

95, June 12

The Minnesota
**State
Register**

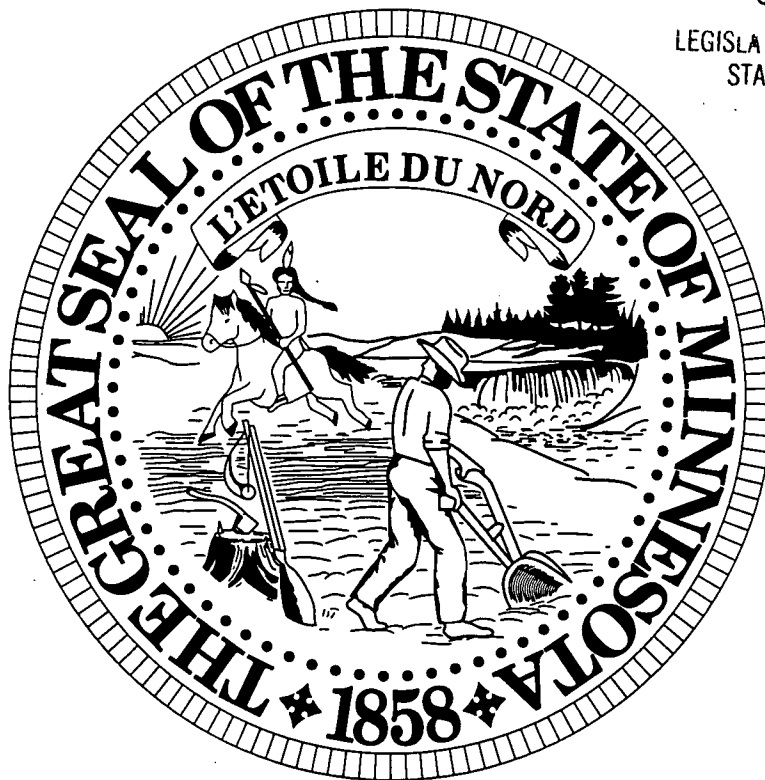
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Monday 12 June 1995
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State Register

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

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

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

Printing Schedule and Submission Deadlines

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
50	Monday 12 June	Friday 26 May	Monday 5 June
51	Monday 19 June	Monday 5 June	Monday 12 June
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Vol. 20 1	Monday 3 July	Monday 19 June	Monday 26 June

Arne H. Carlson, Governor 612/296-3391	Hubert H. Humphrey III, Attorney General 612/297-4272	Joan Anderson Grove, Secretary of State 612/296-2079
Joanne E. Benson, Lt. Governor 612/296-3391	Judi Dutcher, State Auditor 612/297-3670	Michael A McGrath, State Treasurer 612/296-7091
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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. Appears every two weeks. Order stock # 90-14. 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:

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

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

Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the *State Register*

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-657-3757.

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Proposed Rules

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

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

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

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

Crime Victims Reparations Board

Proposed Permanent Rules Relating to Crime Victims Reparations Board

Notice of Intent to Adopt Rules Amendment Without a Public Hearing

NOTICE IS HEREBY GIVEN that The Minnesota Crime Victims Reparations Board intends to adopt an amendment to the above captioned permanent rules, *Minnesota Rules*, Chapter 7505, 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 and may also submit a written request that a hearing be held on the rules.

Agency Contact Person. Comments or questions on the rules amendment and written requests for a public hearing on the rules must be submitted to: Marie Bibus, Executive Director, Crime Victims Reparations Board, 444 Cedar Street, Town Square, Suite 100D, St. Paul, Minnesota 55101, (612) 282-6267.

Subject of Rules and Statutory Authority. The proposed rules amendment will clarify existing rules relating to claims procedures and eligibility for reparations. The statutory authority to adopt this rule amendment is *Minnesota Statutes*, section 611A.56, subdivision 1, paragraph (b). These amendments are based on the experiences of the Board in implementing *Minnesota Statutes*, sections 611A.51 to 611A.67. A copy of the proposed rules amendment is published in the *State Register*. A free copy of the rules is available upon request from Marie Bibus at the address and telephone number listed above.

Comments. You have until 4:30 p.m., Wednesday, July 12, 1995, to submit written comment in support of or in opposition to the proposed rules amendment or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on July 12, 1995. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rules which caused your request, the reason for the request, and any changes you want made to the proposed rules. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the Crime Victims Reparations Board will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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

Statement of Need and Reasonableness. A Statement of Need and Reasonableness is now available. This Statement describes the need for and reasonableness of each provision of the proposed rules amendment and identifies the data and information relied upon to support the proposed rules. A free copy of the Statement may be obtained from Marie Bibus at the address and telephone number listed above.

Small Business Considerations. In preparing these rules, the Board has considered the requirements of *Minnesota Statutes*, section 14.115, in regard to the impact of the proposed rules on small businesses. The adoption of the rules will not directly affect small businesses.

Proposed Rules

Expenditure of Public Money by Local Public Bodies. Pursuant to *Minnesota Statutes*, section 14.11, subdivision 1, the Board has determined that the proposed rules amendment will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption of the amendment.

Impact on Agriculture Lands. Pursuant to *Minnesota Statutes*, section 14.11, subdivision 2, the Board has determined that the proposed rule amendment will have no impact on agricultural land.

Adoption and Review of Rules. If no hearing is required, after the end of the comment period the Crime Victims Reparations Board may adopt the rules amendment. The rules and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rules are submitted to the Attorney General or be notified of the Attorney General's decision on the rules. If you wish to be so notified, or wish to receive a copy of the adopted rules, submit your request to Marie Bibus at the address and telephone number listed above.

Marie Bibus, Executive Director
Minnesota Crime Victims Reparations Board

Rules as Proposed

7505.3100 LOSS OF SUPPORT.

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

Subp. 4. **Three-year review.** The board shall review a claim for loss of support every three years to determine whether the claimant is still eligible for benefits. The board shall evaluate the claim giving consideration to the claimant's financial need and to the availability of funds to the board. If the claimant's gross annual income reported on the claimant's tax return for the prior year is more than 185 percent of the federal poverty level for that year, the claimant is not considered to have a continuing financial need and benefits must be discontinued. After benefits are discontinued, they cannot be resumed at a later time.

7505.3200 LOSS OF INCOME.

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

Subp. 2. **Computation of lost income: victim self-employed or unemployed.** If the victim was self-employed or unemployed at the time of the crime for which the claim has been filed, loss of income must be calculated at a rate which is based upon the victim's average net income in the 12 months before the crime for which the claim was filed as evidenced by tax returns, W-2 forms, check stubs, ~~signed contracts or receipts~~, or other government agency records.

~~If the victim has not filed tax returns for the year before the crime, the victim's net income is presumed to be no greater than the maximum yearly income for which no federal or state income tax filing is required. The board shall deny an award for lost wages when it is determined the victim failed to report those wages upon which the loss is based to state or federal revenue departments as required by law. No compensation may be provided for unreported wages.~~

No anticipated work may be considered for compensation, unless the victim had been hired by an employer and was unable to begin employment as a result of the crime-related injuries.

[For text of subs 2a to 4, see M.R.]

Subp. 5. **Maximum number of weeks.** Compensation for loss of income usually may not exceed 26 weeks. If the victim's disability continues past 26 weeks, the victim may request an extension for up to 13 additional weeks. This request must include an evaluation by a physician that states continuing disability and explains any extenuating circumstances.

Subp. 6. **Maximum number of hours.** The board may not compensate for hours missed in excess of 40 hours per week.

Subp. 7. **Parent and spouse of deceased.** Payment of wage loss compensation for a parent or spouse of a victim who died as the direct result of a crime usually may not exceed six weeks. If the emotional disability of the parent or spouse continues past six weeks, the parent or spouse may make a request for an extension of the lost wages. The request must include an evaluation by a physician or psychologist stating that there is a continuing emotional disability due to the crime and a date by which the claimant is expected to return to work. The extension may not exceed 20 weeks.

Subp. 8. **Students.** The board must not reimburse a claimant for loss of tuition, scholarship, or student loan funds or loss of income due to a delay in completion of schooling related to the crime.

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

7505.3500 PARENTS OF CHILD VICTIMS.

The board shall authorize payment for up to five counseling sessions for a parent who is a primary caretaker of a victim of domestic child abuse or child sexual assault, if the treatment plan filed under and complying with part 7505.2700 indicates that the sessions directly benefit the victim.

When home health care is needed by a victim who is less than 21 years old and when a determination is made by the board that a parent or any other guardian of the victim is an appropriate person to provide care to the victim, the board shall authorize payment to the parent of \$10 an hour for up to eight hours per day to reimburse the parent for care which is provided lost wages. Total payment to a parent under this provision must not exceed \$2,000. Computation of lost wages shall be the same as under part 7505.3200.

7505.4100 HEARING RIGHTS.

Pursuant to Minnesota Statutes, section 611A.57, claimants have a right to a contested case hearing if the amount of their disputed losses due to the crime is in excess of \$500.

EFFECTIVE DATE. Minnesota Rules, parts 7505.0100, subpart 2a; 7505.3100, subparts 1 and 4; 7505.3200, subparts 2 and 5 to 8; 7505.3500; and 7505.4100, are effective for claims submitted as a result of crimes committed on or after five working days after notice of adoption is published in the State Register.

Department of Health

Proposed Permanent Rules Relating to Health; Disease and Syndrome Reporting

Notice of Intent to Adopt Rules Without a Public Hearing

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

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

Craig Hedberg, Epidemiologist
Acute Disease Epidemiology Section
Disease Prevention and Control Division
Minnesota Department of Health
717 Delaware Street Southeast
Minneapolis, Minnesota 55440-9441

Statutory Authority. The statutory authority to adopt the rules is *Minnesota Statutes* sections 144.05; 144.072; 144.122, subdivision 1; and 144.12.

Content of Rule. The proposed rules amend existing rules parts 4605.7000 to 4605.7090 and parts 4605.7700 to 4605.7800 to update the reporting of certain communicable diseases and syndromes. Existing part 4605.7600 relating to rabies and parts 4605.7701 to 4605.7715 regarding the operation of community venereal disease control clinics are proposed for repeal. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. Additional copies of the proposed rules are available from Craig Hedberg.

Comment. You have 30 days or until 4:30 p.m. July 12, 1995, to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Comment must be in writing and received by the agency contact person by the due date. The comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rules may be modified in response to comment.

Request for Hearing. You may make a written request for a public hearing on the rule within the 30-day comment period or until 4:30 p.m. on July 12, 1995. The written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a public hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20. The proposed rules may be modified in response to comment, without a public hearing.

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

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

Fiscal Impact on Public Bodies. Adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11.

Small Business Considerations. The impact of the proposed rules on small business is considered in the Statement of Need and Reasonableness.

Impact on Agricultural Lands. The proposed rules will have no direct or substantial adverse impact on agricultural land.

Adoption and Review of Rule. If no hearing is required, on adoption of the rule, the rule and the required supporting documents will be submitted to the Office of the Attorney General for review in accordance with the standards for review in Minnesota Rules part 2010.1000, including the issues of substantial change; whether the Department has the authority to adopt the rules; and whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rules. You may request notification of the date of submission 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 agency contact person listed above.

Dated: 25 May 1995

Anne Barry
Acting Commissioner of Health

Rules as Proposed

4605.7000 DEFINITIONS.

Subpart 1. **Case.** "Case" means a person ~~having~~ infected with a particular infectious agent or having a particular disease diagnosed by a physician.

Subp. 2. **Carrier.** "Carrier" means a person identified as harboring a specific infectious agent ~~in the absence of discernible clinical disease~~ and who serves as a potential source of infection.

[For text of subp 3, see M.R.]

Subp. 4. **Infection control practitioner.** "Infection control practitioner" means any person designated by a hospital, nursing home, medical clinic, or other health care facility as having responsibility for prevention, detection, reporting, and control of infections within the ~~institution~~ facility.

[For text of subps 5 and 6, see M.R.]

Subp. 7. **Medical laboratory.** "Medical laboratory" means any facility ~~which that~~ receives, forwards, or analyzes specimens of original material from the human body, or referred cultures of specimens obtained from the human body, and reports the results to physicians who use the data for purposes of patient care.

[For text of subps 8 to 10, see M.R.]

Subp. 11. **Public health hazard.** "Public health hazard" means the presence of a ~~disease organism~~ an infectious agent or condition in the environment which endangers the health of a specified population.

4605.7010 PURPOSE.

~~The purpose of This chapter is to establish~~ establishes a process and ~~assign~~ assigns responsibility for reporting, investigating, and controlling disease.

4605.7020 SCOPE APPLICABILITY.

This chapter applies ~~generally~~ to cases, ~~suspect~~ suspected cases, and deaths from communicable diseases and syndromes, reporting of disease, and disease control.

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Proposed Rules

4605.7030 PERSONS REQUIRED TO REPORT DISEASE.

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

Subp. 2. **Health care facilities.** Hospitals, nursing homes, medical clinics, or other health care facilities shall must designate that the all individual physicians shall report as provided specified in subpart 1; or shall the health care facility must designate an infection control practitioner or other person as responsible to report to the commissioner, within one working day of knowledge of a case, suspected case, carrier, or death from any of the diseases and syndromes in part 4605.7040, and the information outlined specified in part 4605.7090.

Subp. 3. **Medical laboratories.** All medical laboratories which receive specimens of original material from patients shall, within one working day of completion, must provide to the commissioner, within one working day of completion, the results of microbiologic cultures, examinations, and immunologic assays for the presence of antigens and antibodies, and any other laboratory tests, which are indicative of the presence of any of the diseases in part 4605.7040 and as much of the following information specified in part 4605.7040 as is known: disease (test, culture, or examination); source of specimen (i.e., blood, stool, type of tissue); name and address of the medical laboratory; date of test, culture, or examination; patient's name or I.D. number, birthdate, and sex; and the name, address, and telephone number of the attending physician.

If necessary, the commissioner shall contact the attending physician who shall be responsible for determining whether a case, suspected case, carrier, or death due to a disease in part 4605.7040 is present. The medical laboratory must forward to the Minnesota Department of Health, public health laboratory all isolates specified in part 4605.7040.

[For text of subs 4 and 5, see M.R.]

Subp. 6. **Others.** Unless previously reported, it shall be the duty of every other licensed health care provider who examines provides care to any patient who has or is suspected of having any of the diseases listed in part 4605.7040 to report within one working day to the commissioner as much of the information outlined in part 4605.7090 as is known.

4605.7040 DISEASE AND REPORTS; ISOLATE SUBMISSIONS.

Cases, suspected cases, carriers, and deaths due to the following diseases and disease infectious agents shall be reported. The diseases followed by an asterisk shall be reported immediately by telephone to the commissioner.

- A. Acquired Immune Deficiency Syndrome (AIDS)
- B. Amebiasis (*Entamoeba histolytica*)
- C. B. Anthrax* (*Bacillus anthracis*)
- D. C. Babesiosis (*Babesia* sp.)
- E. D. Blastomycosis (*Blastomyces dermatitidis*)
- F. E. Botulism* (*Clostridium botulinum*)
- G. E. Brucellosis (*Brucella* sp.)
- H. G. Campylobacteriosis (*Campylobacter* sp.) Submit isolates to the Minnesota Department of Health, Public Health Laboratory
- H. Cat Scratch disease (infection caused by *Bartonella* species)
- I. Chancroid* (*Haemophilus ducreyi*)
- J. *Chlamydia trachomatis* infections (nonspecific urethritis, cervicitis, salpingitis, neonatal conjunctivitis, pneumonia, and lymphogranuloma venereum)
- K. Cholera* (*Vibrio cholerae*) Submit isolates to the Minnesota Department of Health, Public Health Laboratory
- L. Cryptosporidiosis (*Cryptosporidium parvum*)
- M. Dengue virus infection
- N. Diphtheria (*Corynebacterium diphtheriae*) Submit isolates to the Minnesota Department of Health, Public Health Laboratory
- M. Q. *Diphyllobothrium latum* infection
- P. Ehrlichiosis (*Ehrlichia* sp.)
- N. Q. Encephalitis (caused by infectious viral agents)
- O. Echinococcosis (*Echinococcus* sp.)

Proposed Rules

~~P.~~ R. Enteric escherichia coli infection (E. coli O157:H7, other enterohemorrhagic E. coli, enteropathogenic E. coli, enteroinvasive E. coli) Submit isolates to the Minnesota Department of Health, Public Health Laboratory

~~S.~~ Giardiasis (Giardia lamblia)

~~Q.~~ T. Gonorrhea infections (including: Gonococcal salpingitis, ophthalmia neonatorum, Penicillin resistant Neisseria gonorrhea infections)

~~R.~~ U. Haemophilus influenzae disease (only all invasive disease including epiglottitis, cellulitis, bacteremia, and meningitis) Submit isolates to the Minnesota Department of Health, Public Health Laboratory

~~V.~~ Hantavirus infection

~~W.~~ Hemolytic uremic syndrome

~~S.~~ X. Hepatitis (all primary viral types A, B, and non-A, non-B including A, B, C, D, and E)

~~T.~~ Herpes simplex infections (neonatal, less than 30 days of age, disease only)

~~U.~~ Y. Histoplasmosis (Histoplasma capsulatum)

~~Z.~~ Human Immunodeficiency Virus (HIV) infection, including Acquired Immunodeficiency Syndrome (AIDS)

~~V.~~ AA. Influenza (unusual case incidence or laboratory confirmed cases)

~~BB.~~ Kawasaki disease

~~W.~~ Lead (poisoning and undue absorption)

~~X.~~ CC. Legionellosis (Legionella sp.)

~~Y.~~ DD. Leprosy (Mycobacterium leprae)

~~Z.~~ EE. Leptospirosis (Leptospira interrogans)

~~FF.~~ Listeriosis (Listeria monocytogenes) Submit isolates to the Minnesota Department of Health, Public Health Laboratory

~~AA.~~ GG. Lyme Disease (Borellia burgdorferi)

~~BB.~~ HH. Malaria (Plasmodium vivax, P. malariae, or P. falciparum species)

~~CC.~~ II. Measles (Rubeola)*

~~DD.~~ JJ. Meningitis (caused by all types of bacterial Haemophilus influenzae, Niesseria meningiditis, or streptococcus pneumoniae, viral, or fungal agents) Submit bacterial isolates to the Minnesota Department of Health, Public Health Laboratory

~~EE.~~ KK. Meningococcemia (Neisseria meningiditis) Submit isolates to the Minnesota Department of Health, Public Health Laboratory

~~FF.~~ LL. Mumps*

~~GG.~~ Mycobacteriosis (symptomatic cases only; exclusive of tuberculosis and leprosy)

~~HH.~~ MM. Pertussis* (Bordetella pertussis) Submit isolates to the Minnesota Department of Health, Public Health Laboratory

~~I.~~ NN. Plague (Yersinia pestis)

~~J.~~ OO. Poliomyelitis*

~~KK.~~ PP. Psittacosis (Chlamydia psittaci)

~~LL.~~ QQ. Q Fever (Coxiella burnetii)

~~MM.~~ RR. Rabies (animal and human cases and suspects)*

~~SS.~~ Retrovirus infections (other than HIV)

~~NN.~~ TT. Reye's Syndrome

~~OO.~~ UU. Rheumatic Fever (cases meeting the Jones Criteria only)

~~PP.~~ VV. Rubella and Congenital Rubella Syndrome

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~~QQ. WW.~~ Rocky Mountain Spotted Fever (*Rickettsia rickettsii*, *R. canada*)

~~RR. XX.~~ Salmonellosis, including typhoid (*Salmonella* sp.) Submit isolates to the Minnesota Department of Health, Public Health Laboratory

~~SS. YY.~~ Shigellosis (*Shigella* sp.) Submit isolates to the Minnesota Department of Health, Public Health Laboratory

~~TT.~~ Staphylococcal disease (*Staphylococcus aureus* outbreaks only)

~~UU. ZZ.~~ Streptococcal disease (only *Streptococcus agalactiae* (Group B) neonatal, less than 30 days of age, disease all invasive disease caused by Groups A and B streptococci and *S. pneumoniae*) Submit isolates to the Minnesota Department of Health, Public Health Laboratory

~~VV. AAA.~~ Syphilis* (*Treponema pallidum*)

~~WW. BBB.~~ Tetanus (*Clostridium tetani*)

~~XX. CCC.~~ Toxic Shock Syndrome Submit isolates to the Minnesota Department of Health, Public Health Laboratory

~~DDD.~~ Toxoplasmosis

~~YY. EEE.~~ Trichinosis (*Trichinella spiralis*)

~~ZZ. FFF.~~ Tuberculosis (*Mycobacterium tuberculosis* and *Mycobacterium Bovis*) Submit isolates to the Minnesota Department of Health, Public Health Laboratory

~~AAA. GGG.~~ Tularemia (*Francisella tularensis*)

~~BBB. HHH.~~ Typhus (*Rickettsia prowazeki* and *R. typhus* species)

~~CCC. III.~~ Yellow Fever

~~DDD. JJJ.~~ Yersiniosis (*Yersinia* sp.) Submit isolates to the Minnesota Department of Health, Public Health Laboratory

4605.7050 UNUSUAL CASE INCIDENCE.

Any pattern of cases, suspected cases, or increased incidence of any illness beyond the expected number of cases in a given period, which may indicate a newly recognized infectious agent, an outbreak, epidemic, or related public health hazard, including but not limited to suspected or confirmed outbreaks of food or waterborne disease, epidemic viral gastroenteritis, and any disease known or presumed to be transmitted by transfusion of blood or blood products, ~~shall~~ must be reported immediately by telephone, by the person having knowledge, to the commissioner.

