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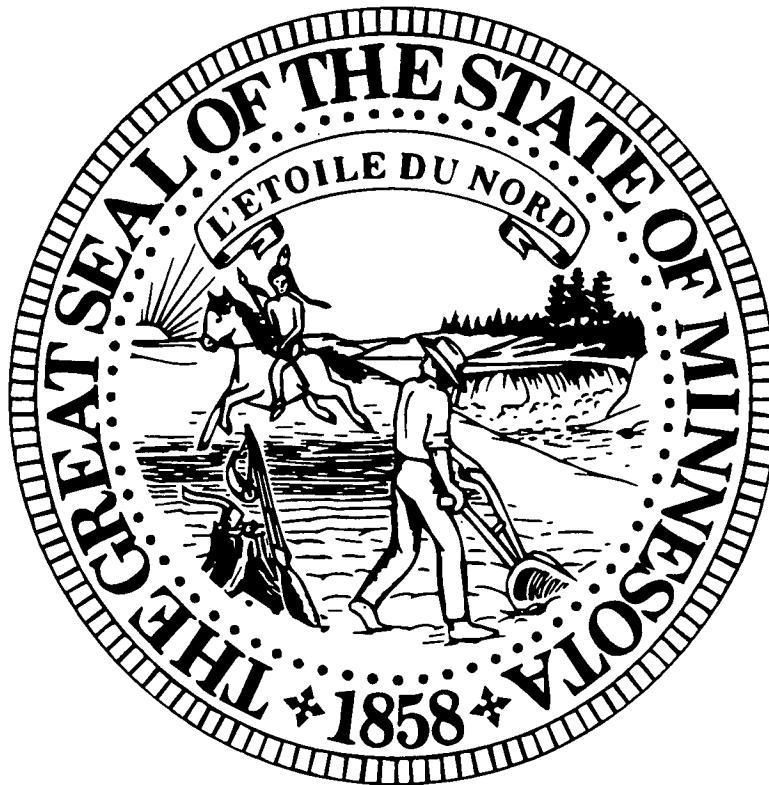
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The Minnesota

# State Register

Rules and Official Notices Edition



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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.

### Printing Schedule and Submission Deadlines

Vol. 21 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
# 47	Monday 19 May	Monday 5 May	Monday 12 May
# 48	Tuesday 27 May	Monday 12 May	Monday 19 May
# 49	Monday 2 June	Monday 19 May	Friday 23 May
# 50	Monday 9 June	Friday 23 May	Monday 2 June

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Room 175 State Office Building, St. Paul, MN 55155

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# 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 80 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. The current 1995 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a 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 most current edition of 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 issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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## Proposed Rules

### Comments on Planned Rules or Rule Amendments

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

### Rules to be Adopted After a Hearing

After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

### Rules to be Adopted Without a Hearing

Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. 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*.

## Department of Agriculture

### Proposed Permanent Rules Relating to Agricultural Development Bond Beginning Farmer Loan Program

#### Notice of Intent to Adopt a Rule Without a Public Hearing

**Proposed Amendments to Rules Governing Agricultural Development Bond Beginning Farmer Loan Program, *Minnesota Rules* 1650.0511 and 1650.0531.**

**Introduction.** The Minnesota Rural Finance Authority intends to adopt amendments to permanent rules without a public hearing following the procedures set forth in the Administrative Procedures Act, *Minnesota Statutes*, sections 14.22-14.28 and rules of the Office of Administrative Hearings parts 1400.2300-1400.2310. You have 30 days to submit written comments on the proposed amendments and may also submit a written request that a hearing be held on the amendments.

**Agency Contact Person.** Comments or questions on the amendments and written requests for a public hearing on the amendments must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107: Phone (612) 296-6906, Fax (612) 297-5522. TTY users may contact the Department of Agriculture through Minnesota Relay Service at 1-800/627-3529.

**Subject of Rules and Statutory Authority.** The proposed amendments are about requirements concerning previous ownership interest and acquisition of property from related persons for the Agricultural Development Bond Beginning Farmer Loan Program. The statutory authority to adopt these amendments is *Minnesota Statutes*, section 41C.13. A copy of the proposed amendments is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. June 18, 1997, to submit written comment in support of or in opposition to the proposed amendments or any subpart of the amendments. Your comments must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed amendments addressed and the reason for the comment. You are encouraged to propose any change desired. Any comment you would like to make on the legality of the proposed rule must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the amendments. 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 June 18, 1997. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed amendments to which you object or state that you oppose the entire rule. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed amendments.

**Withdrawal of Requests.** If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their request in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the with-

drawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131-14.20.

**Modifications.** The proposed amendments may be modified as a result of public comment. The modifications must be supported by the comments and information submitted to the agency, and the adopted rule may not be substantially different than these proposed amendments. If the proposed amendments 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 contains a summary of the justification for the proposed amendments including a description of who will be affected by the proposed amendments and an estimate of the probable cost of the proposed amendments.

**Adoption and Review of the Rules.** If no hearing is required, the agency may adopt the amendments after the end of the comment period. The amended rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the amended rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted amendments, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: 5 May 1997

Jim Boerboom, Executive Director  
Rural Finance Authority

### 1650.0511 DEFINITIONS.

[For text of subs 1 to 15, see M.R.]

Subp. 16. **First time farmer.** "First time farmer" means an individual who, together with the individual's spouse and minor children:

A. has not at any time had any direct or indirect ownership interest in agricultural farmland that is ~~15~~ 30 percent or more of the median size farm in the county where located or that had a market value at any time in excess of \$125,000 unless the farm was disposed of while the individual was insolvent and code section 108 applied to indebtedness with respect to the farm; and

B. has not received other similar tax-exempt financing in any state in an amount that, together with the current loan, exceeds \$250,000.

[For text of subs 17 to 22, see M.R.]

### 1650.0531 OPERATION OF PROGRAM.

#### Subpart 1. Loan transactions and security.

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

B. A loan may not be made that violates any of the restrictions in subitems (1) to (6).

[For text of subitems (1) to (5), see M.R.]

(6) ~~Loan proceeds may not be used to finance the purchase of land, improvements, or depreciable agricultural property from a related person. For the purpose of this subitem, "related person" means a spouse, lineal descendant, or sibling, or a partnership or corporation owned, directly or indirectly, more than 50 percent by the borrower and one or more of the borrower's spouse, lineal descendant, or sibling. The acquisition by a first time farmer of land or personal property from a related person must be for the fair market value of the land or property, after which the related person must have no financial interest in the farming operation with respect to which the bond proceeds are to be used.~~

[For text of items C to E, see M.R.]

[For text of subs 2 to 8, see M.R.]

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

## Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *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 a 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.

### Exempt Rules

An exempt rule adopted under *Minnesota Statutes* §§ 14.386 or 14.388 is effective upon its publication in the *State Register*.

### Emergency Expedited Rules

Provisions for the Commissioner of Natural Resources to adopt emergency expedited Game and Fish Rules are specified in *Minnesota Statutes* §§ 84.027. The commissioner may adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months.

## Health Licensing Boards

### Adopted Permanent Rules Relating to Infection Control by the Board of Chiropractic Examiners, the Board of Dentistry, the Board of Medical Practice, the Board of Nursing, and the Board of Podiatric Medicine

The rules proposed and published at *State Register*, Volume 21, Number 2, pages 43-48, July 8, 1996 (21 SR 43) and Volume 21, Number 37, page 1311, March 10, 1997 (21 SR 1311), are adopted with the following modifications:

#### 6950.1000 STATEMENT OF PURPOSE.

Parts 6950.1000 to ~~6950.1099~~ 6950.1080 are intended to promote the health and safety of patients and regulated persons by reducing the risk of transmission of HBV and HIV in the provision of health care through the use of universal precautions and other infection control procedures.

#### 6950.1010 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 6950.1000 to ~~6950.1099~~ 6950.1080 have the meanings given in this part and *Minnesota Statutes*, section 214.18.

Subp. 7. **Infection control requirements.** "Infection control requirements" means the requirements of parts 6950.1000 to ~~6950.1099~~ 6950.1080 and *Minnesota Statutes*, sections 214.17 to 214.25.

Subp. 8. **Parenteral.** "Parenteral" means taken into the body in a manner other than through the digestive canal.

Subp. 9. **Patient.** "Patient" means a person who receives health care services from a regulated person. For the purposes of part 6950.1040, patient includes the parent or guardian of a patient who is a minor, the guardian of a patient who is incompetent, and a person legally authorized by the patient to act on the patient's behalf when the patient is temporarily unable to act on the patient's own behalf.

Subp. 9-10. **Personal protective equipment.** "Personal protective equipment" means any equipment or overclothes that reduce the risk of a person's clothing, skin, eyes, mouth, or other mucous membranes coming into contact with potentially infectious materials at a clinical practice location. Personal protective equipment includes, but is not limited to, aprons, clinic jackets, eyeglasses with shields, face shields, foot and leg coverings, gloves, gowns, lab coats, and masks.

Subp. ~~10~~ 11. **Potentially infectious materials.** "Potentially infectious materials" means:

Subp. ~~11~~ 12. **Sharps.** "Sharps" means objects that can penetrate the skin. Sharps include, but are not limited to, needles, scalpels, broken glass, broken capillary tubes, and exposed ends of dental wires.

Subp. ~~12~~ 13. **Sterilization.** "Sterilization" means the destruction of all microbial life, including bacterial spores.

#### 6950.1020 COMPLIANCE WITH INFECTION CONTROL REQUIREMENTS.

Subp 2. **Exception to compliance.** A regulated person must strictly comply with the requirements of parts 6950.1000 to ~~6950.1099~~ 6950.1080 unless, under rare and extraordinary circumstances, strict compliance with the requirements would prevent the delivery of health care services or impose an increased hazard to the safety of patients or regulated persons.



**6950.1030 COMPLIANCE WITH RECOMMENDATIONS OF CENTERS FOR DISEASE CONTROL.**

Subpart 1. **Scope of responsibility.** A regulated person must comply with the recommendations of the Centers for Disease Control to the extent that the recommendations are consistent with the requirements of parts 6950.1000 to ~~6950.1099~~ 6950.1080. The recommendations are contained in the following Centers for Disease Control documents:

- D. "Morbidity and Mortality Weekly Report," February 9, 1990, Vol. 39, No. RR-2; ~~and~~
- E. "Morbidity and Mortality Weekly Report," May 28, 1993, Vol. 42, No. RR-8; ~~and~~
- F. "Morbidity and Mortality Weekly Report," June 7, 1996, Vol. 45, No. 22.

The recommendations are incorporated by reference. The recommendations are available at the Minnesota State Law Library, Judicial Center, 25 Constitution Avenue, St. Paul, Minnesota 55155. The recommendations are subject to frequent change.

Subp. 2. **Inconsistencies.** To the extent there are inconsistencies between the requirements of parts 6950.1000 to ~~6950.1099~~ 6950.1080 and the recommendations of the Centers for Disease Control and Prevention, the requirements of parts 6950.1000 to ~~6950.1099~~ 6950.1080 supersede the recommendations of the Centers for Disease Control and Prevention. If there are inconsistencies in the recommendations of the Centers for Disease Control and Prevention, the most recent recommendations supersede earlier recommendations.

**6950.1040 EXPOSURE INCIDENTS.**

A regulated person with personal knowledge of an exposure incident must ensure that a the exposed patient, and with the patient's permission, the patient's primary health care provider, are informed of the exposure incident and that the patient is offered assistance in securing follow-up care immediately or as soon as possible after the patient is subjected to an exposure incident ~~when the regulated person has personal knowledge of the incident.~~ If the exposure incident occurs in a health care setting that has written procedures regarding exposure incidents and the procedures require patient notification of the exposure incident and the offer of assistance to the patient in securing follow-up care, the regulated person meets the requirements of this part by notifying the official designated in the written procedures charged with the responsibility for carrying out the procedures. A regulated person must not disclose to a patient who is subjected to an exposure incident the identity of the source unless the source has explicitly given authorization for release of identity.

**6950.1050 COMPLIANCE WITH POLICIES AND PROCEDURES ON INFECTIOUS DISEASES.**

Parts 6950.1000 to ~~6950.1099~~ 6950.1080 must not be construed to limit the duty, obligation, or responsibility of a regulated person to comply with policies and procedures that are designed to prevent the transmission of infectious diseases, are consistent with infection control requirements, and are required by a clinic, hospital, institution, or other entity at a clinical practice location.

**6950.1060 GENERAL CONTROLS.**

Subp. 4. ~~Decontamination and sterilization~~ Contaminated equipment, instruments, and devices.

**6950.1090 UNCONFINED LESIONS. [Withdrawn at 21 SR 1311]**

## Higher Education Services Office

### Adopted Repeal of Rules on Postsecondary Review Program

The rules proposed and published at *State Register*, Volume 21, Number 35, pages 1213-1214, February 24, 1997 (21 SR 1213), are adopted as proposed.

