

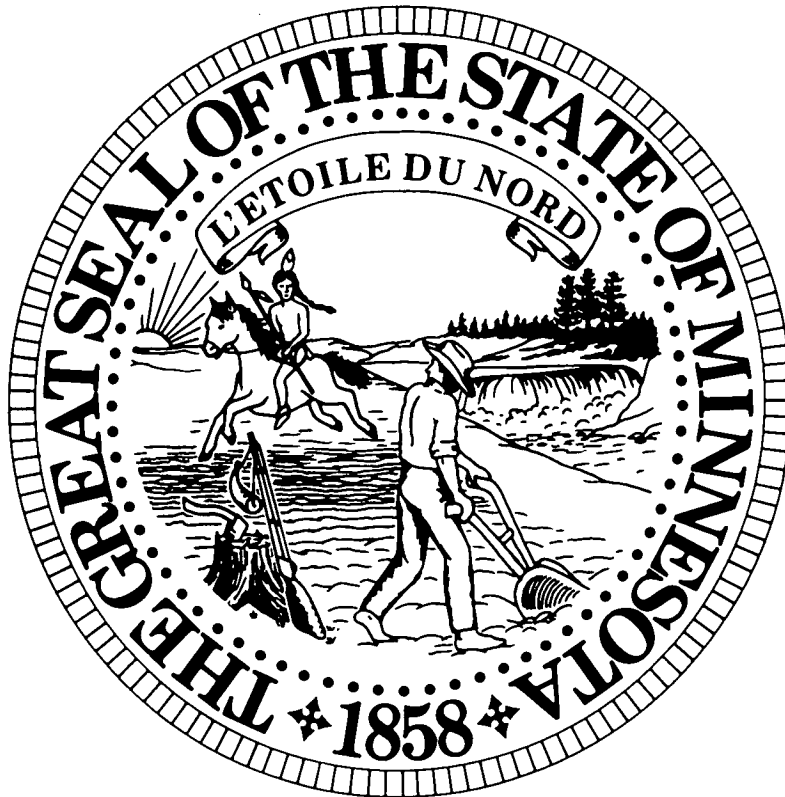
The Minnesota
State Register

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Department of Administration - Print Communications Division
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Rules edition
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Monday 1 August 1994
Volume 19, Number 5
Pages 209-240

State Register

Judicial Notice Shall Be Taken of Material Published in the *State Register*

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

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

Printing Schedule and Submission Deadlines

Deadline extensions may be possible at the editor's discretion. Requests for deadline extensions should only be made in valid emergency situations. Please call 297-7963 and leave your fax number—you will be faxed a one-page information sheet regarding submissions and a submission calendar.

Vol. 19 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
5	Monday 1 August	Monday 18 July	Monday 25 July
6	Monday 8 August	Monday 25 July	Monday 1 August
7	Monday 15 August	Monday 1 August	Monday 8 August
8	Monday 22 August	Monday 8 August	Monday 15 August

Arne H. Carlson, Governor

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Department of Administration

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Print Communications Division

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Debbie George, Circulation Manager 612/296-0931

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SUBSCRIPTION SERVICES:

- One year subscription to the *State Register* (published every Monday, or Tuesday if Monday is a holiday) \$150.00
- One year subscription to the *Contracts Supplement* (published every Tuesday, Wednesday, Friday): \$125.00 via first class mail, \$140.00 via fax or through our On-Line Service via your computer modem. For a free sample demo of the On-Line Service call via your modem: 612/821-4096. Access item "S": *State Register* Modem parameters 8-N-1 1200/2400
- 13-week trial subscription which includes both the *State Register* and *Contracts Supplement*. \$60.00
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- "*Commodity Contract Awards Reports*," – lists awards of contracts and bids published in the Tuesday-Wednesday-Friday "*Contracts Supplement*" – published every two weeks, \$5.00 per individual report, plus \$3.00 shipping if applicable. Order stock # 99-42. Six-month subscriptions cost \$75.00 – a savings of about \$38.00 over the cost of purchasing them individually. Appears every two weeks. Order stock # 90-14. Available in hard copy format only.
- "*Professional-Technical-Consulting Award Reports*," – published each month listing the previous month's awards of contracts and RFPs that appeared in the Monday edition of the "*State Register*." Individual copies are \$7.00 per report, plus \$3.00 shipping if applicable. Order stock # 99-43. Six-month subscriptions cost \$50.00, a savings of about \$15.00 over the cost of purchasing them individually. Appears monthly. Order stock number 90-15. Available in hard copy format only.

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FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

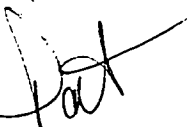
Contact: House Information Office
Room 175 State Office Building, St. Paul, MN 55155
(612) 296-2146

Commissioner's Office

St. Paul, MN 66146-7100

August 4, 1994

To: See List

From: Patricia A. Lien 
Assistant Commissioner for Tax Policy

Subject: **Revenue Notice #94-16 Correction**

Attached, for your information, is a copy of Revenue Notice #94-16 Correction, which were published in the 8/1/94 edition of the *State Register*.

Attachment

List:	Morrie Anderson	Mary Lange
	John Lally	Anne Gravelle
	Barb Young	Donna Slamkowski
	Paul Blaisdell	Tom Ellerbe
	Karen Barrett	Lynne Nystrom-Text Retrieval
	Terese Koenig	Ann Rest
	Senator Doug Johnson	Keith Carlson
	Legislative Reference Library	

DEPARTMENT OF REVENUE

Revenue Notice 94-16: Sales Tax; Used Farm Machinery

This is a correction to Revenue Notice #94-16 that appeared at *State Register*, Volume 19, Number 3, Page 164, on July 18, 1994 (19 S.R.164)

"Used farm machinery" means any used farm machinery as defined in M.S. 297A.01, Subd. 15, that qualifies for the 2.5% rate that has been subject to a prior retail sale, lease, or rental, to a different person ~~for~~ or entity.

Demos: A farm machine that has been used only for demonstration purposes is not "used" machinery.

Leases: Pre-existing leases of used farm machinery are not subject to sales tax for lease periods from July 1, 1994 through June 30, 1995. Leases of used farm machinery executed between July 1, 1994 and June 30, 1995 are also not subject to sales tax for those periods. However, lease periods after June 30, 1995 are subject to sales tax.

Renewable leases: If the farm machinery was used when initially leased, lease payments for a renewed lease are exempt for lease periods from July 1, 1994 through June 30, 1995.

If the farm machinery was new when initially leased, lease payments for a renewed lease are still taxable as a lease of new farm machinery ~~on~~ if the lessee is the same person.

Logging equipment: M.S. 297A.01, Subd. 15 defines Farm Machinery to include "logging equipment". Therefore, the above guidelines apply to sales of used logging equipment.

Dated: August 1, 1994

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For subscription information call 612/296-0931.

"Commodity Awards Reports" are published every two weeks, and "Professional-Technical-Consulting Awards Reports" are published monthly. Both are available through Minnesota's Bookstore.

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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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.

Board of Nursing

Proposed Permanent Rules Relating to Registration Renewal Fees

Notice of Intent to Adopt a Rule without a Public Hearing

The Minnesota Board of Nursing (hereinafter "Board") intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed rules. A hearing is not required and will not be held relative to proposed Board fees needed to cover anticipated expenses in a biennium. *Minnesota Statutes*, section 214.06, Subd. 3 (Supp. 1993).

Comments or questions on the rule must be submitted to:

Joyce M. Schowalter, Executive Director
Minnesota Board of Nursing
2700 University Avenue West, Suite 108
St. Paul, MN 55114
(612) 642-0567
FAX (612) 642-0574

The proposed rule is about fee changes. The statutory authority to adopt this rule is *Minnesota Statutes*, sections 148.191, subdivision 2, 148.231 and 214.06 (Supp. 1993). A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

You have until 4:30 p.m., on August 31, 1994 to submit written comment in support of or in opposition to the proposed rule and any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

A public hearing is not required and will not be held relative to proposed Board fees needed to cover anticipated expenses in a biennium. *Minnesota Statutes*, section 214.06, Subd. 3 (Supp. 1993).

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

A STATEMENT OF NEED AND REASONABLENESS is now available from the agency contact person identified above. This statement describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule.

It is the position of the Board that it is not subject to *Minnesota Statutes* section 14.115 regarding small business considerations in rulemaking. The basis for this position is addressed in the statement of need and reasonableness.

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

Proposed Rules

The Minnesota Board of Nursing has reviewed the proposed rules and finds no evidence that the rules would cause the expenditure of public money by any local public body.

The Minnesota Board of Nursing has reviewed the proposed rules and finds that the subject matter of the rules is not related to agriculture land.

After the end of the comment period the agency may adopt the rule. The rule and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the Attorney General or be notified of the Attorney General's decision on the rule. If you wish to be so notified, or wish to receive a copy of the adopted rule, submit your request to the agency contact person listed above.

Dated: 18 July 1994

Joyce M. Schowalter
Executive Director

Rules as Proposed

6310.3600 REGISTRATION FEES.

Subpart 1. **Amount.** The amount of fees shall be as follows:

- A. registration renewal, ~~\$40~~ \$50 per registration period;
- B. late application, \$20;
- C. replacement license, \$20;
- D. replacement registration certificate, \$5;
- E. verification of licensure status, \$20;
- F. verification of examination scores, \$20;
- G. a copy of licensure application materials, \$20; and
- H. service charge for a dishonored check, \$15.

Subp. 2. **Nonrefundable.** All fees are nonrefundable.