Any unexplained death which may be caused by an infectious agent must be reported by the attending physician, medical examiner or coroner, or by the person having knowledge about the death to the commissioner within one day.

4605.7060 CASES, SUSPECTED CASES, CARRIERS, AND DEATHS DUE TO DISEASE ACQUIRED OUTSIDE THE STATE.

Cases, suspected cases, and deaths due to any viral, bacterial, fungal, or parasitic infectious disease that a physician thinks determines have been acquired outside the state, and which are considered rare or unusual in Minnesota, or a public health problem in the geographic area of presumed acquisition, ~~shall~~ must be reported to the commissioner.

4605.7075 TUBERCULOSIS; SPECIAL REPORTING.

A physician must immediately report to the commissioner of health the name, address, and essential facts of the case if the physician has reason to believe that a person with active pulmonary tuberculosis:

A. refuses treatment for tuberculosis; or

B. has not complied with prescribed therapy for tuberculosis.

4605.7080 NEW DISEASES AND SYNDROMES.

The commissioner shall, by public notice, request reporting of specified diseases when all of the following circumstances exist:

A. There is evidence that epidemiologic investigation based upon reports of cases, suspect cases, and deaths due to the disease or syndrome will assist in further understanding of the disease.

B. Persons afflicted with the disease or syndrome are likely to suffer complications, disability, or death as a result.

C. A case-oriented public health response will be helpful for control.

D. There is a specific, planned mechanism for surveillance of the disease or syndrome.

E. Reports of individual cases of the disease will serve as indicators of possible widespread contamination or increased risk which may be preventable newly recognized or emerging diseases and describe a specific, planned mechanism for surveillance of

the disease or syndrome including the submission of infectious agents isolated from cases to the Minnesota Department of Health, Public Health Laboratory.

4605.7090 DISEASE REPORT INFORMATION.

Reports that are required in part 4605.7030 shall contain as much of the following information as is known:

- A. disease (whether a case, suspected case, carrier, or death);
- B. date of first symptoms;
- C. primary signs and symptoms;
- D. patient:
 - (1) name;
 - (2) birthdate;
 - (3) ethnic or racial origin;
 - (4) residence address, city, ~~and county~~, and zip code;
 - (5) phone number; and
 - (6) place of work, school, or ~~daycare~~ child care;
- ~~D.~~ E. date of report;
- ~~E.~~ E. physician name, address, and phone number;
- ~~F.~~ G. name of hospital (if any);
- ~~G.~~ H. name of person reporting (if not physician);
- ~~H.~~ I. diagnostic laboratory findings and dates of test;
- ~~I.~~ J. name and locating information of contacts (if any); and
- ~~J.~~ K. other information pertinent to the case.

VENEREAL SEXUALLY TRANSMITTED DISEASE CONTROL

4605.7700 ~~VENEREAL~~ VENEREAL SEXUALLY TRANSMITTED DISEASE; SPECIAL REPORTS.

The following special reports ~~shall~~ must be given by physicians to the commissioner:

- A. Notwithstanding any previous report, physicians who have reason to believe that a person having chlamydia trachomatis, syphilis, gonorrhea, or chancroid has not completed therapy ~~shall~~ must notify the commissioner immediately of that person's name, address, and other pertinent information.
- B. Notwithstanding any previous report, physicians who treat persons infected with chlamydia trachomatis, syphilis, gonorrhea, or chancroid ~~shall~~ must ensure that ~~the names and addresses of sexual contacts are treated or provide the names and addresses of sexual contacts~~ who may also be infected ~~are reported~~ to the commissioner. If known, persons named as sexual contacts or needle-sharing contacts to a person with HIV infection must be reported to the commissioner.
- C. Notwithstanding any previous report, physicians ~~shall~~ must immediately report to the commissioner the name, address, and essential facts of the case for any person known or suspected of being infected with chlamydia trachomatis, syphilis, gonorrhea, or chancroid who refuses ~~examination or treatment~~.

D. If resources are available, the commissioner may authorize specific outpatient or inpatient facilities to report cases of specific sexually transmitted diseases and clinical syndromes in addition to those specified in part 4605.7040. The diseases and clinical syndromes to be reported shall include urethritis in males, pelvic inflammatory disease, genital herpes simplex infection, ectopic pregnancy, and other sexually transmitted disease as requested by the commissioner.

4605.7800 HEALTH EDUCATION.

Health care providers working with patients having chlamydia trachomatis, syphilis, gonorrhea, or chancroid ~~shall instruct~~ must tell the patients how to prevent the spread of ~~veneral~~ the sexually transmitted disease, ~~and~~ inform them of the importance of com-

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plying with treatment instructions, and of the necessity of having need to have all relevant sexual contacts promptly examined treated for the specific venereal sexually transmitted disease.

REVISOR INSTRUCTION. The revisor of statutes shall change the reference to "part 7605.7600" contained in part 9555.9960, subpart 1, to "part 7605.7090."

REPEALER. Minnesota Rules, parts 4605.7600; 4605.7701; 4605.7702; 4605.7703; 4605.7704; 4605.7705; 4605.7706; 4605.7707; 4605.7708; 4605.7709; 4605.7710; 4605.7711; 4605.7712; 4605.7713; 4605.7714; and 4605.7715, are repealed.

Department of Public Safety

Proposed Permanent Rules Relating to School Bus Safety

Notice of Intent to Adopt Rules Amendment Without a Public Hearing

NOTICE IS HEREBY GIVEN that The Minnesota Department of Public Safety intends to adopt permanent rules, *Minnesota Rules*, Chapter 7470, 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 and may also submit a written request that a hearing be held on the rules.

Agency Contact Person. Comments or questions on the rules amendment and written requests for a public hearing on the rules must be submitted to: Hope Jensen, Rules Coordinator, Minnesota Department of Public Safety, 444 Cedar Street, Town Square, Suite 100, St. Paul, Minnesota 55101, 296-2906.

Subject of Rules and Statutory Authority. The proposed permanent rules will govern the operation of school buses used to transport school children, whether owned or operated by a school or privately owned and operated under a contract or agreement with a school. The statutory authority to adopt these permanent rules is *Minnesota Statutes*, section 169.449, subdivision 1. These rules are based on national standards which are reviewed every five years by national experts in the pupil transportation industry. These rules have been reviewed by representatives of Minnesota's school bus industry and the public. A copy of the proposed rules amendment is published in the *State Register*. A free copy of the rules is available upon request from Hope Jensen at the address and telephone number listed above.

Comments. You have until 4:30 p.m., Wednesday, July 12, 1995, to submit written comment in support of or in opposition to the proposed rules amendment or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on July 12, 1995. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rules which caused your request, the reason for the request, and any changes you want made to the proposed rules. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the Department of Public Safety will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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

Statement of Need and Reasonableness. A Statement of Need and Reasonableness is now available. This Statement describes the need for and reasonableness of each provision of the proposed rules amendment and identifies the data and information relied upon to support the proposed rules. A free copy of the Statement may be obtained from Hope Jensen at the address and telephone number listed above.

Small Business Considerations. In preparing these rules, the Board has considered the requirements of *Minnesota Statutes*, section 14.115, in regard to the impact of the proposed rules on small businesses. These rules are being recodified with minor amendments from Department of Education rules to Department of Public Safety rules. Therefore, the adoption of these rules will have no additional affect on small businesses.

Expenditure of Public Money by Local Public Bodies. Pursuant to *Minnesota Statutes*, section 14.11, subdivision 1, the Department has determined that the proposed rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption of the amendment.

Impact on Agriculture Lands. Pursuant to *Minnesota Statutes*, section 14.11, subdivision 2, the Board has determined that the proposed rule amendment will have no impact on agricultural land.

Adoption and Review of Rules. If no hearing is required, after the end of the comment period the Department of Public Safety may adopt the rules. The rules and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rules are submitted to the Attorney General or be notified of the Attorney General's decision on the rules. If you wish to be so notified, or wish to receive a copy of the adopted rules, submit your request to Hope Jensen at the address and telephone number listed above.

Dated: 26 May 1995

Hope Jensen, Rules Coordinator
Minnesota Department of Public Safety

Rules as Proposed (all new material)

7470.1000 OPERATION OF TYPE A, B, C, AND D SCHOOL BUSES.

Subpart 1. **Application.** Parts 7470.1000 to 7470.1700 govern the operation of Type A, B, C, and D school buses used for transporting school children when the buses are owned and operated by a school district or privately owned and operated under a contract or agreement with a school district.

Subp. 2. **Transportation of pupils.** Only pupils assigned to the school bus by the school board or designated administrative officer of the school district may be transported at district expense.

Pupils are not to be evicted from the bus along the route for a breach of discipline. All breaches of discipline must be reported by the bus driver to the administrative officer.

The entrance door must be closed at all times when transporting pupils and the bus is in motion.

All buses must load and unload in the right lane of the roadway, at pupil stops on bus routes approved by the administrative officer. Loading or unloading in a designated turn lane or in a lane immediately adjacent to a designated turn lane is prohibited unless the turn lane is a designated school bus stop at which children are not required to cross the road. Under these circumstances, the bus must stop at the extreme right-hand side of the turn lane and the eight-light system and stop arm should not be used. Loading and unloading students within an intersection is prohibited.

No pupils may be in the bus while the fuel tank is being filled. On leaving the vehicle when pupils are in the bus, the driver shall stop the motor, remove the ignition key, set the brakes, and otherwise render the bus immobile.

The administrative officer shall see that no materials, including guns, loaded or unloaded; gasoline cans, empty or full; animals, except service dogs accompanying persons with disabilities; or any other object of a dangerous or objectionable nature are transported in the school bus when children are being transported.

Subp. 3. **Driving on school grounds.** Buses must not be run backwards on the school grounds or at any other point if it can be avoided. If necessary to run a bus backwards, the driver should have adequate visibility to determine if any moving vehicles are within 500 feet in either direction, when on roadways. When there is a pupil pick-up or unloading at a backing point, the driver shall always load before backing and unload after backing. No pupils should be outside the bus when it is backing.

Subp. 4. **In case of accidents.** In case of an accident or breakdown of the bus the driver shall not leave the bus, but shall send two of the patrol or other responsible pupils to the nearest house to summon help.

Immediate reports of all accidents, however slight, involving the school bus must be made by the driver to the administrative officer and to any other authorities as required by law, rule, or regulation. The driver shall prepare and keep all records and reports required by the administrative officer.

7470.1100 DRIVER OF TYPE A, B, C, OR D BUS.

The driver of a type A, B, C, or D school bus shall:

A. bring the bus to a full stop and disengage gears by shifting into neutral or park before loading and unloading pupils;

B. use the prewarning amber flashing signals, flashing red signals, and stop signal arm in accordance with *Minnesota Statutes*, section 169.443;

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C. maintain at least a 50-foot interval when following another bus entering or leaving the school ground, and at least 500 feet when traveling on the highway, in accordance with *Minnesota Statutes*, section 169.18, subdivision 8, paragraph (b);

D. load or unload pupils only where the view is unobstructed to the motorist for 500 feet in either direction;

E. be responsible for safely delivering the pupils who must cross the highway to the left side of the road by one of the following methods: the pupil shall pass around in front of the vehicle and cross the road only upon receiving word or signal from the driver; or the pupil shall pass around in front of the bus and be conducted across the road by the school bus patrol or the bus monitor; or the driver shall personally conduct the pupils across the road; and

F. stop at all railroad crossings whether carrying passengers or not in accordance with *Minnesota Statutes*, section 169.28. The driver shall activate the four-way hazard warning lights not less than 100 feet from the nearest rail, and stop not less than ten feet from the nearest rail. While so stopped, the driver shall open the driver's window and service door to look and listen in both directions along the track for any approaching train. Eight-lamp prewarning alternately flashing amber signals and flashing red stop signals must not be used at railroad crossings. Hazard warning signals should be used.

7470.1200 FLAGGING AT RAILROAD GRADE CROSSINGS.

Flagging must be done in the following manner.

The pupil or bus monitor shall take a position so as to have a clear view of the railroad tracks in both directions. If a train is approaching, the pupil or monitor shall not cross the track but shall face the bus and signal the bus not to proceed by holding up both hands above the head. On making certain that the track is clear and safe for crossing, the pupil or monitor shall signal the driver to cross the tracks by a forward motion of an upraised arm. The driver must be sure to check for approaching trains and be certain it is safe to cross before driving the bus across the tracks. The pupil or monitor shall not reenter the bus until the bus has crossed the tracks to a safe distance.

A school bus must not be flagged across railroad grade crossings except at such railroad grade crossings as the local school administrative officer may designate.

7470.1300 EQUIPMENT, INSPECTION AND USE.

No school bus shall be driven unless the driver or other designated person has inspected the vehicle to ensure that, at a minimum, the following parts and accessories are in good working order: service brakes, including trailer brake connections; parking (hand) brakes; steering mechanism; lighting devices and reflectors; tires; fluid levels; horn; windshield wiper or wipers; rear-vision and crossover mirrors, including their proper adjustment; eight-lamp system; and stop arm. A copy of the current daily pretrip inspection report must be carried in the bus.

7470.1400 OPERATION OF TYPE III SCHOOL BUSES.

Subpart 1. **Application.** The operating rules in parts 7470.1000 to 7470.1500 govern the operation of Type III school buses used for transporting school children when owned and operated by a school district or privately owned and operated under an agreement with a school district. Type III school buses are restricted to automobiles, station wagons, and other vehicles having a manufacturer's rated seating capacity of ten or fewer people including the driver, and a gross vehicle weight rating of 10,000 pounds or less.

Subp. 2. **Transportation of pupils.** Only pupils assigned to the vehicle by the school board or designated administrative officer of the school district may be transported at district expense.

7470.1500 DRIVER OF TYPE III BUSES.

The driver of a Type III school bus shall not:

- A. operate the vehicle as a Type A, B, C, or D school bus;
- B. stop traffic;
- C. load or unload in a vehicular traffic lane or on the shoulder, but is restricted to curb, nontraffic side (normal parking lane), off-street loading areas, driveways, yard service, and other areas to avoid any hazardous conditions;
- D. load or unload in the right-hand lane of the roadway, designated turn lane, or lane immediately adjacent to a designated turn lane;
- E. load or unload so that a child has to cross the road, except where not possible or impractical, then the driver or aide shall personally escort the child across the road;
- F. escort a child across the road under item E unless the motor is stopped, the ignition key is removed, the brakes are set, and the vehicle is otherwise rendered immobile;
- G. load or unload before making a complete stop and disengaging gears by shifting into neutral or park; or
- H. operate the vehicle as a school bus, whether carrying pupil passengers or not, without displaying the "Vehicle Stops At RR

Crossings" sign and stopping at all railroad crossings. The sign may be covered or removed when the vehicle is not operating as a school bus.

7470.1600 TRANSPORTING PUPILS WITH DISABILITY.

Subpart 1. **Services provided.** *Minnesota Statutes*, section 120.17, requires school districts to provide special education and services for a school age resident with a disability. Accordingly, free transportation services must be provided to any child with a disability who requires special transportation services because of the child's disabling conditions or special program needs.

Parts 7470.1600 and 7470.1700 apply when the disabling conditions of the child are such that the child cannot be safely transported on the regular school bus route or when the child is transported on a special route for the purpose of attending an approved special education program.

Parts 7470.1600 and 7470.1700 are not applicable to parents who transport their own child under contract with a school district.

Subp. 2. **Appeal process.** Any parent of a child with a disability who believes that the transportation services provided for that child are not in compliance with parts 7470.1600 and 7470.1700 may utilize the due process procedures provided for in *Minnesota Statutes*, section 120.17.

Subp. 3. **Length of transit time.** The length of time a child with a disability is transported must be appropriate to the physical, mental, and emotional well-being of the child. In general, a child with a disability should not spend more time in transit than a child without a disability except as may be required because of the unique location of the child's educational program.

Subp. 4. **Type of vehicle.** The school district shall determine the type of vehicle used to transport pupils with a disability on the basis of the disabling conditions of those pupils. These vehicles must comply with *Minnesota Statutes*, section 169.4504.

Subp. 5. **Additional assistance; determination.** Vehicles used to transport pupils with a disability must be equipped with a two-way communications system or have a responsible aide, or both, to provide necessary assistance and supervision that cannot safely be provided by the driver. A school district may determine that neither a communication system nor an aide is required. The determination of whether a communication system or an aide, or both, are required must reflect the needs of the pupils and be based on such factors as disabilities of pupils transported, distance traveled, density of population, terrain, and any other factors that may affect the safety of the pupil passengers. Exceptions to this subpart may be made upon mutual agreement between the parents and the school district.

Subp. 6. **Special equipment.** Specially adapted seats, support, or protective devices must be provided for all pupils who require the devices to ensure their safe transportation. These devices must be selected by the school district in consultation with the child's parents and on the basis of the specific needs of the individual child with a disability.

Subp. 7. **Wheelchair securement.** A school bus used to transport students in wheelchairs must be equipped with fastening devices that will hold the wheelchairs securely in a fixed position.

7470.1700 DRIVERS AND AIDES FOR PUPILS WITH DISABILITY.

Subpart 1. **Drivers generally.** Each driver of a vehicle for pupils with a disability should be carefully selected to fulfill the unique requirements of the job. Drivers must be assigned to each route on a regular basis whenever possible.

Subp. 2. **Information necessary.** Each aide assigned to a vehicle transporting pupils with a disability, or driver if no aide is assigned, or both, shall have available to them in the vehicle a typewritten card indicating:

- A. the pupil's name and address;
- B. the nature of the pupil's disabilities;
- C. emergency health care information; and

D. the names and telephone numbers of the pupil's physician, parents, guardians, or custodians, and some person other than the pupil's parents or custodians who can be contacted in case of an emergency.

Subp. 2. **Training.** Each driver and aide assigned to a vehicle transporting pupils with a disability must:

- A. be instructed in basic first aid and procedures for the pupils under their care;
- B. within one month after the effective date of assignment, participate in a program of in-service training on the proper methods for dealing with the specific needs and problems of pupils with disabilities;

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- C. assist pupils with disabilities on and off the bus when necessary for their safe ingress and egress from the bus; and
- D. ensure that protective safety devices, as required in part 7470.1600, subpart 6, are in use and fastened properly.

REPEALER. *Minnesota Rules*, parts 3520.2400; 3520.2500; 3520.2600; 3520.2850; 3520.3000; 3520.3100; and 3520.3300, are repealed.

Department of Revenue

Proposed Permanent Rules Relating to Sales Tax; Capital Equipment

Notice of Hearing

NOTICE IS HEREBY GIVEN that the Department of Revenue (DOR) proposes to adopt the above-captioned rule with a public hearing following procedures set forth in the Administrative Procedure Act in *Minnesota Statutes*, sections 14.131 to 14.20 (1992). The DOR's authority to adopt the rules is set forth in *Minnesota Statutes*, section 270.06 (1994). The public hearing in the above-captioned matter will be held at the Minnesota Department of Revenue, Skjegstad Seminar Room, 8th Floor, 10 River Park Plaza, St. Paul, Minnesota, 55146, on July 18 and 19, 1995, commencing at 9:00 a.m. on July 18th and continuing until all interested persons and groups have had an opportunity to be heard concerning adoption of this rule by submitting either oral or written data, statements, or arguments. Statements, briefs or written material may be submitted within the comment period described in this notice without appearing at the hearing by sending them to Administrative Law Judge, Jon L. Lunde, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401 (phone number: 341-7600). The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.14 to 14.20 and by *Minnesota Rules*, parts 1400.200 to 1400.1200, as amended. Questions regarding procedure may be directed to the Administrative Law Judge at the above-listed address.