**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.

# Executive Orders

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## Office of the Governor

### Executive Order #97-15: Providing for the Establishment of a Governor's Recovery and Redevelopment Planning Council

I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

**WHEREAS**, the 500-year flood of 1997 has resulted in enormous personal and economic losses to homes, farms, and businesses throughout Minnesota's Red River Valley and Minnesota River Valley areas; and

**WHEREAS**, as the recovery process continues and restoration efforts begin, there is an immediate need to assemble state and local leaders to address the implications of this catastrophe and the redevelopment of these regions; and

**WHEREAS**, a coordinated state, local, and federal effort is needed for the planning and implementation of flood recovery and redevelopment strategies; and

**WHEREAS**, having expert advice and establishing an appropriate intermediary between state and federal planners and technicians, and local planners and implementers of long-range flood recovery plans will best assist in response to this crisis;

**NOW, THEREFORE**, I hereby order that:

1. The Governor's Council on Recovery Planning and Redevelopment shall be established.
2. Council membership shall be composed of 13 persons, who shall include:
  - The leader of each major party caucus from the Senate and House of representatives or their designees;
  - A mayor from a city in the Red River Valley;
  - A mayor from a city in the Minnesota River Valley;
  - A county commissioner from a county in the Red River Valley;
  - A county commissioner from a county in the Minnesota River Valley;
  - A state agency commissioner or representative from the executive branch; and
  - Four private sector members.
3. The governor shall appoint the agency representative and private sector members. The governor shall select the four local officials from separate recommendations made by each of the four city and county groups.
4. The governor shall select the chair from among the council members.
5. The purpose of the council is to facilitate long-range local flood recovery planning, planning implementation, and related redevelopment and reinvestment strategies. It is also among the council's duties to serve as an intermediary between state and federal planners, technicians and funders, and local planners and implementers. In so doing, the council shall consider information provided by the Red River Basin Board and the Minnesota River Basin Joint Powers Board.
6. In carrying out its duties for redevelopment coordination, the council shall endeavor to:
  - Attract private investment;
  - Encourage economic development;
  - Identify and prioritize infrastructure needs;
  - Address housing needs;
  - Facilitate technical assistance to local governments and businesses; and
  - Leverage federal, state, and private resources.
7. The Department of Commerce shall provide staff and other administrative support to the council to carry out its duties. The council may request assistance from other state or local agencies, organizations, and individuals in carrying out its duties.

Pursuant to *Minnesota Statutes* 1996, section 4.035, subd. 2, this Order shall be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until June 30, 1998, or rescinded by proper authority.

**IN TESTIMONY WHEREOF**, I have set my hand this ninth day of May, 1997.

Arne H. Carlson  
Governor

Filed According to Law:  
Joan Anderson Growe  
Secretary of State

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rule-making proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

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

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## Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design

### Notice of Continuing Education Task Force Schedule

The Board has established a task force to take comments on its Continuing Education rules and to recommend any necessary adjustments to these rules. The task force will consist of Board members representing each of the regulated professions and the public and a representative of each of the professional societies and the two state employee unions with members who would be affected.

The initial schedule for this task force is as follows:

<u>Date</u>	<u>Time</u>
June 20, 1997	11:00 AM - 2:00 PM
July 31, 1997	11:00 AM - 2:00 PM

Additional sessions will be scheduled as needed. All sessions will be held in Room 295 of the Golden Rule Building, 85 E 7th Place, St. Paul, Minnesota 55101.

Interested parties are invited to appear and make comments on these rules.

## Department of Children, Families and Learning

### Notice of Vacancy and Positions Available on Advisory Committees for Minnesota Resource Centers: Blind/Visually Impaired and Deaf/Hard of Hearing

The Special Education Advisory Council and the Minnesota Department of Children, Families and Learning are seeking applications for the Advisory Committees for the MN Resource Centers: Blind/Visually Impaired and Deaf/Hard of Hearing. The purpose of the Advisory Committees is to assist and advise the Directors of the Resource Centers in developing policies, plans, and practices that will assure effective and efficient special education programs for learners with disabilities. Each Committee consists of fifteen members who represent parents, advocates, consumers, general and special education teachers and administrators, students, institutes of higher education. Selection of members is also based on geographical representation.

The Committees generally meet two times during the fiscal year in the metro area. Reimbursement is provided for travel costs, lodging, meals, childcare reimbursement for parent representatives and substitute teacher pay.

There are 4-6 vacancies for the 1996-99 term. To ensure appropriate representation, special consideration will be given to the following: parents of children with disabilities, consumers, teachers of Deaf/HH, teachers of Blind/VI, teachers or administrators to represent the MN State Academy for the Deaf and MN State Academy for the Blind. Special consideration will be given to maintain a geographical balance.

The official Notice of Vacancy will be published in the *State Register* for the three weeks beginning May 5, 1997. During this period, interested parties should contact Lynn Gryc at the MN Resource Centers office (800/657-3859 or 800/657-3936 V/TTY) to obtain an application. All applications must be received by May 28, 1997. The Special Education Advisory Council will appoint the representatives at its June meeting. Applicants will be informed of their status after June 14, 1997.

For more information about the Advisory Committees, contact Lynn Gryc at 800/657-3859 or 800/657-3936 V/TTY.

## Minnesota Comprehensive Health Association

### Notice of Meeting of the Nominating Committee

**NOTICE IS HEREBY GIVEN** that a conference call meeting of the Minnesota Comprehensive Health Association's (MCHA), Nominating Committee will be held at 11:00 a.m. on Monday, May 19, 1997 to recommend a board member to serve as secretary/treasurer. The Board will receive the nomination at its June 6 meeting. The Minnesota Comprehensive Health Association executive office will be open to anyone who wishes to monitor the conference call. The address is 5775 Wayzata Boulevard, St. Louis Park, in suite 910. For additional information, please call Lynn Gruber at (612) 593-9609.

## Department of Economic Security

### Notice of Request for Comments on Planned Adoption of Rules Governing Employment and Training Service Providers, *Minnesota Rules 3301*

**Subject of Rule:** The Department of Economic Security requests comments on its planned adoption of rules covering procedures to review and decide appeals from Employment and Training providers seeking to provide services in the Minnesota Family Investment Program (MFIP-S).

**Persons Affected:** The adoption of the rules would affect those employment and training providers that were not selected by a County to provide services under the MFIP-S program as a result of the County claiming a financial hardship in their Local Service Unit Plan. The rules would also affect those Minnesota counties that claim financial hardship in their Local Service Unit Plan as a reason for not making more than one service provider available to its MFIP-S clients. Counties may be affected where the Department's decision requires an LSU plan modification.

**Statutory Authority:** *Minnesota Statutes* § 268.021 authorizes the commissioner to adopt rules in accordance with Chapter 14 with respect to programs the commissioner . . . is responsible under federal or state law.

**Public Comment:** Interested persons or groups may submit comments or information on these planned rules in writing or orally until 4:30 pm on July 21, 1997. The department has not yet prepared a draft of the planned rule. Written or oral comments, questions, requests to receive a draft of the proposal when it has been prepared, and requests for more information on this planned rule should be addressed to:

Steve Erbes  
Minnesota Department of Economic Security  
Workforce Preparation Branch  
390 North Robert Street  
St. Paul, MN 55101  
612/297-4841  
E-mail: [steve.erbes@state.mn.us](mailto:steve.erbes@state.mn.us)  
FAX: 612/297-5820

**Comments submitted to this notice will NOT be included in the formal rulemaking record when a proceeding to adopt is started.**

## Department of Health

Minnesota Health Care Commission

Health Technology Advisory Committee

**Notice of: 1) Availability of Preliminary "Bone Densitometry as a Screening Tool for Osteoporosis in Postmenopausal Women" Evaluation Report; 2) Solicitation of Written Comments; 3) Solicitation of Public Testimony**

**Notice of: 1) Availability of Preliminary "Human Immunodeficiency Virus Testing for Pregnant Women" Evaluation Report; 2) Solicitation of Written Comments; 3) Solicitation of Public Testimony**

**Notice of: 1) Solicitation of Public Testimony on preliminary "Universal Newborn Hearing Testing" Evaluation Report**

The Health Technology Advisory Committee (HTAC) of the Minnesota Health Care Commission is charged under *Minnesota Statutes* 62J.152 with conducting evaluations of specific technologies and their specific use and application. For the purposes of evaluation, the definition of technologies in statute includes "... drugs, devices, procedures, or processes applied to human health care ... ." As part of the evaluation process, HTAC is required to submit a preliminary report to the Minnesota Health Care Commission, and to solicit written comments on the report. Before completing its final comments and recommendations on the HTAC technology evaluation report, the Commission solicits public testimony on the report.

The Health Technology Advisory Committee (HTAC) of the Minnesota Health Care Commission has recently completed two preliminary evaluation reports, "Bone Densitometry as a Screening Tool for Osteoporosis in Postmenopausal Women", and "Human Immunodeficiency Virus Testing for Pregnant Women." Interested individuals or organizations may submit written comments regarding either or both reports within 30 days from the publication of this notice to:

Dorie Fallen  
HTAC  
121 East 7th Place, Suite 450  
P.O. Box 64975  
St. Paul, MN 55164-0975  
Fax: 612/282-5628

A summary of the "Universal Newborn Hearing Testing" evaluation report and an announcement soliciting written comment on the report were published previously. Written comments on the report must be received no later than June 4, 1997, at the address above.

Public testimony on each of the three reports listed in this announcement will be taken on June 18, 1997 by the Minnesota Health Care Commission at the address below. Times for the public testimony are also listed below.

Site of June 18, 1997 Minnesota Health Care Commission meeting and testimony on three HTAC reports:

Capitol View Conference Center  
70 West County Road B-2  
Little Canada, MN 55117

A brief presentation of each HTAC report will precede public testimony.

Public testimony on HTAC's evaluation of Universal Newborn Hearing Testing will be accepted at the above address by the Minnesota Health Care Commission on Wednesday, June 18, 1997, at 10:00 a.m.

Public testimony on HTAC's evaluation of Bone Densitometry as a Screening Tool for Osteoporosis in Postmenopausal Women will be accepted by the Minnesota Health Care Commission at the above address on Wednesday, June 18, 1997, at 10:30 a.m.

Public testimony on HTAC's evaluation of Human Immunodeficiency Virus Testing of Pregnant Women will be accepted by the Minnesota Health Care Commission at the above address on Wednesday, June 18, 1997, at 11:00 a.m.

## Official Notices

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Testimony should be limited to no more than five minutes. Written testimony will also be accepted and should be submitted to the address below. Individuals interested in providing public testimony are asked to provide prior written or verbal notice by Monday, June 16, 1997 to:

Dorie Fallen  
HTAC  
121 East 7th Place, Suite 450  
P.O. Box 64975  
St. Paul, MN 55164-0975  
Phone : 612/282-6374  
Fax: 612/282-5628

Any written material received by the Minnesota Health Care Commission shall be subject to the requirements of the Minnesota Data Practices Act (*Minnesota Statutes*, Section 13).

For information regarding HTAC, or to obtain copies of one or more of the three HTAC reports listed in this announcement, please contact Dorie Fallen at 612-282-6374, or via fax at 612-282- 5628.

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### Brief Summary of the Preliminary HTAC Report: Bone Densitometry as a Screening Tool for Osteoporosis in Postmenopausal Women

#### Conclusions from the data

The rapid proliferation of bone densitometry equipment in the State of Minnesota has caused concern among health care policy makers, payers and providers. Rapid diffusion of technologies may result in inappropriate use and higher costs to delivering health care services. The increased use of bone densitometry in Minnesota appears to coincide with the development of new treatments, such as alendronate, for osteopenic women, and evidence that bone densitometry measurements can be used to predict future fracture risk.

Based on the available evidence, the HTAC concludes that state of the art bone densitometry is safe and indicated as a diagnostic and treatment aid for postmenopausal women at risk for osteoporosis. Bone densitometry provides beneficial information to women about their relative risk of having an osteoporosis-related fracture and may be used by them and their providers to decide whether treatment should be initiated. However, bone densitometry is not indicated as a broad screening tool for all postmenopausal women regardless of whether they are at risk for the disease. Further, there would be no additional value to screening women currently on hormone replacement therapy (HRT) since they are already being treated for osteoporosis. Those women who are opposed to using HRT, but would consent to treatment if found to be at risk for osteoporosis as indicated by low bone mineral density (BMD), would benefit from the test. However, those postmenopausal women refusing treatment and not amenable to treatment under any circumstances would not benefit from BMD screening.

The costs of osteoporosis-related fractures, both monetary and human, are substantial. However, the concern over the rapid proliferation of dual x-ray absorptiometry (DXA) and Quantitative Computed Tomography (QCT) equipment throughout the state of Minnesota is a valid concern and should be examined as to its effect on the cost of delivering health care to the state's population relative to its benefits.

These conclusions led HTAC to the following recommendations.

