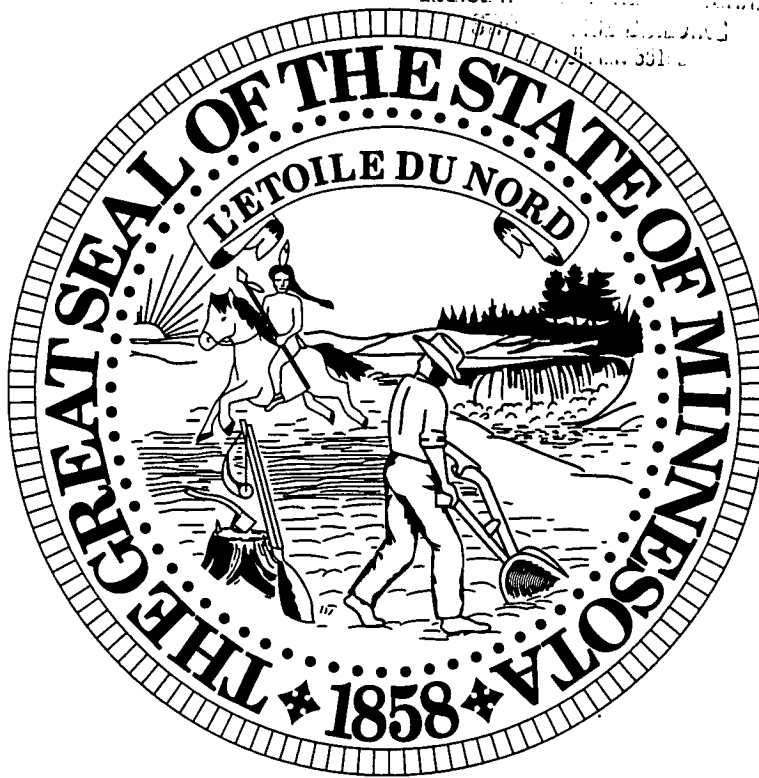


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Department of Administration—Print Communications Division

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The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

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

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37	Monday 13 March	Monday 27 February	Monday 6 March
38	Monday 20 March	Monday 6 March	Monday 13 March
39	Monday 27 March	Monday 13 March	Monday 20 March
40	Monday 3 April	Monday 20 March	Monday 27 March

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FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

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Commodities and requisitions are advertised in the
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every Tuesday, Wednesday and Friday.

For subscription information call 612/296-0931.

"Commodity Contract Awards Reports" are published
every two weeks, and "Professional-Technical-
Consulting Contract Awards Reports" are published
monthly. Both are available through Minnesota's
Bookstore, (612) 297-3000 or 1-800-657-3757.

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 Commerce

Proposed Permanent Rules Relating to Real Estate Loans

Notice of Intent to Adopt Rules Without a Public Hearing

The Minnesota Department of Commerce intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedures Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed rules and during that 30 day period, you may also submit a written request that a hearing be held on the rules.

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

Donna M. Watz, Staff Attorney
Minnesota Department of Commerce
133 East 7th Street
St. Paul, MN 55101
(612) 296-6593

Subject of Rule and Statutory Authority. The proposed rules relate to the operation of banks and changes in the documentation requirements for real estate loans. The statutory authority to adopt these rules is *Minnesota Statutes*, sections 46.01 subdivision 2 and 45.023. The proposed rules are published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on April 13, 1995, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and be received by the agency contact person by 4:30 p.m. on April 13, 1995. Your request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rules which caused your request, the reason for the request, and any changes you want made to the proposed rules. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the department will follow the procedures in *Minnesota Statutes*, sections 14.14 to 14.20.

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

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules.

Small Business Considerations. In preparing these rules the department has considered the requirements of *Minnesota Statutes*, section 14.115, in regard to the impact of the proposed rules on small businesses. The adoption of the rules will not directly affect small businesses. The department's evaluation of the small business requirements is addressed further in the Statement of Need and Reasonableness.

Expenditure of Public Money by Local Public Bodies. The provisions of *Minnesota Statutes*, section 14.11, subdivision 1 have been reviewed and it has been determined that this proposed rule will not require the expenditure of public money by local public bodies greater than \$100,000 in the two years following rule adoption.

Impact on Agricultural Lands. The provisions of *Minnesota Statutes*, section 14.11, subdivision 2 have been reviewed and it has been determined that these proposed rules will not affect agricultural land.

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

Dated: 24 February 1995

James E. Ulland
Commissioner of Commerce

Rules as Proposed

2675.0901 REAL ESTATE LOANS-DOCUMENTATION.

Each real estate secured loan file shall include the following documentation and evidence where the loan is in an amount over \$25,000:

A. ~~An attorney's opinion or a title insurance policy is required on all real estate loans which shall describe the status of fee title, the validity of the bank's lien, and the position of the lien.~~

B. ~~Evidence of adequate insurance coverage with loss payable clause payable to the bank shall be required for mortgages on improved property.~~

~~Written binders of insurance are acceptable evidence of insurance. No bank shall refuse to accept a binder tendered at the time of closing as evidence of any insurance coverage required as a condition of a loan agreement if the binder conforms with usual and customary conditions as to designation of loss payee and mortgagor.~~

C. ~~Real estate appraisal reports are required for each mortgage. The appraisal and the reasonableness of its accuracy is the responsibility of the appraisal committee. The appraisal report and its acceptance by the appraisal committee shall be made part of the mortgage file.~~

A bank must maintain a written policy approved annually by its board of directors that at a minimum addresses:

A. Written appraisal or valuation reports made in conjunction with federal, state, and board requirements. Valuation reports must contain detail sufficient to state current market value based on actual conditions and must not be based on projected or speculative events. Updated evaluation reports based on changing conditions of an individual loan transaction or economic conditions must also be included as a requirement.

B. Description of fee title, validity of the bank's lien, position of the lien, and documentation of methods used to make these determinations.

C. Evidence of adequate insurance which names the bank as the loss payee.

D. Exemption of documentation requirements, for a single loan or class of loans, if the loan documents reflect that the lien is not needed to support the loan and where the terms of the transaction as a consequence have not been made more favorable than they would have been in the absence of a lien. For regulatory purposes, no real estate collateral value will be assigned to exempted loans.

2675.2170 OTHER REAL ESTATE.

Other real estate:

A. Any real estate acquired or owned by a bank (1) pursuant to *Minnesota Statutes*, section 48.21, clauses (2) to (5); (2) not used in the business resulting from relocation of the principal office, or closing of a detached facility; or (3) abandonment of plans to use real estate acquired for future expansion, shall be designated as "other real estate." The property acquired pursuant to (1)

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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shall be so designated from the date upon which the bank actually acquires title and upon expiration of any redemption period. Property owned pursuant to subitems (2) and (3) shall be so designated from the date the determination is made to divert or abandon as actual operating bank premises.