The Commissioner seeks a determination as to whether the rules as proposed are needed and reasonable, and is interested in both supportive and adverse comments.

This rule making proceeding proposes to adopt a permanent rule relating to the sales and use tax on capital equipment and replacement capital equipment. In 1984, the Minnesota legislature first passed the capital equipment sales tax reduction. In 1989, the reduction was changed to a full exemption. In 1993, the statute was significantly amended. In 1994, after study by a legislative commission, the statute was once again reworded, and additional statutory language was added that allowed a reduction for replacement capital equipment. Through this rule, the DOR seeks to clarify the scope of the sales tax exemption for capital equipment and the rate reduction for replacement capital equipment.

A STATEMENT OF NEED AND REASONABLENESS has been prepared and is now available for review at the DOR and is also available for review at the Office of Administrative Hearings. This statement of need and reasonableness describes the need for and reasonableness of each part of the rule, and includes a summary of the evidence and argument which the DOR anticipates presenting at the hearing. Copies of the statement of need and reasonableness may be reviewed at the agency or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

The statement of need and reasonableness also addresses small business considerations in rulemaking, as required by *Minnesota Statutes*, section 14.115 (1992). "Small business" means a business entity, including farming and other agricultural operations and its affiliates, that (a) is independently owned and operated; (b) is not dominant in its field; and (c) employs fewer than 50 full-time employees or has gross annual sales of less than \$4,000,000. (*Minnesota Statutes* 14.115, subd. 1) The proposed rules are not expected to place an additional financial or administrative burden on small businesses. These matters are discussed more fully in the statement of need and reasonableness.

All interested or affected persons will have an opportunity to participate by presenting oral and/or written evidence at the hearing. Questioning of agency representatives or witnesses, and of interested persons making oral statements, will be allowed in order to explain the purpose or operation of the proposed rules, or a suggested modification, or for other purposes material to the evaluation or formulation of the proposed rules. As a result of the hearing process, the proposed rules may be modified.

Minnesota Statutes, chapter 10A required each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes*, section 10A.01, subdivision 11 as an individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

(b) Who spends more than \$250, not including travel expenses and membership dues, in any year, for the purpose of

attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to Jeanne Olson, Assistant Executive Director, Ethical Practice Board, First Floor South, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155; telephone (612) 296-1721.

Written material may be submitted to the Administrative Law Judge and recorded in the hearing record for five working days after the public hearing ends. The comment period may be extended for a longer period not to extend 20 calendar days if ordered by the Administrative Law Judge at the hearing. The written materials must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the last day for submission of written materials. Following the five to twenty-day comment period, there will be a five-day period in which the commissioner and interested persons may respond in writing to any new information submitted. During the five-day period, the agency may indicate in writing whether there are any amendments suggested by other persons which the agency is willing to adopt. Additional evidence may not be submitted during the five-day period. The written responses will be added to the record of the proceedings.

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

Dated: 26 May 1995

State of Minnesota
Matthew G. Smith
Commissioner of Revenue

Rules as Proposed (all new material)

8130.2200 CAPITAL EQUIPMENT; REPLACEMENT CAPITAL EQUIPMENT.

Subpart 1. General information.

A. *Minnesota Statutes*, section 297A.25, subdivision 42, provides that the gross receipts from the sale of capital equipment are exempt from sales and use tax. In order to be eligible for the capital equipment exemption after the tax has been paid, the machinery or equipment must meet the requirements of *Minnesota Statutes*, section 297A.01, subdivision 16, and not fall within one of the listed exclusions.

B. *Minnesota Statutes*, section 297A.02, subdivision 5, provides for a reduced rate of sales tax upon the gross receipts from the sale of replacement capital equipment. In order to be eligible for the rate reduction, the item must meet the requirements of *Minnesota Statutes*, section 297A.01, subdivision 20. The reduction applies to repair and replacement parts, accessories, upgrades or modifications to existing equipment and machinery, replacement or enhanced software, foundations to support qualifying equipment and machinery, and special purpose buildings as defined in subpart 2. Furthermore, in order to be eligible for the reduction after the tax has been paid, under *Minnesota Statutes*, section 297A.15, subdivision 5, the item must meet the requirements of *Minnesota Statutes*, section 297A.01, subdivision 16, and not fall within one of the listed exclusions.

C. Items which do not qualify as capital equipment, as provided in this part, may qualify as replacement capital equipment as provided in subpart 5.

D. "Sold ultimately at retail," as required under subpart 3, item B, includes the situation where an article is made and sold to either be used in producing a different product or to become incorporated as a part into another product.

Subp. 2. Definitions. For the purposes of this part, the following terms have the meanings given them:

A. "Accessories" means additional devices that aid other equipment or machinery, and that are attached, connected, or fastened to another piece of equipment or machinery. Accessory equipment includes devices attached to other machinery or equipment that operate concurrently or simultaneously with the other machinery or equipment, but whose function is not essential to the operation of the original machinery or equipment as it was initially purchased. It also includes any device that must be attached,

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connected, or fastened to a piece of machinery or equipment in order to function in the manner intended since it is incapable of functioning independently, such as tools, jigs, patterns, dies, and molds.

Accessories purchased prior to operation of the qualifying equipment or machinery to which they are attached qualify as capital equipment to the extent that they are essential to the operation of the equipment or machinery in an integrated production process. Accessories not essential to the operation of the qualifying equipment or machinery, or which are purchased after the equipment or machinery has been placed into operation as part of an integrated production process, do not qualify for the capital equipment exemption.

Example: A newspaper publisher installs a roll holder on a printing press allowing the company to use large rolls of paper rather than individual sheets. The roll holder attaches to the press so the paper can automatically be dispensed through the paper feeder on the press. The roll holder is an accessory.

Example: An injection molding operation uses large molds placed into machinery located in their production area. These molds are accessories to the machines since the molds themselves do not produce a product. The machinery controls the flow of the molten material and/or regulates the temperature of the material and the mold. Molds bought with the initial machinery may qualify as capital equipment.

Example: A machine shop issues a purchase order to a vendor for the purchase of a punch press and its related tooling. Prior to receiving the punch press, the owner purchases a conveyor system which will automatically feed material from one machine directly into the new punch press in order to integrate the production process, and attaches the conveyor at the time the press is installed. After a month of operation, the owner attaches a pick-and-place machine to remove the completed parts from the punch press. Since the conveyor system was essential to the operation of the punch press in the integrated production process, and was installed with the punch press, the conveyor system qualifies as capital equipment. However, the pick-and-place machine does not qualify as it was attached after the punch press was placed into operation.

B. "Equipment" means independent devices separate from machinery but essential to an integrated production process. This definition includes computers and software used in operating qualifying equipment and machinery, as well as any subunit or assembly comprising a component of the equipment or machinery. Software that is purchased with equipment or machinery for a new production line or for new production equipment qualifies as capital equipment. Software that is added as an addition to an existing computer and software setup, but that controls new production equipment and that is essential to the integrated production process for a new end product, qualifies as capital equipment.

Equipment includes the devices essential to the control, regulation, or operation of the basic machinery, provided the devices are directly connected with or are an integral part of the basic machinery. Transformers or substations that provide power to a facility and that are not directly connected to or are not an integral part of exempt equipment or machinery do not qualify for the capital equipment exemption.

Example: A company purchases a computer aided design/computer aided manufacturing (CAD/CAM) system as part of its new milling line. The CAD/CAM system is used to develop and design new products and to regulate and control the production equipment for these products. While the CAD/CAM system itself does not produce a product, it is essential to the integrated production process for this company.

Example: A machine shop purchases an additional punch press. The total purchase price includes the separately stated charges for tooling and dies. The tooling and dies purchased with the machine qualify for the capital equipment exemption.

C. "Fabricating" means to make, build, create, produce, or assemble components or property to work in a new or different manner.

Example: An electronics manufacturer purchases numerous types of small electronic parts and equipment in order to assemble them together to make a compact disc player. At no time are the parts or equipment changed or refined, but instead they are assembled so that the end product is able to perform a function that is different from the function of each individual component.

D. "Foundation" means the base or support structure necessary for equipment or machinery. It does not include the basic foundation for a building unless the building itself qualifies as a special purpose building.

E. "Generation of electricity or steam" means the creation of electrical energy or steam through the use of a steam, nuclear, hydraulic, or another type of production plant. The generation of electricity or steam does not include the transmission or distribution of the electricity or steam to other utility suppliers or to the ultimate consumer.

Example: A utility company has a series of transformers that are used to step down or step up the electricity being delivered, depending upon the needs of its customers. Since the transformers themselves are not being used for the generation of electricity, but are used for the transmission or distribution of electricity to the utility company's customers, they do not qualify for the capital equipment exemption or the replacement capital equipment reduction.

F. "Integrated production process" means a process in which a number of distinct devices are joined or linked together in

some manner so that they operate or function as a unit to provide for the manufacturing, fabricating, mining, or refining of tangible personal property. It also means a coordinated group of fixed assets, which may include land, buildings, machinery, and equipment, that are essential to and used in an integrated manufacturing, fabricating, mining, or refining process.

The integrated production process is an economic unit in which a business activity is conducted and/or in which manufacturing or other industrial operations are performed. This definition also includes outside fabrication services contracted for by a manufacturer provided those services are essential to and an integral part of the production of tangible personal property to be ultimately sold at retail. In addition, the integrated production process includes research, development, and design activities conducted by a manufacturer of tangible personal property as well as the storage of work in process.

Example: A machine shop custom grinds specialty parts for a manufacturer who directly supplies the materials. The parts are to be incorporated by the manufacturer into tangible personal property to later be sold at retail. In addition, the shop also heat treats the manufacturer's molds which are then used by the manufacturer during the production process. The machine shop equipment used for grinding the parts can qualify for the capital equipment exemption. However, the equipment used to heat treat the molds will not qualify since the molds are not intended for sale at retail.

G. "Machinery" means mechanical, electronic, or electrical devices, including computers and software, that are purchased or constructed to be used as part of an integrated manufacturing, fabricating, mining, or refining process. This definition includes machinery used by the manufacturer for research and development, design, and quality control and testing activities done in connection with and as part of an integrated production process. The fact that a particular piece of equipment or machinery may be essential to a process because its use is required either by law or practical necessity does not necessarily mean that the equipment or machinery qualifies as capital equipment.

Examples of items that are not machinery or equipment essential to an integrated process and are, therefore, not exempt, include, but are not limited to, the following:

- (1) furniture or fixtures;
- (2) building materials;
- (3) machinery and equipment used in support operations, such as in a machine shop or tool room where production machinery and equipment is assembled, maintained, or repaired, or for "quality control" purposes where the equipment is used to allow the manufacturer to change production variables without affecting the quality of the actual product being produced, such as a computer used to track the labor hours for administrative purposes;
- (4) machinery and equipment used for administrative, accounting, internal production tracking, personnel activities, and other nonproduction activities;
- (5) machinery and equipment used for plant security, fire prevention, first aid, and hospital stations;
- (6) machinery and equipment used solely for pollution control, prevention, or abatement; and
- (7) equipment and machinery used in plant cleaning, disposal of scrap and waste, plant communications, lighting, safety, or general environmental control.

H. "Manufacturing" means an operation or series of operations where raw materials are subjected to treatment by artificial or natural means that change their form, composition, or condition, and that result in the production of a new article of tangible personal property. The resulting article may be a finished product or an article for sale and use in the process of manufacturing or assembling a different product. Manufacturing includes converting an unusable item into a useful product through rebuilding or reconstruction, and then selling the product to a new owner. It also includes any step in the actual production process of making tangible personal property intended to be sold ultimately at retail.

Manufacturing does not include repair of an existing article, nor does it include the storage or preservation of raw materials and/or completed goods. It also does not include the painting, cleaning, repairing, and maintenance of equipment and facilities; nor does it include administrative and office functions relating to the production and sale of finished goods. In addition, manufacturing does not include the transporting or shipment of the completed product.

Examples of businesses considered to be engaged in manufacturing, fabricating, mining, or refining include, but are not limited to, the following: asphalt plants, bakeries, battery makers, breweries and soft drink bottling plants, candy factories, cement and concrete plants, chemical processing plants, concrete block and tile producers, creameries and instant milk producers, dairies, film

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development operations, flour and feed mills, food processing plants such as canning and freezing, foundries, glass-making plants, machinery and equipment producers, motor vehicle and aircraft factories, paint factories, paper-making plants, photographers, printing operations, mining operations, quarry operations, sand and gravel pit operations, sawmills, shoe and clothing factories, smelting and steel mills, taconite plants, tanneries, and tool and die making plants.

Examples of businesses not considered to be engaged in manufacturing, fabricating, mining, or refining include, but are not limited to, the following: accounting or auditing firms, banks, contractors, farmers, fish hatcheries, freezer and locker plants, highway truckers, hotels and motels, laundries and dry cleaners, law firms, lumbering, mobile and land-based phone services, movie theaters, production of road building materials for a contractor's own use, repair shops, restaurants, retail stores, service stations, television and radio stations, logging, raising and breeding animals, and vending machine operations.

I. "Materials and supplies" means articles of tangible personal property that are necessary to construct or install the machinery and equipment. These are items such as nails, bolts, screws, pipes, lumber, and wire that are used to secure or assemble the machinery or equipment in the facility. In the case of utilities (i.e. electric, gas, steam, water), only those materials that are used for the connection of the equipment to the utility supply source in the real property are eligible for reduction and/or exemption. Transformers that are essential to regulate voltage for a specific piece of equipment or machinery are included within this definition.

These materials and supplies must be used to construct or install a particular piece of machinery or equipment, and must not be capable of, or intended for, reuse. This definition does not include the purchase or rental of equipment used in installation, nor the purchase or rental of hand tools.

J. "Mining" means the process of extracting ore, minerals, or peat from the earth for commercial purposes and includes underground, surface, and open-pit operations. It also includes any surface mining done for the purpose of obtaining building stone, limestone, gravel, sand, or other surface materials.

K. "On-line data retrieval system" means a system whose accumulation of information is equally available and accessible to all its customers. In order to qualify, all of the following factors must be present: the equipment must be used for an on-line data retrieval system, the data retrieval must be done by the customer, the results are electronically transmitted to the customer, and all of the information in the system must be equally available and accessible to all customers.

The provider must use the system to gather and refine information in the database, to maintain the informational database, to accept electronically transmitted queries from customers about subject matter in the database, to identify and retrieve appropriate data, to format the targeted data into a readable form, and to electronically transmit the data to the customer/subscriber. This definition does not include on-line data retrieval systems of information that was solely gathered from third party sources (such as bond or stock market prices), nor does it include on-line bulletin boards or networks. If any portion of the information is subject to data privacy restrictions that restrict access to the information by any customer, then the entire system will not qualify.

Example: A printing company expands its operations to provide customized school workbooks. As part of this new operation, the company establishes and maintains a data base for the workbooks for which it accepts queries about the information so as to provide subscribers with customized publications. Subscribers to the service have the option of having the materials published as printed material, or of having the information formatted and sent to them by means of telecommunication lines for printing on their equipment. Since the preparation of published materials by the printing company qualifies as production of tangible personal property, the equipment used to prepare the on-line electronic data for the customer qualifies for the capital equipment exemption.

L. "Refining" means the process of converting a natural resource to a product, or of purifying materials such as oil, metal, sugar, and fats. It also includes the treatment of water that is to be sold at retail. Refining, for purposes of an on-line data retrieval system, means that the provider of the system must create and maintain a data base, or modify third party information through the use of narrative inserts, editorial comments, additional references, or similar additions created by the provider that is added to the existing information.

M. "Repair or replacement parts" means those items that are used to restore equipment or machinery to its original or intended operating condition because of worn or broken parts, or that upgrade or modernize equipment or machinery. Repair or replacement parts also includes spare parts as well as accessory equipment not essential to the operation of the original machinery as initially purchased, but that is added to the machinery at a later date.

N. "Special purpose buildings" means buildings that: are used as an integral part of the manufacturing, fabricating, mining, or refining process; constitute a research facility used during the integrated production process; or constitute a storage facility used during the production process as an integral part of the manufacturing, fabricating, mining, or refining activities.

(1) Special purpose buildings includes only those buildings that are specially designed and constructed for the installation, operation, and use of specific equipment and machinery with a special purpose, and for which the equipment and machinery, after installation, becomes affixed to or a fixture of the real property. A building is specially designed and constructed if it is not economical to design and construct the building for the intended qualifying purpose and then use the building for a different

purpose. Generally, wafer fabrication facilities, or "clean rooms," are housed in special purpose buildings. Buildings that are designed and constructed for general purpose manufacturing, industrial, or commercial uses are general purpose buildings. The installation of assembly lines or conveyance systems does not convert general purpose buildings to special purpose buildings. Special purpose buildings include buildings used for "clean room" environments, wind tunnels, test stands, work-in-process storage tanks and bins, and paint booths.

(2) A multiuse or multipurpose building does not qualify for the exemption under this item unless at least 80 percent of the net floor area of the respective special purpose building is used at least 50 percent of the time in the integrated production process as described in item F. For purposes of this subitem, "net floor area" means the total horizontal surface of a specific floor that is available for actual use of the occupant. In the case of a multistory building, the net floor area of the building is equal to the total net floor area of all floors in the building.

(3) The term "research facility used during the integrated production process" includes research facilities such as wind tunnels and test stands that are used primarily during the manufacturing, fabricating, or refining process, but does not include any research facility that is used primarily prior to and/or after completion of the manufacturing, fabricating, mining, or refining process. A "research facility" means a facility used primarily for the systematic investigation of product development and/or testing.

(4) The term "storage facility used during the production process" includes storage facilities such as oil and gas storage tanks and grain storage bins that are used primarily to hold goods-in-process during the manufacturing or refining process. A "storage facility used during the production process" means a facility used to provide for the temporary safekeeping of work-in-process during the integrated production process.

(5) The term "integral part" means that the special purpose building is used directly in the activity qualifying for the capital equipment exemption and/or the replacement capital equipment reduction, and that the building is essential to that activity. In determining whether the building is used as an integral part of manufacturing, fabricating, mining, or refining, all properties or devices used by the person in processing the raw materials into the final product are properties used as an integral part of the manufacturing, fabricating, mining, or refining operations.

(6) Even though a foundation within a building may qualify for reduction, it does not mean that the building itself qualifies as a special purpose building. The building must meet the criteria outlined in this item in order to qualify for reduction.

O. "Support operations" and "administrative purposes" mean activities used to keep up or maintain the integrated production process, but whose function is not essential to that process, or activities for the management, direction, or overseeing of a business. Such activities include, but are not limited to, the cleaning, repair, or maintenance of the plant facilities; the production and maintenance of tooling for the manufacturer's own use; the measurement of the production process for managerial purposes; inventory, warehousing, and distribution activities relating to the product produced; the construction, improvement, or alteration of real property or equipment and machinery; providing a safe work environment for employees; general clerical activities; accounting, sales, and distribution; customer service activities; and inventory management and managerial functions such as business analysis and supervision.

Example: A company has a toolroom area whose sole function is to develop, produce, and maintain the company's tooling that is used in production. The equipment and machinery used in the toolroom does not qualify for the capital equipment refund since the items produced in this area are not intended for sale at retail.

Example: A company produces specialized parts for a manufacturer which require the creation of a customized mold that the company sells to the manufacturer along with the parts. The equipment used to design and create the mold qualifies for the capital equipment exemption because the mold is sold at retail.

Subp. 3. **Qualifying capital equipment.** In order for equipment or machinery to qualify for this exemption, it must meet the definition in *Minnesota Statutes*, section 297A.01, subdivision 16. To qualify for the exemption, the machinery or equipment must meet all of the criteria as outlined in items A to C.