Department of Trade and Economic Development

Proposed Permanent Rules Relating to Tourism Loan Program

Dual Notice:

Notice of Intent to Adopt Rules without a Public Hearing unless 25 or More Persons Request a Hearing,
and

Notice of Hearing if 25 or More Requests for Hearing are Received

Introduction. The Department of Trade and Economic Development 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. If, however, 25 or more persons submit a written request for a hearing on the rule within 30 days or by **August 31, 1994**, a public hearing will be held on **September 12, 1994**. The Hearing will be held at 9:00 a.m. in Conference Room F1, 500 Metro Square, 121 7th Place East, St. Paul, Minnesota. To find out if a rule will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after **August 31, 1994**, and before **September 12, 1994**.

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

Bob Ahlin
Department of Trade and Economic Development
500 Metro Square
121 7th Place East
St. Paul, MN 55101-2146
Voice Phone, 612-296-6858
Fax, 612-296-5287

Subject of Rule and Statutory Authority. The proposed rule is about the Tourism Loan Program. The statutory authority to adopt the rules is *Minnesota Statutes*, section 116J.035. A copy of the rule is published in the *State Register*. The amended rule defines what a loan guarantee is, it defines what a tourism loan is, and it defines what a septic system loan is. *Minnesota Statutes*, section 446A.07, authorizes the Public Facilities Authority (PFA) to establish a state water pollution control revolving fund (SRF) and outlines what the funds can be used for. The 1994 legislature authorized payments to the Tourism Loan Fund. The effect of this and these amendments is that the Tourism Loan Program will have additional money available to loan. This additional money however can only be used to replace or upgrade septic systems. **A free copy of the rule is available upon request from the agency contact person.**

Comments. You have until 4:30 p.m. on August 31, 1994 to submit written comment in support of or opposition to the proposed rule or any part of the proposed rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting the comments, you may also request a hearing to be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on August 31, 1994. Your written request for a public hearing must include your name, address, and telephone number. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing.

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

Cancellation of Hearing. The hearing scheduled for **September 12, 1994** will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rule. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Bob Ahlin at 612-296-6858 after August 31, 1994 to find out whether a hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rule, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.14 to 14.20 and 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 **Allen C. Giles**. The judge can be reached at the Office of Administrative Hearings, Suite 1700, 100 Washington Square, Minneapolis, MN 55401, **612-349-2549**.

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

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

Small Business Considerations. In preparing these rules, the Department of Trade and Economic Development has considered the requirements of *Minnesota Statutes*, section 14.115, in regard to the impact of the proposed rules on small business. The adop-

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

Proposed Rules

tion of the rules may affect small businesses that provide tourist accommodations and apply for a loan under the Tourism Loan Program. The Department of Trade and Economic Development believes that affected small businesses can only benefit by increased availability of loan funds and a decreased rate of interest for septic system upgrade or replacement which the rules will allow. The Department's evaluation of the applicability of the methods contained in *Minnesota Statutes*, section 14.115, subdivision 2, for reducing the impact of the proposed rules is addressed further in the Statement of Need and Reasonableness.

Expenditure of Public Money by Local Public Bodies. The rule does not require the expenditure of public money by local public bodies.

Impact on Agricultural Lands. The rule does not have an impact on agricultural land.

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, First Floor, Centennial Office, 658 Cedar Street, St. Paul, MN 55155. Telephone number 612-296-5148.

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

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

Dated: 15 July 1994

Jenny Engh
Deputy Commissioner
Business & Community Development
Department of Trade and Economic Development

Rules as Proposed

4308.0010 PURPOSE OF TOURISM LOAN PROGRAM.

The purpose of the tourism loan program of the department is to provide loans or to participate in loans to tourism-related businesses in Minnesota for upgrading and improvement of facilities. The program will provide ~~both~~ direct loans ~~and~~ participation loans, or loan guarantees in cooperation with local financial institutions. The state will share credit risks with the financial institutions and provide for lower interest rates than are otherwise available.

4308.0020 DEFINITIONS.

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

Subp. 6. **Eligible borrower.** "Eligible borrower" means a sole proprietorship, partnership, corporation, or other person engaged in, and determined by the Community Development Division to constitute, a tourism-related business or other entity that is defined by the standard industrial classification codes of 7011 and 7033 in *Code of Federal Regulations*, title 13, section 121.2. A person to whom a loan has been made under parts 4308.0010 to 4308.0110 must maintain the standard industrial classification code through the term of the loan. A borrower is not eligible to receive another loan under the tourism loan program for three years from approval of the earlier loan to approval of the next loan, except that if the loan is a septic system loan, the three-year waiting period shall be waived.

[For text of subs 7 and 8, see M.R.]

Subp. 8a. **Guaranteed loan.** "Guaranteed loan" means a loan made by a financial institution to an eligible borrower for which payment is guaranteed by the full faith and credit of the state.

[For text of subs 9 to 11, see M.R.]

Subp. 11a. **Septic system loan.** "Septic system loan" means a loan in which the proceeds of the loan will be used only for the replacement or upgrading of a failing or nonconforming septic system or systems with a new sewage treatment system or connec-

tion to a sewer system. Septic system loan disbursements must be debited to the state water pollution control revolving fund created in Minnesota Statutes, section 446A.07, not the tourism loan account, in order to be considered a septic system loan.

Subp. 12. ~~Tourism revolving loan program or program.~~ "Tourism revolving loan program" or "program" means ~~the tourism a loan program for which the disbursements are made out of the tourism loan account~~ created in *Minnesota Statutes*, section 116J.617.

4308.0030 ELIGIBILITY OF PROJECT FOR TOURISM LOANS.

A ~~direct loan or a participation loan~~ must be to an eligible borrower for an eligible cost in an eligible project. The maximum state contribution for ~~either kind of a loan~~ may not be for more than 50 percent of the total cost of the project loan, with a maximum state loan of \$50,000 for any one project.

Proposed eligible projects of \$10,000 or greater require a participation loan. Proposed eligible projects of under \$10,000 may receive a direct loan. The Community Development Division may require a participation loan in lieu of a direct loan if it determines that such action would further the purposes of the ~~tourism revolving~~ loan program.

4308.0040 ELIGIBLE COSTS FOR TOURISM LOANS.

Subpart 1. **Eligible costs.** Eligible costs for the program include costs not prohibited by subpart 2 for:

- A. building construction and improvement;
- B. site preparation;
- C. equipment;
- D. other construction costs, such as construction of facilities other than buildings, or costs that may be capitalized as part of overall construction costs; ~~and~~
- E. fees that may be required by the department for administration of the loan; and
- F. septic systems.

[For text of subs 2 and 3, see M.R.]

4308.0050 INTEREST RATE FOR TOURISM LOANS.

The interest rate on a direct loan or on the department's portion of a participation loan shall be determined at the time of closing by the department and shall be set at, or up to, three percentage points below a full faith and credit obligation of the United States government of comparable maturity, calculated at the time of initial implementation of the program, rounded to the nearest one-half percent, and revised as needed on a semiannual basis. The interest rate for septic system loans shall be fixed at two percent per annum. The interest rate on a participation loan to the borrower shall be a blended rate of the bank's rate and the state's rate in proportion to the respective rate of participation.

4308.0060 TERM OF LOAN FOR TOURISM LOANS.

The maximum term of a ~~direct loan or participation~~ loan must not exceed the useful life of the real property, or 80 percent of the useful life of the equipment or machinery, or the following limits, whichever is less:

- A. ten years for land, buildings, septic systems, or other real property;
- B. five years for equipment or machinery; or
- C. a weighted average of the limits under items A and B for loans for a combination of real property and equipment or machinery.

4308.0070 SECURITY REQUIREMENTS FOR TOURISM LOANS.

All loans must be secured by collateral. The financial institution or the department shall take a security interest in any collateral acceptable to the financial institution and the state. The personal guarantee of principal owners must also be given to the financial institution or department before the loan is approved. For purposes of this part, principal owners are those having 20 percent or more ownership of a tourism project.

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

4308.0090 PROCEDURE FOR TOURISM LOAN EVALUATION AND APPROVAL.

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

Subp. 3. **Approval.** The Community Development Division may reject or disapprove an application for a ~~direct loan or a participation~~ loan that does not provide sufficient documentation or otherwise comply with parts 4308.0010 to 4308.0110. If the Community Development Division approves an application for a ~~direct loan or participation~~ loan, it shall address a commitment letter to the financial institution and the borrower. It shall also notify the financial institution and the borrower of the amount of the loan and the amount of interest charged on the department's portion of the loan.

Subp. 4. **Documentation required.** The state shall require an executed promissory note or notes, an executed participation agreement, recorded mortgage, security agreements, personal guarantees, assignments, title opinion or title insurance, fire insurance, recorded UCC documents, and other documentation needed to close the loan. The Community Development Division shall prepare a loan agreement to be signed by the financial institution, the borrower, and the state. The financial institution shall also certify in the participation agreement that the interest rate approved by the Community Development Division will be passed on to the borrower.

TERM CHANGE. In part 4308.0080, the revisor of statutes shall delete the word "TOURISM" from the part headnote.

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 Agriculture

Adopted Permanent Rules Relating to Soil Testing Laboratory Certification

The rules proposed and published at *State Register*, Volume 18, Number 40, pages 2157-2162, April 4, 1994 (18 SR 2157), are adopted with the following modifications:

Rules as Adopted

1512.0085 SOIL ANALYSIS AND SOIL FERTILITY RECOMMENDATION REPORTING.

A. Analytical data of client soil samples must be reported in elemental form as follows:

(2) nitrate-nitrogen, sulfate-sulfur, and chloride in pounds per acre or parts per million for the appropriate sampling depth;

B. If a certified laboratory provides soil fertility recommendations, the University of Minnesota soil fertility recommendations or that of another land grant university in a contiguous state must be provided in addition to other recommendations, and the source of the recommendations must be identified on the soil analysis and soil fertility recommendation report form. Land grant university soil fertility recommendations must be on the same soil analysis and soil fertility recommendation report form with other soil fertility recommendations as stated by the certified laboratory. If the soil analysis and soil fertility recommendation report form consists of more than one page, the first page of the report form must conspicuously state that "~~Land Grant~~ University of Minnesota Soil Fertility Recommendations or That of a Land Grant University in a Contiguous State Have Been Provided With This Report." A certified laboratory shall not provide soil fertility recommendations if a request from a client is made that only soil analysis information be provided on the soil analysis and soil fertility recommendation report form.