#### Recommendations:

The HTAC recommends against the use of bone densitometry to screen all postmenopausal women in Minnesota for osteoporosis. Bone densitometry is best used within the context of an individual's care and is indicated in those women who are at risk of osteoporosis and need additional information to make the decision to accept treatment for the disease. Additional recommendations are:

- that women consult with their health care providers to determine their risk of developing osteoporosis.
- that all health care providers be educated about the prevention of and risk factors for osteoporosis.
- that all women in Minnesota be educated on the prevention of and risk factors for osteoporosis.
- that all health care providers be educated on the benefits and limitations of using bone densitometry in postmenopausal women.
- that the benefit of using bone densitometry to aid in women's compliance with HRT treatment be studied.
- that a cost effectiveness study using quality adjusted life years as the measure of effectiveness be undertaken.
- that copies of this report be disseminated to family practice physicians, rheumatologists, endocrinologists, geriatric professionals, obstetricians/ gynecologists, internists and consumer groups.

**Brief Summary of the Preliminary HTAC Report: Human Immunodeficiency Virus Testing For Pregnant Women****Summary**

Transmission of the human immunodeficiency virus (HIV), the virus that causes AIDS, from mother to infant is a concern throughout the world. In an effort to reduce maternal-infant transmission of HIV, state and federal public health officials as well as provider organizations have developed guidelines for the testing and treatment of HIV-positive pregnant women and their infants. HTAC has set the following goals for any HIV testing program for pregnant women:

- Prevent HIV transmission to newborns
- Prolong life and improve the quality of maternal life by prompt HIV identification
- Reduce risk of HIV transmission to others

To obtain those goals, HTAC makes the following recommendations.

**Recommendations:**

1. *Providers of health care should routinely discuss the importance of HIV testing for all pregnant women and routinely offer to test pregnant women for HIV on a voluntary basis. Women should retain the right to refuse an HIV test if they choose.*

**Discussion:** HIV is a significant health concern for mothers, their children, and society as a whole. While there are groups of pregnant women at higher risk for HIV infection, targeting HIV testing only to those considered high risk will miss an estimated 40% or more of HIV infected women, and may stigmatize or discriminate against those tested. Rates of transmission of HIV from mother to baby can be reduced by early identification of pregnant women with HIV, and treatment of the mother during pregnancy. Three testing interventions to reduce transmission of HIV from mothers to infants have been identified from the literature: routine counseling and voluntary testing of pregnant women; mandatory testing of pregnant women; and mandatory testing of newborns. At this time, issues of adverse health impacts when waiting to test only newborns, as well as questions of cost-effectiveness, patient rights, practicality, and community acceptability of mandatory testing must be addressed in more detail before considering universal, mandatory testing of babies or pregnant women for HIV.

2. Any testing program aimed at preventing the mother-to-infant transmission of HIV must be linked to adequate follow-up care and services for HIV positive mothers and their babies, including post-test counseling of women who test positive for HIV, and the most appropriate available therapy.

**Discussion:** Results of the protocol 076 study have shown that an effective treatment exists to reduce the transmission of HIV from mother to baby. More pregnant women are likely to participate in, and benefit from, testing programs if they understand there is treatment to reduce the transmission of HIV to their baby, and if they know they will have access to the treatment.

3. Individuals who counsel pregnant women should be: appropriately trained; sensitive to cultural differences or special circumstances among those they counsel; and provide information that allows women to understand the importance of an HIV test for their health and the health of their babies.

**Discussion:** The manner in which individuals discuss HIV with pregnant women, and the information they provide, can make a significant difference in whether the woman chooses to be tested and complies with treatment.

Dated: 9 May 1997

## Department of Health

### Bureau of Health Delivery Systems

#### Public Meeting Regarding the Minnesota Department of Health Application to the Federal Department of Health and Human Services for Federal Fiscal Year 1998 Maternal and Child Health Services Block Grant Funding

The Minnesota Department of Health will sponsor a public meeting to obtain comment on its application for continuation of Federal Maternal and Child Health (MCH) Services Block Grant funding for the Fiscal Year starting October 1, 1997 and ending September 30, 1998. The draft application is available for inspection upon request.

Discussion of the application will be conducted as part of the regularly scheduled meeting of the state Maternal and Child Health Advisory Task Force held Friday, June 20, 1997, at the Minnesota Department of Health, 717 S.E. Delaware Street, Minneapolis, Minnesota. The application discussion will be held in the Chesley Room (room 105). Any person or group may submit either written or oral comments at the meeting.

Any person needing special accommodations for a disability should so indicate at the time of registration. Persons planning to attend and/or present comments are requested to register by June 18, 1997.

For information concerning time of the meeting or registration contact:

Dr. Ronald Campbell, Section Manager  
Maternal and Child Health  
Minnesota Department of Health  
717 S.E. Delaware Street  
P.O. Box 9441  
Minneapolis, Minnesota 55440-9441  
(612) 623-5539

## Housing Finance Agency

### Notice of Hearing on Bond Issues for Single Family Mortgage Bond Program

The Minnesota Housing Finance Agency will hold a public hearing at 10:00 a.m. on Monday, June 9, 1997, at the Minnesota Housing Finance Agency, 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101, for the purposes of taking public testimony regarding the issuance of Single Family Mortgage Bonds, composed of one or more series, in an aggregate principal amount not exceeding \$250,000,000. The bonds will be issued as qualified mortgage bonds subject to the mortgage eligibility requirements of Section 143 of the *Internal Revenue Code* of 1986, and after payment of expenses and funding of reserves, will provide up to \$240,000,000 of mortgage loans to certain low and moderate income, first-time homebuyers of single family owner-occupied residences located throughout the State of Minnesota, which homebuyers qualify under the Agency's Single Family Mortgage Bond Program and applicable federal tax law. The Agency's Single Family Mortgage Bond Program is further described in the MHFA Mortgage Program Procedural Manual, a copy of which may be obtained from the Agency. Said bonds may be issued either as refunding bonds to refund certain outstanding bonds of the Agency or as new money bonds using a portion of the Agency's state bond volume allocation. A portion of the total principal amount of bonds to be issued may be composed of convertible option bonds issued at short-term rates with an option retained by the Agency to subsequently remarket the bonds in whole or in part on a long-term, fixed-rate basis. The bonds covered by this hearing notice, up to an aggregate principal amount not exceeding \$250,000,000, are anticipated to be issued periodically to fund the Program during the remaining portion of 1997 and during 1998, until fully utilized.

Parties wishing to comment on the financing program may appear in person at the hearing or may submit written comments to the undersigned prior to the hearing, which comments will be considered at the hearing. Parties desiring additional information should contact Ms. Sharon Strelow at MHFA (612-296-7608).

Katherine G. Hadley,  
Commissioner



## **Department of Human Services**

### **Assistance Payments Division**

#### **State Plan to Design and Implement the Federal Block for Family Cash Assistance**

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) was signed into law on August 22, 1996. The legislation has far-reaching implications in a number of programs such as, changes to the Aid to Families with Dependent Children (AFDC) Program, child care, the Food Stamp Program, Supplemental Security Income (SSI), benefits for legal immigrants and the Child Support Enforcement program. Public Law 104-193 requires all states to submit a state plan to the federal Department of Health and Human Services that outlines how the state intends to design and implement the federal block for family cash assistance (the replacement for AFDC). As part of the plan process, Public Law 104-193 requires that Minnesota make the plan available to local governments and private non-profit organizations for a forty-five day comment period. In order to make the plan available to as many interested individuals and groups as possible, a copy of the state plan is being published in the *State Register*.

Minnesota's legislative process and the time frames set by the federal Department of Health and Human Services do not allow for the comment period to generate any significant changes in this year's state plan. However, this summer the department will start the process of preparing for the 1998 Minnesota legislative session and written comments that are sent to the department will be reviewed and considered when preparing the legislative policy changes for next year. Send written comments to Linda Foster, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3834.

#### **State of Minnesota**

#### **State Plan for Temporary Assistance for Needy Families**

Minnesota's state plan was developed in accordance with section 402 of the Social Security Act, as amended by the Personal Responsibility Work Opportunity Reconciliation Act of 1996 (Public Law 104-193). The information submitted below restates the pertinent requirements of section 402 and further provides information that outlines the provisions of the Minnesota's program.

##### **A. GENERAL PROVISIONS**

**I. Outline how Minnesota intends to conduct a program designed to serve all political subdivisions** (not necessarily in the same manner), that provides assistance to needy families with (or expecting) children and provides parents with job preparation, work and support services to enable them to leave the program and become self-sufficient.

The enactment of the Personal Responsibility and Work Opportunity Act of 1996 allows Minnesota to continue on the path of welfare reform that began in 1994 with the implementation of the Minnesota Family Investment Program (MFIP). MFIP has proven to be one of the most effective efforts in the country at moving long-term welfare recipients into work. From this pilot project, Minnesota has modified and expanded the program to a statewide Minnesota Family Investment Program (MFIP-S). Work is the path to supporting a family. The statewide Minnesota Family Investment Program will move more families to work and self-sufficiency. Minnesota's welfare reform program begins 7/1/97 with some changes. The complete MFIP-S implementation and conversion period is 1/98 through 3/98.

MFIP-S expects, rewards and supports work. While parents will be expected to work, families will be better off because they can keep some public assistance as an income supplement as they work their way off the program. MFIP-S encourages employment through simplified work incentives, and personal responsibility by expecting families to actively pursue support for their family.

The MFIP-S program supports working families. State funding will be substantially increased so that all families moving from welfare to work will have access to subsidized child care. Working families, trying to avoid welfare, will have access to child care subsidies through the Basic Sliding Fee child care program. Aggressive child support efforts have doubled the amount of state collected support over the past five years. Health care is key component of welfare reform and working families not on family cash assistance have access to MinnesotaCare. To date, approximately 4,000 fewer Minnesota families have to rely on welfare for medical benefits, saving taxpayers \$2.1 million each month in welfare and associated health care costs. These programs help Minnesotans to leave or stay off welfare.

**II. Outline how Minnesota requires parents/caretakers receiving assistance under the program to engage in work** upon State determination or once the parent/caretaker has received assistance for 24 months (whether or not consecutive), whichever is earlier. Outline how Minnesota will ensure that parents and caretakers receiving assistance under the program engage in work activities consistent with mandatory work requirements of section 407 of the Act.

The overall MFIP-S goal for work and self-sufficiency of the MFIP-S program is to put all participant families on the most direct path to unsubsidized employment. Parents who are not exempt from work are expected to begin work within six months. Counties have the option of requiring work sooner.

## Official Notices

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MFIP-S will move families to work and self-sufficiency through a combination of required work activities including work search, employment plans, and work incentives with transitional medical and child care supports. Work activity requirements will be enforced by sanctions consisting of vendor payment of grant and grant reductions.

Services will be provided to participants to motivate and enable them to obtain employment. Services available for inclusion in participants' employment plans will include, but not be limited to: job readiness assessment, job readiness assistance, job clubs, job counseling, job coaching, job skills training, work experience, subsidized employment, on-the-job training, educational programs, and post-employment follow-up services. The Department of Human Services will operate with an interagency agreement with the Department of Economic Security to provide employment and training services and technical assistance.

Minor caregivers under the age of 20 who have not received a high school diploma or its equivalent will be required to engage in appropriate educational programs, and will be provided with child care and supportive services to enable successful participation.

Bilingual employment and training services and work literacy language programs will be available for those lacking English proficiency, although lack of proficiency in English will not necessarily be presumed to be a barrier to employment.

Currently employed workers will be protected from displacement of job assignments through this program by a requirement for advance notification of and written concurrence of appropriate exclusive collective bargaining representatives to ensure that no job assignment results in:

- Termination, layoff, or reduction of work hours for current employees,
- Infringement of promotional opportunities of current employees,
- Impairment of existing contract for services or collective bargaining agreements, or
- Filling an established unfilled position vacancy, except for on-the-job training.

Participants may not work in temporary public service jobs for public employers for more than 67 working days or 536 hours, whichever is greater. (After such time they would become public employees under state law.) Hours worked in such jobs must be reported to appropriate bargaining unit representatives upon written request.

Within broad parameters requiring initial assessments, orientation, and job search, county agencies may develop a particular set of services for participants that best fit the economic conditions of the area and the needs of their participant populations.

**III. Outline the reasonable steps the State deems necessary to restrict the use and disclosure of information** about individuals and families receiving assistance under the program attributable to funds provided by the Federal Government.

Data on welfare recipients is classified as private and may not be disclosed pursuant to *Minnesota Statute*, Chapter 13. Access to Minnesota's computer system, MAXIS, is defined by a security role that is attached to a person's ID and access to information is defined and limited by the person's job responsibilities. A personal log-on ID cannot be issued until a state developed orientation course is presented by state staff or their designee. The orientation includes a review of data privacy and ethics as they pertain to client information.

Printed reports distributed by the State are reviewed individually to ensure data provided are appropriate for the recipient of the report.

**IV. Outline the State goals and actions taken to prevent and reduce incidence of out-of-wedlock pregnancies** with special emphasis on teen pregnancies and the numerical goals for reducing the illegitimacy ratio of the State (as defined in section 403(a)(2)(B)) for calendar years 1996 through 2005.

One of Minnesota's primary goals is to promote attitudes and behaviors that reduce the number of adolescents who become pregnant and the number of unintended pregnancies within the state. In partnership with local communities this is accomplished through a comprehensive approach that includes educational activities, media campaigns and subsidized pre-pregnancy family planning activities.