A. First, the equipment or machinery must be used by the purchaser or lessee. This means that the person who purchases the equipment or machinery must also be the one who uses it. Thus, purchases of equipment or machinery by a contractor who turns over the equipment or machinery as part of an improvement to real property do not qualify. When an equipment or machinery vendor only supervises or engineers the installation of the equipment or machinery without providing or arranging for the actual

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installation labor, the sale of equipment or machinery is treated as the sale of tangible personal property, and not an improvement to real property. Leasing equipment or machinery to another person does not constitute "use" as required by the statute. Hiring another person to operate the equipment or machinery, or arranging for another person to operate the equipment or machinery on the owner's behalf, constitutes use by the purchaser as required by the statute.

B. Second, the equipment or machinery must be used to manufacture, fabricate, mine, or refine tangible personal property to be sold ultimately at retail, for electronically transmitting results retrieved by a customer of an on-line data retrieval system, or for the generation of electricity or steam. If the equipment or machinery is used for both qualifying and nonqualifying activities, it must be used primarily (at least 50 percent of the time) for the qualifying activity in order to qualify as capital equipment. Manufacturing, fabricating, or refining begins with the removal of raw material from stock for the purpose of processing it into the intended product. Manufacturing, fabricating, or refining ends when the completed state is achieved. The completed state includes the packaging of the individual product, and the placing of completed product into finished goods inventory. If the tangible personal property is not packaged, the process ends when it is placed into finished goods inventory. If the tangible personal property is not placed into finished goods inventory prior to shipment or transport, the process ends when the last process prior to loading for shipment or transportation has been completed. Equipment or machinery used for work-in-process storage or for heating or cooling of the product is considered to be used in a manufacturing, fabricating, or refining process. Equipment or machinery used to palletize or otherwise prepare the completed product for shipment or transport, regardless of when the activity occurs, does not qualify as capital equipment.

Mining begins with the removal of overburden from the site of the ore, mineral, peat deposit, or surface materials, and ends when the last process prior to stockpiling is performed. If the product is not stockpiled prior to shipment or transport, mining ends when the last process prior to loading for shipment or transport has been completed.

C. Third, the equipment or machinery must be essential to the integrated production process. It includes, but is not limited to:

- (1) equipment and machinery used or required to operate, control, or regulate the production equipment;
- (2) equipment and machinery used for research and development, design, quality control, and testing activities;
- (3) materials and supplies necessary to construct or install qualifying equipment or machinery; or

(4) environmental control devices that are used to maintain conditions such as temperature, humidity, light, or air pressure when those conditions are essential to and are part of the production process. An example of such equipment or machinery is "clean room" equipment that is used to maintain a sterile environment necessary for the manufacture of a product. However, qualifying environmental control equipment or machinery does not include equipment or machinery that is necessary to maintain the environment of a particular manufacturing area in order to provide for optimum operation of qualifying equipment and machinery, since such equipment is not essential to the integrated production process.

Subp. 4. **Nonqualifying capital equipment.** The statutory definition of capital equipment, as found in *Minnesota Statutes*, section 297A.01, subdivision 16, lists seven types of purchases that do not qualify for the capital equipment exemption. Purchases of equipment or machinery in items A to F are not eligible for the capital equipment exemption.

A. Capital equipment does not include repair or replacement parts used to restore equipment or machinery to its original or intended operating condition, or which upgrade, modify, or modernize equipment or machinery. Excluded are parts that are purchased simultaneously with the equipment or machinery and that are spare or duplicative of parts already connected to or purchased as part of the equipment or machinery. Also excluded are items which are considered to be accessories to existing capital equipment used in an integrated production process.

Example: An electric motor on the production line of a paper manufacturer burns out. A replacement motor is installed. The replacement motor does not qualify as capital equipment.

B. Capital equipment does not include motor vehicles taxed under *Minnesota Statutes*, chapter 297B. This item includes all accessory or attachment equipment that was included as part of the total packaged price taxed under *Minnesota Statutes*, chapter 297B.

Example: A road building materials manufacturer buys a concrete mixing truck and pays the motor vehicle tax due under *Minnesota Statutes*, chapter 297B, on the entire purchase price of the vehicle. The purchase price of the truck includes the mixing equipment. The mixing equipment does not qualify as capital equipment.

C. Capital equipment does not include machinery or equipment used to receive or store raw materials. "Machinery or equipment used to receive or store raw materials" means machinery or equipment used to move, hold, or store materials before the production process. This item includes just-in-time inventory control systems, flow-through tank systems, and other similar equipment or machinery that is used to receive or store raw materials. When a manufacturer has no formal inventory system, but uses a temporary holding facility to allow the raw materials to be added directly to the production process, the temporary facility does not qualify for exemption. However, equipment used to take the raw material from the temporary holding area does qualify. Also

included in this item are equipment and machinery used to handle, store, transport, or palletize or otherwise prepare the completed product for shipment after the integrated production process ends (see subpart 3, item B).

Example: A new manufacturer purchases two forklifts. One is used primarily to transport raw materials from the storage area to the production area, move work in process on the production floor, and transfer the completed product into the finished goods storage area. The other forklift is primarily used to transport raw materials from railroad cars to the raw material storage area, and to load the finished goods onto transport trucks for shipment. The first forklift qualifies as capital equipment, but the second forklift does not.

D. Capital equipment does not include building materials intended to become part of a new building structure, or an addition, repair, improvement, or alteration to real estate.

E. Capital equipment does not include equipment or machinery used for nonproduction purposes including, but not limited to, the following:

- (1) equipment and machinery used for plant security, fire prevention, first aid, and hospital stations;
- (2) equipment and machinery used in support operations or for administrative purposes;
- (3) equipment or machinery used solely for pollution control, prevention, or abatement; and
- (4) equipment or machinery used in plant cleaning, disposal of scrap and waste, plant communications, space heating, lighting, or safety.

F. Capital equipment does not include equipment and machinery used as farm machinery, aquaculture production equipment, and replacement capital equipment. Farm machinery is used in the production for sale of, but not including the processing of, live-stock, dairy animals, dairy products, poultry and poultry products, fruits, vegetables, forage, grains, and bees and apiary products as defined under *Minnesota Statutes*, section 297A.01, subdivision 15. In addition, farm machinery includes machinery and equipment used for logging activities. Aquaculture production equipment is used directly and primarily in aquaculture production as defined under *Minnesota Statutes*, section 297A.01, subdivision 19.

Subp. 5. **Replacement capital equipment.** In order for equipment or machinery to qualify for the reduction for replacement capital equipment, it must meet the definition in *Minnesota Statutes*, section 297A.01, subdivision 20 (see subpart 1). The statute provides for four types of purchases that qualify for the replacement capital equipment reduction, as outlined in items A to D.

A. Repair or replacement parts. This item includes parts that are purchased simultaneously with the machinery or equipment and that are spares or duplicative of parts already connected to or purchased as part of the equipment or machinery. It also includes accessories to existing capital equipment, or purchases that upgrade or modify existing equipment.

B. Replacement or enhanced software. Software that upgrades, modifies, replaces, or enhances current software capabilities, or that is added as an addition to existing software but does not provide for a new end product, qualifies for the replacement capital equipment reduction.

C. Materials used for foundations for capital equipment and replacement capital equipment. Also covered under this item are special purpose buildings used in the integrated production process.

D. Equipment or machinery purchased or leased to replace equipment or machinery performing fundamentally the same function provided that the replacement equipment or machinery is essential to the integrated production process. Equipment or machinery is performing fundamentally the same function if:

- (1) the same or similar end product is being produced; or
- (2) the new equipment or machinery serves fundamentally or essentially the same purpose as did the old equipment or machinery even if the new equipment and machinery increases plant production or capacity, or is capable of performing faster or more efficiently than the original equipment or machinery.

Example: A printing company has a one-color press which is replaced by an automated seven-color press capable of folding and bindery operations, and a two-color printing press that is replaced with a four-color printing press. Regarding the four-color press, even though the new press can produce a wider variety of colored print, the fundamental purpose of both the two-color press and the four-color press is printing fliers and providing duplication services. Therefore, the four-color press replaced the two-color press, and qualifies as replacement capital equipment. However, the seven-color press is used to print brochures and

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booklets, which were products the company was unable to provide for in the past, while the one-color press was used for duplication services only. Since the seven-color press is being used primarily (50 percent or more) to produce these new products, the seven-color press qualifies as capital equipment even though it replaced the one-color press.

Example: A bakery experienced a fire that destroyed the entire plant. The equipment purchased for the new plant that is being constructed qualifies for the replacement equipment reduction to the extent that the equipment is needed as part of the integrated production process.

Example: A bottling plant's operation outgrows the building where it is currently located. The company purchases a new building and moves some of its production equipment into it. The company replaces the rest of the equipment and machinery and begins operating in the new building. The new equipment and machinery are not eligible for the capital equipment exemption since the coordinated group of fixed assets essential to the integrated refining process perform the same function as the original equipment and machinery.

Subp. 6. Local taxes. Certain local taxes may also be eligible for refund. The Department of Revenue administers the local sales and use taxes for the cities of Minneapolis, Rochester, Mankato, and Saint Paul, and for Cook county, as well as the statewide one-half percent local option tax. Claims for local taxes should be included on the same claim form as the corresponding refund claim for state sales tax for the purposes of the two-claim per year limitation. Local taxes are refundable only for capital equipment purchases purchased pursuant to a bona fide contract that became enforceable on or after October 1, 1989. For replacement capital equipment, the one-half percent local option tax is not refundable.

Subp. 7. Leases. Leases of machinery or equipment are eligible for the capital equipment exemption. The person leasing the equipment or machinery from another person must pay sales tax on the lease payments, and then file the refund claim. Generally, subsequent purchase or re-lease of the equipment or machinery qualifies for the capital equipment exemption only if the terms of the lease, as originally signed, included either an option for subsequent re-lease or purchase or for an actual buyout by the lessee. If the lease is amended after the original date of signing by the lessee and lessor, or if no options are made in the original lease agreement, then the subsequent purchase or re-lease of the equipment or machinery qualifies only for the replacement capital equipment reduction.

Refund claims for lease payments must be made after the payment being claimed has been made. For example, under a 12-month lease where sales tax is due and payable on each monthly payment, the department will only accept a refund claim for those payments that have already been made.

Subp. 8. Research, development, and design. Machinery and equipment used in research, development, and design may qualify for the capital equipment exemption and the replacement capital equipment reduction. Generally, the person using the equipment or machinery must be selling a product as a result of that research, development, or design. In addition, if a person uses the equipment or machinery solely to provide research and development services to a manufacturer for a specific product produced by the manufacturer, then the equipment or machinery in question is eligible for the capital equipment exemption or for the replacement capital equipment reduction to the extent that it is essential to the integrated production process of a specific product. However, if a person uses the equipment or machinery for general product research and development, whether for the user or for another, but never holds out a specific product for sale, then the equipment and machinery in question is not eligible for the capital equipment exemption.

To qualify, the equipment must be used in one of the activities listed in items A and B.

A. Equipment and/or machinery used by a manufacturer for research, development, and design activities, regardless of whether a product is finally produced and sold at retail, may qualify for the capital equipment exemption or the replacement capital equipment reduction provided the equipment and/or machinery meets the definition of capital equipment as outlined in subpart 3.

B. Equipment and/or machinery used by a research and development company, a consultation company, or similar organization in which the entity itself does not produce a product for retail sale, may qualify for the capital equipment exemption and/or the replacement capital equipment reduction if:

(1) the equipment and/or machinery is used to develop a specific product at the request of a manufacturer who may or may not produce the product for retail sale; and

(2) the equipment and/or machinery is used 50 percent or more of the time for the research, development, and design of the specific product in question.

Example: A consultation company provides research and development activities for a manufacturer who is seeking to develop a treatment to extend the life of its product used under conditions requiring high temperatures. In addition, the consultation company also owns equipment used in general research and development of potential products. Only the equipment purchased by the company for the manufacturer's product qualifies since it is used to develop a specific item that will eventually be sold at retail.

Subp. 9. **Mining or production of taconite.** The exemption for capital equipment for the taconite mining industry extends, in part, to replacement capital equipment. Under *Minnesota Statutes*, section 297A.01, subdivision 16, paragraph (f), machinery purchased or leased to replace existing machinery and equipment used in the mining or production of taconite qualifies for the full reduction available under the capital equipment exemption. Beginning July 1, 1993, equipment purchased to replace existing equipment used in the mining or production of taconite qualifies as capital equipment, and is therefore eligible for a full exemption of the tax paid upon the net purchase price of the equipment.

Replacement and repair parts, spare parts, accessories, upgrades, modifications, foundations, and special purpose buildings are eligible for the replacement capital equipment reduction (see subpart 5).

Subp. 10. **Use tax.** If Minnesota sales tax has not been paid on the capital equipment or the replacement capital equipment (such as on out-of-state purchase, or on in-state purchase where sales tax was not charged or where the purchaser provided the vendors with a valid exemption certificate), the entire use tax due and owing under *Minnesota Statutes*, section 297A.14, must be paid to Minnesota even though the equipment may be eligible for a complete capital equipment exemption or a reduced replacement capital equipment refund.

Board of Veterinary Medicine

Proposed Permanent Rules Relating to Licensure and Practice

Notice of Intent to Adopt a Rule Without a Public Hearing

The Minnesota Board of Veterinary Medicine (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.

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

Roland C. Olson, Executive Director
Minnesota Board of Veterinary Medicine
2700 University Avenue West, Suite 102
St. Paul, MN 55114
(612) 642-0597

The proposed rule is about mandatory continuing education requirements for veterinarians. The statutory authority to adopt this rule is *Minnesota Statute* Section 214.12 (1994). A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

You have until 4 p.m. July 17, 1995, to submit comments 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.

In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4 p.m. on July 17, 1995. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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*.

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 the content of the proposed rules is not subject to *Minnesota Statutes* 14.115 regarding small business considerations in rulemaking. The basis for this position is addressed in the statement for need and reasonableness.

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

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The Minnesota Board of Veterinary Medicine has reviewed the proposed rules and finds 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 agency contact person listed above.

Roland C. Olson, DVM
Executive Director

Rules as Proposed

9100.0100 DEFINITIONS.

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

Subp. 1c. ~~Controlled substance~~ Continuing education or approved continuing education program. "Controlled substance" means a ~~drug, substance, or immediate precursor in schedules I to V of Minnesota Statutes, section 152.02, or schedules I to V of the federal Controlled Substances Act.~~

A. "Continuing education" means educational and training activities designed to contribute to the development and enhancement of skills and obligations associated with the professional practice of veterinary medicine.

B. "Approved continuing education program" means an educational or training activity that meets the requirements of the Board of Veterinary Medicine Continuing Education Advisory Committee for the granting of continuing education credits to the recipients of the program.

Subp. 1d. [See repealer.]

Subp. 1e. Controlled substance. "Controlled substance" means a drug, substance, or immediate precursor in schedules I to V of Minnesota Statutes, section 152.02, or schedules I to V of the federal Controlled Substances Act.

[For text of subp 2, see M.R.]

Subp. 3. Housing facility. "Housing facility" means a structure, cage, building, or other facility used for housing animals under veterinary care.

[For text of subp 3a, see M.R.]

Subp. 3b. Licensure renewal period. "Licensure renewal period" is a two-year period beginning on March 1 and ending on the last day of February two years later.

[For text of subps 4 and 4a, see M.R.]

Subp. 4b. Sponsor or approved sponsor.

A. "Sponsor" means a person or entity who organizes a continuing education activity.

B. "Approved sponsor" means an entity or person who has been approved by the board to present continuing education programs.

Subp. 4c. Sterile surgery. "Sterile surgery" means an invasive procedure in which aseptic technique is practiced in patient preparation, instrumentation, and surgical attire.

[For text of subps 5 and 6, see M.R.]

Subp. 7. Veterinary facility.

A. "Veterinary facility" means a building, shelter, or structure, or mobile unit in which licensed veterinarians routinely engage in the practice of veterinary medicine.

B. "Emergency veterinary facility" means a facility equipped and staffed to provide acute veterinary care during night, weekend, and holiday hours when most local daytime veterinary practices are closed.

C. "Full service veterinary facility" means a veterinary facility staffed and equipped to provide sick animal diagnosis and treatment and, at a minimum, minor and routine surgical procedures.

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D. "Limited service veterinary facility" means a veterinary facility staffed and equipped to provide services of a limited or restricted degree, such as immunizations and well animal preventive testing, or limited specialty services such as ophthalmology or surgery.

E. "Satellite veterinary facility" means a veterinary facility owned, managed, or operated by a licensee or licensees whose principal practice facility, which must be a full service facility, is physically separated from the satellite facility.

9100.1000 CONTINUING EDUCATION.

Subpart 1. Continuing education required. Commencing with license renewal for 1997, no license renewal may be issued to a veterinarian, pursuant to *Minnesota Statutes, section 156.07*, until the veterinarian has certified to the board that the veterinarian has completed at least 40 hours of approved continuing education during the previous two years. Thereafter, each veterinarian possessing a license to practice veterinary medicine shall certify compliance at the time of each subsequent biennial license renewal. Licensees with odd-numbered licenses renewed in 1997 are required to have completed 20 credit hours and thereafter 40 credit hours for subsequent biennial license renewal periods. Licensees with even-numbered licenses are required to have completed 40 credit hours at time of 1998 renewal.

Subp. 2. Purpose. The primary purpose of continuing veterinary education is to assure the consumer of an optimal quality of veterinary care by requiring veterinarians to attend educational or training programs designed to advance their professional skills, knowledge, and obligations.

Subp. 3. Approved continuing education programs.

A. Courses, seminars, wet labs, and lectures sponsored by accredited colleges of veterinary medicine; the AVMA and CVMA; state, regional, and local VMAs; AVMA recognized specialty boards; academic or specialty groups; international veterinary organizations; and the AAHA are automatically approved and do not require advance approval on an individual program basis.

B. Sponsors of programs not automatically approved in item A must apply to the board's continuing education advisory committee for course approval at least 90 days prior to the anticipated presentation date.

(1) Applications for approval of a continuing education program must be submitted on a form provided by the board containing the following information:

- (a) the name and address of the organization sponsoring the course for which approval is requested;
- (b) a detailed description of the course content, including a time schedule for the course;
- (c) the name and credentials of each person making a presentation;
- (d) the mechanism of monitoring and certifying attendance;
- (e) the dates and location, including the name and address of the facility at which the course will be conducted; and
- (f) the tuition fee.

(2) Each initial application for course approval must be accompanied by a \$50 payment to the board. Subsequent annual renewal applications must be accompanied by a \$25 payment.

C. Program approval criteria:

(1) The criteria in units (a) to (d) must be used to determine approval of a continuing education program.

(a) The educational activities must have significant intellectual or practical content dealing primarily with information on skills directly related to the practice of veterinary medicine, to the professional responsibility or ethical and legal obligations of the participants, or to practice management concepts.

(b) Presenters must be qualified by practical or academic experience to teach the subject covered.

(c) The program must be conducted in a suitable setting conducive to the learning process.

(d) Except for limitations due to space availability or instructor/pupil ratio or academic or experience prerequisites, courses must be open to all licensed veterinarians.

(2) Licensees, within 30 days of attending a nonpreapproved course, may apply to the continuing education advisory

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Proposed Rules

committee for credit by completing and submitting an individual continuing education course approval form. The continuing education advisory committee is the final determinator of credit to be allowed.

(3) Courses not directly related to the practice of veterinary medicine, such as estate planning, investments, and marketing of ancillary products, must not be approved for continuing education credit.

(4) Providers, in advertisements for approved programs, must use the following phrase: "This program has been approved by the Minnesota Board of Veterinary Medicine for (insert appropriate number) continuing education credit hours."

(5) Providers must maintain records of attendance for a minimum of three years and must verify individual attendance to the board upon request.

Subp. 4. Continuing education advisory committee.

A. A six-member continuing education advisory committee is established to assist and advise the board in continuing education matters. Two members of the committee must be designated by the Minnesota Academy of Veterinary Practice; two must be members of the board; one member must be designated by the College of Veterinary Medicine, University of Minnesota; and one member must be designated by the Minnesota Veterinary Medical Association. The executive director of the board shall serve as secretary of the committee.

B. Responsibilities and duties of the continuing education advisory committee include:

(1) reviewing proposed continuing education programs for approval and determining the number of continuing education credit hours that will be awarded;

(2) reviewing individual licensee requests for continuing education credit approval and determining the number of credit hours to be awarded;

(3) hearing appeals for and, if necessary, granting hardship extensions for licensees unable to meet continuing education credit hour requirements;

(4) determining, if necessary, the validity of individual requests for a waiver of continuing education requirements; and

(5) assisting and advising the board staff in administering the continuing education program.