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

Department of Revenue

Revenue Notice 94-16: Sales Tax; Used Farm Machinery

This is a correction to Revenue Notice #94-16 that appeared at *State Register*, Volume 19, Number 3, Page 164, on July 18, 1994 (19 S.R.164)

“Used farm machinery” means any used farm machinery as defined in *Minnesota Statutes* 297A.01, Subd. 15, that qualifies for the 2.5% rate that has been subject to a prior retail sale, lease, or rental, to a different person ~~for~~ or entity.

Demos: A farm machine that has been used only for demonstration purposes is not “used” machinery.

Leases: Pre-existing leases of used farm machinery are not subject to sales tax for lease periods from July 1, 1994 through June 30, 1995. Leases of used farm machinery executed between July 1, 1994 and June 30, 1995 are also not subject to sales tax for those periods. However, lease periods after June 30, 1995 are subject to sales tax.

Renewable leases: If the farm machinery was used when initially leased, lease payments for a renewed lease are exempt for lease periods from July 1, 1994 through June 30, 1995.

If the farm machinery was new when initially leased, lease payments for a renewed lease are still taxable as a lease of new farm machinery ~~on~~ if the lessee is the same person.

Logging equipment: *Minnesota Statutes* 297A.01, Subd. 15 defines Farm Machinery to include “logging equipment”. Therefore, the above guidelines apply to sales of used logging equipment.

Dated: 1 August 1994

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.

Board of Animal Health

Notice of Solicitation of Outside Information or Opinions Regarding Amendment to *Minnesota Rules* Governing Animal Carcasses

NOTICE IS HEREBY GIVEN that the Minnesota Board of Animal Health is seeking information or opinions from sources outside the agency in preparing to propose the amendment of *Minnesota Rules*, parts 1719.0100 to 1719.4600 - Animal Carcasses.

The adoption of the rules is authorized by *Minnesota Statutes*, sections 35.03 and 35.82, which requires the agency to adopt rules to protect the health of domestic animals, control livestock diseases and protect public health.

The issues that may be considered by the agency when the amended rules are proposed include:

1. Rendering of all parts of animals, poultry or fish, including scraps and grease.
2. Using carcasses for pet or fur farm food.
3. Disposition of carcasses, including alternative methods.
4. Transportation of carcasses and other renderable products.

Official Notices

The rulemaking process as it relates to these proposed amendments should be completed by December 30, 1994.

The Board of Animal Health requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views in writing or orally. Written statements should be addressed to:

Keith Friendshuh, DVM
Minnesota Board of Animal Health
90 W. Plato Boulevard
St. Paul, MN 55107

Oral statements will be received during regular business hours over the telephone at (612) 296-2942, ext. 18 and in person at the above address.

All statements of information and opinions will be accepted until further notice is published in the *State Register* that the Board of Animal Health intends to adopt or to withdraw the rules. Any written material received by the Board of Animal Health will become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

Dated: 13 July 1994

Thomas J. Hagerty, DVM
Executive Secretary
Board of Animal Health

Department of Health

Office of Rural Health and Primary Care

Notice of Creation of a List of Integrated Service Network, Community Integrated Service Network and Health Care Cooperative Consultants Qualified to Provide Consulting Services to Developing Health Care Networks and/or Health Care Cooperatives

The Minnesota Department of Health Office of Rural Health and Primary Care is currently preparing a technical assistance manual to assist in the development of Integrated Service Networks, Community Integrated Service Networks and Health Care Cooperatives. A list of consultants qualified to provide health care network development consultant services is planned for inclusion in the manual. In order to receive an application for inclusion on the consultant's list contact:

Kristen Gloege
Minnesota Department of Health
Office of Rural Health and Primary Care
717 Delaware Street, Southeast
P.O. Box 9441
Minneapolis, MN 55440-9441
(612) 623-5369

For more information, address questions to the above address or telephone number. Deadline for application requests is 4:30 p.m. on August 17, 1994.

Higher Education Coordinating Board

Notice of Public Hearing before the Minnesota Higher Education Coordinating Board Issuance of Said Board's Supplemental Student Loan Program Variable Rate Revenue Bonds, Series 1994

The Minnesota Higher Education Coordinating Board ("MHECB") will hold a public hearing at 2:00 p.m. in Suite 400, Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota on Monday the 22nd day of August, 1994, on the issuance of Supplemental Student Loan Program Variable Rate Revenue Bonds, Series 1994 (the "Bonds"). The Bonds are being issued for the purpose of making loans to eligible students (the "Student Loans") under the MHECB's Supplemental Student Loan Program in accordance with the provisions of *Minnesota Statutes*, Chapter 136A, as amended, funding certain funds and paying a portion of the costs of issuance

of the Bonds (the "Project"). MHECB principal offices are located at 400 Capitol Square, 550 Cedar, St. Paul, Minnesota 55101. The Bonds are proposed to be issued in an amount not to exceed \$18,500,000. The Bonds shall be limited obligations of MHECB payable from and secured solely by all payments of principal and interest on certain student loans and the proceeds thereof, certain funds and accounts and other collateral constituting the security as to be described in the resolution authorizing the Bonds. The Bonds will not be deemed to constitute a pledge of the faith of MHECB or the State of Minnesota, but shall be payable solely from revenues pledged by MHECB in accordance with an indenture of trust. Neither the faith or credit nor the taxing power of the State of Minnesota will be pledged to the payment of principal of or the interest on the Bonds. MHECB has no taxing power. The hearing shall provide the fullest opportunity for expression of opinion, for argument on the merits and for the introduction of documentary evidence pertinent to the nature of the Project and the proposed issuance of the Bonds. Written comments will be accepted by MHECB at 400 Capitol Square, 550 Cedar, St. Paul, Minnesota 55101, but must be received on or before the date of the hearing.

Dated: July 1994

David R. Powers
Executive Director
Minnesota Higher Education
Coordinating Board

Higher Education Coordinating Board

Notice of Solicitation of Outside Opinion Regarding the State Postsecondary Review Program

NOTICE IS HEREBY GIVEN that the Minnesota Higher Education Coordinating Board (MHECB) is seeking information or opinion from sources outside the MHECB in preparing to propose the adoption of rules governing the federally mandated STATE POSTSECONDARY REVIEW PROGRAM.

The adoption of the rule is authorized by *Minnesota Statutes*, section 136A.04 (8), which states that the MHECB shall "prescribe policies, procedures, and rules necessary to administer the programs under its supervision."

The rule to be proposed is in response to a federal mandate established under Title IV of the Higher Education Act (HEA) of 1965, Amendments of 1992. Each state is to establish a State Postsecondary Review Entity (SPRE) to review or coordinate the review of institutions participating in Title IV student assistance programs. The HEA specifies that states must participate in the review process if postsecondary institutions are to be eligible for Title IV funds. Governor Arne Carlson designated the MHECB as Minnesota's SPRE.

This rule will be based on 14 standards and a consumer complaint procedure cited in the HEA. The rule to be proposed will include further development and specific language regarding the HEA. After this rule is adopted and the state's rulemaking process is completed, the rule must be approved by the Secretary of the United States Department of Education before the Minnesota SPRE can review institutions. The federal mandate also requires that the Minnesota SPRE take actions based on the review. The SPRE could recommend that the USDE discontinue the eligibility for Title IV programs of an institution.

Institutions which are recommended by the United States Secretary of Education to be reviewed by the SPRE, shall be reviewed in accordance with published state rule. Such review shall ascertain the following:

- (1) The availability to students and prospective students of catalogs, admissions requirements, course outlines, schedules of tuition and fees, policies regarding course cancellations, and the rules and regulations of the institution relating to students and the accuracy of such catalogs and course outlines in reflecting the courses and programs offered by the institution.
- (2) Assurance that the institution has a method to assess a student's ability to successfully complete the course of study for which he or she has applied.
- (3) Assurance that the institution maintains and enforces standards relating to academic progress and maintains adequate student and other records.
- (4) Compliance by the institution with relevant safety and health standards, such as fire, building, and sanitation codes.
- (5) The financial and administrative capacity of the institution as appropriate to a specified scale of operations and the maintenance of adequate financial and other information necessary to determine the financial and administrative capacity of the institution.
- (6) For institutions financially at risk, the adequacy of provisions to provide for the instruction of students and to provide for the retention and accessibility of academic and financial aid records of students in the event the institution closes.
- (7) If the stated objectives of the courses or programs of the institution are to prepare students for employment, the relation-

Official Notices

ship of the tuition and fees to the remuneration that can be reasonably expected by students who complete the course or program and the relationship of the courses or programs (including the appropriateness of the length of such courses) to providing the student with quality training and useful employment in recognized occupations in the State.

- (8) Availability to students of relevant information by institutions of higher education, including:
 - (A) information relating to market and job availability for students in occupational, professional, and vocational programs; and
 - (B) information regarding the relationship of courses to specific standards necessary for State licensure in specific occupations.
- (9) The appropriateness of the number of credit or clock hours required for the completion of programs or of the length of 600-hour courses.
- (10) Assessing the actions of any owner, shareholder, or person exercising control over the educational institution which may adversely affect eligibility for programs under this title.
- (11) The adequacy of procedures for investigation and resolution of student complaints.
- (12) The appropriateness of advertising and promotion and student recruitment practices.
- (13) That the institution has a fair and equitable refund policy to protect students.
- (14) The success of the program at the institution, including:
 - (A) the rates of the institution's students' program completion and graduation, taking into account the length of the program at the institution and the selectivity of the institution's admissions policies;
 - (B) the withdrawal rates of the institution's students;
 - (C) with respect to vocational and professional programs, the rates of placement of the institution's graduates in occupations related to their course of study;
 - (D) where appropriate, the rate at which the institution's graduates pass licensure examinations; and
 - (E) the variety of student completion goals, including transfer to another institution of higher education, full-time employment in the field of study, and military service.

