multifaceted programs that integrate environmental policies and programs, based on waste/pollution prevention, into existing public and private organizations and activities. Private sector grant projects may receive up to 50 percent of the total cost of the project. Public sector grant projects may receive up to 75 percent of the total cost of the project. Eligible costs may include labor, materials, consulting fees or monitoring and testing expenses associated with the project. However, the cost of purchasing equipment is not eligible for funding under this grant program.

The OEA has prepared a Request for Proposal (RFP) that provides detailed information for applicants along with an application form. Interested parties may obtain a copy of the RFP by contacting:

State Grants

Erin Barnes-Driscoll
Minnesota Office of Environmental Assistance
520 Lafayette Road, 2nd Floor
St. Paul, MN 55155-4100
612/296-3417 or 1-800-657-3843 (toll-free in Minnesota)

PLEASE NOTE, applications *must be postmarked* by March 10, 1995 to be considered for funding.

Department of Health

Bureau of Health Quality Assurance

Occupational & Systems Compliance Division

Emergency Medical Services Section

Notice of Availability of Grants for Regional Emergency Medical Services

Eligible Applicants: Not-for-profit corporations and governmental entities in each of the state's Emergency Medical Services (EMS) Regions: Northwest, Northeast, West Central, Central, Southwest, South Central, Southeast and Metropolitan. (Proprietary corporations are *not* eligible.) The governing body of applicant organizations must have representatives from each county in its region and from a wide range of EMS providers in the region.

Amount of Funding: To be determined by State and Federal appropriations and budget deliberations. Estimated at \$1,806,664 (\$225,833 per region) to be awarded through grant contracts, with an additional estimated amount of \$1,720,000 (\$215,000 per region) to be distributed from the State EMS Relief Account.

Grant Period: July 1, 1995, through June 30, 1997.

Letter of Intent: Interested parties must submit a *Letter of Intent to Apply for Funds* in order to become eligible to submit a proposal. The letter must include: 1) name of applicant organization, 2) brief description of organization, and 3) name, address and telephone number of a contact person. *Letters of Intent* are due not later than 4:30 p.m., January 23, 1995.

Request for Proposal: Each party submitting a *Letter of Intent* will receive a *Request for Proposal* (RFP) containing detailed information on grant requirements and procedures and the required content, organization and format of proposals. The RFP is expected to be available January 30, 1995.

Proposal Deadline: Proposals will be accepted only from parties that have submitted a *Letter of Intent*. Proposals will be due no later than 4:30 p.m., April 14, 1995.

Award Decisions: The designation of Regional EMS Programs is expected on June 2, 1995.

Description of Grant Program: The purpose of this grant program is to continue the development, maintenance and improvement of regional EMS systems throughout the State. The long-range objective is the reduction of death and disability due to medical emergencies by promoting the prevention of medical emergencies and improving the quality of emergency medical care.

Following a review of all proposals received, a Commissioner's Determination will be issued selecting no more than one proposal per region and designating the applicant organization as the Regional EMS Program. During the review process, the Commissioner may request additional information and/or modification of proposed objectives.

This notice does not obligate the Commissioner to fund proposed projects; the right is reserved to modify or cancel the solicitation if it is deemed in the right interest of the State to do so.

Contact Person: The contact person for this grant program, including the *Letter of Intent*, the *Request for Proposal*, and the submission of proposals, is: Donald O. Hedman, EMS Section, Minnesota Department of Health, P.O. Box 64975, St. Paul, MN 55164-0975. Telephone: (612) 623-3877 or (800) 747-2011.

Housing Finance Agency

Notice of Fund Availability and Request for Proposals for the Affordable Rental Investment Fund

The Minnesota Housing Finance Agency (MHFA) announces the availability of funds to eligible sponsors to assist them in the development, construction, acquisition, preservation and rehabilitation of permanent affordable rental housing. These funds were made available through state appropriation and MHFA resources.

Amount of Funds Available: \$2,444,000

Form of Awards: 0%, 30 year deferred first or subordinated loans.

Location: Statewide

Allocation of Funds: Minneapolis and St. Paul - \$489,000; Hennepin and Ramsey Counties (excluding the cities of Minneapolis and St. Paul), Anoka, Dakota, Washington, Scott and Carver Counties - \$489,000; Greater Minnesota - \$489,000; Statewide on a competitive basis - \$977,000.

Eligible Applicants: Eligible applicants are limited profit and non-profit entities, Minnesota Cities, and Housing and Redevelopment Authorities. Entities undertaking a development consisting of the rehabilitation of existing rental housing are not limited to return.

Eligible Projects: The funds will be used to provide loans for projects for the development, construction, acquisition and rehabilitation of permanent low income rental housing consisting of a minimum of four rental units. Single family and duplex properties are allowed in scattered site developments with a minimum of four units total.