Subp. 5. Requirements for relicensure. Each licensee must obtain 40 hours of approved continuing education credit in the two years immediately preceding the biennial license renewal deadline.

A. Thirty of the 40 required hours of continuing education credit must be obtained from interactive sources, such as lectures, seminars, wet labs, interactive television, or as a presenter of a continuing education topic or author of a referred journal article or contributing author for a recognized textbook.

B. For self study, such as journal reading, audio/visual tape instruction, or other noninteractive study, three hours of study must be awarded one hour of continuing education credit. Not more than ten hours of continuing education credit from noninteractive sources must be accepted toward the 40-hour continuing education credit requirement for licensure renewal.

C. Not more than ten hours of continuing education credit must be accepted for courses, seminars, or training sessions focused on practice management.

Subp. 6. Credit determination.

A. Ten hours of continuing education credit must be granted for authoring a scientific paper or book chapter published in a scholarly journal or book.

B. Ten hours of continuing education credit must be granted on a one-time basis for a paper or exhibit presented before a professional veterinary or allied health audience.

C. One hour of continuing education credit must be given for each period of not less than 50 minutes of attendance at an approved continuing education program. Credit for attendance at combined scientific, business, and social conventions must be given only for the actual number of hours spent participating in continuing education programs.

Subp. 7. Extension and waivers of continuing education requirements.

A. For good cause, a licensee may apply to the continuing education advisory committee for a six-month extension of the deadline for obtaining the required number of continuing education credits. No more than two consecutive extensions may be granted. Extensions may be granted for unforeseen hardships such as illness, family emergency, and military call-up.

B. Waiver of continuing education requirements must be granted to licensees enrolled in a graduate or residency program leading to an advanced degree or certification in a specialty or academic field related to veterinary medicine.

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C. Waiver of continuing education requirements must be granted to licensees who are members in current good standing of academies and specialty boards that have continuing education requirements equal to or higher than board requirements.

D. Waiver of continuing education requirements must be granted to licensees who practice and maintain licensure in another United States or Canadian jurisdiction that has continuing education requirements equal to or higher than board requirements.

E. Continuing education requirements are waived for the time period immediately preceding the first license renewal date.

E. Veterinarians retired but maintaining a license are exempt from meeting continuing education requirements.

Subp. 8. Certification procedure.

A. The board, at the time of license renewal, must furnish each licensee a form upon which the licensee must certify fulfillment of the required number of continuing education hours for the two-year period preceding the license renewal date or that they qualify for waiver of requirements as specified in items B to E.

B. Licensees are responsible for maintaining documentation of continuing education attendance for a minimum of four years. The board may, at its discretion, require licensees to furnish additional evidence as is necessary to verify compliance with board continuing education requirements. Upon board request, whether as part of a routine audit or as part of an individual complaint investigation, a licensee must furnish, within 30 days, proof to the board of satisfactorily meeting the required number of continuing education hours established by the board or of qualifying for a waiver.

(1) Proof in the form of attendance certificates, diplomas, canceled checks, or class rosters accompanied with a course program, or other documentation acceptable to the board must be submitted.

(2) The continuing education committee is the final determining authority as to the acceptability of specific continuing education documentation or waiver qualification.

C. The following acts are unprofessional conduct and are subject to disciplinary action under *Minnesota Statutes*, section 156.081, subdivision 2, clause (11):

(1) failure to meet minimum continuing education credit hour requirements for biennial license renewal;

(2) failure to submit adequate proof of continuing education attendance within 30 days of a board request; and

(3) falsification of attendance documentation.

D. Excess continuing education credit hours may not be banked or carried forward into the next license renewal cycle.

E. For disciplinary purposes, the board may direct a licensee to take additional continuing education, in specific disciplines, over and above the general continuing education requirements for relicensure.

Subp. 9. Reinstatement of expired license. A person wishing to reinstate an expired license under *Minnesota Statutes*, section 156.071, shall furnish proof that the person meets continuing education requirements of their current state of residency and that those requirements are equal to Minnesota requirements, or otherwise provide documentation to the board of having met Minnesota continuing education requirements for each year the license was expired, up to five years maximum, or provide proof of enrollment in a qualified graduate or residency program during the period the license was expired.

REPEALER. *Minnesota Rules*, part 9100.0100, subpart 1d, is repealed.

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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.

Gambling Control Board

Adopted Permanent Rules Governing Pull-tab Dispensing Devices

The rules proposed and published at *State Register*, Volume 19, Number 36, pages 1828-1841, March 6, 1995 (19 SR 1828), are adopted with the following modifications:

Rules as Adopted

7861.0010 DEFINITIONS.

Subp. 11d. **RAM microchip.** "RAM microchip" means a random access memory chip which holds a pull-tab dispensing device's accounting and game information.

7861.0040 PREMISES PERMITS.

Subp. 3. **Contents of premises permit application.** A premises permit application must include:

J. ~~any one~~ or all both of the following:

(1) the amount of monthly rent; and

(2) rent per bingo occasion and the total square footage leased;

~~(3)~~ K. the number of pull-tab dispensing devices to be located at the proposed gambling premises;

~~L.~~ L. the days and hours of each bingo occasion, if any;

~~M.~~ M. the address of any storage space for gambling equipment, if different than the leased premises;

~~N.~~ N. the bank name, address, and account number for the bank account into which gross receipts from gambling are deposited, and the name, title, and address of all persons authorized to make deposits into and withdrawals from the account;

~~O.~~ O. an authorization permitting the board to inspect the bank records of the gambling account;

~~P.~~ P. a statement providing consent to local law enforcement officers, the board or its agents, and the commissioners of revenue and public safety and their agents to enter the premises to inspect and enforce the law;

~~Q.~~ Q. an acknowledgment signed by the chief executive officer; and

~~R.~~ R. an acknowledgment that the appropriate local unit of government under *Minnesota Statutes*, section 349.213, subdivision 2, received the premises permit application.

7861.0080 PULL-TABS.

Subp. 6. **Records.** An organization shall maintain the following information for a period of 3-1/2 years.

F. An organization shall maintain an access log, on a form provided by the board, for each pull-tab dispensing device that it operates. The active access log shall be kept in an interior compartment of the pull-tab dispensing device and an access log, when completed, shall be removed and stored in compliance with this part.

7861.0120 ORGANIZATION OPERATIONS, ACCOUNTS, AND REPORTS.

Subp. 3. **Records and reports required.** The following items apply to records and reports:

E. When an organization has a fund loss by questionable means of its inventory or cash, the organization may apply to the board, on a form prescribed by the board, for an adjustment of its profit carryover. The organization shall file a fund loss report with the Department of Revenue, which will make a recommendation to the board. The fund loss report must include the following:

(1) a local law enforcement report which was filed within ten days of the discovery of the loss, except when using a pull-

tab dispensing device, the local law enforcement report must have been filed within 24 hours of the discovery of the loss. If a report was not filed with the local law enforcement agency within ten days, or in the case of pull-tab dispensing devices within 24 hours of the discovery of the loss, the request for adjustment will not be considered;

7864.0030 MANUFACTURER OPERATIONS, ACCOUNTS, AND RECORDS.

Subpart 1. **Standards for manufacture of gambling equipment.** The following items apply to lawful gambling equipment manufactured for sale in Minnesota:

I. No manufacturer or distributor may sell, offer for sale, or furnish a pull-tab dispensing device within Minnesota and no organization may purchase a pull-tab dispensing device in Minnesota unless it conforms to the following standards and has been approved by the board pursuant to this part.

Subp. 2. **Prior approval of gambling equipment required.** The following items apply to the approval of gambling equipment prior to sale in Minnesota. Before the sale of any gambling equipment in Minnesota, the manufacturer must submit to the board a sample of such equipment. All gambling equipment submitted for consideration must be received in the board's office on or before the 15th day of the month in order to ensure consideration at the board's meeting the following month. The board shall notify the manufacturer in writing no later than five days after a board meeting of the board's decision on whether the product is approved for sale in Minnesota. Board approval for sale of gambling equipment in Minnesota does not constitute approval of the bar code required by the commissioner of revenue.

J. ~~A licensed manufacturer shall reimburse the board for all costs incurred in testing pull-tab dispensing devices that it submits for approval in Minnesota. Reimbursement shall be made within 30 days of receiving written notification from the board that the manufacturer's pull-tab dispensing devices have been approved or not approved for sale in Minnesota. The board shall submit an invoice to the manufacturer for the testing costs along with the written notification that the manufacturer's pull-tab dispensing devices have been approved or not approved for sale in Minnesota.~~

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.

Official Notices

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

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

Minnesota Comprehensive Health Association

Notice of Actuarial Sub-Group Committee Meeting

NOTICE IS HEREBY GIVEN that a meeting of a Sub-Group of the Actuarial Committee of the Minnesota Comprehensive Health Association (MCHA), will convene at 8:00 a.m. on Friday, June 16, 1995 at Blue Cross Blue Shield of Minnesota, River Park Building, 3400 Yankee Drive, Eagan, Minnesota, in room "A".

For additional information please call Lynn Gruber at (612) 593-9609.

Department of Human Services

Home and Community-Based Services Division

Notice of Solicitation for Individuals Interested in Participating on Home Care Services Task Force and Subcommittees

NOTICE IS HEREBY GIVEN that pursuant to the *Laws of Minnesota* 1995, chapter 207, article 6, section 121, the State Department of Human Services is forming a home care services task force and is seeking membership. The purpose of the task force is to recommend alternatives to the medical assistance home care service changes to be implemented July 1, 1996. Recommendations must reduce projected growth for the 1996-1997 biennium to no more than five percent over 1995 projected expenditures as described in the November 1994 medical assistance forecast.

Subcommittees will be formed to assist the task force. Possible subcommittees include: Models for Personal Care Service Delivery; Public Health Assessment Process; and Alternative Services. Additional subcommittees may be established.

The recommendations of the task force must include: proposals for independent delivery models for personal care assistant services; a plan to streamline the process of county assessments and the development of service plans and care plans to achieve administrative cost efficiencies; and, alternative ways to serve segments of the population with needed services.

The task force and subcommittees shall be composed of home care service recipients, providers, advocates, staff from counties, the departments of human services, health, finance, the attorney general's office, in addition to the chairs of the health and human services finance committees of both houses of the legislature or their representatives.

The recommendations of the task force must be completed by December 1, 1995, except that the recommendations relating to the process of county assessments and the development of service plans and care plans to achieve administrative cost efficiencies must be completed by October 1, 1995. Both shall be presented to the next session, including a special session, of the Minnesota Legislature.

Also, by January 15, 1996, the commissioner of human services, jointly with counties, is directed to develop a plan to allow counties to assume the prior authorization for home care services at the option of the county. The plan must provide participating counties with the funding, flexibility, authority, and accountability to administer both the assessment and prior authorization functions for medical assistance reimbursement for services under *Minnesota Statutes*, section 256B.0627, subdivision 2. The plan shall be presented to the legislature at their next session.

This plan must also make recommendations for adequate reimbursement of county administrative responsibilities for assessment, case management, and appeal activities. In developing the plan and recommendations, the commissioner of human services must involve counties, consumers, and providers and include the development of standards, criteria and outcomes to foster local authority and flexibility, while defining quality expectations, budgetary incentives and sanctions, and promoting consistency.

Meetings of the task force and subcommittees are expected to begin in July 1995 and run through December 1995. Individuals interested in serving on the task force or a subcommittee must be willing and able to meet frequently during this period. Task force and subcommittee selection will be announced by June 30, 1995.

Individuals interested in participating on the home care services task force or a subcommittee must submit a letter of interest and resume/curriculum vitae addressing the following points: your background, why you are interested in serving on the task force or a

subcommittee, why you think your viewpoint would be typical of the group you represent, any specific concerns you may have, and any accommodations you may require for a disability in order to participate. Letters of interest and resumes must be submitted to: Jame Bovy, Minnesota Department of Human Services, Home and Community-Based Services Division, 444 Lafayette Road, St. Paul, Minnesota 55155-3857. For further information contact Jame Bovy at (612) 282-6992 or 1-800-657-3606 (dial extension 2-6992). For TDD, contact Minnesota Relay Service at (612) 297-5353 or 1-800-627-3529. Letters of interest must be received by the Department of Human Services by June 23, 1995, for consideration.

Dated: 2 June 1995

Marge Scudder Brchan
Home and Community-Based Services Division
Department of Human Services

Department of Human Services

Health Care Programs Administration

Notice of Changes to the Current Prior Authorization List

The following is a change to the current prior authorization list which replaces any other list published in the *State Register*. The changed Prior Authorization requirement is effective for dates of service occurring on or after July 1, 1995.

PRIOR AUTHORIZATION LIST

As authorized by *Minnesota Statutes*, section 256B.0625, subdivision 25, the following list includes all health services that require prior authorization as a condition of MA/GAMC/MinnesotaCare reimbursement. The list is presented in sections: Dental Services, Vision Care Services, Medical Supplies and Equipment, Prosthetics and Orthotics, Hearing Aids, Drugs, Rehabilitative Services, Home Care Services, and All Other Services. The criteria used to develop this list are as follows:

- A. The health service could be considered, under some circumstances, to be of questionable medical necessity.
- B. Use of health service needs monitoring to control the expenditure of program funds.
- C. Less costly, appropriate alternatives to the health service are generally available.
- D. The health service is investigative.
- E. The health service is newly developed or modified.
- F. The health service is of a continuing nature and requires monitoring to prevent its continuation when it ceases to be beneficial.
- G. The health service is comparable to a service provided in a skilled nursing facility or hospital but is provided in a recipient's home.
- H. The health service could be considered cosmetic.

95883*¹⁹ Neuropsychological testing battery by DHS approved doctoral-prepared licensed neuropsychologist

*¹⁹PA is required for neuropsychological testing and assessment (95883) prior to service initiation.

Effective July 1, 1995, up to 7 hours of CPT 95883 services per calendar year may be billed by a DHS approved provider BEFORE prior authorization is necessary. Prior authorization is required under the following circumstances:

- * to exceed 7 hours (or 28 units) of CPT 95883 services per calendar year. A maximum of 10 hours (or 40 units) of CPT 95883 may be approved for a single assessment;
- * if multiple assessments (i.e., re-evaluation) are requested and determined by the Department to be medically necessary, a maximum of 15 hours (or 60 units) of CPT 95883 may be allowed with prior authorization for the calendar year.

Department of Human Services

Long-Term Care Division

Amended Notice of Solicitation of Outside Information or Opinions Regarding Proposed Payment Rates for Intermediate Care Facilities for Persons with Mental Retardation or Related Conditions

The State Department of Human Services hereby gives notice that it seeks information or opinions from sources outside the agency in preparing to propose the adoption of the rule governing Payment Rates for Intermediate Care Facilities for Persons with Mental Retardation or Related Conditions. The adoption of the rule is authorized by *Minnesota Statutes*, section 256B.501, which permits the agency to establish procedures and rules for determining rates for care of residents of intermediate care facilities for persons with mental retardation or related conditions.

The proposed rule will amend *Minnesota Rules*, chapter 9553. Topics which may be the focus of rule revision and the primary rule parts in which revision may occur are identified below. Rule parts that may be revised are 9553.0010, to include State Operated Community Services in the scope of the rule; 9553.0020, Definitions; 9553.0030, Cost Classification and Allocation Procedures, to modify central office allocation procedures; 9553.0035, Determination of Allowable Costs, to establish line item limits and documentation requirements for individual compensation, vehicle mileage, travel, and membership fees, to clarify equipment reimbursable under the rate, and to eliminate the requirement for time distribution records; 9553.0036, Nonallowable Costs, to clarify the special needs rate exception language and to establish travel outside the continental USA or Canada as a nonallowable cost; 9553.0040, Reporting by Cost Category, to combine program, administrative, and maintenance categories into a single cost category; 9553.0041, General Reporting Requirements, to evaluate record retention periods and use of single cost reports for provider groups; 9553.0050, Determination of Total Operating Cost Payment Rate, to revise existing limits, calculation of the efficiency incentive, and determination of one-time rate adjustments, and to establish an overall operating cost rate limit; 9553.0060, Determination of Property Related Payment Rate, to address capital asset issues and the 80 percent debt limitation as it related to vehicle trade-ins, and to establish requirements for maintaining funded depreciation reserves required by mortgagors other than the MHFA.

The scope of the revision may also establish the use of client assessment data collected by the Minnesota Department of Health, Quality Assurance and Review teams and will revise any rule parts which have been superseded by changes in statute.

Affected persons and groups include mentally retarded persons and their families, friends, and advocates; providers of services to mentally retarded persons, their employees, contractors, and advocates; social workers; and county workers and officials working with mentally retarded persons and intermediate care facilities.

The department formed an advisory task force to aid in the development of the rule. The advisory task force consisted to providers of services to mentally retarded persons, county workers, advocates for mentally retarded persons, and associations representing intermediate care facilities.

The advisory task force is expected to complete consideration of the rule by August 1995.

The department anticipates that the rule adoption process will take approximately an additional six-eight months.

The department requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally and may request copies of the proposed rule. Please address written statements or requests for the proposed rule to: Asha Sharma, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3816. She will receive oral statements during regular business hours over the telephone at (612) 282-9850 and in person at the above address.

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

Dated: 5 June 1995

Asha Sharma,
Rules Division

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective June 12, 1995 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

- Anoka:** District Center for St Francis Public Schools-St Francis.
- Crow Wing:** Riverside Elementary School Additions & Remodeling-Brainerd.
- Dakota:** 1995 Reroofing Rosemount Schools-Apple Valley.
- Goodhue:** Correctional Facility-Red Wing.
- Hennepin:** Accessibility Improvements/Chemical Dependency Bldg-Minneapolis.
- Itasca:** Arrowhead Promotion & Fulfillment Co Inc Expansion-Grand Rapids.
- Koochiching:** Rainy River Community College-International Falls.
- Nicollet:** District Office Reroofing & High Sch Partial Reroofing-St Peter.
- Ramsey:** White Bear Lake Armory Renovation-White Bear Lake; Copy Center HVAC & Electric-St Paul.
- Roseau:** New Roseau County Courthouse Facility-Roseau; New Roseau County Courthouse-Roseau.
- St. Louis:** University Medical Center Mesabi RTC & Facility Expansion-Hibbing; Thompson Hill Rest Area/Info Center-Duluth.
- Stearns:** SCTC Fire Alarm-St Cloud.
- Steele:** 1995 T-Hanger Construction-Owatonna.
- Stevens:** Asbestos Abatement for UMM Cabling Project/Camden Hall-Morris.

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

Gary W. Bastian, Commissioner

Minnesota Property Insurance Placement Facility

Notice of Meeting of the Governing Board

NOTICE IS HEREBY GIVEN that a meeting of the Governing Board of the Minnesota Property Insurance Placement Facility will be held at 9:00 a.m. on Wednesday, June 14, 1995 at the office of the Minnesota Property Insurance Placement Facility, 1201 Marquette Avenue, Suite 310, Minneapolis, MN. For additional information please call 338-7584.

Department of Revenue

Notice of Schedule of Presumed Legal Cigarette Prices

The presumed prices for wholesaler and retailers as provided for by Minnesota Statutes 325D are shown in this schedule. The computations are based on manufacturer's list prices available as of May 25, 1995. A wholesaler or retailer may sell for less if they can show that their actual costs of doing business is lower than the presumed minimum.

	Presumed Minimum Wholesale Price Per Carton	Presumed Minimum Retail Price Per Carton	Presumed Minimum Retail Price Per Pack
Major Brands (Kings, Regulars 100's, 120's)	\$17.02	\$18.38	\$1.84

Examples of major brands: Marlboro, Winston, Merits, Virginia Slims, Kools, Capri, Kent, Newport, Carlton

Official Notices

Players Lights 25's (Kings, 100's)	\$15.87	\$17.14	\$1.71
Marlboro 25's (Kings)	\$17.02	\$18.38	\$2.30
Old Gold , Richland 20's, Best Value, GPC'S, Basics, Mistys, Raliegh Extra, Viceroy,Doral, Riviera, Magna, Sterling, Cambridge, Am Light, Montclair,Pyramid, Bristol,Alpine , Bucks ,Stars & Bars,Quality Lights, Class A,Black and Yellow (Kings, Regulars 100's, 120's)	\$14.20	\$15.34	\$1.53
Ligget Private Label (Kings, Regulars, 100's,)	\$14.20	\$15.34	\$1.53

Minnesota Sentencing Guidelines Commission

Notice of Public Hearing to Consider Modifications to the Sentencing Guidelines

The Minnesota Sentencing Guidelines Commission will hold a public hearing on Wednesday, July 12, 1995, at 5:30 PM in Room 15, Ground Floor, State Capitol, St. Paul, Minnesota. The public hearing is to consider proposed modifications to the sentencing guidelines and commentary regarding the ranking for new and amended crimes, other action to address legislation passed during the 1995 legislative session, and other modifications.