B. "Other real estate" shall not be entered upon the books of a bank at an amount greater than the balance of the principal amount of the indebtedness at the time of acquisition or the remaining book value if owned. In any case, the book value of other real estate shall never exceed the estimated fair market value of the property. The fair market value shall be determined by an appraisal prepared by an independent qualified appraiser within ~~30~~ 60 days of acquisition. The appraisal shall be made part of the other real estate file.

C. Reasonable attempts shall be made to dispose of other real estate by sale. The other real estate file shall be documented with disposal attempts. ~~In no case, is depreciation required on other real estate; but it shall be removed from the books within ten years after acquisition according to Minnesota Statutes, section 48.21, subdivision 3~~ The maximum period for holding other real estate as an asset shall be five years.

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

2675.2620 QUALIFICATIONS OF EXAMINING AUTHORITY.

[For text of subps 1 to 5, see M.R.]

Subp. 6. **Audit by outside parties.** At least one annual audit every four years must be completed by outside parties as set forth in subpart 4. Consolidated opinion audits will be accepted in meeting this requirement if accompanied by an annual directors' examination report conducted in accordance with the methods described in subpart 2, 3, 4, or 5.

Adopted Rules

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

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

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

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

Department of Human Services

Adopted Permanent Rules Relating to the Surveillance and Integrity Review Program

The rules proposed and published at *State Register*, Volume 19, Number 14, pages 721-734, October 3, 1994 (19 SR 721), are adopted with the following modifications:

Rules as Adopted

9505.2160 SCOPE AND APPLICABILITY.

Subpart 1. **Scope.** Parts 9505.2160 to 9505.2245 govern procedures to be used by the department in identifying and investigating fraud, theft, or abuse by vendors or recipients of health services through the medical assistance, general assistance medical care, consolidated chemical dependency treatment, MinnesotaCare, catastrophic health expense protection programs, prepaid ~~medical assistance programs~~ health plans, home and community-based services under a waiver from the Health Care Financing Administration of the United States Department of Health and Human Services, or any other health service program administered by the department, and for the imposition of sanctions against vendors and recipients of health services. Additionally, parts 9505.2160 to 9505.2245 establish standards applicable to the health service and financial records of vendors of health services through medical assistance, general assistance medical care, consolidated chemical dependency treatment, MinnesotaCare, or catastrophic health expense protection programs.

Parts 9505.2160 to 9505.2245 must be read in conjunction with titles XVIII and XIX of the Social Security Act; *Code of Federal Regulations*, title 42; *Minnesota Statutes*, chapters 62E, 145, 152, 245, 245A, 252, 253, 254A, 254B, 256, 256B, 256D, 256E, and 609.

Subp. 2. **Applicability.** Parts 9505.2160 to 9505.2245 apply to local agencies, vendors participating in a program, and recipients of health services through a program. To the extent that provisions of a contract between the department and prepaid health plans have functionally equivalent requirements, the department shall exempt the prepaid health plans from the specific requirements of parts 9505.2160 to 9505.2245.

9505.2165 DEFINITIONS.

Subp. 2. **Abuse.** "Abuse" means:

A. in the case of a vendor, a pattern of practices that is inconsistent with sound fiscal, business, or health service practices, and that result in unnecessary costs to the programs, or in reimbursements for services that are not medically necessary or that fail to meet professionally recognized standards for health service. The following practices are deemed to be abuse by a vendor:

(18) repeatedly failing to comply with the requirements of the provider agreement that relate to the programs covered by parts 9505.2160 to 9505.2245; or

B. in the case of a recipient, the use of health services that results in unnecessary costs to the programs, or in reimbursements for services that are not medically necessary. The following practices are deemed to be abuse by a recipient:

(13) repeatedly obtaining health services for self-inflicted injuries or trauma;

(14) repeatedly obtaining emergency room health services for nonemergency care; or

(15) (14) repeatedly using medical transportation to obtain health services from providers located outside the local trade area for when health services that appropriate to the recipient's physical or mental health needs can be provided obtained inside the local trade area. For purposes of this subitem, "local trade area" has the meaning given in part 9505.0175, subpart 22.

Subp. 4. **Fraud.** "Fraud" means:

B. any making a false statement, false claim, or false representation made to a program where the person knows or should reasonably know the statement, claim, or representation is false; and

Subp. 4a. Health plan. "Health plan" means a health maintenance organization or other organization that contracts with the department to provide health services to recipients under a prepaid contract.

Subp. 8. **Program.** "Program" means the Minnesota medical assistance program, the general assistance medical care program, catastrophic health expense protection program, MinnesotaCare, consolidated chemical dependency program, prepaid ~~medical assistance~~ programs health plans, home and community-based services under a waiver from the Health Care Financing Administration of the United States Department of Health and Human Services, or any other health service program administered by the department.

9505.2175 HEALTH SERVICE RECORDS.

Subpart 1. **Documentation requirement.** As a condition for payment by a program, a vendor must document each occurrence of a health service provided to a recipient. The health service must be documented in the recipient's health service record as specified in subpart 2 and, when applicable, subparts 3 to 7. Program funds paid for a health service not documented in a recipient's health service record shall be recovered by the department.

Subp. 7. **Requirements for personal care provider service records.** A personal care provider record must meet the requirements of subparts 1 and 2 and must document:

A. the physician's initial order for personal care services, which shall be included within a reasonable time after the start of such services, and documentation that the physician's order has been reviewed by the physician at least once every 365 days;

D. the department's notice of approval or denial of a relative hardship waiver request; ~~and~~

E. whether the recipient is in a shared care arrangement;

F. the following daily documentation requirements:

(1) in an individual care arrangement, the following documentation must be made by each personal care assistant of services provided to the recipient:

(d) the site where personal care services were provided;

(e) the total number of hours spent providing personal care services to the recipient;

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Adopted Rules

(f) (e) the time of arrival and the time of departure of the personal care assistant at the site where services were provided;

(g) (f) the personal care services provided;

(h) the amount of time spent providing services in the recipient's residence;

(i) the amount of time spent providing services outside of the recipient's residence;

(j) (g) notes by the personal care assistant regarding changes in the recipient's condition, documentation of calls to the supervising nurse, and other notes as required by the supervising nurse;

(k) (h) the personal care assistant's signature; and

(l) (i) the recipient's signature, stamp, or mark, or the responsible party's signature, if the recipient requires a responsible party; and

(2) in a shared care arrangement, the following separate documentation requirements in subitem (1) must be made by each personal care assistant of services provided to met separately for each recipient;

(a) the recipient's name;