All rental units which meet the rent and income requirements are eligible for assistance. In instances where not all units are eligible for assistance, funds will be provided on a prorata basis. Developments which provide for or maintain economic integration are encouraged.

New construction will be closely targeted to areas of economic growth or with sufficient market demand and with an emphasis on housing for large families and single individuals.

Assisted housing shall not be limited to persons 55 years and older.

Income Limits: 100% of assisted units must be initially occupied by households with incomes less than 60% of area median income adjusted by family size.

Gross Rent Limits: Maximum gross rents shall not exceed the lesser of 30% of 50% of area median income by unit size, or 30% of 50% of Statewide median income (see chart below) by unit size.

Gross Rent Limit at 30% of 50% of Statewide Median Income (\$43,500)				
0BR	1BR	2BR	3BR	4BR
\$380	\$408	\$489	\$565	\$631

Gross rents shall not be lower than 30% of 30% of area median income by unit size.

Procedures: Applicants should request packets from MHFA staff, write or call the MHFA at 400 Sibley Street, Suite 300, St. Paul, MN 55101, Attn: Multi-Family Division, (612) 297-5136.

Any questions should be directed to Brenda Nieland at (612) 297-5136, or Diane Bauleke at (612) 296-9829.

Applications are due by 4:30 p.m. on Friday, February 24, 1995. The MHFA will review the applications and will make recommendations for funding to the MHFA Board on April 27, 1995.

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

It is the policy of the Minnesota Housing Finance Agency (MHFA) to further fair housing opportunity in all Agency programs and to administer its housing programs affirmatively, so that all Minnesotans of similar income levels have equal access to Agency programs regardless of race, color, creed, religion, national origin, sex, marital status, status with regard to receipt of public assistance, disability or familial status.

Housing Finance Agency

Notice of Fund Availability and Request for Proposals for the Housing Trust Fund Program

The Minnesota Housing Finance Agency (MHFA) and the Housing Trust Fund Advisory Task Force (HTFATF) announce the availability of \$1,300,000 in loan funds to eligible sponsors to assist them in the development, construction, acquisition, preservation and rehabilitation of affordable rental housing, limited equity cooperative housing, and homes for ownership by low income persons. These funds were generated by interest earnings on real estate brokers' trust accounts; interest accrued on revenue bond application fees and forfeited fees; and state appropriated funds.

Form of Awards: Funds are awarded to projects in the form of a zero interest deferred loan. To encourage the long term affordability of the housing provided under this program, a thirty year repayment schedule is used. The loan must be repaid in full if the project fails to operate as affordable housing for low income persons during the first ten years of the loan. During the next twenty years, five percent of the loan is forgiven each year provided that the housing remains affordable for low income persons and families.

Set Aside: Up to twenty percent (approximately \$260,000) of the total funds available may be used for projects that are not compatible with the 30 year repayment schedule. Within the twenty percent set aside, up to \$130,000 will be available for home ownership projects. The MHFA's and the HTFATF's intent is to use this set aside of funds to encourage innovative proposals which would otherwise not be possible to fund given the 30 year use commitment. Applications submitted under the set aside will be evaluated with all applications received in response to the Request for Proposals.

Eligible Applicants: Eligible applicants are individuals, for-profit entities, non-profit entities, Minnesota Cities, joint power boards established by two or more cities, and Housing and Redevelopment Authorities.

Eligible Projects: The legislation requires that the funds from the trust fund account be used "to provide loans or grants for projects for the development, construction, acquisition, preservation, and rehabilitation of low income rental and limited equity cooperative housing units and homes for ownership. At least 75 percent of the rental and cooperative units, and 100 percent of the homes for ownership in the development or all of the units funded by the housing trust fund account, must be rented to or cooperatively owned, or owned by persons and families whose income does not exceed 30 percent of the median family income for the metropolitan area." (*Minnesota Statutes* Sect. 462A.201 Subd. 2, as amended.) As of May 1994, 30 percent of the Minneapolis/St. Paul area median income was \$15,300.

It is the desire of the MHFA and the HTFATF to use the Housing Trust Fund Housing Program to encourage and support innovative approaches to housing problems which provide affordable housing with strong local support. It is expected that these funds will be used to leverage other funds or to provide the final piece of a financing package. They can be used in conjunction with other MHFA, State, or Federal programs as appropriate.

The range of Housing Trust Fund awards from the smallest to the largest has been \$3,000 to \$200,000. The MHFA will not be accepting applications for proposals whose primary purpose is lead based paint abatement.