Additional copies of the proposed modifications are available, free of charge, by contacting the Minnesota Sentencing Guidelines Commission at Meridian National Bank Building, 205 Aurora Ave., Suite 205, St. Paul, MN 55103, or by calling Voice: (612) 296D0144. Deaf/Hard of Hearing/Speech Impaired Only TDD users may call this agency through the MN Relay Service: Twin Cities (612) 297D5353 or Greater Minnesota 1 (800) 627D3529; ask for (612) 296D0144. If you need special accommodations to attend, please contact the Minnesota Sentencing Guidelines Commission as soon as possible. This notice is available in alternative formats upon request.

All interested persons are encouraged to attend the hearing and offer comments. Persons wishing to speak may register in advance by contacting the Commission staff at the above address/telephone number.

The Commission will hold the record open for five days after the public hearing to accept additional written comment on the proposed modifications. On July 18, 1995, the Commission will meet at 3:00 PM at the Minnesota Judicial Center, Conference Room GD31, 25 Constitution Avenue, St. Paul, MN 55155 to formally adopt or reject the proposed modifications. **If adopted, the modifications will become effective as noted in each of the sections.**

I. PROPOSED MODIFICATIONS TO RANK THE SEVERITY OF NEW OR AMENDED CRIMES PASSED BY THE 1995 LEGISLATURE - EFFECTIVE AUGUST 1, 1995

The Commission proposes to rank the following crimes as follows:

Severity Level VIII

Criminal Abuse of Vulnerable Adult (death) - 609.2325, subd. 3 (1)

Manslaughter 1 - 609.20 (1), & (2) & (5)

Severity Level VII

Criminal Abuse of Vulnerable Adult (great bodily harm) - 609.2325, subd. 3 (2)

Manslaughter 2 - 609.205 (1) & (5)

Severity Level V

Financial Exploitation of a Vulnerable Adult (over \$2,500) - 609.2335

Severity Level IV

Criminal Abuse of Vulnerable Adult (substantial bodily harm) - 609.2325, subd. 3 (3)

Financial Exploitation of a Vulnerable Adult (\$2,500 or less) - 609.2335

Severity Level I

Assaulting or Harming a Police Horse - 609.597, subd. 3 (3)

Unranked List

Assaulting or Harming a Police Horse - 609.597, subd. 3 (1) & (2)

Registration of Predatory Offenders - 243.166, subd. 5

The Commission considered the changes made by the 1995 Legislature to the following crimes and proposes to continue the existing severity level rankings, unless otherwise noted above: Burglary 1, Criminal Sexual Conduct 2 & 4, Death of an Unborn Child, Escape from Custody, Injury to an Unborn Child, Murder 1, Murder 2, Pattern of Harassing Conduct, Receiving Profit Derived from Prostitution, and Tampering with a Witness.

The following language is added to commentary to clarify that the new crime of Knowing Transfer of Communicable Disease is ranked according to the underlying crime chosen for prosecution.

II.A.07. Knowing Transfer of Communicable Disease. Minnesota Statutes § 609.2241, is prosecuted under section 609.17, 609.185, 609.19, 609.221, 609.222, 609.223, 609.2231, or 609.224. The severity level ranking for this crime would be the same as the severity level ranking of the crime for which the offender is prosecuted. For example, if the offender commits this crime and is convicted under Assault in the 1st Degree, Minnesota Statutes § 609.221, the appropriate severity level ranking would be severity level VIII.

II. PROPOSED MODIFICATIONS TO CLARIFY OR MAKE TECHNICAL CHANGES - EFFECTIVE AUGUST 1, 1995

The following reference to criminal vehicular operation is amended to criminal vehicular homicide and injury:

II.B.202. . . . However, one gross misdemeanor offense -- aggravated driving while intoxicated -- is particularly relevant in sentencing cases of criminal vehicular ~~operation-homicide or injury~~. Because of its particular relevance in cases of this nature, a custody status point shall be assigned if the offender is under probation, jail, or other custody supervision following a gross misdemeanor conviction of ~~aggravated DWI under section 169.121, 169.1211 or 169.129~~, when the felony for which the offender is being sentenced is criminal vehicular ~~operation-homicide or injury~~, and the criminal vehicular ~~operation-offense~~ occurred while under that supervision.

The Commission proposes amending Section II.C. Presumptive Sentence to clarify the current policy for escapes from executed prison sentences. Currently, this policy is only referenced in the section on consecutive sentencing.

. . . Similarly, when the current conviction offense is a severity level VI drug crime or sale of cocaine and there was a previous adjudication of guilt for a felony violation of Chapter 152 or a felony-level attempt or conspiracy to violate Chapter 152, or was convicted elsewhere for conduct that would have been a felony under Chapter 152 if committed in Minnesota (See *Minnesota Statutes* § 152.01, subd. 16a) before the current offense occurred, the presumptive disposition is Commitment to the Commissioner of Corrections. The presumptive duration of sentence is the fixed duration indicated in the appropriate cell of the Sentencing Guidelines Grid, or the mandatory minimum, whichever is longer. In addition, the presumptive disposition for escapes from executed sentences is Commitment to the Commissioner of Corrections and the presumptive duration is determined by the appropriate cell of the Sentencing Guidelines Grid, or the mandatory minimum, whichever is longer.

The following language change to commentary will help clarify the rationale for the severity level rankings of crimes involving a mandatory minimum:

II.E.02. The Commission attempted to draw the dispositional line so that the great majority of offenses that might involve a mandatory sentence would fall below the dispositional line. However, some cases carry a mandatory prison sentence under state law but fall above the dispositional line on the Sentencing Guidelines Grid; e.g., Assault in the Second Degree. When that occurs, imprisonment of the offender is the presumptive disposition. The presumptive duration is the mandatory minimum sentence or the duration provided in the appropriate cell of the Sentencing Guidelines Grid, whichever is longer. These crimes are ranked above the dispositional line because the Commission believes the durations at these levels are more proportional to the crime than the durations found at the higher severity levels where prison is recommended regardless of the criminal history score of the offender. For example, the mandatory minimum prison sentence for Assault in the Second Degree involving a knife is one year and one day. For someone with no criminal history score, the guidelines recommend a 21 month prison sentence based on the severity level VI ranking. The Commission believes this sentence is more appropriate than the 48 month prison sentence that would be recommended if this crime were ranked at severity level VII which is the first severity level ranked completely below the dispositional line.

Official Notices

The Commission proposes the following changes to section II.G. Convictions for Attempts, Conspiracies, and Other Sentence Modifiers to clarify language regarding crimes committed for the benefit of a gang. The new language explains how to determine the appropriate duration when attempts or mandatory minimums are involved:

For persons convicted of ~~sentenced under~~ Minnesota Statutes § 609.229, subd. 3 (a) where there is a sentence for an offense committed for the benefit of a gang, the presumptive sentence is determined by locating the Sentencing Guidelines Grid cell defined by the offender's criminal history score and the severity level of the underlying crime with the highest severity level, and the duration contained therein plus an additional 12 months. If the underlying crime carries a mandatory minimum prison sentence, the 12 months is added to the mandatory minimum or the duration in the appropriate cell, whichever is greater. If the underlying crime is an attempt, the 12 months is added to the respective duration first and then divided by two, but the duration shall not be less than one year and one day.

The following language is confusing and will be deleted:

~~H.G.02. When an offender is convicted of two or more offenses, and the most severe offense is a conviction for attempt or conspiracy under Minnesota Statutes § 609.17 or 609.175, the presumptive sentence duration shall be the longer of (1) the duration for the attempt or conspiracy conviction, or (2) the duration for the next most severe offense of conviction.~~

~~H.G.03. II.G.02. If the fixed presumptive sentence is an odd number . . .~~

The following repealed or non-felony crimes need to be updated or deleted from the guidelines:

Theft Related Offense List

~~Assistance Transaction Card Fraud~~

~~256.986, subd. 3~~

Severity Level IV

~~Perjury - 290.53, subd. 4; 300.61; & 609.48, subd. 4 (2)~~

Unranked Offense List

~~Forced execution of a declaration - 145B.10, subd. 3 145B.105~~

~~Possession of pictorial representations of minors - 617.247~~

~~Unlawful Transfer of Sounds; Sales - 325E.20 325E.201~~

III. PROPOSED SEVERITY LEVEL RANKINGS FOR INADVERTENTLY UNRANKED OFFENSES

Several felony offenses were recently discovered that have not been considered for ranking by the Commission. These crimes are technically unranked at this time. The Commission proposes the following severity level rankings for these crimes which will have an effective date of August 1, 1996, after the 1996 Legislature has reviewed the adopted ranking:

Severity Level I

Nonsupport of Spouse or Child - 609.375, subd. 2a

Theft Related Offense List

Theft from Coin Operated Machines

609.52, subd. 2 (7)

Unranked Offense List

Issuing a second receipt without "duplicate" on it - 227.52

IV. OTHER PROPOSED MODIFICATIONS - EFFECTIVE AUGUST 1, 1996, AFTER THE 1996 LEGISLATURE HAS REVIEWED THE ADOPTED MODIFICATIONS

The Commission proposes to allow offenders to receive jail credit for time spent on electronic monitoring:

C. Jail Credit: Pursuant to *Minnesota Statutes* § 609.145, subd. 2, and *Minnesota Rule of Criminal Procedure* 27.03, subd. 4(b), when a convicted felon is committed to the custody of the Commissioner of Corrections, the court shall assure that the record accurately reflects all time spent in custody between arrest and sentencing, including examinations under *Minnesota Rule of Criminal Procedure* 20 or 27.03, subd. 1(A) and time spent on electronic monitoring, for the offense or behavioral incident for which the person is sentenced, which time shall be deducted by the Commissioner of Corrections from the sentence imposed. Time spent in confinement or on electronic monitoring as a condition of a stayed sentence when the stay is later revoked and the offender committed to the custody of the Commissioner of Corrections shall be included in the above record, and shall be deducted from the sentence imposed. . .

III.C.02. . . Credit for time spent in custody as a condition of a stay of imposition or stay of execution is limited to time spent in jails, workhouses, and regional correctional facilities and time spent on electronic monitoring. Credit should not be extended for time spent in residential facilities as a condition of a stay of imposition or stay of execution.

The Commission proposes to amend Section II.C. of the guidelines to clarify that the Commission's intent is to only include severity level VI drug crimes:

C. **Presumptive Sentence:** . . . Similarly, when the current conviction offense is a severity level VI drug crime ~~or sale of cocaine~~ and there was a previous adjudication of guilt for a felony violation of Chapter 152 or a felony-level attempt or conspiracy to violate Chapter 152, or was convicted elsewhere for conduct that would have been a felony under Chapter 152 if committed in Minnesota (See *Minnesota Statutes* § 152.01, subd. 16a) before the current offense occurred, the presumptive disposition is Commitment to the Commissioner of Corrections. The presumptive duration of sentence is the fixed duration indicated in the appropriate cell of the Sentencing Guidelines Grid, or the mandatory minimum, whichever is longer.

The Commission proposes to amend Section II.B.2 of the guidelines to clarify the different possible types of custody status:

2. The offender is assigned one point if he or she was on probation, ~~or parole, supervised release, conditional release,~~ or confined in a jail, workhouse, or prison following conviction of a felony or gross misdemeanor or an extended jurisdiction juvenile conviction, or released pending sentence at the time the felony was committed for which he or she is being sentenced.

II.B.201. . . Criminal justice custodial status includes probation (supervised or unsupervised), parole, supervised release, conditional release, or confinement in a jail, workhouse, or prison, or work release, following conviction of a felony or gross misdemeanor, or release pending sentence following the entry of a plea of guilty to a felony or gross misdemeanor, or a verdict of guilty by a jury or a finding of guilty by the court of a felony or gross misdemeanor. . .

The Commission proposes to increase the severity level ranking of Receiving Stolen Property (firearm) to make it consistent with the ranking for Theft of a Firearm:

Severity Level III

~~Receiving Stolen Property (firearm) - 609.53~~

Severity Level IV

Receiving Stolen Property (firearm) - 609.53

The Commission proposes to amend the section on consecutive sentencing to reflect policy that is less confusing, more consistent, and easier to apply.

F. **Concurrent/Consecutive Sentences:** When an offender is convicted of multiple current offenses, or when there is a prior felony sentence which has not expired or been discharged, concurrent sentences shall be given in all cases not covered below. ~~The most severe offense among multiple current offenses determines the appropriate offense severity level for purposes of determining the presumptive guideline sentence.~~

There are two situations in which consecutive sentences are presumptive; there are four situations in which consecutive sentences are permissive. The use of consecutive sentences in any other case constitutes a departure from the guidelines and requires written reasons pursuant to *Minnesota Statutes* § 244.10, subd. 2 and section E of these guidelines.

When consecutive sentences are imposed, offenses are sentenced in the order in which they occurred.

For persons who, while on probation, parole, or incarcerated, pursuant to an offense committed on or before April 30, 1980, commit a new offense for which a consecutive sentence is imposed, service of the consecutive sentence for the current conviction shall commence upon the completion of any incarceration arising from the prior sentence.

~~Consecutive sentences may be given only in the following cases:~~

1. ~~When a prior felony sentence for a crime against a person has not expired or been discharged and one or more of the current felony convictions is for a crime against a person, and when the sentence for the most severe current conviction is executed according to the guidelines; or~~

2. ~~When the offender is convicted of multiple current felony convictions for crimes against different persons, and when the sentence for the most severe current conviction is executed according to the guidelines; or~~

3. ~~When the conviction is for escape from lawful custody, as defined in *Minnesota Statutes* § 609.485, unless the offender escaped from an executed prison sentence. If the escape sentence is to be served concurrently with other sentences, the presumptive duration shall be that indicated by the appropriate cell of the Sentencing Guidelines Grid.~~

Official Notices

~~When the conviction is for escape from lawful custody, as defined in *Minnesota Statutes* § 609.485, and the offender escaped from an executed prison sentence, it is presumptive for the sentence to be consecutive to the sentence for which the inmate was confined at the time the new escape offense was committed. The presumptive disposition for escapes from executed sentences shall be execution of the escape sentence.~~

~~It is also presumptive for the sentence for a felony conviction resulting from a crime committed by an inmate serving an executed prison sentence at a state correctional facility, or while on escape status from such a facility, to be consecutive to the sentence for which the inmate was confined at the time the new offense was committed. A concurrent sentence under these circumstances constitutes a departure from the presumptive sentence. A special, nonexclusive, mitigating departure factor may be used by the judge to depart from the consecutive presumption and impose a concurrent sentence: there is evidence that the defendant has provided substantial and material assistance in the detection or prosecution of crime.~~

Presumptive Consecutive Sentences

Consecutive sentences are presumptive in the following cases:

1. When the conviction is for escape from lawful custody, as defined in *Minnesota Statutes* § 609.485 and the offender escaped from an executed prison sentence; or
2. When the conviction is for a crime committed by an inmate serving an executed prison sentence at a state correctional facility, or while on escape status from such a facility.

Consecutive sentences are presumptive under the above criteria only when the presumptive disposition for the current offense is commitment to the Commissioner of Corrections as determined under the procedures outlined in section II.C. The presumptive disposition for escapes from executed sentences, however, is always commitment to the Commissioner of Corrections.

Under the circumstances above, it is presumptive for the sentence to be consecutive to the sentence for which the inmate was confined at the time the escape or other new offense was committed. A concurrent sentence under these circumstances constitutes a departure from the presumptive sentence except if the total time to serve in prison would be longer if a concurrent sentence is imposed in which case a concurrent sentence is presumptive. A special, nonexclusive, mitigating departure factor may be used by the judge to depart from the consecutive presumption and impose a concurrent sentence; there is evidence that the defendant has provided substantial and material assistance in the detection or prosecution of crime.

For persons given presumptive consecutive sentences, a criminal history score of one, or the mandatory minimum for the offense, whichever is greater, shall be used in determining the presumptive duration. For persons sentenced under *Minnesota Statutes* § 609.229, subd. 3 where there is a sentence for an offense committed for the benefit of a gang, the presumptive duration for the underlying crime with the highest severity level if sentenced consecutively, would include additional months as outlined in Section II.G and using the respective criminal history score appropriate for consecutive sentencing.

Permissive Consecutive Sentences

Except when consecutive sentences are presumptive, consecutive sentences are permissive (may be given without departure) only in the following cases:

1. A current felony conviction for a crime against a person may be sentenced consecutively to a prior felony sentence for a crime against a person which has not expired or been discharged; or
2. Multiple current felony convictions for crimes against persons may be sentenced consecutively to each other; or
3. A current felony conviction for escape from lawful custody, as defined in *Minnesota Statutes* § 609.485, when the offender did not escape from an executed prison sentence, may be sentenced consecutively to the sentence for the offense for which the offender was confined; or
4. A current felony conviction for a crime committed while on felony escape from lawful custody, as defined in *Minnesota Statutes* § 609.485, from a nonexecuted felony sentence may be sentenced consecutively to the sentence for the escape or for the offense for which the offender was confined.

Consecutive sentences are permissive under the above criteria only when the presumptive disposition for the current offense is commitment to the Commissioner of Corrections as determined under the procedures outlined in section II.C. If the judge pronounces a consecutive stayed sentence in these circumstances, the stayed sentence is a mitigated dispositional departure, but the consecutive nature of the sentence is not a departure if the offense meets one of the above criteria. The consecutive stayed sentence begins when the offender completes the term of imprisonment and is placed on supervised release.

For each offense sentenced consecutively, other than those that are presumptive, a zero criminal history score, or the mandatory minimum for the offense, whichever is greater, shall be used in determining the presumptive duration. For persons sentenced under *Minnesota Statutes* § 609.229, subd. 3 where there is a sentence for an offense committed for the benefit of a gang, the presumptive duration for the underlying crime with the highest severity level if sentenced consecutively, would include additional months as out-

~~lined in Section II.G and using the respective criminal history score appropriate for consecutive sentencing. The presumptive duration for each offense sentenced concurrently shall be based on the offender's criminal history as calculated by following the procedures outlined in II.B. For persons given consecutive sentences, the sentence durations for each separate offense sentenced consecutively shall be aggregated into a single presumptive sentence. The presumptive duration for offenses sentenced consecutively is determined by locating the Sentencing Guidelines Grid cell defined by the most severe offense and the offender's criminal history score and by adding to the duration shown therein the duration indicated for every other offense sentenced consecutively at their respective levels of severity but at the zero criminal history column on the Grid. The purpose of this procedure is to count an individual's criminal history score only one time in the computation of consecutive sentence durations.~~

~~For persons given presumptive consecutive sentences, the presumptive duration is determined by a criminal history score of one rather than at the zero criminal history column on the Grid.~~

~~When a current conviction is sentenced consecutive to a prior indeterminate or presumptive sentence, the presumptive duration for the current conviction is determined by locating the severity level appropriate to the current conviction offense and the zero criminal history column or the mandatory minimum, whichever is greater.~~

Comment

II.F.01. Consecutive sentences are a more severe sanction because the intent of using them is to confine the offender for a longer period than under concurrent sentences. If the severity of the sanction is to be proportional to the severity of the offense, consecutive sentences should be limited to more severe offenses. Generally, the Commission has established criteria which permits, but does not require, the use of consecutive sentences in the instances listed in the guidelines. For felony convictions committed while an offender is serving an executed prison sentence or while on escape status from such a facility, it is presumptive to impose the sentence for the current offense consecutive to the sentence for which the inmate was confined at the time the new offense was committed. The guidelines create a presumption against the use of consecutive sentences in all other cases not meeting the guideline criteria. If consecutive sentences are used in such cases, their use constitutes a departure from the guidelines and written reasons are required.