(b) the names of the other recipients sharing personal care services;

(c) the name of the personal care assistant providing services;

(d) the day, month, and year the personal care services were provided;

(e) the site where personal care services were provided;

(f) the total number of hours spent providing personal care services to each recipient;

(g) the time of arrival and the time of departure of the personal care assistant at the site where services were provided;

(h) the personal care services provided;

(i) the amount of time spent in the provision of services at the shared care residence;

(j) the amount of time spent in the provision of services outside of the shared care residence;

(k) notes by the personal care assistant regarding changes in a recipient's condition; documentation of calls to the supervising nurse, and other notes as required by the supervising nurse;

(l) the personal care assistant's signature; and

(m) each recipient's signature, stamp, or mark, or the responsible party's signature if the recipient requires a responsible party;

F. G. authorization by the recipient's responsible party, if any, for personal care services provided outside the recipient's residence;

G. H. authorization by the responsible party, who is a parent of a minor recipient or a guardian of a recipient, which is approved and signed by the supervising nurse, to delegate to another adult the responsible party function for absences of at least 24 hours but not more than six days; and

H. I. supervision by the supervising nurse, including the date and time of day of the provision of supervision of personal care services as specified in part 9505.0335, subpart 4.

9505.2210 IMPOSITION OF ADMINISTRATIVE SANCTIONS.

Subp. 2. Nature of administrative sanction. The actions specified in items A to C are administrative sanctions that the commissioner may impose for the conduct specified in subpart 1.

B. For a provider, the actions also include in item A, and in addition:

Department of Labor and Industry

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

The rules proposed and published at *State Register*, Volume 19, Number 28, pages 1489-1491, January 9, 1995 (19 SR 1489), are adopted as proposed.

Pollution Control Agency

Adopted Permanent Rules Relating to Storm Water Permits

The rules proposed and published at *State Register*, Volume 19, Number 19, pages 969-973, November 7, 1994 (19 SR 969), are adopted with the following modifications:

Rules as Adopted

7001.1035 STORM WATER PERMITS.

An NPDES permit for storm water discharge is required if:

B. the commissioner determines that the discharge is a ~~significant contributor of pollutants to waters of the state~~ may cause or contribute to a violation of an applicable state or federal water quality rule or regulation. In making this determination, the commissioner ~~may~~ shall consider factors including size of discharge, quantity and nature of discharge, and location of discharge to waters of the state;

Official Notices

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

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

Minnesota Comprehensive Health Association

Notice of Premium Rate Meetings

NOTICE IS HEREBY GIVEN that the executive director of the Minnesota Comprehensive Health Association and a representative of the Minnesota Department of Commerce will hold a series of premium rate meetings across the State of Minnesota, as indicated below. The purpose of these meetings is to review proposed premium rates. Any rate change must be approved by the Minnesota Department of Commerce. New premium rates would go into effect on July 1, 1995.

For additional information, call the MCHA Executive office at (612) 593-9609.

WHERE	DATE/LOCATION	TIME
Rochester	Wednesday, March 22, 1995 Best Western Apache Symposium Room 1517 16th Street S.W. Rochester, Minnesota 55902	6:30 p.m.
Duluth	Thursday, March 23, 1995 Holiday Inn Lake Superior Room 200 West First St. Duluth, Minnesota 55802	6:30 p.m.
Fergus Falls	Monday, March 27, 1995 Best Western/Fergus Falls Frontier Rooms II and III Interstate 94 and Highway 210 Fergus Falls, Minnesota 56538	6:30 p.m.

Official Notices

WHERE	DATE/LOCATION	TIME
Redwood Falls	Tuesday, March 28, 1995 Redwood Inn 1305 East Bridge Street Redwood Falls, Minnesota 56283	6:30 p.m.
Minneapolis/St. Paul	Wednesday, March 29, 1995 Holiday Inn/Metrodome Aragon Ballroom 1500 Washington Avenue South Minneapolis, Minnesota 55454	6:30 p.m.
St. Cloud	Thursday, March 30, 1995 Blue Heron/Americanna Inn 510 South Highway 10 St. Cloud, Minnesota 56304	6:30 p.m.

Minnesota Early Childhood Care and Education Council

Notice of State Wide Child Care Compensation Task Force Co-sponsored with the Alliance of Early Childhood Professionals

NOTICE IS HEREBY GIVEN that the Minnesota Early Childhood Care and Education Council and the Alliance of Early Childhood Professionals are co-sponsoring a State Wide Child Care Compensation Task Force. The purpose of the task force is to study possible mechanisms to improve compensation of child care workers with the goal of improving the quality of child care programs. The task force will submit its recommendation to the Department of Human Services and the State Legislature. Ten meetings have been scheduled. Direct inquiries to: Jevne Kloeber, Executive Director, Minnesota Early Childhood Care and Education Council, Third Floor, Ford Building, 117 University Avenue, St. Paul, MN 55155; Phone: 612/296-1400; FAX 612/296-1401; TDD MRS 612/297-5353 (Metro) or TDD MRS 800/627-3529 (Greater Minnesota).

The following meetings have been scheduled from 10:30 AM to 2:30 PM in room 116B of the Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota:

Friday, March 24, 1995

Friday, April 21, 1995

Friday, May 19, 1995

Thursday, June 15, 1995

Thursday, July 27, 1995

Thursday, August 24, 1995

Friday, September 22, 1995

Friday, October 13, 1995, at state MAEYC Conference, time and location to be announced.

Friday, November 17, 1995

Friday, December 15, 1995

State Board of Education

Notice of Intent to Solicit Outside Information Regarding Proposed Rule Governing Desegregation/Integration

NOTICE IS HEREBY GIVEN that the Minnesota State Board of Education (Board) is seeking information or opinions from outside sources in preparing to propose the adoption of rules governing Desegregation/Integration. The adoption of the rule is authorized by *Minnesota Statutes* Sec. 121.11, Subd. 7d which authorizes the Board to adopt rules governing desegregation/integration.

Issues that may be considered by the Board when the rule is proposed include but are not limited to: defining segregated districts

and sites; the responsibility of districts to develop plans that address closing the learning gap, diversity, and racial balance; and compliance issues.

The Board anticipates the rulemaking process for this rule to be completed by December 1995.

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

Robert Miller, Director
Office of Desegregation/Integration
564 Capitol Square Building, 550 Cedar Street
St. Paul, Minnesota 55101
Telephone: (612) 297-2845 (24 hours a day)
FAX (612) 282-9812 (24 hours a day) TDD/TTY (612) 297-2094

Statements will be received 24 hours a day by phone and FAX. The TDD/TTY number will be answered during regular business hours, 8:00 a.m. to 4:30 p.m.