Application Process: Applicants should request application packets from MHFA staff:

Minnesota Housing Finance Agency
400 Sibley Street, Suite 300
St. Paul, MN 55101
(612) 297-3294

If after reviewing the application materials there are any questions concerning the Housing Trust Fund Housing Program or the application process they should be directed to Denise Holter (612) 297-4294.

The original and two (2) copies of the application are due by 4:30 p.m. on Friday, February 24, 1995. The Housing Trust Fund Advisory Committee will review the applications and should make funding recommendations to the MHFA Board by April 27, 1995.

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

It is the policy of the Minnesota Housing Finance Agency (MHFA) to further fair housing opportunity in all Agency programs and to administer its housing programs affirmatively, so that all Minnesotans of similar income levels have equal access to Agency programs regardless of race, color, creed, religion, national origin, sex, marital status, status with regard to receipt of public assistance, disability, or familial status.

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].

Minnesota Higher Education Facilities Authority

Request for Proposals for Auditing Services

The Higher Education Facilities Authority requests proposals for auditing services of a certified public accounting firm to examine and report upon the financial statements of the Authority's program for the fiscal years ending June 30, 1995, June 30, 1996 and June 30, 1997.

The audit must comply with generally accepted auditing standards, and the information contained in the audit report should be of sufficient detail to be included in the Authority's Annual Report.

Prospective responders wanting to receive further information or having any questions regarding this request for proposal may call or write:

Ms. Elaine J. Yungerberg
Assistant Executive Director
MINNESOTA HIGHER EDUCATION FACILITIES AUTHORITY
450 Galtier Plaza, 175 East 5th Street
St. Paul, Minnesota 55101-2901
Phone: (612) 296-4690 FAX: (612) 297-5751

All proposals must be sent to the above address and received by 4:00 p.m., February 15, 1995. Submit four (4) copies of the proposal. Each copy of the proposal must be signed by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of any resulting contract.

I. EXPERIENCE

- A. The certified public accounting firm must have a thorough knowledge of the rules and regulations governing issuance of tax-exempt bonds and all Authority obligations; especially the following: Federal arbitrage regulations and Security Exchange Commission regulations and how they may affect the Authority's programs. Also important is a knowledge of the recently issued FASB standards (SFAS No. 116 and SFAS No. 117) and its impact on the Authority's outstanding issues.
- B. The firm must have a minimum of three years of applicable experience in auditing private post-secondary institutions or Minnesota state departments and/or agencies (agencies issuing revenue bonds preferred). As part of your response, please attach a list of relevant institutions audited in the past three years.
- C. The successful responder will be required to submit acceptable evidence of compliance with Minnesota workers' compensation insurance coverage requirements prior to execution of the contract.

II. PERSONNEL

The Authority places great importance on the need for continuity in the auditing team. Indicate in the response the account manager you expect will be assigned to the Authority.

III. SCOPE OF SERVICES

- A. The auditors must be able to make themselves available to perform in a manner satisfactory to the Authority.
- B. The audit should be completed during the month of August. (The fiscal year begins July 1.) The completed financial report should be delivered to the Authority by mid-September.
- C. The annual audit consists of an audit of all of the trustee accounts. The Authority presently has 46 issues outstanding. The financial report shows all interest earned, all principal and interest paid, and all income received from the institutions to pay principal and interest on outstanding bond issues. The trustees also confirm to the auditors whether or not adequate analysis has been done to comply with arbitrage rebate regulations, and whether or not the bond issue is in monetary default.
- D. The financial report consists of the Balance Sheet, Statement of Revenues, Expenses and Changes in Fund Balances, and the Statement of Cash Flows. The Notes to the Financial Statements include the description of funds, the accounting

Professional, Technical & Consulting Contracts

policies used, investment descriptions, and the financing agreements describing loans receivable and future principal and interest due.

IV. COMPENSATION SCHEDULE

The response must set forth a fee schedule for all services. It is estimated from past audit costs that the audit fee for each annual audit will not exceed \$18,000.

V. TERMS OF THE CONTRACT

The contract between the Authority and the auditing firm shall be for a one year term, with the option to renew the contract for the next two years. The contract shall incorporate all the terms of this Request for Proposal and such other terms as may be negotiated.

All proposals received by the deadline will be evaluated by a committee of the board of the Higher Education Facilities Authority. Factors on which proposals will be judged include, but are not limited to, the following:

- A. Expressed understanding of both the issues involved in tax-exempt bond financing and the process of auditing an agency that issues tax-exempt bonds.
- B. Qualifications and experience of both company and personnel.
- C. Cost of the audit.
- D. Proposed work plan.

It is expected that the selection process will be completed by March 31, 1995.

OTHER INFORMATION

The Authority shall welcome such other information relative to your firm's experience and capabilities as you wish to provide. The Responders may propose additional tasks or activities if they will substantially improve the results of the audit.