In all cases the Commission suggests that judges consider carefully whether the purposes of the sentencing guidelines (in terms of punishment proportional to the severity of the offense and the criminal history) would be served best by concurrent rather than consecutive sentences.

~~II.F.02. The guidelines provide that when one judge gives consecutive sentences in cases involving multiple current convictions, sentence durations shall be aggregated into a single fixed presumptive sentence. Moreover, the Commission recommends that when an offender is charged with multiple offenses within the same judicial district the trials or sentencings be consolidated before one judge, whenever possible. This will allow the judge to perform the aggregation process described in the guidelines if consecutive sentences are given.~~

~~The order of sentencing when consecutive sentences are imposed by the same judge is to sentence the most severe conviction offense first in the order in which the offenses occurred. For persons given permissive consecutive sentences, the presumptive duration for the conviction each offense sentenced consecutively is determined by the severity level appropriate to the conviction offense at the zero criminal history score of the offender column, or the mandatory minimum, whichever is greater. For persons given presumptive consecutive sentences, the presumptive duration is determined by a criminal history score of one rather than at the zero criminal history column on the Grid, or the mandatory minimum, whichever is greater. For persons sentenced under Minnesota Statutes § 609.229, subd. 3 where there is a sentence for an offense committed for the benefit of a gang, the presumptive duration for the underlying crime with the highest severity level if sentenced consecutively would include additional months as outlined under Section II.G, and using the respective criminal history score appropriate for consecutive sentencing. When there are multiple offenses at the highest severity level, the earliest occurring offense among those at the highest severity level shall be sentenced first. After sentencing the most severe offense or the earliest occurring offense among those at the highest severity level, subsequent sentences shall be imposed in the order in which the offenses occurred. A zero criminal history score shall be used in determining the presumptive duration for each subsequent offense sentenced consecutively.~~

~~When concurrent and consecutive sentences are imposed for different offenses, the most severe offense involving consecutive sentencing shall be sentenced first. When there are multiple offenses at the highest severity level, the earliest occurring offense among those at the highest severity level shall be sentenced first. After sentencing the most severe offense or the earliest occurring offense among those at the highest severity level, subsequent sentences shall be imposed in the order in which the offenses occurred. The presumptive duration for each offense sentenced consecutively shall be based on a zero criminal history score. The presumptive duration for each offense sentenced concurrently shall be based on the offender's criminal history as calculated by following the procedures outlined in II.B.~~

Official Notices

~~If multiple trials or sentencings cannot be consolidated before one judge, and if two or more judges give presumptive sentences some of which are given consecutively to others, the following method can be used.~~

~~The second or subsequent judge can pronounce the durations indicated in the Sentencing Guidelines Grid at the zero criminal history column for the severity level for the current offense, and can state that this sentence would be consecutive to the previous presumptive sentence. The service of the consecutive sentence begins at the end of any incarceration arising from the first sentence. The institutional records officer will aggregate the separate durations into a single fixed presumptive sentence, as well as aggregate the terms of imprisonment and the periods of supervised release. For example, if the Judge A executed a 44 month fixed presumptive sentence, and Judge B later executes a 24 month fixed presumptive sentence to be served consecutively to the first sentence, the records officer has the authority to aggregate those the sentences into a single 68 month fixed presumptive sentence, with a specified minimum 45.3 month term of imprisonment and a specified maximum 22.7 month period of supervised release.~~

~~Under this method, if the most severe current offense is sentenced first, the resulting aggregated sentence lengths would be the same as if one judge had sentenced the offenses consecutively.~~

~~It is permissive for a sentence for an escape conviction from a nonexecuted prison sentence to be consecutive to any other current sentence and any prior sentence regardless of whether the other sentences are for crimes against the person. It is presumptive for a sentence for an escape conviction from an executed prison sentence to be consecutive to the sentence for which the inmate was confined at the time the new offense was committed. If the sentencing judge determines that the sentence for an escape conviction is to be consecutive with sentences for other current felony convictions, the escape conviction should be sentenced last with the presumptive duration found at the zero criminal history column and the appropriate severity level. For persons given presumptive consecutive sentences, the presumptive duration is determined by a criminal history score of one rather than at the zero criminal history column on the Grid.~~

~~In all cases the Commission suggests that judges consider carefully whether the purposes of the sentencing guidelines (in terms of punishment proportional to the severity of the offense and the criminal history) would be served best by concurrent rather than consecutive sentences.~~

~~II.F.03. For cases with a prior felony sentence, which has neither expired nor been discharged, and a single current conviction, and when the current conviction is sentenced consecutive to the prior, the presumptive duration for the current conviction is found at the zero criminal history column and the appropriate severity level, unless the consecutive sentence is presumptive. For person given presumptive consecutive sentences, the presumptive duration is determined by a criminal history score of one rather than at the zero criminal history column on the Grid. The service of the consecutive sentence begins at the end of any incarceration arising from the first sentence. The Commissioner of Corrections has the authority to establish policies regarding durations of confinement for persons sentenced for crimes committed before May 1, 1980, and will continue to establish policies for the durations of confinement for persons revoked and reimprisoned while on parole or supervised release, who were imprisoned for crimes committed on or after May 1, 1980.~~

~~If an offender is under the custody of the Commissioner of Corrections pursuant to a sentence for an offense committed on or before April 30, 1980, and if the offender is convicted of a new felony committed on or after May 1, 1980, and is given a presumptive sentence to run consecutively to the previous indeterminate sentence, the phrase "completion of any incarceration arising from the prior sentence" means the target release date which the Commissioner of Corrections assigned to the inmate for the offense committed on or before April 30, 1980 or the date on which the inmate completes any incarceration assigned as a result of a revocation of parole connected with the preguidelines offense.~~

~~The presumptive disposition for escapes from executed sentences is commitment to the Commissioner of Corrections. It is presumptive for an escape from an executed prison sentence to be consecutive to the sentence for which the inmate was confined at the time the new offense was committed. Consecutive sentences are also presumptive for a crime committed by an inmate serving an executed prison sentence at a state correctional facility or while on escape status from such a facility if the presumptive disposition for the crime is commitment to the Commissioner of Corrections as determined under the procedures outlined in section II.C.~~

~~In certain situations a concurrent sentence would result in an offender serving longer in prison than a consecutive sentence and in such situations a concurrent sentence is presumptive. For example, an inmate has four months left to serve before release on the first offense. The new offense is a severity level IV crime and the inmate's criminal history score is five. If sentenced concurrently, the presumptive duration would be 32 months, the term of imprisonment would be 21 months and because the sentence runs concurrently with the first offense, the total time to be served would be 21 months. If the new offense were sentenced consecutively, the presumptive duration would be 15 months, the term of imprisonment would be 10 months and adding the 10 months to the four months left to serve on the first offense would equal 14 months or 7 months less than the time to be served under concurrent sentencing. In a situation like this example, concurrent sentencing would be presumptive.~~

~~For persons given presumptive consecutive sentences, the presumptive duration is determined by a criminal history score of one, or the mandatory minimum, whichever is greater.~~

~~II.F.04. The sentencing guidelines provide that sentences must be stayed or imposed if they are to be used in computing the criminal history score. When multiple convictions are sentenced concurrently, separate sentences arising out of separate behavioral incidents must be stayed or imposed on each conviction if they are to be used in computing future criminal history scores. If an offender is convicted of two offenses arising from separate behavioral incidents, but the judge stayed or imposed a sentence for only one conviction, only one point would accrue to the prior felony sentences item in the computation of a future criminal history score. If the judge stayed or imposed a sentence for each conviction offense in this example, then two points would accrue to the prior felony sentences item in future criminal history score computation.~~

~~The phrase "multiple current felony convictions" means two or more cases in which the defendant has been found guilty by verdict or by a finding of the Court following trial, or in which the defendant has entered a plea of guilty, and for which sentences have not been stayed or imposed. Multiple current convictions may occur before one Court or two or more Courts.~~

~~The Commission's policy on permissive consecutive sentencing outline the criteria that are necessary to permit consecutive sentencing without the requirement to cite reasons for departure. Judges may pronounce consecutive sentences in any other situation by citing reasons for departure. Judges may also pronounce durational and dispositional departures both upward and downward in cases involving consecutive sentencing if reasons for departure are cited. The reasons for each type of departure should be specifically cited. The procedures for departures are outlined in Section II.D. of the guidelines.~~

~~If the presumptive disposition for an escape conviction from a nonexecuted prison sentence is commitment to the Commissioner of Corrections, it is permissive for the sentence to be consecutive to any prior sentence regardless of whether the other sentences are for crimes against the person. The presumptive duration for the escape is found at the zero criminal history column and the appropriate severity level. In addition to making the sentence for the escape offense consecutive to the sentence for which the offender was confined, it is also permissive to pronounce a sentence for any offense committed while on escape status that carries a presumptive disposition of commitment to the Commissioner of Corrections, consecutive to the sentence for the escape conviction or consecutive to the sentence for which the offender was confined.~~

~~II.F.05 The Commissioner of Corrections has the authority to establish policies regarding durations of confinement for persons sentenced for crimes committed before May 1, 1980, and will continue to establish policies for the durations of confinement for persons revoked and reimprisoned while on parole or supervised release, who were imprisoned for crimes committed on or after May 1, 1980.~~

~~If an offender is under the custody of the Commissioner of Corrections pursuant to a sentence for an offense committed on or before April 30, 1980, and if the offender is convicted of a new felony committed on or after May 1, 1980, and is given a presumptive sentence to run consecutively to the previous indeterminate sentence, the phrase "completion of any incarceration arising from the prior sentence" means the target release date which the Commissioner of Corrections assigned to the inmate for the offense committed on or before April 30, 1980 or the date on which the inmate completes any incarceration assigned as a result of a revocation of parole connected with the preguidelines offense.~~

~~II.F.05-II.F.06. Minnesota Statutes § 624.74 provides for a maximum sentence of three years or payment of a fine of \$3000 or both, for possession or use of metal-penetrating bullets during the commission of a crime. Any executed felony sentence imposed under Minnesota Statutes § 624.74 shall run consecutively to any felony sentence imposed for the crime committed with the weapon, thus providing an enhancement to the sentence imposed for the other offense. The extent of enhancement, up to the three year statutory maximum, is left to the discretion of the Court. If, for example, an offender were convicted of Aggravated Robbery with use of a gun and had a zero criminal history score, the mandatory minimum sentence and the presumptive sentence for the offense would be 36 months; if the offender were also convicted of Minnesota Statutes § 624.74, Metal-Penetrating Bullets, the Court could, at its discretion, add a maximum of 36 months, without departing from the guidelines.~~

~~II.F.06. The criterion that crimes must be against different persons for permissive consecutive sentencing is designed to exclude consecutive sentences in two types of situations. One type involves multiple offenses against a victim in a single behavioral incident such as burglary with a dangerous weapon and aggravated robbery with bodily harm. The requirement of different victims is also intended to exclude consecutive sentences in domestic abuse and child abuse situations when there are multiple incidents perpetrated against a victim over time. Assault, criminal sexual conduct, and incest are the conviction offenses most frequently found in domestic abuse and child abuse cases. Multiple incidents against a victim typifies these types of situations. In fact, one criminal sexual conduct provision delineates multiple incidents as an element of the offense. The high severity rankings assigned to offenses that tend to involve very young victims reflect the understanding that multiple incidents generally occur in these kinds of situations. The Commission believes that a uniform policy reflected in high severity rankings provides the best approach in sentencing these cases. Permissive consecutive sentences would result in enormous disparity based on varying charging practices of prosecutors and discretionary judicial decisions.~~

~~There are rare instances in which multiple person crimes are committed at different times against a victim in other than a domestic abuse or child abuse situations. For example, a pharmacist could be a victim of an aggravated robbery at one point and some time later be robbed by the same offender a second time. Circumstances such as these are clearly atypical. In the rare instances in which this type of situation occurs, consecutive sentencing is permissive under the guidelines.~~

Department of Transportation

Notice of Appointment of State Aid Variance Committee and Meeting Wednesday

14 June 1995

NOTICE IS HEREBY GIVEN that the Commissioner of Transportation has appointed a State Aid Variance Committee who will conduct a meeting on Wednesday, June 14, 1995 at 9:30 a.m. in Conference Room 194 Water's Edge Building, 1500 West County Road B-2, Roseville Minnesota, 55113.

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

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

The agenda will be limited to these questions:

1. **Petition of the City of Minneapolis** for a variance from *Minnesota Rules* as they apply to various proposed force account projects to allow the release of 95% of the state aid eligible cost of the construction projects upon receipt of an amendment to the force account agreements specifying that work will commence within 30 days, in lieu of upon receipt of partial or final estimates based on work completed.

2. **Petition of Renville County** for a variance from *Minnesota Rules* as they apply to the proposed reconstruction project on County State Aid Highway No. 28 (First Street Southeast), between Second Avenue Southeast and Trunk Highway No. 19 in the City of Fairfax, to allow a curb-to-curb street width of 59 feet with diagonal parking allowed on both sides of the street, in lieu of the required 66 foot curb-to-curb street width with diagonal parking allowed on both sides of the street.

3. **Petition of Kandiyohi County** for a variance from *Minnesota Rules* as they apply to the proposed bituminous seal coat project on County State Aid Highway No. 15 between Trunk Highway No. 23 and Business No. 71 in Willmar, Minnesota to allow the use of County Turnback Funds in excess of the allowable one-time project eligibility for a section of County State Aid Highway which has been turned back.

4. **Petition of the City of Edina** for a variance from *Minnesota Rules* as they apply to the proposed reconstruction project on Municipal State Aid Street No. 137 (Maloney Avenue), between Washington Avenue and Blake Road in the City of Edina, to allow a right-of-way width varying from 40 feet to 53 feet; in lieu of the required minimum 60 foot right-of-way width.

5. **Petition of St. Louis County** for a variance from *Minnesota Rules* as they apply to the proposed resurfacing project on County State Aid Highway No. 61 (North Shore Scenic Drive), between County State Aid Highway No. 33 (McQuade Road) and the East County Line near the Knife River to allow a 33 mph sag vertical curve, in lieu of the required 40 mph minimum design speed.

6. **Petition of the City of Roseville** for a variance from *Minnesota Rules* as they apply to the proposed resurfacing project on Municipal State Aid Street No. 240 (Civic Center Drive), between Woodhill Drive and County Road C, to allow horizontal curves with radius of 100 and 75 feet, in lieu of the required 300 foot minimum 30 mph design speed.

7. **Petition of the City of St. Paul** for a variance from *Minnesota Rules* as they apply to proposed reconstruction projects on Hoyt Avenue, between Victoria Street and Grotto Street; on Grotto Street, between Hoyt Avenue and Iowa Avenue; and on Iowa Avenue between Grotto Street and Dale Street to allow right-of-way widths of 50 to 60 feet, in lieu of the required 60 foot minimum right-of-way width.

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

- 9:30 a.m. Renville County (City of Fairfax)
- 9:45 a.m. Kandiyohi County
- 10:00 a.m. City of Edina
- 10:15 a.m. St. Louis County
- 10:30 a.m. City of Roseville
- 10:45 a.m. City of St. Paul

Dated: 2nd June 1995

Patrick B. Murphy
Division Director
State Aid for Local Transportation

Department of Transportation

Petition of the City of Minneapolis for a variance from State Aid Administration requirements for RELEASE OF CONSTRUCTION FUNDS

NOTICE IS HEREBY GIVEN that the City Council of the City of Minneapolis has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 from requirements for release of 95% of Municipal State Aid construction funds for force account work on the following projects: S.A.P. 141-221-06 (Emerson Avenue North) between West Broadway and 33rd Avenue North thence 33rd Avenue North between Emerson and Fremont Avenue's North; S.A.P. 141-240-09 (26th Avenue North) at Emerson Avenue North; S.A.P. 141-020-66 (Lowry Avenue North) at Emerson Avenue North; S.A.P. 141-020-68 (West Broadway) at Emerson Avenue North; S.A.P. 141-342-05 (Lyndale Avenue North) between Lowry Avenue North and 41st Avenue North; S.A.P. 141-169-06 (Dowling Avenue North) at Lyndale Avenue North; S.A.P. 141-286-01 (Groveland Avenue) between Hennepin Avenue and 78 feet East of Interstate 94; S.A.P. 141-332-03 (Cedar Avenue South) at the Intersection of 3rd Street South; and S.A.P. 141-010-58 (East Bound Ramp to Trunk Highway 122) at Cedar Avenue South.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.1500 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit the release of 95% of the state aid eligible cost of the above projects upon receipt of an amendment to the force account agreement specifying that work will commence within 30 days, instead of upon receipt of partial or final estimates based on work completed.

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

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

Dated: 2 June 1995

Patrick B. Murphy
Division Director
State Aid for Local Transportation

Department of Transportation

Petition of Renville County for a variance from State Aid requirements for DIAGONAL PARKING

NOTICE IS HEREBY GIVEN that the Renville County Board has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a proposed reconstruction project on County State Aid Highway No. 28 (First Street Southeast), from Second Avenue Southeast to Trunk Highway No. 19 in the City of Fairfax.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9960, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit curb to curb street width of 59 feet with diagonal parking allowed on both sides of the street, in lieu of the required 66 foot minimum curb to curb width with diagonal parking allowed on both sides of the street.

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

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

Dated: 2 June 1995

Patrick B. Murphy
Division Director
State Aid for Local Transportation

Official Notices

Department of Transportation

Petition of Kandiyohi County for a variance from State Aid requirements for TURNBACK FUNDS

NOTICE IS HEREBY GIVEN that the Kandiyohi County Board has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from Rules as they apply to a proposed bituminous seal coat project on County State Aid Highway No. 15, between Trunk Highway No. 23 and Business No. 71 in Willmar.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.2900, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit the eligibility of County Turnback Funds for the bituminous seal coat project on County State Aid Highway No. 15, between Trunk Highway No. 23 and Business No. 71 in Willmar, in lieu of the required termination of use of Turnback funds once used on a section of County State Aid Highway.

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

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

Dated: 2 June 1995

Patrick B. Murphy
Division Director
State Aid for Local Transportation

Department of Transportation

Petition of the City of Edina for a variance from State Aid requirements for RIGHT-OF-WAY

NOTICE IS HEREBY GIVEN that the Edina City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from Rules as they apply to a proposed reconstruction project on Municipal State Aid Street No. 137 (Maloney Avenue), between Washington Avenue and Blake Road in the City of Edina.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.2500, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a right-of-way width varying from 40 feet to 53 feet, in lieu of the required 60 foot minimum right-of-way width required on the proposed reconstruction project on Municipal State Aid Street No. 137 (Maloney Avenue), between Washington Avenue and Blake Road in the City of Edina.

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

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

Dated: 2 June 1995

Patrick B. Murphy
Division Director
State Aid for Local Transportation

Department of Transportation

Petition of St. Louis County for a variance from State Aid requirements for DESIGN SPEED

NOTICE IS HEREBY GIVEN that the St. Louis County Board has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from Rules as they apply to a proposed resurfacing project on County State Aid Highway No. 61 (North Shore Scenic Drive), between County State Aid Highway No. 33 (McQuade Road) and the East County Line near the Knife River.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9925, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a 33 mph sag vertical curve, in lieu of the required 40 mph design speed on the proposed resur-

facing project on County State Aid Highway No. 61 (North Shore Scenic Drive), between County State Aid Highway No. 33 (McQuade Road) and the East County Line near the Knife River.

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

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

Dated: 2 June 1995

Patrick B. Murphy
Division Director
State Aid for Local Transportation

Department of Transportation

Petition of the City of Roseville for a variance from State Aid requirements for DESIGN SPEED

NOTICE IS HEREBY GIVEN that the Roseville City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from Rules as they apply to a proposed resurfacing project on Municipal State Aid Street No. 240 (Civic Center Drive), between Woodhill Drive and County Road C in the City of Roseville.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9945, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit two horizontal curves with radius of 100 and 75 feet, in lieu of the required 300 foot radius for the minimum 30 mph design speed on the proposed resurfacing project on Municipal State Aid Street No. 240 (Civic Center Drive), between Woodhill Drive and County Road C in the City of Roseville.