All statements of information and opinion will be accepted until April 21, 1995. Any written materials received by the Board shall become part of the Rulemaking record in the event that the rule is adopted.

Marsha R. Gronseth

Department of Health

Commissioner of Health

Notice of Completed Application and Notice of and Order for Hearing in the Matter of the License Application of Murphy Meeker County Ambulance Service, Inc., Litchfield, Minnesota

PLEASE TAKE NOTICE that the Commissioner of Health (hereinafter "Commissioner") has received a completed application from Murphy Meeker County Ambulance Service, Inc., Litchfield, Minnesota to change the type of service from Basic to Advanced Ambulance Service.

IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes* §§ 14.57 - 14.69 and *Minnesota Statutes* § 144.802 a public hearing will be held on April 20, 1995 at Meeker County Courthouse, Community Room, 325 North Sibley, Litchfield, Minnesota, commencing at 7:00 p.m. If you have an interest in this matter you are hereby urged to attend the public hearing. Failure to do so may prejudice your rights in this and any subsequent proceedings in this matter.

1. The purpose of the hearing is to determine whether the application from this ambulance service should be granted based upon the criteria set forth in *Minnesota Statutes* § 144.802, subd. 3(g).

2. This proceeding has been initiated pursuant to and will be controlled in all aspects by *Minnesota Statutes* §§ 144.801 - 144.8093, *Minnesota Statutes* §§ 14.57 - 14.69, and Rules for Contested Cases of the Office of Administrative Hearings, *Minnesota Rules* 1400.5100 - 1400.8402. Copies of the rules and statutes may be obtained for a fee from the Department of Administration, Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, telephone: (612) 297-3000.

3. Jon Lunde, Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone: (612) 341-7645, will preside as administrative law judge at the hearing, and will make a written recommendation on this application. After the hearing, the record and the administrative law judge's recommendation will be forwarded to the Commissioner to make the final determination in the matter.

4. Any person wishing to intervene as a party must submit a petition to do so under *Minnesota Rules* 1400.6200 on or before April 3, 1995. This petition must be submitted to the administrative law judge and shall be served upon all existing parties and the Commissioner. The petition must show how the contested case affects the petitioner's legal rights, duties or privileges and shall state the grounds and purposes for which intervention is sought and indicate petitioner's statutory right to intervene if one exists.

5. In addition to or in place of participating at the hearing, any person may also submit written recommendations for the disposition of the application. These recommendations must be received by the administrative law judge on or before April 12, 1995.

6. Any subpoena needed to compel the attendance of witnesses or the production of documents may be obtained pursuant to *Minnesota Rules* 1400.7000.

7. At the hearing the applicant will present its evidence showing that a license should be granted and that all persons will be

Official Notices

given an opportunity to cross-examine witnesses, to be heard orally, to present witnesses, and to submit written data or statements. All persons are encouraged to participate in the hearing and are requested to bring to the hearing all documents, records, and witnesses needed to support their position. It is not necessary to intervene as a party in order to participate in the hearing.

8. Please be advised that if nonpublic data is admitted into evidence, it may become public data unless an objection is made and relief is requested under *Minnesota Statutes* § 14.60, subd. 2.

9. You are hereby informed that you may choose to be represented by an attorney in these proceedings, may represent yourself, or be represented by a person of your choice if not otherwise prohibited as the unauthorized practice of law.

10. A Notice of Appearance must be filed with the administrative law judge identified above within 20 days following receipt of the Notice by any person intending to appear at the hearing as a party.

11. In accordance with the provisions of *Minnesota Statutes* § 14.61, the final decision of the Commissioner in this proceeding will not be made until the Report of the Administrative Law Judge has been made available to the parties in this proceeding for at least 10 days. Any party adversely affected by the Report of the Administrative Law Judge has the right to file exceptions and present arguments to the Commissioner. Any exceptions or arguments must be submitted in writing and filed with the Commissioner of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440, within 10 days of the receipt of the Administrative Law Judge's Report.

Dated: 1 March 1995

Anne M. Barry
Acting Commissioner of Health

Department of Health

Division of Environmental Health

Notice of Solicitation of Outside Information or Opinions in the Matter of the Proposed Rules of the Minnesota Department of Health Relating to Ionizing Radiation

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health (MDH) is seeking information or opinions from sources outside the department in preparing to revise existing *Minnesota Rules* relating to Ionizing Radiation, parts 4730.0100, 4730.0300, 4730.0800, 4730.1210, 4730.1510, 4730.1520, 4730.2500, 4730.2600, 4730.2700, 4730.2800, 4730.2900, 4730.3500 and in developing new rules relating to ionizing radiation.

The Minnesota Department of Health is seeking information or opinions from sources outside the department in preparing to develop new rule parts. Additional rules may need to encompass items overlooked in the last revision of the ionizing radiation rules, such as requirements for shielding an industrial Class A x-ray room. New rule parts being considered apply to the use of radioactive sources in wireline service operations and subsurface tracer studies to conform with existing rules by this department or rules of other Minnesota departments or agencies. This includes rules relating to well drilling, sealing abandoned wells, mineral extraction and ground water pollution.

The department is proposing to update existing industrial x-ray rule parts which have not been revised since 1971 to address the safe use of industrial, analytical, cabinet and cabinet baggage industrial x-ray equipment and industrial particle accelerators. Existing rules relating to the radiation symbol and labeling; user's safety requirements; and records maintained by the user will be updated to conform to state of the art radiation safety policies, procedures, warning systems and devices. The department is considering the adoption by reference of federal performance requirements for cabinet and cabinet baggage x-ray units as described in *Code of Federal Regulations*, Title 21, Subchapter J, part 1020.40, cabinet x-ray systems.

The Minnesota Department of Health is seeking information or opinions from sources outside the department in preparing to revise existing *Minnesota Rules*, part 4730.2600, 4730.2700 and 4730.2800 which apply to medical and industrial use of and disposal of radium-226. These rule parts will be revised to reflect changes in the last 25 years relating to the proper disposal of radium-226.

The Minnesota Department of Health is seeking information or opinions from sources outside the department in preparing to revise existing *Minnesota Rules*, parts 4730.3500 which applies to users of naturally occurring or accelerator produced radioactive material (NARM) including radium-226. The revision of the table of registration possession exemption quantities in part 4730.3500 is necessary to include numerous radionuclides now being produced by accelerators that were not available at the time the rule was last revised in 1971. The regulation of NARM materials is under the jurisdiction of the MDH; not the U.S. Nuclear Regulatory Commission (NRC).

Authority for the Commissioner of Health to adopt new rules and amend existing rules relating to Ionizing Radiation exists in *Minnesota Statutes*, sections 144.05, 144.12 and 144.121.