One of the approaches, MN ENBL (Education Now and Babies Later), *Minnesota Statutes* 145.9255 and 145.9256, is a teen pregnancy prevention program that utilizes a multifaceted approach to help adolescents to postpone sexual involvement. The program targets adolescents, ages 12 - 14. Components include community organization which involves parents, school personnel and community organizations in activities that support and reinforce the message postponing sexual involvement; youth education curriculum which helps youth examine sources of pressures to be sexually active and helps them practice refusal skills; and a media campaign which promotes and reinforces the message of postponing sexual involvement. This is a multi-faceted approach including education, community involvement and media aimed to assist young adolescents to postpone sexual involvement.

Establishing numerical goals for reducing the illegitimacy ratio of the State (as defined in section 403(a)(2)(B) of the Social Security Act) for calendar years 1996 through 2005 will be accomplished by a work group led by the Minnesota Department of Health and will include staff from the Department of Human Services and other interested groups.

**V. Outline how the State will conduct a program designed to reach State and local law enforcement officials, the education system and relevant counseling services, that provides education and training on the problem of statutory rape, so that teenage pregnancy prevention programs may be expanded in scope to include men.**

The Children's Justice Task Force is a statewide program that deals with child abuse. The Task Force includes law enforcement officials, county attorneys and state and county child protection staff. Minnesota Sex Crimes Investigators is a group of law enforcement officials that investigate sex crimes in Minnesota. This group also works to enhance the education of the local community and works toward cooperation between the local community, state and federal agencies, and the law enforcement officials.

**B. SPECIAL PROVISIONS**

**I. Indicate whether Minnesota will treat families moving to the State from another State differently from other families on the program.**

Minnesota will have different regulations for families moving to this State from another State. With the exception of cases that would suffer unusual hardship, as defined by law, applicants for MFIP-S who have moved to this State from another State will be ineligible for family cash assistance for the first thirty days the family lives in Minnesota.

When a family moves to Minnesota from another State and meets all eligibility criteria including the 30 day residence requirement, the family will receive assistance at a payment standard which is the lower of either the level the family was or would have been eligible for in the State of immediate prior residence, or MFIP-S. The lesser grant will be in effect until the family has lived in Minnesota for twelve consecutive months. (*Minnesota Statutes*, Sections 256J.12 and 256J.43)

**II. Indicate whether the State intends to provide assistance under TANF to individuals who are not citizens of the United States, and if so, provide an overview of such assistance.**

The State intends to continue to provide assistance under MFIP-S to individuals who are legal non-citizens and who are eligible for assistance in accordance with the provisions of the Aid to Families with Dependent Children Program in effect prior to August 22, 1996. Assistance to legal non-citizens not eligible for federal assistance as specified under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, will be funded with State dollars. With the exception of the citizenship criteria, the program has the same eligibility criteria as the MFIP-S program.

**III. Outline the objective criteria for the delivery of benefits and the determination of eligibility and equitable treatment, including an explanation of how the State will provide opportunities for recipients who have been adversely affected to be heard in a State administrative appeal process.**

An applicant must meet the eligibility requirements specified in Minnesota State law before receiving services or temporary assistance (*Minnesota Statutes* 256J.01 to 256J.76). All requirements under Section 408 of the Social Security Act as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 are included in State law. Assistance is provided equitably to all recipients in accordance with State law and amended waivers.

The MFIP-S program is an anti-poverty approach that replaces the AFDC, Food Stamp and Family General Assistance programs with one program that has uniform rules and procedures. Diversionary assistance will be available once every 36 months to help families with one-time short term emergencies to avoid applying for MFIP-S. Emergency assistance will be available once within a 12 month period to help families with emergency needs. Eligible applicants who are not diverted from MFIP-S must attend an orientation and have an initial assessment completed.

MFIP-S eliminates basis of eligibility tests, such as the 100-hour rule requirement for two parent families. The asset limit is \$1,000 for applicants and for on-going recipients. Vehicles are excluded up to \$4,650 in fair market value. Effective 1/1/98, the asset limit will be \$2,000 for applicants and \$5,000 for recipients. The value limit of vehicles will be \$7,500. There are State-wide payment standards based on the number of eligible persons in the assistance unit.

Caregivers who fail without good cause to comply with work requirements within the specified period of time will have the cash grant reduced and vendor paid. (*Minnesota Statutes*, Section 256J.46)

There will be a 60 month lifetime limit on assistance. Exclusions from this limit are provided in certain situations, such as domestic violence households. Victims and potential victims of domestic violence will be deferred for up to one year from participation in the usual work activities under the conditions specified in a "safety plan" which is reviewed and may be approved quarterly.

Persons convicted of a drug offense after July 1, 1997 may receive cash assistance if they comply with conditions set forth in *Minnesota Statutes*, Section 256J.26.

Transitional child care is available for up to one year after assistance ends and after that period there is access to subsidies through the Basic Sliding Fee child care program. MFIP-S recipients will be covered by Medical Assistance and will receive up to twelve months of transitional Medical Assistance when cash assistance ends.

## Official Notices

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Applicants and recipients will be notified of their rights, and the process to follow to secure a fair hearing in writing. When an applicant is denied services or a recipient disagrees with a county agency decision, the applicant or recipient may submit a request for a hearing to the county agency or directly to the Department of Human Services, Appeals Office. A state human services referee will conduct a hearing in person at the county office or by telephone. Decisions will be issued by the Commissioner within 90 days of the request for a hearing. Under certain conditions, a recipient may continue to receive benefits pending an appeal decision. Reasonable expenses incurred by a recipient because of the appeal are reimbursed upon request. (*Minnesota Statute*, Section 256.045, Administrative and Judicial Review of Human Services Matters).

**IV. Not later than one year after the date of enactment of this Act**, unless the chief executive officer of the State opts out of this provision, the State shall require a parent or caretaker receiving TANF assistance for two months is not exempt from work requirements and is not engaged in work is to participate in community service employment with the minimum hours per week determined by the State.

Minnesota has opted out of the provision that requires parents and caretakers who have received TANF assistance for two months and who are not working, to participate in community service employment.

### CERTIFICATIONS

The State will operate a program known as the statewide Minnesota Family Investment Program (MFIP-S) to provide Temporary Assistance to Needy Families (TANF) so that the children may be cared for in their own homes or in the homes of relatives; to end dependence of needy parents on government benefits by promoting job preparation, work, and marriage; to prevent and reduce the incidence of out-of wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and encourage the formation and maintenance of two-parent families.

Governor Arne H. Carlson is the Executive Officer for the State of Minnesota. In administering and operating a program which provides Temporary Assistance for Needy Families with minor children under title IV-A of the Social Security Act, the State of Minnesota certifies that:

1. The State will supervise the program under part A in all political subdivisions. The Department of Human Services is the agency responsible for supervising the program and Minnesota Counties are the agencies responsible for administering the program;
2. Local governments and private sector organizations:
  - (1) Have been consulted regarding the plan and design of welfare services in the State so that services are provided in a manner appropriate to local populations; and
  - (2) Will have at least 45 days to submit comments on the plan and the design of such services;
3. During the fiscal year, the State will operate a Child Support Enforcement program under the State plan approved under part D of the Social Security Act;
4. During the fiscal year, the State will operate a Foster Care and Adoption Assistance program in accordance with part E of the Social Security Act, and that the State will take all necessary actions to ensure that children receiving assistance are eligible for medical assistance;
5. Each member of an Indian tribe, who is domiciled in the State and is not eligible for assistance under a Tribal Family Assistance Plan approved under Section 412, will be assured equitable access to assistance under the State program funded under this part attributable to funds provided by the Federal Government;
6. The state has established and is enforcing standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of political patronage;
7. The state will make a summary of the State plan available to the public; and
8. The state of Minnesota has established and is enforcing standards and procedures to:
  - (1) Screen and identify individuals receiving assistance under this part with a history of domestic violence while maintaining the confidentiality of such individuals;
  - (2) Refer such individuals to counseling and supportive services; and
  - (3) Waive, pursuant to a determination of good cause, other program requirements such as, time limits for up to one year, for individuals receiving assistance, residency requirements, and child support cooperation requirements, in cases where compliance with such requirements would make it more difficult for individuals receiving assistance under this part to escape domestic violence or unfairly penalize such who are or have been victimized by such violence, or individuals who are at risk of further domestic violence as long as the individual agrees to develop and participate in a safety plan.

**Funding**

Section 403(a)(1)(A) provides that each eligible State shall be entitled to receive for each of the fiscal years 1996 through 2002, a grant in an amount equal to the State family assistance grant as defined in section 403(a)(1)(B).

**I. Payments to Agency Administering the TANF Program**

Payments for the TANF program will be made to the organization managing the AFDC/JOBS programs as of August 22, 1996, unless the State indicates that the TANF administering agency is changed. If a change is made, describe the name, address and EIN number of the new organization.

**II. State Payments for TANF Program**

Section 405 requires that grants must be paid to States in quarterly installments, based on State estimates. The State's estimate for each quarter of the fiscal year by percentage is:

For Fiscal Year 1998 and Future Years			
1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
25%	25%	25%	25%

For fiscal year 1997, the amount indicated below is the percentage of TANF funds requested for only those quarters in which Minnesota plans to operate the program.

1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
—	—	—	25%

**WAIVER**

**Part One. Minnesota's state-wide TANF program: MFIP-S**

Minnesota will implement the Minnesota Family Investment Program state-wide under the authority of waivers granted on August 16, 1996 by the Administration for Children and Families and waivers granted August 21, 1996 by Food and Consumer Services of the USDA. TANF funds will support MFIP-S operations. \*

**I. MFIP-S: goals and strategy**

The focus of MFIP-S is employment. The purpose of MFIP-S is to achieve two impacts through employment by a parent: reduction of dependency and reduction of poverty. MFIP-S is designed to maximize such impact within available resources. Emphasis is placed on ensuring that the program has an effective application to each case situation and is customized to the realities of the situation.

To achieve maximum impact in each case situation, to address both immediate and long term objectives, and to achieve reduction of both dependency and poverty, an individualized plan for each case is required. Therefore, no *a priori* limits on the activity encompassed by that plan are made. In most cases, planned activity reflects immediate work or steps toward work, i.e. job search. In other cases the most direct path to employment requires that other activity take place before employment becomes a realistic prospect. Such activity may focus on skill development and/or barrier removal and includes a broad range of specific activity. In yet other cases, completing an educational objective will be assessed as having the best potential to maximize impact.

To maximize impact within the entire population and to conserve resources for the deliberate and careful planning in each case, MFIP-S does exempt some situations from this intense employment agenda and the work requirement.

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\* MFIP-S will be implemented and will operate in all jurisdictions of the state. In four rural counties and in four urban counties a portion of the case load will be involved through June 1998 in conclusion of the evaluation of MFIP. See part II of the waiver discussion. In another setting, Carver and Clay counties, some features of MFIP-S will be modified by the "Work First" demonstration. To the extent these deviations from MFIP-S are considered separate "programs", as opposed to a lack of uniformity permissible under the PRWOR Act, the waiver provisions authorizing the deviations supersede the PRWOR Act. Furthermore, Section 103 at 415(d) allows continuation of "1 or more individual waivers".

The efficacy of this strategy has been affirmed by the 18-month impact evaluation done by the Manpower Demonstration Research Corporation (MDRC). When examining the key target population, long term urban cases, MDRC found 52.1% of MFIP cases to be employed after 18 months, a 39% increase over the control group rate of 37.6%. Furthermore, less than 44% of MFIP cases were living in poverty after 18 months compared to over 60% of the control group.

## Official Notices

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### II. Federal waivers

Many individual waivers were granted by ACF on August 16, 1996 to enable state-wide MFIP, i.e. MFIP-S.

The subsequent passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ("PRWOR Act") has had a profound effect on this construction. The AFDC policy prescriptions and federal funding requirements which prevailed at the time the MFIP-S waivers were granted and which were the basis for identification of needed waivers and the articulation of terms & conditions have ceased to exist. The new TANF block grant provides a state considerably greater policy discretion and makes moot administrative concerns, e.g. federal fiscal neutrality, that had shaped the construction of the MFIP-S waivers and the statement of terms & conditions.

Thus, much of the original construction to authorize MFIP-S is moot or altered. Minnesota sees no need to continue many waivers. However, several waivers are central to the strategy that is MFIP and continue to define an approach that is inconsistent with provisions of federal law. Thus, Minnesota will continue these waivers.

#### A. Waivers discontinued

Notwithstanding Minnesota's understanding that the waivers described below are no longer required in light of the PRWOR Act, Minnesota reserves the right to maintain any waiver or waivers that may become necessary due to change in federal law or policy for the continuation of the MFIP-S program.

It is Minnesota's assessment at this time that the following waivers are no longer required.

1. Waivers: "402(a)(7),(8) and (18): **Determination of eligibility**"

The discretion provided to the state by the PRWOR Act eliminates the need for these waivers.

2. Waivers: "Section 402(a): **Amount of Payments**"

Given discretion had under the PRWOR Act, the state no longer needs this waiver for authority to use a two-tiered assistance standard and to use the disregards of earned income found in MFIP.

3. Waiver: "402(a)(41): **Assistance to Children of Unemployed Parents**"

Elimination from federal law of the construct of "unemployed parent" and associated tests of "the 100 hour rule" and "quarters of work" eliminates need for this waiver.