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

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

Dated: 2 June 1995

Patrick B. Murphy
Division Director
State Aid for Local Transportation

Department of Transportation

Petition of the City of St. Paul for a variance from State Aid requirements for RIGHT-OF-WAY

NOTICE IS HEREBY GIVEN that the St. Paul City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from Rules as they apply to proposed reconstruction projects on Hoyt Avenue, between Victoria Street and Grotto Street; Grotto Street, between Hoyt Avenue and Iowa Avenue; and Iowa Avenue, between Grotto Street and Dale Street in the City of St. Paul.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.2500, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit right-of-way widths varying from 50 feet to 60 feet, in lieu of the required 60 foot minimum right-of-way width required on the proposed reconstruction projects on Hoyt Avenue, between Victoria Street and Grotto Street; Grotto Street, between Hoyt Avenue and Iowa Avenue; and Iowa Avenue, between Grotto Street and Dale Street in the City of St. Paul.

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

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

Dated: 2 June 1995

Patrick B. Murphy
Division Director
State Aid for Local Transportation

State Grants

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

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

Department of Agriculture

Agriculture Planning Division

Notice of Availability of Grant Funds for Agriculture Information Centers

The Minnesota Department of Agriculture announces the availability of \$150,000 in grant funds per fiscal year for agriculture information centers for the period of July 1, 1995 through June 30, 1997. The purpose of this grant is to assist private, non-profit organizations that provide a variety of services to farmers such as financial planning, social service and legal service referrals, assistance with mediation and peer counseling.

The grant must be matched at the rate of one dollar of nonstate money for every four dollars of state funds requested.

To receive a grant application contact:

Carol Milligan
Agriculture Planning Division
Minnesota Department of Agriculture
90 West Plato Blvd.
St. Paul, MN 55107
Phone: 612/296-6906
Fax: 612/297-7678

All grant applications must be received by Ms. Milligan at the address above by 4:30 pm, June 30, 1995.

Department of Corrections

Request for Proposals for Grants for Programming for Adult Female Offenders

The Minnesota Department of Corrections, Office of Planning for Female Offenders, is requesting proposals for grants for programming for adult female offenders. Nine thousand five hundred dollars (\$9,500) is available each year of the biennium. Program parameters are not defined in order to allow counties and agencies to address the needs they are experiencing in their areas. Selection criteria will give priority to non CCA counties, gender and cultural specific programming. For more information or a copy of the RFP call Ethel Jackman at 612/642-0450.

Proposals must be received by 4:30 p.m. on Monday, July 17, 1995 by:

Ethel Jackman
Minnesota Department of Corrections
Office of Planning for Female Offenders
1450 Energy Park Drive, Suite 200
St. Paul, Minnesota 55108-5129

Department of Economic Security

Request for Proposals for Minnesota YouthBuild Program Funding

The Minnesota Department of Economic Security announces the availability of funding under the Minnesota YouthBuild program (Authorized by *Minnesota Laws*, Section 268.361 to 268.367). The Request for Proposals is for the design of programs to provide specialized training, work experience and education for youth, 16 through 24 years of age, at risk of not completing their high school education and are either eligible for the High School Graduation Incentives Program or are economically disadvantaged. A unique requirement of the program design is that work projects must result in the expansion of residential units for home-

less persons and very low income families. Eligible projects also include renovation of education, social service, or health facilities. The total amount of funding available for 1995 - 1997 is approximately \$250,000. Applicants are required to match grant funds with an equal amount of non-state funds. For a copy of the RFP, contact:

Nancy Waisanen
Community Based Services
Minnesota Department of Economic Security
390 N. Robert Street
St. Paul, Minnesota 55101
612/296-7243 or 1-800-456-8519

Higher Education Coordinating Board

Financial Aid

Request for Proposal for Grants to Recruit and Retain Persons of Color in Nursing Programs

Grants will be awarded to institutions with programs of nursing leading to licensure as registered nurses under a grant program to recruit and retain persons of color in nursing programs. This Request for Proposal describes the application process and criteria to be used in selecting the applicants that will receive grant awards.

Goal of the Grants

The goal of these grants is to increase the number of practicing registered nurses who are persons of color. (For purposes of this grant program, "person of color" means a person who is an Asian Pacific-American, African-American, American Indian, or Hispanic-American — Latino, Chicano, or Puerto Rican.)

Eligible Applicants

Minnesota post-secondary institutions with programs of nursing leading to licensure as registered nurses are eligible to apply. The institution must have, and make available to nursing program faculty at its institution, information related to the history, practices and health needs of persons of color. In addition, the applicant must have an advisory panel for its nursing program, a majority of whom are persons of color.

Grant Awards

The number of grant awards will be determined as part of the review process. The total of all grants will not exceed \$100,000 for each fiscal year or \$200,000 for the biennium. All grants from this program must be matched with at least the same amount from applicant sources or non-state money.

Criteria for Evaluating Proposals

Only material submitted by the applicant will be used in evaluating the proposals. These materials will be used to determine if the applicant meets the requirements listed above and to rate the proposals. Selection will be based on the ratings and the applicant's potential to maximize the recruitment and retention of persons of color in nursing programs with the available appropriation. Failure to provide the material needed to evaluate a proposal on all the following criteria will be cause for rejecting the proposal.

Proposals will be evaluated based on these criteria:

- the likelihood that the proposal activities will increase the number of students of color applying and graduating from the nursing program;
- the support network for students of color;
- the initiatives to reach and involve high school students of color; and
- the advising and mentoring process for students of color.

The Likelihood that the Proposed Activities will increase the Number of Students of Color Applying to and Graduating from the Nursing Program

The applicant must document that the proposed activities have been associated with the intended results in similar settings and with similar populations. To the extent that an applicant intends to use different strategies and tactics to target different populations of potential students, the proposed activities should be identified clearly.

State Grants

The Support Network for Students of Color

The proposal must describe in detail the arrangements that have been made, the expertise of individuals identified as resources and their willingness to participate. If volunteers not employed by the institution are to be part of the network, the applicant must include information explaining the expectations of such volunteers and the services that will be provided by the applicant to assist the volunteers.

The Number of Persons of Color on the Faculty and Staff

The proposal must include a description of individuals identified as fulfilling this criteria, their position and responsibilities within the institution, and the category they represent.

The Proposed Initiatives to Reach and Involve High School Students of Color

The proposal must describe in detail the arrangements that have been made, the expertise of individuals identified as resources and their willingness to participate. If volunteers or employees of other agencies or organizations (e.g., high school counselors) will be asked to participate, the applicant must include information on the applicant's expectations of such individuals and the services that will be provided by the applicant for such individuals.

The Advising and Mentoring Process for Students of Color

The proposal must describe in detail the arrangements that have been made, the expertise of individuals identified as resources and their willingness to participate. If volunteers are to be part of the network, the applicant must include information on the applicant's expectations of such individuals and the services that will be provided by the applicant for such individuals.

If students are to be assigned to individual mentors, the proposal must document that the number of mentors available will be sufficient to provide support for each student of color. The proposal must describe how the students will be assigned to mentors, including the part each party will have in the assignment. Finally, the proposal must document the review and appeal process that is to be followed by students experiencing difficulties with a mentoring relationship.

Contact Person

All questions regarding this Request for Proposal must be addressed to:

Mary Lou Dresbach
Administrative Associate
Minnesota Higher Education Coordinating Board
400 Capital Square Building
550 Cedar Street
St. Paul, MN 55101
Phone: (612) 296-3974, ext. 3036
Fax: (612) 297-8880

Proposal Deadline

Three copies of the proposal must be received at the following address no later than **4:00PM, July 21, 1995**. *Fax copies of proposals will not be accepted.*

Administrative Services
Minnesota Higher Education Coordinating Board
400 Capital Square Building
550 Cedar Street
St. Paul, MN 55101

Grant Awards

It is anticipated that grant awards will be announced by August 21, 1995. Grants will be for the period of September 1, 1995 through June 30, 1996. Renewal of grants will depend upon the availability of funds and performance of the grant recipient.

Professional, Technical & Consulting Contracts

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

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

Department of Economic Security

Community Based Services Division

Dislocated Worker Unit

Request for Proposals for Independent Evaluators for a Pilot Program

The Minnesota Department of Economic Security (MDES) is seeking proposals from experienced evaluators for the purpose of selecting a contractor to conduct an independent evaluation of a pilot program. The review will include pilot projects that provide skills training to workers at risk of dislocation from employment as well as dislocated workers.

The MDES is seeking to engage an organization to assess the impact that the pilot programs have had on participating employees, businesses and dislocated workers and to make recommendations for future operations. The organization selected will examine and evaluate activities funded in accordance with the *Laws of Minnesota, 1994*, Chapter 369, Section 268.9783.

The evaluation will include up to seven project contracts that range in cost from \$90,000 to a maximum of \$250,000. MDES estimates costs for this assessment to be no more than \$60,000. Applicant responses must be received by the Dislocated Worker Unit on or before July 21, 1995, 2:00 p.m., CST.

Interested parties may obtain further information and the Request for Proposal format from the Dislocated Worker Unit at 390 N. Robert Street, St. Paul, MN 55101. The contact for this project is Connie McGowan, 612/297-1965. Verbal instructions or explanations are not binding on the State or the Department. The submission of an application does not obligate the State of Minnesota or the MDES in any respect with regard to selection of a contractor or costs incurred in the application process.

Higher Education Board - Minnesota State Colleges and Universities

Minnesota Riverland Technical College - Faribault

Notice of Request for Proposals for Providing Educational Assessment Services

NOTICE IS HEREBY GIVEN that the Higher Education Board - Minnesota State Colleges and Universities, Minnesota Riverland Technical College-Faribault Campus is requesting proposals for providing up to three professionally qualified individuals up to 220 days each per year to conduct on-site scheduling, testing, evaluation, interpretation, follow-up and related services for inmate students utilizing the TABE, ASSET, GED and other approved evaluation test instruments. Services to be provided on an as needed basis in a medium security correctional facility in Faribault, Minnesota.

If you would like a copy of this Request for Proposal, contact:

Donald T. Olson
MN Riverland Technical College
1225 S.W. Third Street
Faribault, MN 55021

Phone: (507) 332-5807
(507) 332-5888 (FAX)
(507) 332-5866 (TDD)

Professional, Technical & Consulting Contracts

Department of Human Services

Health Care Policy Division

Notice of Availability of a Maternal and Child Health Care Specialist Contract

The Department of Human Services (DHS) is seeking the services of a qualified consultant to promote provider participation in obstetrical and well-child programs for the low income maternal and child population. The two DHS programs are the Prenatal Care Program (PCP), and Child and Teen Checkups (C&TC). The performance of this work will involve significant travel throughout the state.

The candidate must be a licensed health care professional or other related profession with experience working directly with health care providers. Recent experience in public health and obstetric or pediatric practice servicing low income and culturally diverse populations is required. Experience in the areas of education and program promotion is also required. Experience with managed care principles is also highly desirable.

One contract will be awarded by the Department. The contract will be effective through June 30, 1996 with an option of a one year renewal to June 30, 1997, or a two year renewal to June 30, 1998.

The Department reserves the right to reject all applicants and/or not to contract.

Interested persons should direct inquires and submit resumes by June 26, 1995 to:

Kathleen Murphy
Health Care Administration
Department of Human Services
444 Lafayette Road
St. Paul, MN 55155
Telephone: (612) 282-5960

Department of Human Services

Health Care Administration

Notice of Request for Proposal for Prepaid Health Plans

The Department of Human Services (Department) is seeking proposals from prepaid health plans to provide health care services to the Medical Assistance (MA) and General Assistance Medical Care (GAMC) populations. Aid to Families with Dependent Children (AFDC), AFDC-related, needy children, aged, and General Assistance (GA) eligibility groups are the MA/GAMC populations required to enroll in the managed care program. The Department is interested in proposals which would provide health care services to MA and GAMC populations in the counties of Benton, Sherburne and Stearns and the counties of Carlton, Cook, Koochiching, Lake, and St. Louis for persons eligible for enrollment in the Department's managed care program.

ESTIMATED NUMBER OF ELIGIBLE ENROLLEES BY COUNTY*

COUNTIES	MEDICAL		TOTAL
	ASSISTANCE	GA/GAMC	
BENTON	2,702	251	2,953
SHERBURNE	2,644	128	2,772
STEARNS	7,228	742	7,970
CARLTON	3,088	349	3,437
COOK	263	34	297
KOOCHICHING	1,638	177	1,815
LAKE	786	83	869
ST. LOUIS	22,740	3,058	25,798

* These estimates are calculated based on 85% of those individuals eligible for MA or GAMC in each county as of January 1995 on the State MAXIS reporting system.

Professional, Technical & Consulting Contracts

The enrollment process will begin on January 1, 1996 and will occur gradually over a one year period, with full enrollment expected to be completed by December 31, 1996. The contract period covered by this RFP will be through December 31, 1997.

Prepaid health plans must be able to provide all MA/GAMC covered services and must be able to accept financial risk. Capitation rates have been set by the Department in consultation with an independent actuary. Contracts will be awarded based upon: (1) capacity and geographic accessibility of service delivery sites; (2) ability to comply with service delivery standards appropriate to the demographic characteristics of the population to be enrolled; (3) financial and risk capability; and (4) ability to meet quality assurance, complaint, appeal and reporting requirements. The commissioner reserves the right to reject any proposal.

The complete request for proposal which contains detailed specifications may be obtained by writing or contacting:

Pam Austin
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3854
Phone: (612) 297-2355

Ms. Austin is the only person at the Department of Human Services authorized to answer questions regarding this document.

Organizations which are interested in responding to this request for proposal may ask for the request for proposal either on a 3.5 inch diskette in WordPerfect for DOS version 5.1 format or in the traditional paper format. The complete request for proposal will be available to be mailed June 19th, 1995.

Although the Department is not seeking additional contractors at this time to provide health care services to eligible MA and GAMC populations in areas covered by the prepaid medical assistance program (PMAP), any health plan wishing to submit a proposal for eligible populations in the seven county metropolitan area (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington counties) may do so at this time. Response specifications will be in accordance with requirements contained in the present solicitation.

Interested parties may receive detailed information regarding response specifications by contacting Pam Austin at the above address.

The deadline for submitting any proposal is Monday, July 24, 1995, 4:30 P.M. Incomplete responses or responses submitted after this time may be rejected.

Department of Human Services

Moose Lake Regional Authority

Notice of Request for Proposal for Medical Services

NOTICE IS HEREBY GIVEN that the Moose Lake Regional Authority, Department of Human Services is seeking the services for the period July 1, 1995 - June 30, 1996.

These services are to be performed as requested by the Administration of the Moose Lake Regional Authority.

Services of a Psychiatrist to perform consultation services in Psychiatry. The estimated amount of contract is \$132,000.00.

Responses to the above services must be received by July 1, 1995. Direct inquiries to:

Frank Milzcark
Chief Executive Officer
Moose Lake Regional Authority
1000 Lakeshore Drive
Moose Lake, MN 55767
(218) 485-5300 Ext. 242

Professional, Technical & Consulting Contracts

University of Minnesota

Historic Properties Preservation Plan

Request for Proposals in Development of an Historic Preservation Plan of University Properties

The University of Minnesota is currently soliciting proposals from professional planning and historical resource consultants for services to assist the University in the development of a Preservation Plan that will include a comprehensive evaluation of its properties for their historical significance and a plan with policies and procedures that will guide decisions on treatment of identified historic properties. The Preservation Plan is being prepared in cooperation with the State Historic Preservation Office of the Minnesota Historical Society.

Consultants interested in obtaining a copy of the Request for Proposal document or for information on the RFP schedule, please contact Denis Larson, Principal Buyer, University of Minnesota Facilities Management, at (612) 625-5554. Proposals are invited from qualified individuals and firms.

Preferred qualifications include: demonstrated professional experience in conducting historic resource planning, identification, evaluation and/or registration activities in conformance with the Secretary of Interior's Standards and Guidelines for Archaeology and Historic Preservation; experience in preparation of a National Register form and related Historic Context Report; professional qualifications meeting the Secretary of the Interior's Professional Qualifications Standards for Architectural Historians and Historians; demonstrated experience in writing policy related to preservation and treatment of historic properties; and a familiarity with the University of Minnesota's architectural and institutional history.

All proposals must be received by the University no later than 3:00 p.m. on June 27, 1995.

Non-State Public Bids, Contracts & Grants

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

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

Minnesota Historical Society

Notice of Request for Bids for Hadco Light Fixtures

The Minnesota Historical Society is seeking bids from qualified firms and individuals to provide approximately 65 Hadco bollard style light fixtures, model RF8, with customizations.

The Request for Bids is available by calling or writing Gary W. Goldsmith, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, M 55102. Telephone (612) 297-5863.

Bids must be received not later than 2:00 P.M. Central Time June 20, 1995.

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

Business & Professional

Minnesota Manufacturer's Directory 1994

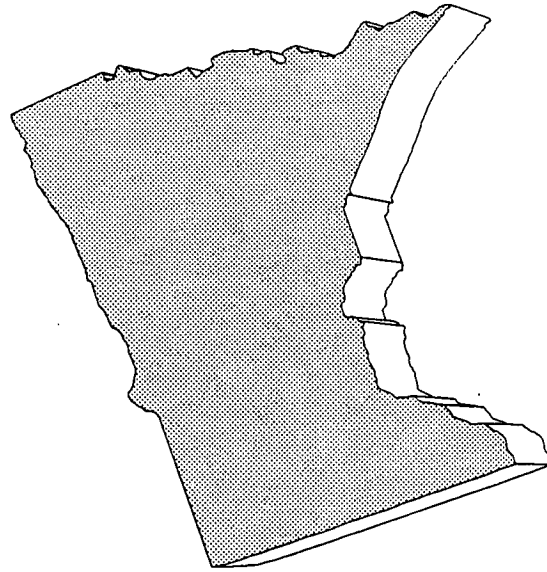
Lists companies alphabetically, by community, and by type of product manufactured. Each listing includes name, address, phone number, sales volume, market products, area sales, marketing and purchasing data. Also includes FAX numbers, data processing managers and chief engineers, when available. 853pp. (K&G Publishing, 1994) Stock No. 40-2 \$95.00

Revised!

Directory of Residential Building Contractors

Complete listing of residential contractors in Minnesota. Alphabetically organized by business name, directory provides contact person, address and license type-- individual, partnership, corporation, builder, remodelling business, specialty or transitional. 215pp. (Commerce, 1993) Stock No. 99-39 Call for current edition price.

New!



Mailing List Service

In addition to the directories listed at below, our Mailing Lists Service offers listings in a variety of formats for over 100 categories of licensed professionals and permit-holders. Lists are available on cheshire labels, pressure-sensitive labels, IBM compatible diskettes, and print-out. Lists can be sorted by zip code to meet your target market.

Here are a few examples of the lists available:

Physicians	Deer Hunters
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or for information from our experienced marketing staff. They are eager to help you get the most from your direct mail campaign.

Listed below are a variety of business-related directories.

These photocopied lists are updated every six months to one year.

Charities, Registered	Stock No. 99-1	Insurance Directories:	
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CPA Firms	Stock No. 99-38	All Insurance Companies	Stock No. 99-9
Currency Exchanges	Stock No. 99-33	Automobile	Stock No. 99-10
Fire Departments	Stock No. 99-27	Automobile/Self-Insured	Stock No. 99-11
Fish Hatchery	Stock No. 99-4	Commerce FY92 Annual Report	Stock No. 99-26
Fishing, Lic. Commercial	Stock No. 99-3	Credit Insurance	Stock No. 99-12
Fur, Licensed Dealers	Stock No. 99-5	Domestic	Stock No. 99-13
Lotto America Retailers	Stock No. 99-40	Eligible Surplus Line	Stock No. 99-20
Minnow License List	Stock No. 99-6	Fidelity/Surety	Stock No. 99-14
Nurseries, Growers, Dealers	Stock No. 99-32	Fire/Home	Stock No. 99-15
Pharmacies	Stock No. 99-35	General Liability	Stock No. 99-16
Real Estate Appraisers	Stock No. 99-37	Life	Stock No. 99-17
Wild Rice/Wild Ginseng	Stock No. 99-7	Property/Casualty	Stock No. 99-18
		3rd Party Administrators	Stock No. 99-19
		Title	Stock No. 99-22
		Township Mutual Insurance Co.	Stock No. 99-21
		Approved/Accred. Reinsurance	Stock No. 99-41
		Workers' Compensation (WC)	Stock No. 99-23
		WC: Self-Insured	Stock No. 99-24
		WC: Rate Filing Summary	Stock No. 99-25
		Insurance Adjusters	Stock No. 99-36

Call for current edition pricing information.



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