Minnesota Historical Society

Notice of Request for Bids for Manufacture and Installation of Store Fixtures at Mille Lacs Indian Museum Trading Post

The Minnesota Historical Society is seeking bids from qualified firms and individuals to provide, manufacture and install, according to specifications to be provided, store fixtures for its Mille Lacs Indian Museum Trading Post.

The work will generally consist of custom manufacturing and installation of wood store fixtures.

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.

Bids must be received not later than 2:00 p.m., Central Time January 23, 1995. All work on the project must be completed not later than April 14, 1995.

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

Board of Medical Practice

Call for Consultants to Provide Independent Opinion on Physician Care in Complaints

The Minnesota Board of Medical Practice regularly retains physicians as consultants to provide independent opinion regarding the care rendered by physicians who are the subject of complaints.

The bulk of the work of consulting physicians consists of a review of patient records and other records pertaining to the matter reported to the Board. The consulting physician is expected to provide the Board a written report of the review within four to six weeks of receipt of the materials.

The written report consists of:

- A summary of the care provided
- A statement of the expected or appropriate care
- An opinion as to whether the care provided met the minimum standard of care

Professional, Technical & Consulting Contracts

Consultants may expect to attend one meeting of the Board's Complaint Review Committee, with the subject physician present. The consultant may be requested to testify at an administrative disciplinary hearing on behalf of the Complaint Review Committee.

The Board is currently expanding its consultant resource base. If you are interested in acting as a consultant for the Board, please send your name, area(s) of practice and expertise, address, telephone number, and hourly rate to:

Board of Medical Practice
Att: Rob Leach
2700 University Ave. W.
Suite 106
St. Paul, MN 55114-1080

Minnesota Racing Commission

Request for Proposal for Equine Drug Testing Services

The Minnesota Racing Commission is requesting proposals for the on-going testing of equine body fluids for the presence of prohibited medications. This request does not obligate the State to make any changes in service provider, and the State reserves the right to cancel the solicitation if it is considered in its best interests.

Proposals or questions should be directed to the attention of Richard G. Krueger, Executive Director, Minnesota Racing Commission, 7825 Washington Avenue South, #800, Bloomington, Minnesota and must be received on or before 4:30 p.m. on Friday, February 10, 1995. Note: Mr. Krueger is the only employee authorized to answer questions regarding this proposal.

The proposal must conform to the following:

1. Three copies of the proposal will be required; one copy must be signed, in ink, by an authorized member of the firm submitting the proposal.
2. All data must be on 8-1/2 x 11 sheets, soft bound.
3. The cover sheet of the proposal must be clearly labeled with the testing laboratory name, address, telephone number, and the name of the contact person.

Mandatory Proposal Contents in Sequence:

1. Identity of the organization and an indication of its legal status, i.e., corporation, partnership, etc.
2. Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with a brief description of their qualifications and an estimate of the extent of the involvement of each in the testing and/or the documentation process, as well as a statement of membership of at least one of these persons with the Association of Official Racing Chemists or of intent to gain such membership.
3. A listing of laboratory equipment available for testing of samples.
4. A description of the security system of the laboratory.
5. A listing of licenses, permits, certifications, and the like held by the entity, and a statement that the entity is in good standing with all applicable state and federal regulatory agencies.
6. A brief listing of present and previous clients for which similar services have been provided and an indication of the relative length of such service.
7. A detailed plan for the manner in which the testing lab intends to serve the needs of the Minnesota Racing Commission as outlined in the following sections.
8. In accordance with the provisions of *Minnesota Statutes*, Section 363.073, for all contracts estimated to be in excess of \$50,000, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the commissioner of human rights before a proposal may be accepted. Your proposal will not be accepted unless it includes one of the following:
 - A. A copy of your current certificate of compliance;
 - B. A notarized letter of affidavit certifying that your firm has not had more than 20 full-time employees at any time during the previous 12 months.

Scope of Services Required:

1. Anywhere from 1500 to 2000 cases are to be tested within the months of May, June, July and August, 1995. It is anticipated that this number might increase if additional pari-mutuel racing meets are permitted in future years, and would expand the testing period accordingly. Racing sites will be in Wheaton, Minnesota and possibly four other small cities in southern and western Minnesota where standardbred racing is expected to occur and at Canterbury Downs in Shakopee, Minnesota where there will be Thoroughbred and Quarterhorse racing.