The department anticipates adoption of revised rules by January 1, 1996. A copy of this notice will be mailed to all parties who have registered their names with the department for purposes of notice of rulemaking activity; and the Minnesota Department of Corrections; Minnesota Department of Public Safety; Minnesota Department of Natural Resources; Minnesota Pollution Control Agency; Midwest Interstate Low-Level Radiological Waste Regional Commission; Minnesota Office of Pipeline Safety; Minnesota Water and Soil Resources; Minnesota Department of Labor and Industry; state and local vocational technical schools, colleges and universities; the Minnesota Geological Survey; and the U.S. Geological Survey.

The department anticipates formation of a rule advisory task force. Representation on the task force will include small and large users of industrial x-ray equipment, vendors, educational institutions, nondestructive pipeline testing companies, airlines, professional associations and other interested parties.

The Minnesota Department of Health requests information and opinion on the subject matter of these rules at this time. Interested or affected persons or groups may submit data or views on the subject matter of the rules in writing or orally. Written statements should be addressed to:

William Breitenstein
Section of Radiation Control
Minnesota Department of Health
Division of Environmental Health
925 Southeast Delaware Street
Minneapolis, Minnesota 55459-0040

Oral statements will be received during regular business hours over the telephone at (612) 627-5063 by William Breitenstein and in person at the above address.

All statements of information will be accepted until the proposed rule is published in the *State Register*. Any written material received by the Minnesota Department of Health becomes part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event the rule is adopted.

Patricia A. Bloomgren, Director
Division of Environmental Health

This notice can be made available in alternative formats.

Department of Human Services

Benefit Health Care Services Division

Notice of Solicitation of Outside Information or Opinions Governing Conditions for Medical Assistance, General Assistance Medical Care, and MinnesotaCare Reimbursement under *Minnesota Rules*, parts 9505.5000 to 9505.5030

NOTICE IS HEREBY GIVEN that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose amendments to rules that establish procedures for authorization of health services as a condition of reimbursement to providers of health services to recipients of medical assistance, general assistance medical care, and MinnesotaCare under *Minnesota Rules*, parts 9505.5000 to 9505.5030. The adoption of the proposed amendments is authorized by *Minnesota Statutes*, sections 256.9352, subdivision 2; 256.991; 256B.04, subdivision 2; and 256D.03, subdivision 7, paragraph (b).

During the course of the rule amendment process the following issues may be considered: 1. removing the condition that payment for certain services requires service authorization before they are provided; 2. allowing a provider to choose whether to request authorization of these services before or after the service is provided to the recipient; 3. contracting with a medical review agent for the determination of whether the service meets the criteria to receive authorization; and 4. extending the authorization requirement to the same services provided to MinnesotaCare recipients under *Minnesota Statutes*, section 256.9352.

The State Department of Human Services will not form an advisory task force to aid in the development of the rule amendments.

The Department anticipates that the rule amendment adoption process will take approximately four months.

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

Eleanor Weber
Rules and Bulletins Unit

Official Notices

Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3816

Oral statements will be received during the regular business hours over the telephone at (612) 297-4301 and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event the rule is adopted.

Dated: 6 March 1995

Eleanor Weber
Rules and Bulletins

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective March 13, 1995 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Dakota: U of M Building 706A, 706B & 720A-Rosemount; Inver Grove Heights Veterans Memorial Community Center-Inver Grove Heights.

Faribault: United South Central School Asbestos Abatement for Elevator/Stair Addition-Wells.

Hennepin: Juvenile Justice Center County ADA Corrections-Minneapolis.

Itasca: Connor-Jasper Middle School Greenway School District-Bovey.

Kanabec: East Central Solid Waste Repairs-Mora.

Koochiching: Grand Mound Exterior & Landscaping Repairs-International Falls.

Lyon: Southwest State University Entrance Door & Sidelight Placement, 1995 Reroofing Entry & Kitchen Roofs, SM Tuckpointing, HB, Dormitory, Entry, Canopy Roofs & Tuckpointing-Marshall.

Morrison: Charles Lindberg Home Accessibility Lift-Little Falls.

Nobles: Worthington Community College Building Linking System-Worthington.

Ottertail: 1995 Parkers Prairie Elementary Addition & Alterations-Parkers Prairie.

Ramsey: U of M McNeal Hall 1995 Masonry Wall Repair, John A. Johnson Sr. High Communication, State Office Building Accessibility Renovation, Holman Field Airport Beacon Rehabilitation-St. Paul.

St. Louis: U of M Bohannon Hall & Life Science Building-Duluth, Heller Hall Window Replacement, 1995 Miscellaneous Tuckpointing & Repairs-Duluth; Chisholm-Hibbing DNR Tanker Base 1994 Facility Improvements-Hibbing; Soudan Underground Mine State Park-Soudan.

Stearns: St. Cloud State University Shoemaker Hall West Wing Piping Replacement & Asbestos Abatement Removal-St. Cloud.

Todd: Todd County Facility Addition-Long Prairie.

Washington: 1995 Oltman Jr. High School & District Program Center Reroofing-Cottage Grove; William O'Brien State Park Shop Storage Building-Marine on the St. Croix.

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.

Gary W. Bastian
Acting Commissioner

Metropolitan Council

Public Hearing on MCTO 1995 Transit Capital Budget

The Metropolitan Council's Transportation Committee will hold a public hearing on the Metropolitan Council Transit Operations (MCTO) 1995 capital budget on Monday, April 17, at 4:00 p.m. The hearing will be held in the Metropolitan Council chambers, Mears Park Centre, 230 East Fifth St., St. Paul. All interested persons are encouraged to attend the hearing and offer comments. People may register in advance to speak by calling 229-2758 (or 291-0904 TTY). Upon request, the Council will provide reasonable accommodations to people with disabilities. Written comments, which must be received by April 27, should be sent to Howard Blin, Transit Planning, at the address above. Copies of the public hearing draft of the Council's proposed MCTO 1995 capital budget may be obtained from the Council's Data Center by calling 291-8140 (or 291-0904 TTY).

Minnesota State Retirement System

Notice of Board of Directors, Regular Meeting

The regular meeting of the Board of Directors, Minnesota State Retirement System, will be held on Friday, March 17, 1995, at 9:00 a.m. in the office of the System, 175 W. Lafayette Frontage Road, St. Paul, Minnesota.

Department of Transportation

Notice of Appointment of a State Aid Variance Committee and Meeting of the Committee to Investigate and Determine Recommendations for Variances from Minimum State Aid Roadway Standards and Administrative Procedures

NOTICE IS HEREBY GIVEN that the Commissioner of Transportation has appointed a State Aid Variance Committee who will conduct a meeting on Wednesday, March 22, 1995 at 9:30 a.m. in Conference Room 148 Water's Edge Building, 1500 West County Road B-2, Roseville Minnesota, 55113.