4. Waiver: "Section 402 (a) (17): **Lump Sum Payments**"

The absence of any prescription in current federal law regarding consideration of lump sum payments eliminates need for this waiver.

5. Waiver: "Section 402(a)(21): **Participation in a Strike**"

The absence of any prescription in federal law eliminates need for this waiver.

6. Waiver: "Section 402(a)(22): **Overpayments**"

The absence of any prescription in federal law eliminates need for this waiver. Minnesota also has changed the MFIP-S policy from the approach for which waiver authority was sought.

7. Waiver: "Section 402(a)(13): **Monthly reporting and Budgeting**"

The demise of AFDC and prescriptive policies regarding recipient reporting and budgetary procedures eliminates the need for this waiver.

8. Waiver: "Section 402 (g)(1)(A): **Transitional Child Care**"

This waiver had affirmed that the state could provide transitional child care upon an exit from MFIP due to increased income in the same manner as an exit from AFDC. Given the flexibility in the PRWOR Act, this waiver is no longer required as authority for this policy.

9. Waiver: "Section 402(a)(19)(G): **Sanctions**"

The sanction policy in MFIP-S will conform to provisions in the PRWOR Act. Therefore, this waiver is not required.

**B. Waivers continued**

The state-wide MFIP-S waivers authorize a program that is inconsistent with TANF requirements on two counts: definition of work activity and exemptions from the work requirement.

- MFIP-S does not limit activity that counts toward participation to those activities identified in TANF.
- MFIP-S exempts certain situations which define cases that would be excluded from the population that is subject to participation and inclusion in the denominator for purposes of calculating the work participation rate.

These two attributes of MFIP-S, exemptions and permitted activity, bring a realism to this program that contributes to the recorded success of the MFIP strategy. Use of exemptions focuses the work agenda on those cases, i.e. the majority of the case load, where that agenda then defines MFIP-S. Exemptions mean that limited administrative resources are targeted to the cases where impact is more probable. A broader range of work activity, while not germane to many cases (as unsubsidized employment is the constant focus and is the most common activity in actual experience under MFIP), does contribute to a realistic individual plan in other cases where work is not an immediate prospect or where work needs to be accompanied by activities that complement and support attainment of the individual's employment goal.

The waivers that enable this strategy are essential. Minnesota will continue the following waivers.

1. Waiver: "Section 402 (a)(19)(A),(E), and (F): **Work and training activities**" (Hereinafter, the "Work Activities" waivers)

These Work Activities waivers are inconsistent with the following provisions of the PRWOR Act.

a. **Sec. 103, § 407 (c)(1)(A)**

Minnesota does not see an inconsistency between the MFIP-S waivers and (weekly) time standards. Definition of intensity of effort is needed to accord meaning to expectations placed on participants, and the MFIP-R demonstration (upon which MFIP-S is based) has clear standards for level of effort. Furthermore, the weekly time standards in MFIP-R, while not identical to the standards in TANF, are quite similar in construction and value. So, Minnesota does not find the modest differences that exist to represent a fundamental inconsistency, and Minnesota will accept the TANF standards for weekly activity level. It is only the provision that 20 hours per week must be represented by the cited activities that is inconsistent with the "Work Activities" waivers. Under the waiver any activity that leads to employment does count, and this construction is essential to maintaining MFIP-S's ability to apply to the reality of each situation.

b. **Sec. 103, § 407 (c)(1)(B)(I)**

Here also, Minnesota does not see an inconsistency between the MFIP-S waivers and (weekly) time standards. It is only the provision that 30 hours per week must be represented by the cited activities that is inconsistent with the "Work Activities" waiver. Under the waiver any activity that leads to employment does count, and this construction is essential to maintaining MFIP-S's ability to apply to the reality of each situation.

c. **Sec. 103, § 407 (c)(1)(B)(ii)**

Here again, Minnesota does not see an inconsistency between the MFIP-S waivers and (weekly) time standards. It is only the provision that 20 hours per week must be represented by the cited activities that is inconsistent with the "Work Activities" waiver. Under the waiver any activity that leads to employment does count, and this construction is essential to maintaining MFIP-S's ability to apply to the reality of each situation

d. **Sec. 103, § 407 (d)**

This section defines work activities. Under the "Work Activities" waiver activity related to work is not restricted to the items cited. Therefore, these provisions are inconsistent with the waiver.

e. **Sec. 103, @Sec. 407 (c)(2)(D)**

This provision restricts vocational educational training to 20% of families for purposes of determining participation rates. Under the "Work Activities" waiver, no such limitation exists.

2. Waiver: "Section 402 (a)(19)(A): **Job Search Activities**" (Hereinafter, the "Job Search" waivers).

These Job Search waivers are inconsistent with the following provision of the PRWOR Act.

a. **Sec. 103, § 407 (c)(2)(A)(I)**

This provision restricts consideration of job search as a work activity to a total of six weeks. Under the "Job Search" waiver, job search can extend for a longer period.

## Official Notices

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3. Waiver: "Section 402 (a)(19)(A),(B),(C),and (D): **Employment Services and Employability Plan**", which alludes to section 2.10 of the Terms & Conditions, which in turn, recognizes the exemptions contained in MFIP-S. (Hereafter, the "Employment Services" waivers)

These Employment Services waivers are inconsistent with the following provisions of the PRWOR Act.

a. **Sec. 103, § 402 (a)(1)(A)(ii)**

This provision holds that a parent or caretaker be engaged in work by the 24th month of assistance. While MFIP-S will require that a parent be engaged in work much earlier than the 24 month benchmark, exemptions to this requirement exist, as authorized by the "Employment Services" waiver.

b. **Sec. 103, § 407 (b)(1)(A) and (B)**

The construction that the denominator is composed of all families is inconsistent with the "Employment Services" waiver exempting certain families from participation.

4. Waiver: "Section 402 (a) (1) and 402 (a) (19)(A): **Statenewness**"

These waivers may be inconsistent with the following provision of the PRWOR Act.

a. **Section 103, § 402(a)(1)(A)(I)**

While this section clearly authorizes great variability in practice across a state, as Minnesota does intend to continue other waiver projects (the original MFIP demonstration, the MFIP-R demonstration and the Work First demonstration) it seems prudent to continue the waivers to the extent that they would be needed as authority for continuation of the cited demonstrations.

Part Two. Continuation and completion of the MFIP demonstration projects, i.e. the MFIP evaluation and the MFIP-R evaluation

Prior to receipt of federal waivers authorizing state-wide extension of MFIP (MFIP-S), Minnesota received on March 31, 1994 waivers authorizing a demonstration of the program. Field trials to evaluate the impact of MFIP began on April 1, 1994. On May 16, 1996 additional waivers were received to extend MFIP to Ramsey county and to commence the MFIP-R demonstration.

As noted above, the MFIP demonstration has now produced an eighteen-month impact assessment. However, the evaluation plan includes a three-year impact assessment that will provide greater detail on effects observed, information about longer term effects, and information regarding other possible effects not addressed in the eighteen-month assessment such as impact on child well-being.

The federal government and Minnesota have invested significant time and resources in the MFIP/MFIP-R evaluation. Minnesota wishes to continue the field trials of MFIP and the MFIP-R demonstration through June 1998 in order that the planned evaluation be completed.

It is important that the dimensions of the field trials be recognized.

A small portion of the state's family assistance case load is involved.

Field trials will continue for only 12 months following implementation of TANF.

The MFIP demonstration and the MFIP-R demonstration would have some inconsistencies with the MFIP-S program. To continue these demonstrations, Minnesota would incur two possible conflicts with TANF provisions.

1. Sec. 103, § 402 (a)(1)(A)(i) requires that a state "(C)onduct a program, designed to serve all political subdivisions in the State (not necessarily in a uniform manner)...." In the three urban MFIP counties, most cases are not participants in the field trials. In the four rural counties, most of the case load is affected by the continuing demonstration. To the extent these deviations from state-wide MFIP-S are considered a separate program as opposed to a lack of uniformity permissible under the PRWOR Act, the waivers authorizing MFIP and MFIP-R are inconsistent with the new law.
2. To ensure the integrity of the evaluation and in fairness to members of the control groups (who receive AFDC) it is necessary to not change the demonstration in its concluding period by introducing the effects of a time limit on assistance. It is considered essential that months spent in the demonstration from July 1997 through June 1998 not count against the 60 month time limit. The imposition of time limits is inconsistent with preservation of the integrity of the evaluation.

**I. Rationale for use of TANF funds in an unaltered continuation and completion of the MFIP evaluation**

A. The package of waivers received March 31, 1994 expressly authorized the program policies and the experimental operations that continue to operate in these counties. These policies did not include a case life time limit, either in the treatment program or the programs applied to the control groups.

In the case of MFIP-S, i.e. the program Minnesota will implement as its state-wide TANF program, the policies authorized by the state-wide waiver do not include a time limit. Yet, Minnesota is not claiming an inconsistency with this provision of TANF and will be incorporating a 60 month time limit in MFIP-S.



In the case of the field trials of MFIP, however, Minnesota is obligated to cite the inconsistency between the absence of a time limit in the waiver package authorizing the field trials and the TANF program. Evaluation considerations require that this position be taken. The entire purpose of the 3/31/94 MFIP waivers was to achieve an evaluation. Now, as the demonstration draws toward the conclusion of operations, it would be imprudent to distort and render ambiguous the evaluation by changing a key policy variable. Minnesota and the federal government have invested years of effort and funds in this demonstration. The yield on this investment is considerable and requires another twelve months of perseverance.

The significance of the matter is not gauged by the number of cases involved (which are few) nor by the time required to complete a baseline for the three year impact evaluation (an additional year). The significance is obtaining important instruction, realizing a yield on past investment, and practicing good government.

B. An alternative exists which would have cost the federal government.

In considering the application of its pool of federal TANF funds and state funds, Minnesota could have siphoned state funds from this pool in order to fund the final months of the field trials without involvement of TANF funds. By so doing child support collections among field trial cases would have been retained by the state. The federal government would not have received the portion of such collections that would be the federal share were TANF funding involved.

C. The TANF title, at Sec. 415 (d) expresses support and encouragement for continuation of waivers and the evaluation enabled by such waivers.

In the case of the MFIP field trials, almost all effort involved lies in the past. All that remains is to continue operations for a brief period in order to yield the evaluation .

Part Three. Other demonstrations:

- continuation of "Work FIRST"
- termination of "AFDC Barrier Removal"

## **II. Work FIRST**

On August 16, 1996 Minnesota received waivers to conduct a demonstration of the "Work FIRST" program. The demonstration is underway in two counties: Clay and Carver.

It is the nature of Work FIRST that this initiative would be housed within the program Minnesota would be operating for assistance to families with children. Work FIRST applies only to first time applicants and its defining features are immediate job search and vendor payment of rent and utilities.

Thus, MFIP-S will be implemented in Clay and Carver counties. The presence of Work FIRST will mean modification of approach to first time applicants for assistance.

To the extent the Work FIRST program is considered a separate "program", as opposed to a lack of uniformity permissible under the PRWOR Act, the waiver provisions authorizing the deviations supersede the PRWOR Act. Lastly, and as noted earlier, Section 103 at 415(d) allows continuation of "1 or more individual waivers".

## **III. AFDC Barrier Removal**

On August 16, 1996 Minnesota also received waivers authorizing the "AFDC barrier Removal" project. Passage of the PRWOR Act removed the need for these waivers. Accordingly, the state chooses to terminate the waivers.

# **State Board of Investment**

## **Notice of Meeting of the Board's Administrative Committee**

The State of Board of Investment Administrative Committee will meet on Friday, May 23, 1997 in the SBI Conference Room, MEA Building, Room 105, 55 Sherburne Avenue, St. Paul, MN from 8:30 A.M. to 10:30 A.M.

## Department of Labor and Industry

### Labor Standards Division

#### Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective May 19, 1997 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

**Anoka:** New Basketball Court & Weight Lifting Floor MCF-Lino Lakes; BIO Package 3 Phase II St. Francis District Center-St. Francis.

**Cass:** MN/DOT Truck Station Ventilation Northome/Walker-Walker.

**Dakota:** Ice Rink Floor Replacement Apple Valley Ice Arena-Apple Valley; New Electric Generator Hastings Veterans Home-Hastings.

**Fillmore:** Chatfield Public Library Addition & Remodeling-Chatfield.

**Hennepin:** Roof Replacement Edina Library-Edina; Cottage Window Replacement County Home School-Minnetonka; Roof Replacement Juvenile Justice Center-Minneapolis; Classroom Building Roof Replacement County Home School-Minnetonka; Roof Replacement Hopkins Library-Hopkins; Transportation Center Lead Dust Removal Phase 2 Minneapolis Public Schools-Minneapolis; City Hall Third Floor Remodeling-Minneapolis; Lighting Upgrades Phase 5-Minneapolis.

**Isanti:** 1997 Masonry Restoration Cambridge Elementary School-Cambridge.

**Itasca:** MN/DOT Truck Station Ventilation Grygla/Deer River-Deer River; Itasca Nursing Home Unit I Renovation-Grand Rapids.