Professional, Technical & Consulting Contracts

2. Each case ideally will consist of a urine sample of 250 ml. or larger and a 15 ml. sample of whole blood obtained from a horse following a race. These samples are collected at county fairs conducting pari-mutuel racing and at Canterbury Downs.
3. Each sample must be subjected to testing to make the following determinations:
 - A. Quantity of phenylbutazone reported in micrograms per milliliter of plasma;
 - B. Quantity of any metabolites of phenylbutazone reported in micrograms per milliliter of plasma;
 - C. Quantity of any other non-steroidal anti-inflammatory agent detected in the plasma, reported in micrograms per milliliter;
 - D. Quantity of furosemide in plasma, determined by high power liquid chromatography, reported in milligrams per 100 milliliters;
 - E. Quantity of creatinine in urine, reported in milligrams per 100 milliliters;
 - F. Quantity of furosemide in urine, determined by high power liquid chromatography, reported in milligrams per 100 milliliters;
 - G. Whether there are indications from initial screening tests, including immunoassays, that the sample *may* contain a prohibited substance (including non-steroidal anti-inflammatory agents as in item C. above) and, if so, the possible identity or type of substance indicated;
 - H. The results of further testing on such samples.

In cases where the testing results would indicate a possible violation of the administrative rules governing horse racing or any applicable Minnesota Statute, the testing entity will be expected to provide to the Minnesota Racing Commission a complete copy of test data and documentation to support their findings and to document the chain-of-custody followed while in possession of the sample in question. Such documentation must be available to be transmitted with 24 hours of notification of test results. On request, and at the expense of the Minnesota Racing Commission, the chief chemist and/or the laboratory director must be available to travel to any adjudicatory hearings for the purpose of giving testimony or must be available for conference call or other means of communication.

The time period between receipt of samples and reporting of preliminary results, i.e., items A. through G. above, may not exceed five days. Barring unforeseen circumstances, final results should be available within five additional days. Results are to be transmitted by facsimile machine and data packets by express mail.

A testing entity beyond a 30-mile radius of the site of collection (racetrack) will be required to include within its proposal a plan for the transport of samples from the site of collection to the testing locations. Attention should be given to the costs of containers, seals, transport boxes and transportation, as these costs are borne by the testing entity and reflected in the proposal.

The testing entity must agree to perform testing of quality assurance samples provided to it as a result of the Minnesota Racing Commission's involvement with the Association of Racing Commissioners International Quality Assurance Program.

Necessary Cost Information:

Proposals should quote costs to the Minnesota Racing Commission on a *case* basis for the testing, communication, and transportation described above. Included in this per case cost should be an indication of the number and types of immunoassay tests to be performed on each sample for that basic cost. The testing entity should also include the per case cost for any additional immunoassays should the Minnesota Racing Commission desire to have more performed than those included in the basic cost figures.

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

Minnesota Racing Commission

Notice of Contractual Position for State Veterinarian

The Minnesota Racing Commission (MRC) is accepting applications for the contractual position of State Veterinarian for the 1995 county fair pari-mutuel race meets and the 51 day race meet at Canterbury Downs. Potential applicants may separate those meets in their proposal and apply for only those meets which fit into their schedule. The Traverse County Agricultural Association will apply to conduct pari-mutuel horse racing this year. One additional county fair association may apply within the next few months. Approximate dates of employment would be various weekends in June, July and August of 1995 as well as some week-days. Race meets will be conducted in Wheaton, Minnesota and possibly in other cities in southern and western Minnesota. Canterbury Down's race meet will begin on May 19 and conclude on August 19, thereby including 51 days. For most of the weeks during that time there will be four days of racing (Thursday through Sunday). The race meet will include Thoroughbreds and Quarterhorses. Per diem compensation is \$300.00 per race day worked, and \$100.00 per each non-race day worked.

Preference will be given to qualified candidates who have served in a regulatory veterinary capacity in previous years, and incumbents must be licensed to practice veterinary medicine in the State of Minnesota.

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Representative duties include, but are not limited to:

- Securing samples of blood, urine and/or saliva or other substances from racehorses, as directed by the Board of Stewards of the MRC;
- Supervising licensed personnel and activities within the secure testing area;
- Providing expert testimony as may be required by the MRC during hearings regarding testing procedures;
- Maintaining all relevant data to each horse which is registered to race or which enters the stable area;
- Processing medical examination cards for all horses;
- Maintaining racing records for each horse;
- Reporting drug testing results to MRC stewards;
- Handling or referring inquiries into Commission-related veterinary functions;
- Preparing and disseminating bleeding certificates, notification of placement on vet's list, medication information for horses shipping to other locations, notification of expired Coggins' test certificates, violations reports to stewards and other reports as needed;
- Coordinating the transportation of blood, urine or saliva and/or other substance samples to MRC's contracted testing laboratory.