The Secretary of Education has published a Notice of Proposed Rulemaking (NPRM) which provides further guidance regarding the development of state standards/rules. These proposed regulations are published in the January 24, 1994 *Federal Register*.

The MHECB intends to comply with the guidance provided by the NPRM. The NPRM refers to specific Title IV, HEA program standards and requirements that the Secretary considers related or comparable to 11 of the 14 standards each state is to develop. For these 11 standards, state rule will be based on existing federal laws and regulations, as well as existing Minnesota laws and rules. The three standards not cited in the NPRM that will be developed independent of existing federal requirements are standards 4, 6 and 11. The consumer complaint procedure will also be developed independent of federal regulations.

The Executive Director of the MHECB named an advisory group at the request of the Higher Education Advisory Council, as part of the consultative process required by the HEA. This group includes representatives of approximately 150 postsecondary education institutions in Minnesota that are eligible for participation in Title IV programs. Meetings of the group are scheduled every 2-3 weeks. The advisory group includes:

Jim Borgestad, University of Minnesota
Helen Henrie, MN Technical College System
Nancy Wangen, MN Community College System
Mike Lopez, MN State University System
W. C. Nemitz, Rasmussen Business College
David Laird, MN Private College Council

John Allen, MN Department of Education
Harry Peterson, MN Higher Education Board
Gayle Baseford, Dunwoody Institute
Jan Smith, MN Department of Commerce
Maureen Tibbetts, MN Board of Barber Examiners
Larry Hedberg, Alfred Adler Institute
Brian Olson, Twin Cities Opportunities Industrialization Center

The MHECB is working toward publication of a Rule as Proposed by October, 1994, and approval of the rule by the Secretary of the United States Department of Education by July 1, 1995.

The MHECB requests information and opinion regarding this subject matter. Interested persons or groups may submit data or views in writing or orally. Written statements should be addressed to:

Paul Thomas
MHECB
550 Cedar Street, Suite 400

St. Paul, MN 55101
Phone: (612) 296-9674, or
1-800-657-3866

Oral statements will be received during regular business hours over the telephone or in person at the above number or address.

All statements of information and opinions will be accepted until further notice is published in the *State Register* that the MHECB intends to adopt or to withdraw the rule. Any written material received by the MHECB will become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 20 July 1994

David R. Powers, Executive Director
Minnesota Higher Education Coordinating Board

Department of Human Services

Health Care Administration

Notice of Federal Approval of Medical Assistance Asset Transfer Partial Month Penalty

As directed by *Laws of Minnesota, 1993, First Special Session, Chapter 1, Article 5, section 35*, the Department of Human Services sought and received approval from the Health Care Financing Administration of the United States Department of Health and Human Services for an amendment to the Medicaid State Plan regarding asset transfers as follows:

If the calculation of a penalty period for an uncompensated transfer of assets results in a partial month, Medical Assistance payments for long term care services will be reduced in an amount equal to the fraction. However, if uncompensated transfers made in a month that is not part of a pre-existing penalty period, total \$1,000 or less, that amount shall not result in a penalty.

This policy change is effective for uncompensated transfers occurring on or after September 1, 1994. Further explanation of the policy will be published in a Department of Human Services Instructional Bulletin to be issued to local agencies during August 1994. Copies of the Instructional Bulletin can be obtained by calling 612/296-0870.

Information for Health Care Services

Health Care Facilities Directory

Lists of all Minnesota licensed and certified health care facilities. Statistical data tables and listings organized alphabetically by county, town and facility. Features hospitals, nursing homes, boarding homes, outpatient care, hospice and more. 213 pp. plus index. 1-89 SR \$18.95

Minnesota Health Statistics -- 1990

Minnesota Center for Health Statistics, published August 1992. Tables, diagrams outlining vital statistics for live births, induced abortions, fertility, infant and general mortality, marriage, divorce and population. 142 pp. 10-16SR \$15.00

Available through Minnesota's Bookstore. Use the handy order form on the back of the *State Register* to order.
Visit Minnesota's Bookstore to view a variety of health care publications.

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

Department of Labor and Industry

Labor Standards Division

Notice of Correction to Prevailing Wage Rates

Prevailing wage rates determined and certified March 28, 1994 for Clay County, Dilworth/Glyndon School Additions-Dilworth & Glyndon, 412 - IRONWORKER commercial construction has been corrected.

Copies of the corrected certification may be obtained by contacting the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306, or calling (612) 296-6452.

John B. Lennes, Jr
Commissioner

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective August 1, 1994 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Anoka: Lino Lakes Correctional Facility 12 Foot Fences #2.

Clay: Moorhead State University Removal & Replacement Folding Door In Ballroom-Moorhead.

Goodhue: Colvill Family Center Addition & Remodel-Red Wing.

Nobles: Worthington Community College Elevator Modification-Worthington.

Ramsey: Minnesota Historical Center Remodeling-St. Paul; North High School Bleacher-North St. Paul.

Stearns: Sauk Centre Senior High School Sprinkler-Sauk Centre.

Stevens: U of M/Morris Elevator Service Contract & Food Service Carpet Project-Morris.

Washington: Tartan High School Bleacher Repair-Oakdale.

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

John B. Lennes, Jr
Commissioner

Office of the Secretary of State

Notice of Vacancies in Multi-Member Agencies

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, 100 Constitution Ave., St. Paul, MN 55155-1299; (612) 297-5845, or in person at Room 174 of the State Office Building. In accordance with the Minnesota Open Appointments Law, the Secretary of State acts as an administrator in publishing vacancies, receiving applications, and recording appointments. Applications will be reviewed and appointments made by the Appointing Authorities for these various agencies. Completed applications are to be submitted to the Secretary of State by August 23, 1994. Appointing Authorities for these agencies may also choose to review applications received by the Secretary of State after that date. Applications are kept on file for a one year period.

The 1993 Annual Compilation and Statistical Report published in November 1993, is available from the Minnesota Bookstore. This publication includes a complete listing of state boards and councils that follow the Open Appointments process, descriptions of these agencies and their memberships, and statistical information about appointments and vacancies made during the 1993 fiscal year. The 1993 Annual Compilation also indicates members with terms that ended in January 1994 as open for application; some of

these positions may still be open. The cost of the 1993 Annual Compilation is \$5.95 per copy plus sales tax. There is a \$2.00 charge for mailing per order; an order may include any number of copies. To order copies of the 1993 Annual Compilation please call the Minnesota Bookstore at 297-3000 or 1-800-657-3757.

AMERICAN INDIAN CHILD WELFARE ADVISORY COUNCIL, Dept. of Human Services, 444 Lafayette Rd., St. Paul, MN 55155-3822. 612-297-2710. *Minnesota Statutes 257.3579.*

APPOINTING AUTHORITY: Commissioner of Human Services.

COMPENSATION: Limited expenses.

VACANCY: Six vacancies: Two representatives from the St. Paul Urban Indian community, three representatives from the Minneapolis Urban Indian community and one representative from the Duluth Urban Indian community.

The council assists the commissioner in formulating policies and procedures relating to American Indian child welfare services and makes recommendations regarding approval of grants provided under *Minnesota Statutes 257.3572*, subdivisions 1 & 2. Seventeen members, including representatives from each of the eleven Minnesota Reservations authorized by Tribal Resolution, plus one representative from the Duluth Urban Indian Community, three from the Minneapolis Urban Indian Community, and two from the St. Paul Urban Indian Community. Six to eight meetings per year at various statewide locations. The council expires June 30, 1997 per *Minnesota Statutes 15.059* subd. 5, as amended by *Laws of 1993*.

BOARD OF PODIATRIC MEDICINE, 2700 University Ave. W., #40, St. Paul, MN 55114. 612-642-0401. *Minnesota Statutes 153.02.*

APPOINTING AUTHORITY: Governor.

COMPENSATION: \$55 per diem plus expenses.

VACANCY: One vacancy: Doctor of Podiatric Medicine.

The board licenses podiatrists, disciplines licensees, and registers corporations. The board consists of seven members including five doctors of podiatric medicine and two public members. Meetings every third month. Members must file with the Ethical Practices Board. The board does not expire.

BOARD OF THE MINNESOTA CENTER FOR ARTS EDUCATION, 6125 Olson Memorial Hwy., Golden Valley, MN 55422. 612-591-4700. *Minnesota Statutes 129C.10.*

APPOINTING AUTHORITY: Governor. Senate confirmation.

COMPENSATION: \$55 per diem plus expenses.

VACANCY: One vacancy.

The board shall have the powers necessary for the care, management, and control of the Minnesota Center for Arts Education. The board consists of fifteen members, including at least one member from each congressional district. A member may not serve more than two consecutive terms. The board meets at 3:00 PM on the fourth Wednesday of the month, at their Golden Valley office. Members must file with the Ethical Practices Board. The board does not expire.

BUILDERS STATE ADVISORY COUNCIL, 133 E. 7th St., St. Paul, MN 55101. 612-297-4634. *Minnesota Statutes 326.85.*

APPOINTING AUTHORITY: Commissioner of Commerce.

COMPENSATION: \$55 per diem plus expenses.

VACANCY: One vacancy: Residential contractor in the metro area.