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

The purpose of this open meeting is to investigate and determine recommendations for variances from minimum State Aid roadway standards and administrative procedures as governed by *Minnesota Rules* for State Aid Operations 8820.3300 adopted pursuant to *Minnesota Statutes* 161 and 162.

The agenda will be limited to these questions:

1. **Petition of the City of Cloquet** for a variance from *Minnesota Rules* as they apply to a proposed reconstruction project on M.S.A.S. 105 (Broadway Street) between Avenue B and a point 390 feet North, to allow a 50 foot right-of-way width, in lieu of the required 60' right-of-way width.
2. **Petition of Wabasha County** for a variance from *Minnesota Rules* as they apply to a proposed reconstruction project (S.A.P. 79-602-27) on County State Aid Highway No. 2, between Trunk Highway No. 247 and County State Aid Highway No. 8, to allow a 22.2 to 23.1 foot recovery area, in lieu of the required 27 foot recovery area between Station 55+50 left and Station 55+70 left.
3. **Petition of Steele County** for a variance from *Minnesota Rules* as they apply to a proposed reconstruction project (S.A.P. 74-623-08) on County State Aid Highway No. 23, at approximate Station 1365+00 to allow a 25 mph design speed in lieu of the required 40 mph design speed.
4. **Petition of Isanti County** for a variance from *Minnesota Rules* as they apply to a proposed reconstruction project on County State Aid Highway No. 30, between a point 1500 feet South of Bridge No. 5479 and a point 2597 feet North of Bridge No. 2597 in the City of Cambridge, to allow a 4 foot shoulder width, in lieu of the required 8 foot shoulder width.
5. **Petition of Isanti County** for a variance from *Minnesota Rules* as they apply to a proposed resurfacing project on County State Aid Highway No. 1, between Trunk Highway No. 47 and County Road No. 65, 3.5 miles West of Cambridge to allow a horizontal design speed of 35 mph, in lieu of the required 40 mph minimum design speed.

Official Notices

6. **Petition of the City of Rochester** for a variance from *Minnesota Rules* as they apply to a proposed reconstruction project on Municipal State Aid Street No. 119 (Fourth Street Southeast), between Sixth Avenue Southeast and Eleventh Avenue Southeast in Rochester, to allow lane widths of 11' with 1' reaction area, in lieu of the required 11' lane widths with 2' reaction area.
7. **Petition of Redwood County** for a variance from *Minnesota Rules* as they apply to a proposed reconstruction project on County State Aid Highway No. 202 (Tin Street) from Mill Street to Jefferson Street, and from Drew Street to Gould Street in Redwood Falls, to allow a 50' right-of-way width in lieu of the required 60' minimum right-of-way width.
8. **Petition of the City of Oakdale** for a variance from *Minnesota Rules* as they apply to a proposed resurfacing project on Municipal State Aid Street No. 236 (Greenway Avenue North), between Hudson Boulevard and 7th Street North in the City of Oakdale, to allow a 28 mph vertical curve, in lieu of the required 30 mph minimum design speed.
9. **Petition of the City of St. Paul** for a variance from *Minnesota Rules* as they apply to a proposed reconstruction project on Municipal State Aid Street No. 142 (Hoyt Avenue), between Huron Street and Victoria Street in St. Paul, to allow a 30 foot curb to curb width with parking allowed on one side of the street, in lieu of the required 32 foot curb to curb width with parking allowed on one side of the street.

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

9:30 a.m.	City of Cloquet
9:45 a.m.	Wabasha County
10:00 a.m.	Steele County
10:15 a.m.	Isanti County
10:30 a.m.	City of Rochester
10:45 a.m.	Redwood County
11:00 a.m.	City of Oakdale
11:15 a.m.	City of St. Paul

Dated: 3 March 1995

Patrick B. Murphy
Division Director
State Aid for Local Transportation

Department of Transportation

Petition of the City of Cloquet for a Variance from State Aid Requirements for RIGHT-OF-WAY WIDTH

NOTICE IS HEREBY GIVEN that the City Council of the City of Cloquet has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to proposed reconstruction project on MSAS 105 (Broadway Street) between Avenue B and a point 390 feet North.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.2500 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a minimum right-of-way width of 50 feet in lieu of the required 60 foot minimum.

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

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

Dated: 3 March 1995

Patrick B. Murphy
Division Director
State Aid for Local Transportation

Department of Transportation

Petition of Wabasha County for a Variance from State Aid Requirements for DESIGN STANDARDS

NOTICE IS HEREBY GIVEN that the Wabasha County Board has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a proposed reconstruction project (S.A.P. 79-602-27) on CSAH 2, between Trunk Highway No. 247 and County State Aid Highway No. 8.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9910, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a 22.2 to 23.1 foot recovery area, in lieu of the required 27 foot recovery area on the proposed reconstruction project (S.A.P. 79-602-27) on County State Aid Highway No. 2, between Trunk Highway No. 247 and County State Aid Highway No. 8, from Station 55+50 left to Station 55+70 left.

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

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

Dated: 3 March 1995

Patrick B. Murphy
Division Director
State Aid for Local Transportation

Department of Transportation

Petition of Steele County for a Variance from State Aid Requirements for DESIGN SPEED

NOTICE IS HEREBY GIVEN that the Steele County Board has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a proposed reconstruction project (S.A.P. 74-623-03) on CSAH 23, at approximate Station 1365+00.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9910, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a 25 mph design speed in lieu of the required 40 mph design speed on the proposed reconstruction project on CSAH 23.

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

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

Dated: 3 March 1995

Patrick B. Murphy
Division Director
State Aid for Local Transportation

Department of Transportation

Petition of Isanti County for a Variance from State Aid Requirements for SHOULDER WIDTH

NOTICE IS HEREBY GIVEN that the Isanti County Board has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a proposed reconstruction project (S.A.P. 30-630-01 CTB) on CSAH 30, between a point 1500 feet South of Bridge No. 5479 to a point 2597 feet north of Bridge 2597 in Cambridge.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9910, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a 4 foot shoulder width in lieu of the required 8 foot shoulder width on the proposed reconstruction project on County State Aid Highway No. 30 (S.A.P. 30-630-01 CTB) in Cambridge.

Official Notices

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

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

Dated: 3 March 1995

Patrick B. Murphy
Division Director
State Aid for Local Transportation

Department of Transportation

Petition of Isanti County for a Variance from State Aid Requirements for DESIGN SPEED

NOTICE IS HEREBY GIVEN that the Isanti County Board has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a proposed resurfacing project on County State Aid Highway No. 1, between Trunk Highway No. 47 and County Road No. 65, 3.5 miles West of Cambridge.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9925, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a 35 mph horizontal curve, in lieu of the required 40 mph minimum design speed on the proposed resurfacing project on County State Aid Highway No. 1, between Trunk Highway No. 47 and County Road No. 65, 3.5 miles West of Cambridge.