Resumes and letters of application should be sent to Richard G. Krueger, Executive Director, Minnesota Racing Commission, 7825 Washington Avenue South, #800, Bloomington, Minnesota 55439. Note: Mr. Krueger is the only employee authorized to answer questions regarding this proposal.

Applications must be received by 4:30 p.m. on Friday, February 10, 1995.

Minnesota Racing Commission

Notice of Contractual Position for State Stewards

The Minnesota Racing Commission (MRC) is accepting applications for the contractual positions of State Steward for 1995 for the 51 day race meet at Canterbury Downs and for one or more county fair pari-mutuel race meets. One County Fair Association will conduct pari-mutuel horse racing this year and others may apply. Approximate dates of employment would be various weekends in June, July and August, as well as some week-days. Harness race meets will be conducted in Wheaton, Minnesota as well as possibly other cities in southern and western Minnesota and at Canterbury Downs. Canterbury Down's race meet will begin on May 19 and conclude on August 19 thereby including 51 days. Most of the weeks there will be racing 4 days a week (Thursday - Sunday). The race meet will include Thoroughbreds and Quarter Horses. Per diem compensation is \$230.00 per day worked at Canterbury Downs and \$200.00 for each day worked at a County Fair, as assigned by the Chief Steward or designate of the Commission.

Preference will be given to qualified candidates who have served in a regulatory official capacity in previous years, incumbents who are licensed by the U.S.T.A. as a Judge, and incumbents who have received accreditation from the Association of Racing Commissioners International.

Representative duties include, but are not limited to:

- Exercising immediate supervision, control and regulation of racing at each licensed race meeting according to MRC rules;
- Determining all questions, disputes, protests, complaints, or objections concerning racing matters which arise during a race meeting and enforcing such determinations;
- Interpreting and enforcing MRC rules and determining all questions pertaining to racing matters in conformity with applicable law and the "customs of the turf;"
- Issuing decisions or rulings pertaining to racing matters;
- Conducting hearings on all questions, disputes, complaints, or objections concerning racing matters.
- Considering and reviewing all allegations of misconduct or rule infractions and, when warranted, initiating investigations of the allegations and conducting necessary hearings, or taking the action necessary to prevent rule infractions.

Resumes and letters should be sent to Richard G. Krueger, Executive Director, Minnesota Racing Commission, 7825 Washington Avenue South, #800, Bloomington, Minnesota 55439. Note: Mr. Krueger is the only employee authorized to answer questions regarding this position. Applications must be received by 4:30 p.m. on Friday, February 10, 1995.

Professional, Technical & Consulting Contracts

Department of Trade and Economic Development

Request for Proposals for Regional Blueprint Update and Implementation Projects

The Minnesota Department of Trade and Economic Development (DTED) is seeking proposals from regional organizations to update the "Regional Blueprints" which were first prepared in 1993. These blueprints, covering the six regions in rural Minnesota, developed specific goals and quantitative measures for each region's economy, and contained an initial draft of strategies to implement those goals. DTED is seeking to support the continuation of efforts in each region to further develop and use the Regional Blueprints as a tool to guide regional activities, and will also provide funds directed toward implementation of specific strategies.

For a copy of the full request for proposals, contact Mark Lofthus, Director, Office of Regional Initiatives, Department of Trade and Economic Development, 500 Metro Square, 121 E. 7th Place, St. Paul, MN 55101, telephone 612/296-9090. Applications as described in the request for proposals will be due February 17, 1995.

Department of Transportation

State Aid for Local Transportation Division

Availability of a Contract for Bridge Scour Evaluations

The Minnesota Department of Transportation (Mn/DOT) is seeking the services of engineering consultants to perform bridge scour evaluations for 1500 bridges on the Local Highway system in Minnesota.

This T-Contract program will run approximately 2.5 years and has a total value of \$4,800,000. Multiple consultants will be selected for this program.

Work is proposed to start on or after May 1, 1995.

A Request For Qualifications and Interest Proposal can be obtained from:

Steven Blanchard
Project Manager
State Aid For Local Transportation Division
MS 500, Transportation Building
395 John Ireland Boulevard
St. Paul, MN 55155
FAX (612) 282-2727

Request For Proposals will be available by mail from this office through January 25, 1995. A written request is required to receive the Request For Proposal. Please indicate whether your firm is a Disadvantage Business Enterprise in your written request. After January 17, 1995, the Request For Qualifications and Interest Proposal must be picked up in person.

No time extensions will be granted.

Proposals must be received at the above address not later than 1:00 P.M. on February 8, 1995.

A minimum goal of 11 percent Disadvantaged Business Enterprise involvement is applicable to this project.

All respondents shall submit, with their proposal, a certification of the Minnesota Department of Human Rights that they are in compliance with requirements, or are exempt from certification.