The council advises the Commissioner of Commerce on matters relating to licensing of building contractors. The council consists of seven members. At least three members must reside in greater Minnesota; one member of the council must be a residential building contractor; one member a remodeler; one member a specialty contractor; one representative of the commissioner; one member a local building official; and one public member. Meeting place: Department of Commerce. Meeting schedule not determined. The council expires June 30, 1997 per *Minnesota Statutes 15.0575* subd. 5 as amended by *Laws of 1993*.

COUNCIL ON DISABILITY, 121 E. 7th Place, Suite 107, St. Paul, MN 55101. 612-296-6785. *Minnesota Statutes 256.481 - 256.482.*

APPOINTING AUTHORITY: Governor.

COMPENSATION: \$55 per diem plus expenses.

VACANCY: One vacancy: Member from Development Region 3 consisting of the counties of Koochiching, Itasca, Aitkin, St. Louis, Carlton, Lake, and Cook.

The council advises the governor, legislature, service-providing agencies, and the public on the needs and potentials of people with physical, mental, or emotional disabilities. The council consists of twenty-one members representing the general public and organizations which provide services for persons with disabilities: at least one member from each development region - a majority of members are persons with disabilities or parents or guardians of persons with disabilities (service consumers). The commission-

Official Notices

ers of the Departments of Education, Health, Human Services, Jobs and Training, Human Rights, and the directors of Vocational Rehabilitation and State Services for the Blind or their designees are ex-officio members. Bi-monthly meetings. The council expires June 30, 1997 per *Minnesota Statutes* 15.059 subd. 5 as amended by *Laws of 1993*.

GOVERNOR'S ADVISORY COUNCIL ON TECHNOLOGY FOR PERSONS WITH DISABILITIES, Minnesota Dept. of Administration, 300 Centennial Bldg., 650 Cedar St., St. Paul, MN 55155. 612-297-1554. Executive Order 92-05.

APPOINTING AUTHORITY: Governor.

COMPENSATION: None.

VACANCY: One vacancy: Seeking member from Greater Minnesota.

The council will coordinate, support and advance technology uses for persons with disabilities through public awareness, advocacy, training, consumer involvement, expanded service delivery, interagency coordination and insuring services to people of all ages. The council consists of fifteen members representing the private sector, consumers, service agencies, third party funding sources, education, and library systems. The council exists until rescinded by proper authority or until the executive order creating the council expires in accordance with *Minnesota Statutes* 4.035, subd. 3.

GOVERNOR'S OMBUDSMAN COMMITTEE FOR MENTAL HEALTH AND MENTAL RETARDATION, Suite 202, Metro Square Bldg., St. Paul, MN 55101. 612-296-0941. Executive Order 94-4.

APPOINTING AUTHORITY: Governor.

COMPENSATION: Reimbursed for expenses.

VACANCY: Fifteen positions: Please see the description of this new committee. (The Governor's Ombudsman Committee for Mental Health and Mental Retardation replaces the Ombudsman Committee for Mental Health and Mental Retardation which expired June 30, 1994.)

The committee advises and assists the Ombudsman for Mental Health and Mental Retardation in developing policies, plans, and programs to benefit the mentally ill. The committee consists of fifteen members appointed on the basis of their knowledge of and interest in the health and human services system subject to the Ombudsman's authority. Overall membership shall reflect the agencies, facilities and programs within the Ombudsman's authority. Members shall include consumer representatives, representatives of advocacy organizations, human service and health care professionals, including professionals in psychiatry, internal medicine, and forensic pathology and other providers of services or treatment to clients. Meetings four times per year, usually in St. Paul. The committee exists until rescinded by proper authority or until the executive order creating the committee expires in accordance with *Minnesota Statutes* 4.035, subd. 3.

HEARING INSTRUMENT DISPENSER ADVISORY COUNCIL, 717 Delaware St. S.E., Box 9441, Mpls., MN 55440. 612-282-5625. *Minnesota Statutes* 214.13 as affected by *Laws of 1993*, Chpt 201, Sec. 7.

APPOINTING AUTHORITY: Commissioner of Health.

COMPENSATION: \$55 per diem plus expenses.

VACANCY: Two vacancies: One hearing instrument dispenser and one licensed physician or audiologist. The hearing instrument dispenser must have passed the Minnesota Hearing Instrument Dispenser Examination or an equivalent exam in another state. Applicants must currently, and for the past five years immediately preceding appointment, be engaged in hearing instrument selling in Minnesota. The licensed physician or audiologist must be either a licensed physician specializing in treatment of diseases of the ear, who is eligible or board certified by the American Board of Otolaryngology but is not also a seller of hearing instruments and has no financial interest in the business of hearing instrument selling; or an audiologist who is registered as an audiologist under *Minnesota Rules*. *Minnesota Rules* 4745.0060 states "no two members of the advisory council shall be employees of, or have binding contracts requiring sales exclusively for, the same hearing instrument manufacturer or the same employer." Applicants must state on their application their current employer(s) and if the applicant has a contract requiring exclusive sales with a hearing instrument manufacturer, the name of the manufacturer.

The council advises the Commissioner of the Department of Health on matters relating to certification and regulation of hearing instrument dispensers including: certification standards, enforcement of certification laws and rules, and continuing education. The advisory council consists of seven members, including two public members as defined by *Minnesota Statutes* 214.02, one to be a hearing instrument user and one to be either a hearing instrument user or an advocate of a hearing instrument user; three hearing instrument dispensers certified under *Minnesota Rules* who are currently, and have been for the five years preceding appointment, engaged in hearing instrument selling as defined by *Minnesota Statutes* 153A.13, subd. 4; one audiologist engaged in hearing instrument selling as defined by *Minnesota Statutes* 153A.13, subd. 4, and who is registered under *Minnesota Rules* as an audiologist or, if no such rules exist at the time of appointment, holds a current Certificate of Clinical Competence from the American Speech-Language-Hearing Association; and one member to be either an audiologist, as defined above, or a Minnesota licensed physician specializing in treatment of diseases of the ear who is either board eligible or board certified by the American Board of Otolaryngology - if a physician is appointed to this position, the physician must not be a seller of hearing instruments and must not

have a financial interest in the business of selling hearing instruments. Meetings held twice a year, with additional meetings scheduled as necessary, at the Minnesota Department of Health.

HOUSING TRUST FUND ADVISORY TASK FORCE, MHFA, 400 Sibley St., Suite 300, St. Paul, MN 55101-1998. 612-296-5738. *Minnesota Statutes* 15.014.

APPOINTING AUTHORITY: Minnesota Housing Finance Agency.

COMPENSATION: None.

VACANCY: Eight positions: Please see the description of this new task force. This task force replaces the Housing Trust Fund Advisory Committee which expired June 30, 1994.

The task force advises and assists the Minnesota Housing Finance Agency in providing loans and grants from the housing trust fund account. The task force consists of eight members with a broad representation of interests including housing advocates, advocates for the homeless, realtors, lenders, non-profit developers, apartment owners, persons of color, low income persons, government, and single or multi-family builders. Meetings are three hours in length and take place two times per year, at Minnesota Housing Finance Agency offices. The task force expires September 1996, per *Minnesota Statutes* 15.014.

INTERGOVERNMENTAL INFORMATION SYSTEMS ADVISORY COUNCIL (IISAC), Dept. of Administration, Room 320, Centennial Office Bldg., 658 Cedar St., St. Paul, MN 55155. 612-297-5530. *Minnesota Statutes* 16B.42, as amended by *Laws of 1994*.

APPOINTING AUTHORITY: Commissioner of Administration.

COMPENSATION: \$55. per diem plus expenses for public members.

VACANCY: One vacancy: Elected or appointed official from either a second class city (20,000 to 100,000 population) or third class city (10,000 to 20,000 population) in the metropolitan area.

The council promotes the use and electronic exchange of information between state and local governments through a grant program and also acts as a liaison in the area of information systems. The council consists of twenty-nine members including: two members from each of the following groups: counties outside of the seven county metro area, cities of 2nd and 3rd class within the metro area, cities of 2nd and 3rd class outside the metro area, and cities of the 4th class; one member from each of the following groups: the Metropolitan Council, an outstate regional body, counties within the metro area, cities of the first class, school districts within the metro area, school districts outside the metro area, and public libraries; seven state department officials; the assistant commissioner of administration for the information policy office, four representatives of various associations; and one member of the House of Representatives and one member of the Minnesota Senate. The legislative members are non-voting members. Members are appointed for four year terms. The full council meets the second Wednesday of every other month. Members are required to serve on a working committee which may meet more frequently. The council expires June 30, 1997 per *Laws of 1994*, Chapter 634.

METROPOLITAN COUNCIL, Mears Park Centre, 230 E Fifth St., St. Paul, MN 55101. 612-291-6390. *Minnesota Statutes* 473.123.

APPOINTING AUTHORITY: Governor. Senate confirmation.

COMPENSATION: \$50 per diem plus expenses.

VACANCY: One vacancy: Member from Metropolitan Council District 5.

The council coordinates planning and development of the seven county metro area and establishes policies for regional transportation, sewer, airports, parks, human services and housing systems. The council consists of seventeen members including sixteen members appointed from districts of equal population, and a chair representing the metro area at large. The chair serves at the pleasure of the governor. Members cannot hold elected public office and must reside in the council district he or she represents. Meetings are usually twice a week, for a commitment of approximately 20 hours a week. Members must file with the Ethical Practices Board. The council does not expire.

MINNESOTA ACADEMIC EXCELLENCE FOUNDATION, 971 Capitol Square Bldg., St. Paul, MN 55101. 612-297-1875. *Minnesota Statutes* 121.612.

APPOINTING AUTHORITY: Governor.

COMPENSATION: None.