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

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

Dated: 3 March 1995

Patrick B. Murphy
Division Director
State Aid for Local Transportation

Department of Transportation

Petition of the City of Rochester for a Variance from State Aid Requirements for LANE WIDTH

NOTICE IS HEREBY GIVEN that the City Council of the City of Rochester has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to proposed reconstruction project on Municipal State Aid Street No. 119 (Fourth Street Southeast) between Sixth Avenue Southeast and Eleventh Avenue Southeast in Rochester.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9935 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit lane widths of 11' plus 1' reaction area, in lieu of the required 11' plus 2' reaction area, on the proposed reconstruction project on Municipal State Aid Street No. 119 (Fourth Street Southeast), between Sixth Avenue Southeast and Eleventh Avenue Southeast in Rochester.

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

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

Dated: 3 March 1995

Patrick B. Murphy
Division Director
State Aid for Local Transportation

Department of Transportation

Petition of the Redwood County Board for a Variance from State Aid Requirements for RIGHT-OF-WAY WIDTH

NOTICE IS HEREBY GIVEN that the Redwood County Board has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to proposed reconstruction project on County State Aid Highway No. 202 (Tin Street), from Mill Street to Jefferson Street, and from Drew Street to Gould Street in Redwood Falls.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.2500 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a minimum right-of-way width of 50 feet in lieu of the required 60 foot minimum.

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

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

Dated: 3 March 1995

Patrick B. Murphy
Division Director
State Aid for Local Transportation

Department of Transportation

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

NOTICE IS HEREBY GIVEN that the Oakdale City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a proposed resurfacing project on Municipal State Aid Street No. 236 (Greenway Avenue North), between Hudson Boulevard and 7th Street North in the City of Oakdale.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9945, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a 28 mph vertical curve, in lieu of the required 30 mph minimum design speed on the proposed resurfacing project on Municipal State Aid Street No. 236 (Greenway Avenue North), between Hudson Boulevard and 7th Street North in the City of Oakdale.

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

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

Dated: 3 March 1995

Patrick B. Murphy
Division Director
State Aid for Local Transportation

Department of Transportation

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

NOTICE IS HEREBY GIVEN that the St. Paul City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a proposed reconstruction project on Municipal State Aid Street No. 142 (Hoyt Avenue), between Huron Street and Victoria Street in St. Paul.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9935, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a 30 foot curb to curb width with parking allowed on one side of the street on the proposed reconstruction project on Municipal State Aid Street No. 142 (Hoyt Avenue), between Huron Street and Victoria Street in St. Paul, in lieu of the required 32 foot curb to curb width with parking allowed on one side of the street.

State Grants

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

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

Dated: 3 March 1995

Patrick B. Murphy
Division Director
State Aid for Local Transportation

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.

Department of Corrections

Notice of Availability of Funds for Services to Victims of General Crime in Lake, Cook, Koochiching, St. Louis, Aitkin and Carlton Counties

The Department of Corrections, Victim Services Unit, announces the availability of grant funds for services to victims of general crime within the Minnesota Counties of **Lake, Cook, Koochiching, St. Louis, Aitkin and Carlton**. As defined by the Minnesota General Crime Victims Advisory Council general crime victim means victims of crimes that include but are not limited to: assault, robbery, burglary, theft, homicide, DWI, vehicular homicide or injury, arson, criminal damage to property, bias/hate crime and any crime victim not included under any other Department of Corrections victim services advisory council.

A total of \$81,094 is available for direct services, community and professional education and systems change related to victims of general crime for a twelve month period beginning July 1, 1995 through June 30, 1996. These funds are made available through the Minnesota State Legislature. If additional funds become available through State or Federal sources, the amount available may increase.

- \$33,700 is available for a program serving one county.
- Up to \$43,180 is available for a program serving two counties.
- Up to \$52,660 is available for a program serving three counties.
- Up to \$62,140 is available for a program serving four counties.
- Up to \$71,620 is available for a program serving five counties.
- Up to \$81,094 is available for a program serving six counties.

The Request for Proposals contains detailed requirements. Successful applicant(s) may be eligible for continued funding after the initial grant period.

Nonprofit organizations and governmental units are eligible to apply for these funds. The deadline for submission of grant proposals is May 12, 1995. To receive a Request for Proposals which describes how to apply, contact: MN Department of Corrections, Victim Services Unit, 300 Bigelow Building, 450 North Syndicate Street, St. Paul, MN 55104 — 612/642-0251, or toll-free nationwide: 1-800-657-3679.

Professional, Technical & Consulting Contracts

Department of Human Services

Health Care Administration Division

Request for Proposals from Pharmacies to Provide Drugs for HIV/AIDS Programs

The Minnesota Department of Human Services is soliciting proposals from licensed outpatient or home care pharmacies to provide prescription drugs and nutritional products, as approved by the STATE, for low income persons with HIV/AIDS. The goal of this grant is to provide the greatest number of eligible individuals statewide with drugs and nutritional products in the most cost-effective manner.

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

The Department has estimated the cost of this contract will not exceed \$160,000 for a 12-month contract period. The award period begins July 1, 1995. All proposals must be submitted no later than April 21, 1995.

For a copy of a more detailed explanation of this request for proposals, please contact:

Loretto G. Lippert
Minnesota Department of Human Services
HIV/AIDS Programs Unit, 4th Floor
444 Lafayette Road
St. Paul, MN 55155-5838
(612) 297-3344

Professional, Technical & Consulting Contracts

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

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

Department of Economic Security

Division of Rehabilitation Services

Notice of Proposed Contracts for Federal Fiscal Year 1995-96

The Minnesota Department of Economic Security, Division of Rehabilitation Services is publishing notice that a contract (or contracts) listed below is available and will be awarded. The period covered begins in federal fiscal year 1995 and continues into federal fiscal year 1996.

Notice of Request for Proposals to provide Rehabilitation Technology Consultation, Training and Client Assessment

The Division of Rehabilitation Services is seeking the services of Rehabilitation Engineers/Technologists to provide specialized consultation, training and consumer assessments at ten or more locations throughout the State (including St. Peter, Rochester, Excelsior, Monticello, Moose Lake, St. Cloud, Fergus Falls, Roseville, Crookston and Virginia).