This request does not obligate the State of Minnesota, Department of Transportation to complete the work contemplated in this notice, and the Department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

Department of Transportation

Metropolitan Division

Notice of Request for Proposals for Consulting Services in Creating Dialogue with Non-traditional Transportation Stakeholders

NOTICE IS HEREBY GIVEN that the Department of Transportation, Metropolitan Division, is soliciting qualified consultants to provide assistance in creating a dialogue with non-traditional transportation stakeholders with the Minnesota Department of Transportation (Mn/DOT).

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The primary tasks will include:

1. To establish a work plan including the following:
 - Goals and objectives
 - Process and methodologies
 - The specific levels of ongoing community involvement
 - Timetables
 - Specific results and outcomes
2. To establish positive contacts with non-traditional communities, with a special emphasis on communities of color, that have been substantially left out of the process.
3. To establish a participative process for two-way learning.
4. To structure and conduct dialogues in partnership with the community and the appropriate Department representation.
5. To carefully and accurately compile information created through the dialogue process as follows:
 - A. Summaries of each dialogue.
 - B. A thorough analysis of the underlying structural issues that prevent non-traditional community participation in the Department's public input process.
 - C. A thorough analysis of the overall problems, themes and issues.
 - D. A set of recommendations that would address the overall problems, including suggestions to change the public input process.
 - E. A thorough analysis of the effectiveness of the dialogue process.
6. Create a presentation for the top department staff, that could also be used as a learning tool for other divisions and agencies.

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

PROPOSAL CONTENTS

The proposal to perform the tasks listed in Section I should include materials that:

- A. Demonstrate the consultants capabilities.
 1. Indicate the experience of the consultant and all staff members in conducting a similar community dialogue process.
 2. Indicate the experience of the consultant with the understanding and working in the field of transportation.
 3. Indicate the experience and success of working with non-traditional communities, especially communities of color, in the area of public works.
 4. Indicate the experience and qualifications of the consultant in designing, conducting, analyzing data, and making appropriate recommendations on public process in the field of transportation.
- B. Provide the following information:
 1. List of persons to be used, describing roles, indicating salaries, estimating work by task, hours and describing educational levels and previous experience.
 2. Provide resumes of all professional staff who will participate.
 3. Estimated costs for each task, timing and duration of the tasks in an overall work schedule.
- C. Explain how each of the consultant tasks (section I) will be accomplished.
- D. Prospective responders who have any questions regarding this request for proposal may call or write:

Sandra Vargas, Division Director
Metro Office of Administration
Water's Edge Building
1500 W. County Road B-2
Roseville, Minnesota 55113
(612) 582-1164
- E. The project will be completed by March 1, 1996 or within twelve months from the date the contract officially begins.

GENERAL INSTRUCTIONS

A. Submission of Proposal

All proposals must be sent to and received by:

Sandra Vargas, Division Director
Metro Office of Administration

Professional, Technical & Consulting Contracts

Water's Edge Building
1500 W. County Road B-2
Roseville, Minnesota 55113

Not later than 4:00 February 6, 1995 as indicated by the date and time indicated on each response package by our front desk where the responses will be received. Late proposals will not be accepted.

Submit six (6) copies of proposal. Proposals are to be sealed in mailing envelopes or packages 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 any resulting contract.

B. Evaluation Criteria

1. The purpose of the evaluation criteria is twofold:
 - a. To provide guidance to the proposer when responding to the competitive proposal and
 - b. To provide the basis for assessing the proposer's responsiveness to the competitive proposal.
2. The proposals will be evaluated on:
 - a. Demonstrated effectiveness of technique and methodology 30%
 - b. Experience of proposer (s) in similar service fields 10%
 - c. Ability of proposer to provide the entire range of services needed as listed in Section III - Consultant Tasks 20%
 - d. Demonstrated experience with non-traditional communities, especially communities of color. 30%
 - e. Demonstrated experience and knowledge of the dialogue processes such as those promoted in David Bohm's book *Dialogue*. 10%

C. Rejection of Consultant Proposals

MN/DOT reserves the right to reject any and all consultant proposals received as a result of this Request for Proposals, or to negotiate separately with any source whatsoever in any manner necessary to serve the best interest of MN/DOT. All proposals must state the prices are valid for ninety (90) days, or until contract is executed.

D. Costs Incurred from Proposal

The State of Minnesota is not liable for any cost incurred by contractors in replying to this Request for Proposal.