VACANCY: Two vacancies: One representative from the business community, (special needs are persons with a background in banking, law, media-public relations, finance management, marketing and sales) and one representative from the field of education from groups such as the Secondary School Principals Association, the School Board Association, and/or a higher education group. Applicants should be experienced, willing, and able to participate in MAEF fundraising activities, and be able to support the mission of the public/private partnership model. To be at parity the board especially seeks persons from communities of color in nonmetro areas, southwestern, central, and northeastern Minnesota in particular. Minnesota law requires that MAEF board members represent education and business groups. The endorsement of the group is essential.

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The foundation is a nonprofit, public-private partnership, created in 1993 by legislative statute to be the primary advocate for the promotion and recognition of academic excellence in all schools and communities in the state of Minnesota. MAEF coordinates and supports initiatives which promote: Systemic change to increase student learning; Societal values which demand academic achievement by all learners; Increased student and family/guardian expectations for academic learning; Expanded opportunities for academic learning and recognition; Partnerships between education, business and government to support the work of MAEF. The board of directors consists of a member of the State Board of Education who shall serve as chair, the commissioner of the Dept. of Education, and twenty members including eight who represent various education groups and twelve who represent various business groups. Meetings are held in the State Board Meeting Room 716 in the Capitol Square Building. The board does not expire.

MINNESOTA BOARD OF CHIROPRACTIC EXAMINERS PEER REVIEW COMMITTEE, 2700 University Ave. W., Suite 20, St. Paul, MN 55114-1089. 612-642-0591. *Minnesota Statutes* 148.01 - 148.106.

APPOINTING AUTHORITY: Executive Director, MN Board of Chiropractic Examiners.

COMPENSATION: \$55 per diem.

VACANCY: One vacancy: Professional member - must be available to attend first meeting on Tuesday, October 11, 1994 at 12:30 p.m.

The committee makes determinations of whether or not certain chiropractors properly utilized services rendered or ordered appropriate treatment or service, and if the cost of treatment was unconscionable. The committee consists of seven members, including five chiropractors and two consumer members. Terms are varied. The committee does not expire.

SMALL BUSINESS PROCUREMENT ADVISORY COUNCIL, 112 Administration Bldg., St. Paul, MN 55155. 612-297-4412. *Minnesota Statutes* 16B.20.

APPOINTING AUTHORITY: Commissioner of Administration.

COMPENSATION: \$55 per diem.

VACANCY: One vacancy.

The council advises on the small business procurement program, reviews complaints from vendors, and reviews compliance reports. The council consists of thirteen members. The council expires June 30, 1997 per *Minnesota Statutes* 15.059 subd. 5 as amended by *Laws of 1993*.

SUBCOMMITTEE ON CHILDREN'S MENTAL HEALTH, 444 Lafayette Rd., St. Paul, MN 55155-3828. 612-297-4163. *Minnesota Statutes* 245.697, subd. 2a.

APPOINTING AUTHORITY: Chairman, State Advisory Council on Mental Health.

COMPENSATION: \$55 per diem plus expenses.

VACANCY: One vacancy: One parent of a child with emotional disturbance; persons of color are encouraged to apply.

The subcommittee must make recommendations to the advisory council on policies, law, regulations, and services relating to children's mental health. Members include: commissioners or designees of Department of Commerce, Corrections, Education, Health, Human Services, Finance, and State Planning; one member of a children's mental health advocacy group, three service providers (preadolescent, adolescent, and hospital-based), parents of emotionally disturbed children; a consumer of adolescent mental health services; educators currently serving emotionally disturbed children; people who worked with emotionally disturbed minority children, or with emotionally disturbed juvenile status offenders; social service representatives; county commissioners; legislators; advisory council members; one representative of the local corrections system; and one representative from the Minnesota District Judges Association Juvenile Committee. The subcommittee meets once a month. The subcommittee expires with the expiration of the State Advisory Council on Mental Health.

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 Education

Announcement of Intended Use of Federal Funding of \$221,175 from the Dependent Care Development Grant and Invitation to Comment; Current Program Description Included

The Minnesota Department of Education is announcing the intended use of payments the State will receive under State Dependent Care Development Grants Act, 42 USC 9871 as amended by P.L. 101-501 and is inviting comments.

The Department of Education intends to continue to provide leadership and coordination throughout the state in the development and implementation of a wide variety of training opportunities for School Age Child Care (SACC) providers; technical assistance to communities and schools interested in starting or expanding SACC programs and identifying resources and providing opportunities to better address the changing needs of Minnesota families for school age child care.

The Department of Education intends to continue to coordinate with the Department of Human Services through an interagency agreement in order to strengthen and automate the statewide Child Care Resource and Referral network. There will be particular effort on the network's ability to respond to parental and community needs regarding SACC. The intent is to continue the current division of 60% of the funds for SACC and 40% for Resource and Referral.

Your comments or oral responses are encouraged, and should be directed to Catharine Cuddeback, Room 923 A Capitol Square Building, St. Paul, Minnesota 55101, (612) 296-1436.

Required Program Description

A. Number of children who participated in school based SACC programs:		
	Public	Non-public
before school	13,300	887
after school	20,700	1,834
B. Salary level and benefits paid to SACC employees:		
• Average hourly wage:	Public	Non-public
program supervisor	\$ 9.18	\$ 7.71
program teacher	7.33	7.26
program aide	5.42	5.65
• Percentage of staff receiving health benefits:	47%	43%
C. Characteristics of the 20,700 children served in public school programs:		
<i>Classification</i>		<i>Percent of total</i>
kindergarten - 2nd grade		60%
kindergarten - 3rd grade		77%
kindergarten - 4th grade		90%
fifth grade & up		10%
children with disabilities		.03%
<i>Income levels</i>		
• children on free or reduced price school lunch status		13.5%
• children whose slots are reimbursed by state and/or county sliding fee monies		7.3%
D. Number of clients served in child care resource and referral systems:		
Families		25,582
Children		36,231
• types of assistance requested:		
infant care		14,218
toddler care		3,701
preschool care		7,727
school age care		4,351
special needs care		519

Department of Human Services

Chemical Dependency Program Division

Request for Proposals (RFP) for Treatment Services for Chemically Dependent Pregnant Women and Women with Children

The Chemical Dependency Program Division of the Minnesota Department of Human Services (hereinafter, CDPD) is soliciting proposals through a competitive bidding process for initiation or expansion of services to increase positive treatment outcomes for chemically dependent pregnant women and women with children, \$300,000.00 is available for two to three agencies. Eligible applicants are licensed alcohol and drug treatment programs run by non-profit or for profit organizations knowledgeable in the areas of chemical dependency, child development, parenting skills and housing, who are willing to develop or expand a project for recovering substance abusing pregnant women and women in alcohol and drug treatment where their children (ages 0-12) can be with them and that are connected with services that provide pre/postnatal care. Proposals may be submitted for: The development or expansion of residential or non-residential chemical dependency treatment services for pregnant women and women with children. Programs in Western and Southern Minnesota and half-way houses are especially encouraged to apply.

This Request for Proposals is contingent on the availability of funds. Projects are expected to begin October 1, 1994. The State reserves the right to reject any and all proposals and to apply the funds to another purpose. The State will not reimburse for the costs of proposal preparation or participation in proposal consideration procedures. Eight copies of the proposal must be received by CDPD no later than 4:20 p.m., Thursday, August 25, 1994, or have a legible postmark date no later than August 24, 1994. Proposals must follow the CDPD proposal format. Grant application forms and copies of the RFP are available upon request from the Chemical Dependency Program Division (296-3991).

Proposals should be sent to:

Sheila Vadnais, Grants Assistant
Chemical Dependency Program Division
Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3823

Requests for information concerning program issues should be addressed to Pamela Young, Women's Planner (612/296-4589), and budget/fund usage questions should be addressed to Mike Zeman (297-1863). Training on how to complete application materials will be provided at the Minnesota Department of Human Services, 444 Lafayette Rd., St. Paul, MN, August 8, 1994. Please call Pamela Young at 296-4589, if you wish to attend this training.

NEW Fire Code Books Now Available

Minnesota State Fire Marshal Amendments 1993

Minn. Rules Chapter 7510.3100 - 7510.3280.
State fire safety standards for buildings, smoke detectors and alarms and changes to the Uniform Fire Code. Also rules governing storage and handling of flammable materials. 3-80 SR \$6.00



Uniform Fire Code 1991

National fire standards. Includes requirements for inspections, fire extinguishers, storage and handling of combustible materials, fireworks and more. 19-37 SR \$48.75

Available through Minnesota's Bookstore. Use the handy order form on the back of the *State Register* to order. Visit Minnesota's Bookstore to view a variety of building code publications.

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

Professional, Technical & Consulting Contracts

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

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 Administration

InterTechnologies Group

Notice of Availability of Contract for Telecommunications Consulting

The Telecommunications Division, InterTechnologies Group (InterTech), Department of Administration, for the State of Minnesota, is requesting a proposal from qualified firms to provide Telecommunications Consulting (September 15, 1994 through June 30, 1996) to be used by the state on an as-needed basis. To respond to this proposal, the Contractor must be able to provide telecommunications consulting services in the areas of voice, data and video technology and must not be a provider of services or equipment. Consulting includes services such as needs assessment and analysis, technology review, solution recommendations, implementation management, training services, etc. These consulting services will be used for a specific phase of a project or for an entire project at the discretion of the state and at the direction of a telecommunications analyst. This contract will be available to state agencies and other units of government through the Telecommunications Division. The total amount expended for this activity is estimated not to exceed \$500,000 for FY95 (i.e., September 15, 1994 through June 30, 1995).

The full text of the Request for Proposal is available on request from Sharon Huggett at 296-1846. Responses must be received no later than 3 p.m. on August 26, 1994.