**Koochiching:** MN/DOT Truck Station Ventilation Northome/Walker-Northome.

**Lake:** Ventilation of MN/DOT Truck Storage-Two Harbors.

**Marshall:** MN/DOT Truck Station Ventilation Grygla/Deer River-Grygla.

**Millie Lacs:** Electrical Retrofit Princeton School ISD 477-Princeton.

**Nobles:** MN/DOT Truck Station Ventilation-Worthington.

**Olmsted:** MN/DOT Ventilation of Headquarters-Rochester; MN/DOT Office & Truck Storage Ventilation-Stewartville.

**Ottertail:** MN/DOT Truck Station Ventilation & Headquarters HVAC Henning/Morris-Henning.

**Pine:** Fire Protection Pine Technical College-Pine City.

**Ramsey:** Elevator Equipment Modifications State Capitol-St. Paul; Elevator Equipment Modifications State Capitol-St. Paul.

**Rice:** Primary Electrical System Modification MCF-Faribault.

**St. Louis:** MN/DOT Fire Door Replacement Lief Erickson Tunnel-Duluth; MN/DOT Headquarters Ventilation-Virginia; Supplementary Construction & Maintenance Contracts UMD-Duluth; 1997 Roof Replacement & Masonry Restoration Glensheen Main House-Duluth.

**Scott:** River City Centre-Shakopee.

**Stearns:** Liberty Block Project Drive-Thru Bank Facility-St. Cloud.

**Steele:** MN/DOT HVAC of Headquarters Office-Owatonna.

**Stevens:** MN/DOT Truck Station Ventilation & Headquarters HVAC-Henning/Morris-Morris.

**Todd:** MN/DOT Truck Station Addition & Remodeling Salt Storage Building-Long Prairie.

**Yellow Medicine:** Minnesota West Sight Lighting-Granite Falls.

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

## **Metropolitan Council**

### **Environmental Services**

#### **Public Hearing on Facilities Plan for Blue Lake Thickening/Dewatering Facility, Thursday, June 26, 1997, 7:00 - 9:00 P.M., Shakopee City Hall, Council Chambers, 129 South Holmes, Shakopee, MN 55379**

A draft Facility Plan for a Blue Lake Solids Thickening/Dewatering Facility recommends the addition of processing equipment to thicken and dewater wastewater treatment solids at the Blue Lake Wastewater Treatment Plant.

Review copies of the Draft Facility Plan will be available at the Metropolitan Council Environmental Services Office, Mears Park Centre, Sixth Floor, 230 East Fifth Street, St. Paul, MN 55101; phone 602-1129. All interested people are encouraged to attend the hearing and offer their comments. People may register at the door to speak. Upon request, the Council will provide reasonable accommodations to people with disabilities. Requests for reasonable accommodations must be received by June 18, 1997, by calling 602-1129 or 229-3760 (TDD/TTY). Questions should be referred to Eunice Groschen at 602-1419 or Pauline Langsdorf at 602-1805. The public hearing record will remain open for 10 working days beyond the June 26, 1997, public hearing. Written comments will be received until then and should be sent to Eunice Groschen at the above address or sent via fax at 602-1003.

## **Pollution Control Agency**

### **Ground Water and Solid Waste Division**

## **Department of Agriculture**

### **Agronomy & Plant Protection Division**

#### **Notice of Proposed Update of the Permanent List of Priorities Among Releases or Threatened Releases of Hazardous Substances or Pollutants or Contaminants**

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (MPCA) and the Minnesota Department of Agriculture (MDA) are publishing for public comment a proposed addition to and deletions from the Permanent List of Priorities (PLP) which lists releases or threatened releases of hazardous substances, pollutants, or contaminants for which the MPCA or the MDA may take removal or remedial actions under the Minnesota Environmental Response and Liability Act (MERLA), *Minnesota Statutes* ch. 115B.

Pursuant to *Minnesota Statutes* § ( 115B.17 (1996) and *Minnesota Rules* pt. 7044.0950 (1995), the MPCA and MDA are proposing the following changes to the PLP.

The MPCA is proposing the addition of the Doc's Auto Salvage Site, in Minneapolis, Hennepin County to the PLP. The Doc's Auto Site has a Hazard Ranking System score of 12 (see *Minnesota Rules* pt. 7044.0350), and has been assigned to Response Action Classes C and D (see *Minnesota Rules* pt. 7044.0450). The four response action classes are defined as follows: Class A - Declared Emergency; Class B - Response Actions Completed and Operation and Maintenance/Long-Term Monitoring Ongoing; Class C - Response Actions Necessary or in Progress or First Year Operation and Maintenance at a Site; and Class D - Remedial Investigations and Feasibility Studies (RI/FS) Necessary or in Progress.

The MDA is not proposing to add sites to the PLP, at this time.

The MPCA is proposing to delete the Crosby American Demolition Landfill, Dakota County from the PLP. This landfill is a "qualified facility" under the Landfill Cleanup Act of 1994 (Act) and have been issued a Notice of Compliance by the Commissioner of the MPCA. Under authority of the Act, the State of Minnesota, through the MPCA, has now assumed responsibility for any necessary response actions at this site and will be responsible for long-term maintenance of the facility. Therefore, MERLA funded response actions will no longer be necessary at the site and deletion of this site from the PLP is appropriate.

In addition, it is anticipated that the following three closed landfill "qualified facilities" under the Act will receive a Notice of Compliance prior to June 26, 1997, the date that the MPCA Commissioner anticipates making a decision in this matter. Therefore, the MPCA is also proposing to delete the following landfills from the PLP: Leech Lake Sanitary Landfill, Hubbard County; Battle Lake Area Sanitary Landfill, Otter Tail County and La Grande Sanitary Landfill, Douglas County. Should a Notice of Compliance not be issued to any of these facilities prior to June 26, 1997, the deletion of that facility from the PLP will be postponed until after issuance of a Notice of Compliance.

## Official Notices

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The MPCA is also proposing to delete the following ten open permitted landfills from the PLP: Burnsville Sanitary Landfill, Dakota County; Clay County Sanitary Landfill; Elk River Sanitary Landfill, Sherburne County; Fergus Falls Sanitary Landfill, Otter Tail County; Greater Morrison Sanitary Landfill, Morrison County; Kanabec County (East Central) Sanitary Landfill; Kandiyohi County Sanitary Landfill; Pine Bend Sanitary Landfill, Dakota County; Ponderosa Sanitary Landfill, Blue Earth County; and Yonak (Forest City Road) Sanitary Landfill, Wright County. These facilities are MPCA permitted landfills, are meeting current financial assurance requirements, have contingency actions or plans in place to respond to releases of hazardous substances, pollutants or contaminants, have liners and leachate collection systems and are in compliance with appropriate state solid waste rules. Therefore, MERLA funded response actions will no longer be necessary at these sites and deletion of these sites from the PLP is appropriate.

The MDA is proposing to delete the Howe Soil Contamination Site, in Martin County from the PLP.

The MPCA and MDA invite members of the public to submit written comments on these proposed changes to the PLP. All written comments with regard to this proposed addition and deletions must be received no later than 4:30 p.m., June 19, 1997.

Written comments regarding the proposed MPCA site addition and deletions should be submitted to: Gary L. Krueger, Site Response Section, Ground Water and Solid Waste Division, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, Minnesota 55155-4194.

Written comments regarding the proposed MDA site deletion should be submitted to: Robert Anderson, Incident Response Unit, Agronomy & Plant Protection Division, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, Minnesota 55107-2094.

An interested person may submit a petition to the Commissioner of the MPCA requesting that the MPCA Board make the decision on whether to adopt the proposed addition to and/or deletions from the PLP. To be considered timely, the petition must be received by the MPCA contact person, Gary L. Krueger, by 4:30 p.m. on June 19, 1997. The decision whether to adopt the proposed addition to and/or deletions from the PLP will be made by the MPCA Board if: (1) the Commissioner grants the petition requesting the matter to be presented to the MPCA Board; or (2) a MPCA Board member requests to hear the matter prior to the time the Commissioner makes a final decision on the proposed addition to and/or deletions from the PLP.

Requests for a complete updated PLP or information on a specific site currently listed on the PLP can be directed to the MPCA's Public Information Office at the above address, or by telephoning 612/296-6300 or toll free at 800/657-3864.

All written comments received by the above deadline will be considered by the MPCA and the MDA in establishing the updated PLP.

Peder A. Larson  
Commissioner - MPCA  
Gene Hugoson  
Commissioner - MDA

## Department of Public Safety

### Minnesota Auto Theft Prevention Program

#### Notice of Meeting of the Board of Directors

The Department of Public Safety, Minnesota Auto Theft Prevention Program, will be holding its Board of Directors meeting on May 22, 1997. Meeting will begin at 9:00 a.m. at the MATPP office located at 1110 Centre Pointe Curve, Suite 405, Mendota Hts, MN. (Hwy 110 and Lexington Ave. - GNB Technologies Bldg.). Meetings are open to the public. For more information you may call (612) 405-6155.

## Public Utilities Commission

### Request for Comments on Planned Promulgation of Rules Governing the Competitive Provision of Local Telephone Service, including issues related to Universal Service, Regulatory Treatment of Competitive Local Exchange Carriers (CLECs), Service Quality, and Emergency Service (911), Docket No. P-999/R-97-609

**Subject of Rules.** The Public Utilities Commission has proposed and will adopt rules designed to —

- (1) define procedures for competitive entry and exit;
- (2) require the provision of equal access and interconnection with the company's network and other features, functions and services which the commission considers necessary to promote fair and reasonable competition;
- (3) require unbundling of network services and functions to at least the level required by existing federal standards;
- (4) prescribe, if necessary, methods of reciprocal compensation between telephone companies;
- (5) provide for local telephone number portability;
- (6) prescribe appropriate regulatory standards for new local telephone service providers, that facilitate and support the development of competitive services;
- (7) protect against cross-subsidization, unfair competition, and other practices harmful to promoting fair and reasonable competition;
- (8) prescribe methods for the preservation of universal and affordable local telephone services;
- (9) prescribe standards for quality of service;
- (10) provide for the continued provision of local emergency telephone services (911) under chapter 403; and
- (11) protect residential and commercial customers from unauthorized changes in service providers in a competitively neutral manner.

Docket No. P-999/P-95-53, *In the Matter of the Proposed Rules Governing the Competition Provision of Local Telecommunications Service, Minnesota Rules, parts 7812.0050 through 7812.2300*. The Commission requests comments on its planned promulgation of further rules governing aspects of emerging competition among firms seeking to provide local telephone service. In particular, the Commission seeks proposals for new rules pertaining to the provision of universal service, regulatory treatment of competitive local exchange carriers (CLECs), service quality, and emergency service (911).

**Persons Affected.** The promulgation of these rules would likely affect local telephone companies, the firms that would like to compete with them, and their subscribers. The commission will appoint an advisory committee representing a cross-section of interests likely to be affected. The Commission will also establish a list of persons who wish to receive notices pertaining to this rulemaking.

**Statutory Authority.** *Minnesota Statutes*, section 216A.05, grants the Commission the authority to prescribe rules with respect to the control and conduct of the businesses coming within its jurisdiction. Section 237.10 gives the Commission the duty to prescribe uniform rules and classifications pertaining to the conduct of intrastate telephone business. Section 237.16 requires the Commission to adopt rules applicable to all telephone companies and telecommunications carriers required to obtain or having obtained a certificate for provision of telephone service, as described in "Subject of Rules," above.

**Public Comment.** The Commission has not yet prepared a draft of the planned rules or amendments. Interested persons or groups may submit comments or information on these planned rules in writing or orally until 4:30 p.m. on June 30, 1997. In particular, the Commission seeks comment on proposals developed by two other agencies:

- the service quality standards proposed by the Minnesota Department of Public Service in Docket No. P-999/R-95-53 on November 22, 1996, and attached hereto FOR DISCUSSION PURPOSES ONLY, and
- the federal order implementing the universal service provisions of the federal Telecommunications Act of 1996. The Federal Communications Commission (FCC) issued *Report and Order* FCC 97-157 on May 8, 1997, in CC Docket No. 96-45. The order may be obtained from the FCC's internet site at [http://www.fcc.gov/ccb/universal\\_service/welcome.html](http://www.fcc.gov/ccb/universal_service/welcome.html). The Minnesota Commission seeks comment on A) the benefits of using the federal universal service funding rules as a basis for developing its state universal service rules, B) whether the Minnesota Commission should defer action on matters that the FCC postponed for later resolution, C) how the Minnesota Commission should address matters that the FCC delegated to the states, and D) other matters that commentors wish to bring to the Minnesota Commission's attention.