E. Certification of Independent Price Determination

By submission of this proposal, the respondent certifies, and in the case of a joint proposal, each party thereto certifies as to its own organization, that in connection with this procurement:

1. The prices in this proposal have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other responder or with any competitor;
2. Unless otherwise required by law, the prices which have been quoted in this proposal have not been knowingly disclosed by the respondent and will not knowingly be disclosed by the respondent prior to opening in the case of an advertised procurement or prior to award in the case of a negotiated procurement, directly or indirectly to any other respondent or to any competitor; and
3. No attempt has been made or will be made by the respondent to induce any other person or firm to submit or not to submit a proposal for the purpose of restricting competition.

F. Contract Payment Schedule

Payment for any contract entered into as a result of the Request For Proposal will be made provisionally on a monthly basis after receipt of billings accompanied by the appropriate verification of work time. Final payment to the consultant in fulfillment of this agreement shall be subject to the final audit of the agreement by MN/DOT. Reimbursement for services of the consultant shall be at the rate specified in the contract.

G. Termination of Contract

The Department reserves the right to terminate this contract at any time by giving the consultant written notice of such termination.

In the event of said termination, the Department shall be liable only for the services rendered to the date of termination, based upon fees described herein.

It is understood that all completed or partially completed drawings, records, computations, surveys and survey information and other material the consultant has collected shall become the exclusive property of the Department.



Minnesota's Bookstore

117 University Avenue St. Paul, MN 55155

Open 7am-5:30pm, Mon-Thurs and 7am-4:30pm, Fri

Phone:

8am-4:30pm, M-F
612/297-3000
1-800/657-3757

TDD: *telecommunications*

device for the deaf)
612/282-5077
1-800/657-3706

Fax:

24 hour
612/296-2265

Online Service:

24-hour, free access
612/821-4096
Parameters: 8-N-1
1200-2400 bps

Long Term Care & Hospice - Tools for the Professional

---Training Materials---

Long Term Care Nursing Assistant Course

Curriculum stresses the nursing assistant's role as part of a team of health care providers. Training program divided into 13 units covering care concerns-- personal care, communications, emergency measures, patient/resident rights, mental health and social service needs, et.al. (Binder not included.)

(MN Tech. College System, 1991)

Instructor's Guide-- Stock No. 5-12 \$35.00

Looseleaf, 342pp. Includes guide, curriculum & skill sheets.

Student Skill Sheets-- Stock No. 5-13 \$6.95

Looseleaf, 123pp.

Nurse Aide/Home Health Aide Course:

Curriculum developed to meet the 75 hour training requirement under state and federal regulations for aides providing home health care or nursing assistant facility. Comprehensive skill development. (Health 1993)

Instructor's Guide-- Stock No. 10-53 \$35.00

Looseleaf, 124pp. Binder and tabs included.

Student Handbook-- Stock No. 10-52 \$39.00

Looseleaf, 267pp. Binder and tabs included.

Student Skills Sheets-- Stock No. 10-54 \$9.95

Looseleaf, 108pp. (no binder)

---Laws & Rules---

Home Health Care/Hospice Rules

MN Statutes Chapter 144A and MN Rules Chapters 4668 and 4669. 61pp. Stock No. 3-82 \$6.95

Nursing & Boarding Care Home Rules

Chapters 4620.1200, 4638, 4655, and 4660 (1993). Licensing requirements for facilities where nursing, personal or custodial care is provided. 215pp. Stock No. 3-12 \$14.00

---Patient & Family Education---

A Guide to Home Care & Hospice Services

Handy "flip chart" booklet provides an overview of home care and hospice services in Minnesota. Topics covered include regulation of providers, agency licensing, services available, patient bill of rights, reporting abuse and neglect, and more. 8-1/2" x 11" (Health, 1993)

Stock No. 10-47 \$6.95/pkg. of 5



Bridging the Gap: A Training Manual for Respite Care Volunteers

Program assistance for the project director, coordinator of volunteers, or anyone associated with the training of volunteers in a respite care program for caregivers of chronically ill, frail, and elderly individuals. The manual offers ideas, plans, and resources to recruit, train, place and retain volunteers in a respite care program. Provides flexibility/options that enable the trainer to pick and choose training activities that are appropriate for the participants, the time available, and the trainer's skills.

Topics covered include:

- * Recruiting volunteers
- * Orientation
- * Understanding the caregiver
- * Handouts and forms
- * Dealing with care receiver's concerns, i.e. grief and loss
- * Practical tips for volunteers
- * Guidelines for trainers
- * Ice breaker activities
- * Resources
- * Communications skills

Looseleaf, 237pp. (MN Dept. of Human Services, 1993)
Stock No. 10-50 \$35.00

A Time for Choices

A compact booklet offering assistance in making decisions about death arrangements. Reviews burial, cremation, entombment, and ceremony options PLUS an itemization of costs and consumer protection services. 24pp., 15 copies/pkg. (Health, 1992)

Stock No. 10-14 \$15.00/pkg.