One or more vendors will be selected with a comparable number of contracts being written. Total expenditure for this activity is not expected to exceed \$25,000 with contracts varying from \$2500 on up depending on the number of locations served (\$2500 each). The contract period is anticipated to be 5/15/95 to 5/15/96. Inquiries and requests for a copy of the RFP should be directed to:

Professional, Technical & Consulting Contracts

Paul M. Bridges
Rehabilitation Program Manager
MN Department of Economic Security
Division of Rehabilitation Services
390 North Robert Street
St. Paul, MN 55101
(612) 296-9981 TDD (612) 296-3900

All proposals must be received by 2:00 P.M. 4/3/95.

Department of Health

Division of Environmental Health

Notice of Request for Proposals (RFP) to Conduct Lead Abatement Training Courses

Purpose

The Minnesota Department of Health (MDH) has received funding from the U.S. Department of Housing and Urban Development (HUD) to conduct the initial lead contractor/supervisor lead abatement training course. The purpose of this project is to create a greater supply of trained and licensed lead contractors, certified lead workers and swab team workers.

Budget/Time Frame

Two contracts will be awarded. One contract is in the amount of \$54,000 to conduct three training courses for contractors and workers, and four training courses for swab team workers. These courses are to be held in the seven county Twin Cities metropolitan area. The seven county area is defined as Anoka, Carver, Dakota, Hennepin, Ramsey, Washington and Scott counties.

A second contract in the amount of \$54,000 to conduct three training courses for contractors and workers, and four training courses for swab team workers will also be awarded. These courses must be held outside of the seven county Twin Cities metropolitan area.

A responder may apply for one or both of these contracts. The successful responder will have the ability to charge training tuition fees which may be added to the original budget of \$54,000 for the seven courses. Only tuition fees actually collected will be added to the budget. Only actual expenses will be reimbursed.

Tuition fees of no more than \$200 may be charged per person for the initial contractor/supervisor course attendees. Tuition fees of no more than \$100 may be charged per person attending the initial contractor/supervisor course for swab team workers.

Eligibility Criteria

Only initial lead contractor/supervisor courses with a course approval certificate from the MDH, or an EPA regional lead training center offering the EPA approved initial lead contractor/supervisor course, are eligible to apply for these funds.

Procedure for Submitting Proposals

The complete request for proposal (RFP) documents contains all the materials needed to submit a proposal for one or both of these grant funds. Only proposals following the proposal submission process listed in the RFP will be considered. The RFP contains a copy of the proposal review form and description of the review process. To order a full copy of the RFP, call the contact listed below. Please submit six (6) copies of the completed proposal by 4:00 p.m., April 28, 1995 to the address listed below. Late proposals will not be accepted.

Raymond Olson
Health Educator, Lead Program
Minnesota Department of Health
Division of Environmental Health
Environmental Health Hazard Management Section
925 S.E. Delaware Street
P.O. Box 59040
Minneapolis, Minnesota 55459-0040
(612) 627-5480

Department of Human Services

Mental Health Division

Request for Proposals to Develop and Provide Training in the Provision of Emergency Mental Health Services

The Minnesota Department of Human Services, Mental Health Division is soliciting proposals from qualified individuals to develop and deliver regional training sessions focusing on emergency mental health services. Estimated amount of the contract will not exceed \$20,000. Deadline for submission of proposals is April 14, 1995.

The request for proposals contains detailed requirements and instructions. To receive a copy of the RFP, contact: Lorraine Felland, Department of Human Services, Mental Health Division, 444 Lafayette Road, St. Paul, Minnesota 55155-3828, (612) 296-2697.

Department of Human Services

Benefit Recovery Division

Notice of Request for Proposals from Qualified Parties to Provide Assistance to Persons Denied Medicare Coverage

The Minnesota Department of Human Services, St. Paul is requesting proposals from qualified parties to provide assistance to persons who are denied Medicare coverage to which they are entitled. Specifically, the Department seeks such assistance for its existing program of representing Medicaid recipients inappropriately denied Medicare coverage in a Skilled Nursing Facility, known as the Medicare Revenue Enhancement Program, and, to study, develop and implement a program of Medicare recovery for individuals receiving home and community-based services, other Part B services and durable medical equipment and supplies.

Required respondent qualifications are four or more years of experience working directly with Medicare in respondent's field of service; extensive knowledge of Medicare coverage in one or more of the following areas - Skilled Nursing Facility care, home and community-based services, Part B services and, durable medical equipment; and knowledge and experience with the Medicare administrative appeals process.

This contract period is for a two year period, beginning with the contract effective date to June 30, 1997. The Department has estimated that the combined cost of any or all contracts associated with this project should not exceed \$200,000 for each contract year. All proposals must be submitted no later than April 18, 1995.

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

For a copy of a detailed explanation of this request for proposal, please contact:

Julie Elhard, Supervisor
Special Recovery Unit
Benefit Recovery Section
444 Lafayette Road
St. Paul, MN 55155-3850
(612) 296-7699
FAX: (612) 296-6244
Equal Opportunity Employer

Non-State Public Bids, Contracts & Grants

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

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

Metropolitan Council

Notice of Request for Proposals (RFP) for Survey Research Consultant Services

The Metropolitan Council is requesting proposals to conduct a "General Population Leisure Survey of the Seven-County Twin Cities Area." The consultant will select stratified sample, administer data collection, edit completed surveys and perform data entry for a large mail survey of approximately 5,000-6,000 households in the Metropolitan Area. The contract will commence on or about April 24, 1995 and be completed by mid-October 1995.

Proposals should be submitted to the Metropolitan Council, Mears Park Centre, 230 E. Fifth St., St. Paul, MN 55101, attention: Flo Hauber. **Eight copies should be submitted. All proposals must be received no later than 4 p.m., March 31, 1995.**

Copies of the RFP may be obtained from the Council offices by calling 612/291-6363 or 612/291-0904 (TTY). Inquiries should be directed to Flo Hauber at 612/291-6540 or 612/291-0904 (TTY).

Metropolitan Council Wastewater Services

Notice of Request for Proposals for Investigative Services

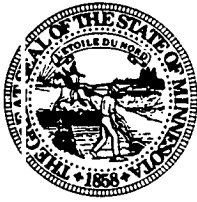
The Metropolitan Council is requesting proposals for Investigative Services involving internal discrimination and harassment complaints and responding to external charges filed with the state and federal enforcement agencies.

Detailed information can be obtained by calling the Metropolitan Council Wastewater Services Human Resources/Equal Opportunity Planning and Assessment Division at 229-2045 or 229-2002.

Proposals will be accepted at the office of the Metropolitan Council Wastewater Services, 6th Floor, at the above address until Tuesday, March 28, 1995 at 4:30 p.m.

The MCWS reserves the right to reject any or all bids.

BY ORDER OF THE METROPOLITAN COUNCIL
WASTEWATER SERVICES
Helen A. Boyer, General Manager



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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 10 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.