## Official Notices

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Interested persons or groups may also request to be included on the commission's list of persons who wish to receive notices pertaining to this rulemaking. Written or oral comments, questions, requests to receive a draft of the rule or amendment when it is prepared, and requests for more information on this planned rule and amendment should be addressed to Eric Witte, Public Utilities Commission, 121 Seventh Place East, Suite 350, St. Paul, Minnesota 55101-2147, 612/296-7814. Comments should include a reference to Docket No. P-999/R-97-609. **Comments submitted in response to this notice will not be included in the formal rule-making record when a proceeding to adopt a rule is started.**

Burl Haar  
Executive Secretary

**SERVICE QUALITY RULES — Department of Public Service draft filed November 11, 1996, in Docket No. P 999/R-95-53**

### GENERAL PROVISIONS

#### [7810.0020] SCOPE

This chapter shall apply to any telephone utility, including telephone companies, independent telephone companies, and telecommunications carriers operating within the state of Minnesota, under the jurisdiction of the Public Utilities Commission. This chapter governs the furnishing of retail communications service and facilities to the public by telephone utilities subject to the jurisdiction of the commission. The purpose of this chapter is to establish reasonable service standards to the end that adequate and satisfactory service will be rendered to the public.

If unreasonable hardship to a telephone utility or to a customer results from the application of any rule herein prescribed, application may be made to the commission for the modification of the rule or for temporary or permanent exemption from its requirements.

The adoption of this chapter shall in no way preclude the commission from altering or amending it, pursuant to its statutory procedure, or from making such modifications with respect to its application as may be found necessary to meet exceptional conditions.

This chapter shall in no way relieve any telephone utility from any of its duties under the laws of this state or from any other rules or directives of this commission.

STAT AUTH: *Minnesota Statutes s 237.10*

#### [7810.0030] STATUTORY AUTHORITY

The Public Utilities Commission law provides that the commission shall have the power to make such reasonable rules as it deems necessary to carry out the provisions of this law and any other law relating to the commission.

STAT AUTH: *Minnesota Statutes s 237.10*

#### [7810.0040] APPLICABILITY

These Rules apply to all telephone companies whether regulated under a traditional form of regulation or an alternative form of regulation (AFOR) and to all telecommunications carriers providing local service unless otherwise noted in an individual rule. Telephone companies and telecommunications carriers will jointly be referred to as telephone utilities or utilities. The Rules do not apply to telecommunications carriers in their provision of interexchange telephone service unless explicitly stated.

### 7810.0100 DEFINITIONS

Subpart 1. **Scope.** For the purposes of this chapter, the following meanings will be ascribed to the phrases listed below.

Subp. 2. **Average busy season, busy hour traffic.** "Average busy season, busy hour traffic" means the average traffic volume for the busy season, busy hours.

Subp. 3. **Business service.** "Business service" means telecommunications service provided a customer where the use is primarily or substantially of a business, professional, institutional, or otherwise occupational nature.

Subp. 3. **Busy hour.** "Busy hour" means the two consecutive half-hours during which the greatest volume of traffic is handled in the office.

Subp. 4. **Busy season.** "Busy season" means that period of the year during which the greatest volume of traffic is handled in the office.

Subp. 5. **Calls.** "Calls" means customers telephone messages attempted or completed.

Subp. 6. **Central office.** "Central office" means a switching unit, in a telecommunications system which provides service to the general public, having the necessary equipment and operating arrangements for terminating and interconnecting subscriber lines and trunks or trunks only. There may be more than one central office in a building or exchange area.

Subp. 7. **Channel.** "Channel" means a path for communication between two or more stations or telephone utility offices, furnished in such a manner as the carrier may elect, whether by wire, radio, or a combination thereof and whether or not by a single physical facility or route.

Subp. 8. **Class of service.** "Class of service" means a description of telecommunications service furnished by a customer which denotes such characteristics as nature of use (business or residence) or type of rate (flat rate or message rate).

Subp. 9. **Commission.** "Commission" means the Minnesota Public Utilities Commission.

Subp. 10. **Customer trouble report.** "Customer trouble report" means any oral or written report from a subscriber or user of telecommunications service relating to a physical defect or to difficulty or dissatisfaction with the operation of

telecommunications facilities. One report shall be counted for each oral or written report received even though it may duplicate a previous report or merely involve an inquiry concerning progress on a previous report. Also, a separate report shall be counted for each telephone or PBX switchboard position reported in trouble when several items are reported by one customer at the same time, unless the group of troubles so reported is clearly related to a common cause.

Subp. 11. **Department.** "Department" means the Department of Public Service.

Subp. 12. **Exchange.** "Exchange" means a geographical service area established by an incumbent local exchange company (ILEC) and approved by the commission. An exchange may consist of one or more central offices together with associated plant facilities used in furnishing telecommunication services in that area.

Subp. 13. **Exchange service area.** "Exchange service area" means the geographical territory served by an exchange, usually embracing a city, town, or village and its environs.

Subp. 14. **Incumbent Local Exchange Carrier or ILEC.** With respect to an area, the local exchange carrier that: (1) on February 8, 1996 provided telephone service in such area; and (2) (i) on February 8, 1996, was deemed to be a member of the exchange carrier association pursuant to §69.601(b) of this chapter; or (ii) is a person or entity that, on or after February 8, 1996, became a successor or assign of a member described in clause (i) of this paragraph.

Subp. 15. **Individual line service.** "Individual line service" means a classification of exchange service which provides that only one main station shall be served by the circuit connecting such station with the central office equipment.

Subp. 16. **Intercept service.** "Intercept service" means a service arrangement provided by the telephone utility whereby calls placed to a disconnected or discontinued telephone number are intercepted and the calling party is informed that the called telephone number has been disconnected, or discontinued, or changed to another number, or that calls are being received by another telephone, etc.

Subp. 17. **Interexchange carrier or IXC.** "Interexchange carrier or IXC" means any telephone company, or telecommunications carrier providing interexchange service under *Minnesota Statutes* 237.01, subd. 2,3, and 6.

Subp. 18. **Interexchange service.** "Interexchange service" means transmission paths, including the conductor or conductors and associated equipment, connecting two exchanges or two local service areas.

Subp. 19. **Line.** "Line" means a general term used in the communication industry in several different senses, the most important of which are:

A. the conductor or conductors and supporting or containing structures extending between customer stations and central offices, or between central offices whether they be in the same or different communities;

B. the conductors and circuit apparatus associated with a particular communication channel;

C. any communication channel between two points.

Subp. 20. **Local calling area.** "Local calling area" means the area within which telecommunication service is furnished to customers under a specific schedule of exchange rates. A local calling area may include one or more exchange service areas or portions of exchange service areas.

Subp. 21. **Local exchange service or local service.** "Local exchange service or local service" means telecommunication service provided within a local calling area in accordance with the tariffs or price lists. It includes the use of exchange facilities required to establish connections between stations within the exchange.

Subp. 22. **Local message.** "Local message" means a completed call between stations located within the same local calling area.

Subp. 23. **Local message charge.** "Local message charge" means the charge that applies for a completed telephone call that is made when the calling station and the stations to which the connection is established are both within the same local calling area, and a local message charge is applicable.

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Subp. 24. **Local facilities charge.** "Local facilities charge" means the charge for furnishing facilities to enable a customer to send or receive telecommunications within the local calling area. This local calling area may include one or more exchange service areas.

Subp. 25. **Long distance telecommunications service.** "Long distance telecommunications service" means that part of the total communication service rendered by a telephone utility or interexchange carrier which is furnished between customers in different local service areas in accordance with the rates and regulations specified in the telephone utility's or IXC's tariff or price list.

Subp. 26. **Message.** "Message" means a completed customer telephone communication.

Subp. 27. **Outside plant.** "Outside plant" means the telecommunications equipment and facilities installed on, along, over, or under streets, alleys, highways, or on private rights-of-way between the central office and customers' locations or between central offices.

Subp. 28. **Public telephone service.** "Public telephone service" means an individual line customer service equipped with a coin collecting telephone instrument installed for the use of the general public in locations where the general public has access to these telephones.

Subp. 29. **Retail customer or subscriber.** "Retail customer or subscriber" means any person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., contracting for telecommunications service with any telephone utility.

Subp. 30. **Station.** "Station" means a telephone instrument or other terminal device.

Subp. 31. **Serving Area.** "Serving Area" means a geographical service area established by a competitive local exchange company (CLEC) and approved by the commission.

Subp. 32. **Subscriber line.** "Subscriber line" means the wires or channels used to connect the telephone equipment at the subscriber's premises with the central office.

Subp. 33. **Tariff or price list.** "Tariff or price list" means the entire body of rates, tolls, rentals, charges, classifications, and rules, adopted and filed with the commission by a telephone utility or other carriers.

Subp. 34. **Telephone utility or utility.** "Telephone utility" means any telephone company, independent telephone company, or telecommunications carrier providing local service under *Minnesota Statutes* 237.01, subd. 2,3, and 6.

Subp. 35. **Toll connecting trunks.** "Toll connecting trunks" means a general classification of trunks carrying toll traffic and ordinarily extending between a local office and a toll office, except trunks classified as tributary circuits.

Subp. 36. **Toll stations.** "Toll stations" means a telephone connected to a toll line or directly to a toll board.

Subp. 37x. **Traffic.** "Traffic" means a telephone call volume, based on number and duration of messages.

STAT AUTH: *Minnesota Statutes* s 237.10

### RECORDS AND REPORTS

#### 7810.0400 RETENTION OF RECORDS

Each telephone utility shall maintain records of its operations in sufficient detail to permit review of its service performance, and such records shall be made available to the commission upon request. All records required by this chapter shall be preserved for the period of time specified in the current edition of the Federal Communications Commission's records retention schedule, unless otherwise specified by the commission.

STAT AUTH: *Minnesota Statutes* s 237.10; 237.11

#### 7810.0500 DATA TO BE FILED WITH THE COMMISSION

Subpart 1. **Tariffs or Price lists.** Each telephone utility shall have its tariff or price list on file with the commission in accordance with the rules governing the filing of tariffs or price lists as prescribed by the commission.

Subp. 2. **Service area maps.** Each telephone utility shall have on file with the commission an exchange area boundary map for each of its exchanges or serving areas within the state. Each map shall clearly show the boundary lines of the area which the telephone utility holds itself out to serve in connection with the exchange. Service area boundary lines shall be located by appropriate measurement to an identifiable location where that portion of the boundary line is not otherwise located on section lines, waterways, railroads, roads, etc. Maps shall include location of highways, section lines, geographic township and range lines, railroads, and water ways outside municipalities. Maps generally shall contain detail as shown on county highway maps. The map scale and other detail shall be shown as required by the commission. Data associated with the exchange map shall be immediately available for public information at each business office for the area served by said office. Each telephone utility filing an original or revised map shall submit proof of notice of the proposed boundary to any other telephone utility adjoining the area in which a boundary line is to be established or changed.



Subp. 3. **Service quality reports.** Each telephone utility shall file its performance for service quality standards at least annually. The report will include a monthly breakdown by wire center of the following standards: Percentage of missed installation commitments, percentage of out-of-service trouble reports cleared in 24 hours, percent of missed repair commitments, trouble report rate per 100 access lines, repeat trouble report rate, and the number of orders held over 30 days. A monthly breakdown of the percent of calls answered within 20 seconds at each of its repair and business centers will also be provided. A company failing to meet the service quality rules may be required to meet additional reporting requirements and to take corrective action until such time as its service quality improves.

Subp. 4. **Other reporting.** In addition, each telephone utility shall furnish to the commission, at such times and in such form as the commission may require, the results of any tests, summaries, or records. The telephone utility shall also furnish the commission with any information concerning the telephone utility's facilities or operations which may be requested.

#### **7810.0600 REPORT TO COMMISSION CONCERNING DISRUPTION OF SERVICE**

Each telephone utility will notify the Commission, or its designee when an outage involving more than 500 retail customer access lines or 10 percent of the access lines in its service area, whichever is less, occurs. Notification should be made within one hour of the outage, if the outage occurs during business hours, or at the start of the next business day when the outage occurs outside of regular business hours. The notice should include the number of retail customer access lines effected, and an estimated time for reinstatement of service.

STAT AUTH: *Minnesota Statutes* s 237.10; 237.11

#### **7810.0900 LOCATION OF RECORDS**

Unless otherwise authorized by the commission, all records required by this chapter shall be kept within the state or shall be made available to the commission or its authorized representatives at any time upon request.

STAT AUTH: *Minnesota Statutes* s 237.10; 237.11

### **CUSTOMER RELATIONS**

#### **[7810.0950] ANNUAL NOTIFICATION OF SUBSCRIBER RIGHTS**

Each telephone utility shall, at the time service is initiated and at least annually thereafter (as well as upon individual retail customer request), provide subscribers with a summary of their rights and obligations under this chapter. Such a notice shall be in plain language and shall either be inserted in the directory, shall accompany a regular bill, or shall be delivered in a separate mailing. Initial notice shall be by separate mailing. The notice shall include the following:

(1) A description of the complaint-handling procedures available through the local exchange company and the commission. Such notice shall clearly state the means by which a complaint can be made to the company and shall advise the subscriber, that if after contacting the company the subscriber remains dissatisfied, he or she may contact the commission. The notice shall also specify the then-current address and local/toll-free numbers of the commission's consumer affairs office.

(2) A description of the subscriber's rights regarding payment of bills, disconnection of service, privacy rights, deposit provisions, payment provisions and allocation, low-income assistance, and hearing impaired programs.

(3) A summary of the service quality standards, and the remedies available to retail customers for failure to meet those standards.