Capitol Area Architectural & Planning Board

Request for Proposal for Professional & Technical Services of a Signage Consultant

The Capitol Area Architectural and Planning Board (CAAPB) and the Department of Administration are seeking a consultant to plan and design a comprehensive signage program for the Capitol Complex in St. Paul, Minnesota. This program shall address the following four (4) segments, hereinafter referred to as the four segments of a comprehensive sign program for the Capitol Complex:

- 1) exterior directional, informational, parking, and building signage for the Capitol Complex;
- 2) interior signage for the Capitol Building;
- 3) a general but comprehensive interior signage plan adaptable for other existing and future state buildings in the Capitol Complex; and
- 4) signage for the Capitol Complex tunnel system.

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

A. Goal:

The goal of this project is to develop a comprehensive, attractive, and coherent sign program in order to improve accessibility, convenience, and safety for Capitol Complex visitors and employees.

The sign program shall be developed within design guidelines recommended by the consultant and adopted by the CAAPB. Within the Capitol Building signage design must also be compatible with the building's architecture and historic nature. All segments of the comprehensive sign program should also meet the requirements of the Americans with Disabilities Act (ADA).

The actual sign system shall be economically implemented, and easily maintained and updated.

Professional, Technical & Consulting Contracts

B. Project Area:

The project area is the state complex portion of St. Paul's Capitol area. This project will focus on the existing state complex within that Area, yet be adaptable for future expansion of state facilities within the Area.

C. Client:

The Plant Management Division of the Minnesota Department of Administration, and CAAPB, in consultation with the State Review Team established for this project.

D. Project Process:

A State Review Team will work closely with the consultant throughout the planning and design process. Its core members will represent the Plant Management and Building Construction Divisions and CAAPB staff. Other state agencies or user groups will be assigned on an ad hoc basis for each segment of the comprehensive sign program; these will include representatives of the Departments of Administration and Transportation, the Minnesota Historical Society, appropriate city agencies, and other user groups such as legislative staff and building tenants.

E. Scope of Services:

PHASE I

- 1) Assess existing signage, review all applicable city, CAAPB and state sign regulations, identify needs, analyze and develop a planning framework, and present design guidelines and standards; propose regulations for each of the four segments of the comprehensive sign program;
- 2) Assist client in prioritizing program needs and assessing resources to meet these needs, including but not limited to developing cost estimates and capital improvement proposals;
- 3) Prepare schematic design drawings including site plan, and outline specifications for signage of all types, consistent with CAAPB design guidelines, Plant Management policies, and ADA requirements; meet with the State Review Team; and attend other meetings as directed by client;

PHASE II

- 4) Review and revise plans, designs, and specifications as directed by the client during the design development phase;
- 5) For each segment of the comprehensive sign program, prepare design development drawings and specifications for fabrication, illumination (if necessary), and installation, along with detailed cost estimates for implementation; and
- 6) Compile a comprehensive sign manual to include: program explanation and rationale; program implementation and phasing, construction documents with specifications; a final budget; sign type placement and mounting details; stat sheets for graphics; and purchasing procedures.

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

F. Proposal Content and Format:

The proposal must conform to the following:

- 1) Nine (9) copies of the proposal will be required.
- 2) All data must be on 8 1/2" x 11" sheets, soft bound.
- 3) The mailing envelope and cover sheet of the proposal must be clearly labeled with the responder's firm name, address, telephone number and the name of the contact person. Each copy must be signed, in ink, by an authorized member of the firm.
- 4) Mandatory Proposal contents in sequence:
 - a. Identity of firm and indication of its legal status, e.g., corporation, partnership. If the response is from a joint venture, this information must be provided for firms comprising the joint venture.
 - b. Names of the persons who would be directly responsible for the major elements of the work, together with brief descriptions of their qualifications. Identify roles that such persons played in projects which are relevant to the project at hand.
 - c. Restatement of the objectives, goals, and tasks to show or demonstrate the responder's understanding of the nature of the project.
 - d. A cost and work plan to identify major tasks to be accomplished and that can be used as a scheduling and managing tool.
 - e. A commitment to enter the work promptly, if selected, by assigning the persons named in 4b above along with adequate staff to meet the requirements of work.

Professional, Technical & Consulting Contracts

- f. A section on similar current and past signage projects containing graphic material (e.g., photos, plans, drawings) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in 4c have had significant participation and their roles must be clearly described. It must be noted if the personnel were, at the time of the work, employed by other than their present firms.

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

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

Mary Duroche, Project Manager
CAAPB
204 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155
Telephone (612) 297-1115

Other state agency personnel are NOT allowed to discuss the request for proposal with anyone, including responders, before the proposal submission deadline.

G. Schedule:

Phase I work is expected to begin immediately after execution of the contract (mid-September), with substantial completion of this phase by November 22, 1994.

H. Compensation:

Compensation will be \$25,000 for Phase I (Scope of Services Items #1 - #3). Continuation of this work (Phase II) will be based on the satisfactory completion of Phase I and adequate funding.

Qualifications and proposals must be received by 4:00 p.m. Monday, August 22, 1994, at the CAAPB offices below:

Capitol Area Architectural and Planning Board
204 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155

All proposals will be evaluated by representatives of the client agencies. An interview may be part of the selection process; if scheduled, interviews will occur August 29-30, 1994.

Factors on which proposals will be judged will include, but not be limited to: expressed understanding of project objectives; work plan; past experience and qualifications of both company and personnel.

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.

Minnesota's Bookstore Subscription Services

Minnesota's Bookstore offers several subscription services of activities, awards, decisions and special bulletins of various Minnesota agencies. Use the handy order form on the back of the *State Register* to order.

<i>Career Opportunity Bulletin</i> -- one year	90-3	\$ 30.00	<i>Workers Compensation Decisions</i> ,	90-12	\$400.00
<i>Career Opportunity Bulletin</i> -- six months	90-4	\$ 24.00	unpublished subs run Jan-Dec 1993; can be prorated		
<i>Gaming News</i> -- one year	90-8	\$ 40.00	<i>State Register</i> -- one year (via mail)	90-1	\$150.00
<i>Human Services Informational and Instructional Bulletin</i>	90-6	\$120.00	<i>Contracts Supplement</i> (one year)		
<i>Minnesota Statutes</i> set + supplement	18-2	\$165.00	-- via First Class Mail	90-5	\$125.00
<i>Minnesota Rules</i> 1991 set + supplement	18-100	\$200.00	-- via FAX	90-7-fax	\$140.00
<i>Tax Court/Property Decisions</i>	90-11	\$350.00	-- via ONLINE Service	90-7-online	\$140.00
<i>Workers Compensation Decisions</i> Vol. 48	90-13	\$195.00	Trial Subscription (13 weeks) of both <i>State Register</i> and <i>Contracts Supplement</i>	90-2	\$ 60.00

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call 612/296-0931, or toll-free nationwide; 1-800-857-3757. Prepayment is required. Please include daytime phone. Prices are subject to change. FAX: 612-296-2285.

Professional, Technical & Consulting Contracts

Department of Education

Request for Proposal for Project Management Services for Conduct of Third International Math and Science Study

Proposals are being solicited to provide project management services to SCI/MATH[™], the State of Minnesota's K-12 science/math systemic education initiative, pertaining to Minnesota's participation in the Third International Mathematics and Science Study (TIMSS). The anticipated time frame for this activity is August 31, 1994 to June 30, 1995. Estimated amount of the contract will not exceed \$18,000.

Copies of the RFP may be obtained by contacting Jennifer Jasicki at the MN Dept. of Education, 638 Capitol Square, 550 Cedar Street, St. Paul, MN 55101; 612/296-4058. Proposals must be received by 4:30 p.m., August 22, 1994.

Department of Natural Resources

Notice of Request for Proposals for Telemarketing Services

The Department of Natural Resources, Division of Parks and Recreation is requesting proposals from telemarketing companies to provide a toll-free telephone service for customers to order merchandise from the 1994-1995 Minnesota State Parks' gift catalog. The State of Minnesota welcomes all interested parties to submit proposals. This Request for Proposal does not obligate the State to complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest. The State also reserves the right to negotiate details of the project tasks outlined in this request.

For more information and a copy of the proposal, please contact:

Kate Brady
Supervisor, Public Affairs and Marketing
Minnesota Department of Natural Resources
Minnesota State Parks
500 Lafayette Road
St. Paul, MN 55155-4039
612-297-7979

Proposals are due at the office listed above not later than 2 p.m., August 22, 1994. Late proposals will not be accepted.

Public Employees Retirement Association

Request for Proposals for Administration of PERA Board of Trustee Election

1. Overview

The Public Employees Retirement Association of the State of Minnesota (PERA) is a multi-employer pension fund serving approximately 170,000 active members and beneficiaries and 2,200 governmental subdivision units in the State as defined by *Minnesota Statutes*, Chapter 353. PERA is a state agency and has been operational since 1931. The agency is administered by an Executive Director who is responsible to a policy setting eleven-member Board of Trustees. The agency employs 70 full time staff and extensively utilizes in-house mainframe computer based information systems to record and maintain membership records and to process monthly annuity and benefit payments. PERA operates and maintains its own Data Processing facility independent of the State's Data Processing operation.

Every four years an election is conducted to facilitate the election of some board members by the PERA membership as provided under *Minnesota Statutes*, Chapter 353.03. Recent legislation expanded the number of elected board seats from three to five. Three seats are to be filled by active members of PERA who represent the overall membership of the association. The fourth seat is specifically designated to be occupied by an active member of the PERA Police and Fire Fund. The fifth seat is designated to be filled by a former member of PERA who is either receiving a retirement annuity or disability benefit.

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Also expanded for the 1995 board election is the number of PERA members eligible to vote. Previously, only currently working, active participants could vote. Future elections will allow all active members and benefit recipients to vote in the board election, increasing eligible voters by 70 percent, from approximately 100,000 to 170,000 over the number eligible to vote in 1991.

Previously the election process was coordinated through the PERA office. The actual printing, collating and mailing of ballots and election material was bid out through a competitive bid process handled by the printing and procurement offices of the State of Minnesota. However, ballots were returned to the Secretary of State's offices, verified, opened, sorted and counted by either a team of PERA staff or temporaries hired specifically for this process. All processes were supervised by personnel from the Secretary of State's office.

2. Scope of Project

The general scope of this project is to out source the administration of the PERA Board of Trustee Election for January 1995. PERA is looking for an independent organization to act as election administrator. The election administrator will design and print the ballots and prepare them for distribution; receive and securely store the ballots until the election closes; validate the ballots, tabulate the results and report the results to the Board of Trustees within the requirements established for conduct of this election by the Secretary of State's office.

3. Contract Requirements

This project will require the independent organization chosen as election administrator to perform the following services:

- A. Assist the PERA election staff team and Secretary of State's liaison in refining the ballot design, resource requirements, and work plan schedule.
- B. Ensure that the ballot mailer includes:
 1. mailing envelope addressed to member; the address may be either printed directly on the mailer and if possible, simultaneously on the return envelope, or possibly on mailing labels.
 2. return envelope including a space for the voter's name, address, and identification number which will be used to verify eligibility to vote.
 3. secrecy envelope (or some method of designing the return envelope so that the verification address and identification number information can be detached or removed from the return envelope before opening).
Please provide proposal on both alternatives.
 4. ballot with possibly 15 to 25 candidates (exact number will not be known until petitions are filed in October) — some of whom will be designated specifically for the Police and Fire position on the board; some designated specifically for the benefit recipient position on the board; the other candidates will fill the three general seats by virtue of who among them receives the top three vote counts.
 5. instructions for completion and mailing are to be included on the ballot.
 6. including candidate biographical sketches in ballot material is desirable, but proposal should include cost (including postage) for ballot including candidate profiles and cost without.*

*If PERA decides to award contract on basis of ballot being prepared without the candidate profiles, PERA will separately accommodate distribution of this information through another means; responder need not propose an alternative.

- C. Ballot is expected to be printed in two colors that will be designated by PERA staff election team.
- D. Names of candidates must be rotated equally within groups, i.e., within group of Police and Fire candidates, within group of retiree candidates and within group of three general trustee positions.
- E. Ballot and return envelope should be designed to permit electronic processing.
 1. must record persons returning voted ballots to insure that only eligible members have returned ballots and that only one ballot is counted for each member.
 2. votes must be counted and election results compiled for verification and certification of the Secretary of State's office to the PERA Board of Trustees.
- F. Election administrator must insure that the ballot packages will meet all postal requirements as to postal indicia, bar coding and address location on both outgoing and return mail pieces.
- G. Election administrator will propose ballot package design that will facilitate economical postage and handling costs (preferably within one ounce first class postage rates).

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- H. All magnetic media, files, file copies and hard copy output of data will remain the property of PERA and will be kept secure from use in any other manner than the execution of this project.
- I. Election administrator will guarantee total confidentiality of the ballot results and will report the results only to the Secretary of State and PERA Board of Trustees for certification.

4. Election Process

The time lines for administration of the PERA Board of Trustee elections are stated, in part, in *Minnesota Statutes*, Chapter 353.03, subdivision 1. PERA accepts petitions for filing for the first seven days beginning October 1 of the year preceding the election. A candidate who has filed may withdraw but must do so no later than October 15.

The statute also requires that the ballots are to be mailed to eligible voters by January 10, but historically PERA has preferred mailing no later than January 7. Completed ballots must be mailed to the designated location, with the last acceptable post mark date being January 31.

All other procedures and time lines are defined by PERA staff, with approval by a liaison assigned by the Secretary of State to oversee the PERA Board of Trustee election. **The PERA Board of Trustee elections are directly supervised by the Secretary of State's office and all processes and materials are subject to their approval.**

Generally we would expect the administration of the election to proceed as follows:

- Step 1: Election administrator is selected and meetings are held with PERA staff and Secretary of State liaison to finalize ballot design criteria and work plan schedule.
- Step 2: Secretary of State's office reviews and approves candidate profiles to be included in ballot package or sent in separate mailer, as determined at the time the election administration bid was awarded.
- Step 3: Election administrator designs ballot mailer and submits for approval by Secretary of State's office and PERA.
- Step 4: PERA staff provides names of candidates and all other applicable information to be printed on ballot material.
- Step 5: PERA provides counts of eligible voters to election administrator so that printed materials can be ordered.
- Step 6: PERA provides magnetic media of member name, address and election identification data for addressing purposes on mailing and return envelopes.
- Step 7: Ballot materials are prepared and distributed to eligible PERA voters.
- Step 8: Completed ballots are returned to secure site as approved in advance by Secretary of State.
- Step 9: Voters' names/identification numbers are electronically read and verified.
- Step 10: Identification label/envelope is removed before secrecy envelope is opened.
- Step 11: Secrecy or detached envelope is opened and ballot removed.
- Step 12: Ballot is electronically counted and election results compiled.
- Step 13: Election materials are secured and results of the election are certified to the PERA Board of Trustees by the Secretary of State's office.

5. Completion Date

A contract is expected to be awarded by September 15, 1994. PERA's election staff team will review the proposals and make recommendations to the PERA Board of Trustees for final approval of contract to be awarded. Election results must be able to be compiled and certified so that new trustees can take office in February 1995. Generally, the PERA Board of Trustees meets the second Thursday of the month, but may be delayed to allow the new trustees to participate.

6. Proposal Contents

The following will be considered as the minimally required content of a respondent's proposal.

- A. A restatement of the scope, contract requirements and election process to show or demonstrate the respondent's understanding of the services requested under the contract.
- B. Presentation of a feasible project strategy that meets the preference for electronic processing of the verification of returned ballots and actual count and tabulation of election results.
- C. Explanation of the equipment and technical process that is being proposed to accommodate the administration of the board election. Proposal must include evidence that contractor has back-up available in the event of equipment breakdown during the election administrative process.

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- D. A recommended work plan for completing the proposed project tasks by the dates referenced in Election Process, item 4 and Completion Date, item 5.
- E. An outline of the respondent's background and experience in administering elections; especially elections for boards of public pension plans.
- F. Resumes of professionals who will be assigned to PERA and identification of their expected area of project responsibility.
- G. Names and telephone numbers of references of past clients, especially public pension plan clients.
- H. Detailed fee structure that itemizes any variable costs, such as costs associated with a variable number of candidates. Respondent should prepare bid costs assuming a minimum of 15 candidates and identifying a cost structure that would be used to add to that number. Fee structure should also include design that would include candidate profiles in the ballot package and one that would not include candidate profiles. Any additional expenses or specific resource requirements should also be specified.
- I. A sample of the ballot package being proposed and samples of any ballots prepared for other contracts.

7. Agency Contact

Prospective respondents who have any questions regarding the Request for Proposal may call or write:

*Marsha Nelson, Information Program Supervisor
Public Employees Retirement Association
514 Saint Peter Street, Suite 200
Saint Paul, MN 55102 Telephone: (612) 296-7493

- or -

*Sally Kupferschmidt, Executive/Board Secretary
Public Employees Retirement Association
514 Saint Peter Street, Suite 200
Saint Paul, MN 55102 Telephone: (612) 296-7489

*These are the only two employees authorized to answer questions regarding this RFP.

8. Submission of Proposals

All proposals must be submitted to PERA's office address (see Agency Contact, item 7) no later than 4:00 p.m. on August 26, 1994. Late proposals will not be accepted. Please submit five copies of the proposal. Each copy must be signed in ink by an authorized official of the respondent entity. Proposals are to be sealed in mailing envelopes or packaged with the respondent's name and address clearly stated on the outside.

9. Evaluation of Proposals

All proposals received by the due date will be evaluated by PERA's election staff team and the Secretary of State's office liaison. An interview may be part of the evaluation process. Factors upon which proposals will be judged are listed below in order of value and importance.

- A. Experience of the firm and assigned individuals in working with public pension plans or related businesses in conducting elections.
- B. Methodologies and technologies contemplated for the project
- C. References from past clients (public sector references will be given higher value and importance)
- D. Costs
- E. Proposed work plan schedule

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, and certified Economically Disadvantaged Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of 4% preference in the evaluation of their proposal. Proof of certification must be submitted with the proposal.

10. Affirmative Action

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 be rejected unless it includes one of the following:

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1. A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
2. A letter from Human Rights certifying that your firm has a current certificate of compliance.
3. A notarized letter certifying that your firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months.

Disabled Individual Clause

- A. The contractor shall not discriminate against any employee or applicant for employment because of physical or mental disability in regard to any position for which the employee or applicant for employment is qualified. The contractor agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified disabled individuals without discrimination based upon their physical or mental disability in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
- B. The contractor agrees to comply with the rules and relevant order of the Minnesota Department of Human Rights issued pursuant to the Minnesota Human Rights Act.
- C. In the event of the contractor's non-compliance with the requirements of this clause, actions for noncompliance may be taken in accordance with *Minnesota Statutes*, Chapter 363.073 and the rules and relevant orders of the Minnesota Department of Human Rights issued pursuant to the Minnesota Human Rights Act.
- D. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Commissioner of the Minnesota Department of Human Rights. Such notices shall state the contractor's obligations under the law to take affirmative action to employ and advance in employment qualified disabled employees and applicants for employment, and the rights of applicants and employees.
- E. The contractor shall notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract of understanding, that the contractor is bound by the terms of *Minnesota Statutes*, Chapter 363.073 of the Minnesota Human Rights Act and is committed to take affirmative action to employ and advance in employment physically and mentally disabled individuals.

11. Workers' Compensation

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

12. Administrative Provisions

PERA reserves the right to negotiate additional provisions to the contract awarded under this Request For Proposals process or to cancel this solicitation for proposals if it is considered to be in PERA's best interest.

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