#### **7810.1100 COMPLAINT PROCEDURES**

Subpart 1. **Personnel available to hear inquiries and complaints.** The telephone utility or interexchange carrier shall establish such procedures whereby qualified personnel shall be available during regular business hours to receive and, if possible, resolve all retail customer inquiries, requests, and complaints.

Subp. 2. **Investigation of complaints.** If any complaint cannot be promptly resolved, the telephone utility or interexchange carrier shall contact the customer within two business days and at least once every 14 calendar days thereafter, and advise the customer regarding the status of its investigation until: the complaint is mutually resolved; or the telephone utility or IXC advises the customer of the results of its investigation and final disposition of the matter; or the customer files a written complaint with the Public Utilities Commission or the courts.

Subp. 3. **Notification to Public Utilities Commission of complaint.** When the Public Utilities Commission forwards a customer complaint to the telephone utility or IXC, the utility shall notify the commission within two business days regarding the status or disposition of the complaint.

STAT AUTH: *Minnesota Statutes* s 237.07; 237.10; 237.11

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### 7810.1200 RECORD OF COMPLAINT

Each telephone utility and interexchange carrier shall keep a record of all complaints received by it from its customers which shall be classified as directed by the Public Utilities Commission. The record shall show the name and address of the customer, the date and nature of the complaint, and its disposition and date thereof. The utility or IXC shall keep records of the customer complaints in such a manner as will enable it to review and analyze its procedures and actions.

STAT AUTH: *Minnesota Statutes s 237.07; 237.10; 237.11*

### [7810.1300] REPORTING COMPLAINTS TO THE COMMISSION

Each telephone utility and interexchange carrier shall file an annual report on or before May 1 with the Public Utilities Commission containing the following information:

- A. the total number of resolved and unresolved complaints from all retail customers by class of service and type of complaint;
- B. the total number of lines in each class of service and the total number of lines increased during the past year; and
- C. the names, addresses, and telephone numbers of personnel designated and authorized to receive and respond to the requests and directives of the Public Utilities Commission regarding customer inquiries, service requests, and complaints. The telephone utility or IXC shall keep this information current and if changes occur, the utility must inform the commission immediately of these changes.

All information must be verifiable and available for inspection and investigation by commission staff.

The telephone utility or IXC must provide upon notice by the commission, an up-to-date report of this type prior to any hearing before the commission, or upon any official request of the commission.

The commission shall initially mail copies of the type of form to be used for this report to all utilities regulated hereunder.

Each telephone utility or IXC shall file the prescribed annual report on or before May 1. This initial report will cover the utility's or IXC's operations during the previous calendar year.

STAT AUTH: *Minnesota Statutes s 237.07; 237.10; 237.11*

### CUSTOMER BILLING; DEPOSIT AND GUARANTEE REQUIREMENTS

#### 7810.1400 CUSTOMER BILLING

Subpart 1. **Bill.** Bills to retail customers shall be typed or machine-printed, rendered regularly, and shall contain an itemized listing of all charges and the period of time covered by the billing. Statements itemizing message toll charges shall be included in bills to the customer.

Subp. 2. **Adjustment of bill due to interruption of service.** In the event a customer's service is interrupted otherwise than by negligence or willful act of the customer and it remains out of order for 24 hours after being reported to the telephone utility, adjustments shall be made to the customer's bill, based upon the pro rata part of the month's charge for the period of days and that portion of the service and facilities rendered useless or inoperative. If service remains out for more than 48 hours after the telephone utility becomes aware of the outage, a bill adjustment of \$10 per day for every day or partial day service remains out shall be made to the customer by the telephone utility. The refund may be accomplished by a credit on a subsequent bill for telephone service. If in the case of such interruption, service is restored within 24 hours of being reported or found by the telephone utility, no allowance will be made. If service remains out after seven days, a cellular telephone or equivalent local telephone service will be made available to customers. The alternative shall be made available to customers at no charge, and will provide the customer with unlimited local calling. For customers identifying a medical need, a cellular telephone or equivalent local telephone service will be made available after two days. The utility may require a doctor's notice as evidence of a medical need.

Subp. 3. **Explanation of rates and charges.** Upon the request of any customer or applicant, the telephone utility or interexchange carrier shall provide an explanation of the rates, charges, and provisions applicable to the service furnished or available to such customer or applicant, and shall provide any information and assistance necessary to enable that person to obtain the most economical communications service conforming to the person's stated needs. Applicants for telephone service shall be advised as to alternate services available to meet their stated communications requirements. This information may include printed explanations of alternate services and rates. Correspondingly, the telephone utility shall notify its customers of any services and shall provide an estimate of the initial billing for basic monthly service, including fractional monthly amounts, plus any other applicable charges.

STAT AUTH: *Minnesota Statutes s 237.10*

HIST: 17 SR 1279

**7810.1500 DEPOSIT AND GUARANTEE REQUIREMENTS**

The telephone utility or interexchange carrier may require a deposit or guarantee of payment from any customer or applicant who has not established good credit with that company. Deposit or guarantee of payment requirements as prescribed by the telephone utility or IXC must be based upon standards which bear a reasonable relationship to the assurance of payment. The telephone utility or IXC may determine whether a retail customer has established good credit with that utility, except as herein restricted:

A. A customer, who within the last 12 months has not had service disconnected for nonpayment of a bill and has not been liable for disconnection of service for nonpayment of a bill, and the bill is not in dispute, shall be deemed to have established good credit.

B. A telephone utility or IXC shall not require a deposit or a guarantee of payment based upon income, home ownership, residential location, employment tenure, nature of occupation, race, color, creed, sex, marital status, age, national origin, or any other criteria which does not bear a reasonable relationship to the assurance of payment or which is not authorized by this chapter.

C. No telephone utility or IXC shall use any credit reports other than those reflecting the purchase of utility services to determine the adequacy of a customer's credit history without the permission in writing of the customer. Any credit history so used shall be mailed to the customer in order to provide the customer an opportunity to review the data. Refusal of a customer to permit use of a credit rating or credit service other than that of a telephone utility shall not affect the determination by the telephone utility as to that customer's credit history, and the customer shall be informed of that fact by the telephone utility or IXC.

STAT AUTH: *Minnesota Statutes s 237.10*

HIST: 17 SR 1279

**7810.1600 DEPOSIT**

When required, a customer may assure payment by submitting a deposit. A deposit shall not exceed an estimated two months' gross bill or existing two months' bill where applicable. All deposits shall be in addition to payment of an outstanding bill or a part of such bill as has been resolved to the satisfaction of the telephone utility or IXC, except where such bill has been discharged in bankruptcy. A telephone utility or IXC shall not require a deposit or a guarantee of payment without explaining in writing why that deposit or guarantee is being required and under what conditions, if any, the deposit will be diminished upon return.

The deposit shall be refunded to the customer after 12 consecutive months of prompt payment of all bills to that telephone utility or IXC. The telephone utility or IXC may, at its option, refund the deposit by direct payment or as a credit on the bill. With notice any deposit of a customer shall be applied by the telephone utility or IXC to a bill when the bill has been determined by the company to be delinquent. Each telephone utility or IXC shall issue a written receipt of deposit to each customer from whom a deposit is received and shall provide a means whereby a depositor may establish a claim if the receipt is unavailable.

Interest shall be paid on deposits in excess of \$20 at the rate of six percent per year. Interest on deposits shall be payable from the date of deposit to the date of refund or disconnection. The telephone utility or IXC may, at its option, pay the interest at intervals it chooses but at least annually, by direct payment, or as a credit on bills. Upon termination of service, the deposit with accrued interest shall be credited to the final bill and the balance shall be returned within 45 days to the customer.

STAT AUTH: *Minnesota Statutes s 237.10*

**7810.1700 GUARANTEE OF PAYMENT**

The telephone utility or IXC may accept, in lieu of a deposit, a contract signed by a guarantor satisfactory to the utility whereby payment of a specified sum not exceeding the deposit requirement is guaranteed. The term of such contract shall be for no longer than 12 months, but shall automatically terminate after the customer has closed and paid the account with the telephone utility or IXC, or at the guarantor's request upon 60 days' written notice to the company. Upon termination of a guarantee contract or whenever the telephone utility or IXC deems same insufficient as to amount or surety, a cash deposit or a new or additional guarantee may be required for good cause upon reasonable written notice to the customer. The service of any customer who fails to comply with these requirements may be disconnected upon notice as prescribed in part 7810.2300. The telephone utility or IXC shall mail the guarantor copies of all disconnect notices sent to the customer whose account the guarantor has guaranteed unless the guarantor waives such notice in writing.

STAT AUTH: *Minnesota Statutes s 237.10*

HIST: 17 SR 1279

# Official Notices

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## DISCONNECTION OF SERVICE

### 7810.1800 DISCONNECTION OF LOCAL SERVICE WITH NOTICE; PERMISSIBLE REASONS

With notice a telephone utility may disconnect local service to any retail customer for any reason stated below. Notice must comply with the requirements of part 7810.2300:

- A. for failure of the customer to pay the telephone utility's own bill for local telephone service;
- B. for failure of the customer to meet the telephone utility's deposit and credit requirements for local service;
- C. for failure of the customer to make proper application for service;
- D. for customer's violation of any of the telephone utility's rules on file with the commission;
- E. for failure of the customer to provide the telephone utility reasonable access to its equipment and property;
- F. for customer's breach of the contract for service between the telephone utility and the customer;
- G. for a failure of the customer to furnish such reasonable service, equipment, and/or rights-of-way necessary to serve said customer as shall have been specified by the telephone utility as a condition of obtaining service; or
- H. when necessary for the telephone utility to comply with any order or request of any governmental authority having jurisdiction.

STAT AUTH: *Minnesota Statutes s 237.10*

### [7810.1850] DISCONNECTION OF LOCAL SERVICE WITHOUT NOTICE; PERMISSIBLE REASONS

Without notice a telephone utility may disconnect local service to any customer for any reason stated below:

- A. in the event of tampering with the telephone utility's equipment;
- B. in the event of a condition determined to be hazardous to the customer, to other customers of the telephone utility, to the telephone utility's equipment, the public, or to employees of the telephone utility; or
- C. in the event of a customer's use of equipment in such a manner as to adversely affect the telephone utility's equipment or the utility's service to others.

STAT AUTH: *Minnesota Statutes s 237.10*

### [7810.1900] NON PERMISSIBLE REASONS TO DISCONNECT LOCAL SERVICE

A telephone utility may not disconnect local service to any customer for any reason stated below:

- A. failure to pay for interexchange service.
- B. delinquency in payment for services rendered to a previous customer who occupied the premises;
- C. failure to pay for equipment or service not approved by the commission as an integral part of the telephone utility service; or
- D. failure to pay for a bill to correct a previous under-billing for local service due to an inaccurate meter or billing error if the customer agrees to payment over a reasonable period of time. Failure to pay for business service at a different location and a different telephone number shall not constitute permissible reasons for disconnection of residence service or vice versa.

STAT AUTH: *Minnesota Statutes s 237.10*

### [7810.1950] DISCONNECTION OF INTEREXCHANGE SERVICE WITH NOTICE; PERMISSIBLE REASONS

With notice a telephone utility may disconnect interexchange service to any customer for any reason stated below. Notice must comply with the requirements of part 7810.2300:

- A. for failure of the customer to pay the telephone utility's own bill for interexchange telephone service;
- B. for failure of the customer to meet the telephone utility's deposit and credit requirements for interexchange service;
- C. for failure of the customer to make proper application for service;
- D. for customer's violation of any of the telephone utility's rules on file with the commission;
- E. for failure of the customer to provide the telephone utility reasonable access to its equipment and property;
- F. for customer's breach of the contract for service between the telephone utility and the customer;
- G. for a failure of the customer to furnish such reasonable service, equipment, and/or rights-of-way necessary to serve said customer as shall have been specified by the telephone utility as a condition of obtaining service; or
- H. when necessary for the telephone utility to comply with any order or request of any governmental authority having jurisdiction.

STAT AUTH: *Minnesota Statutes s 237.10*

**[7810.2000] DISCONNECTION OF INTEREXCHANGE SERVICE WITHOUT NOTICE; PERMISSIBLE REASONS**

Without notice a utility may disconnect interexchange service to any customer for any reason stated below:

- A. in the event of tampering with the utility's equipment;
- B. in the event of a condition determined to be hazardous to the customer, to other customers of the utility, to the utility's equipment, the public, or to employees of the utility; or
- C. in the event of a customer's use of equipment in such a manner as to adversely affect the utility's equipment or the utility's service to others.

STAT AUTH: *Minnesota Statutes s 237.10*

**[7810.2050] NON PERMISSIBLE REASONS TO DISCONNECT INTEREXCHANGE SERVICE**

A utility may not disconnect interexchange service to any customer for any reason stated below:

- A. delinquency in payment for services rendered to a previous customer who occupied the premises;
- B. failure to pay for equipment or service not approved by the commission as an integral part of the utility service; or
- C. failure to pay for a bill to correct a previous underbilling for interexchange service due to an inaccurate meter or billing error if the customer agrees to payment over a reasonable period of time. Failure to pay for business service at a different location and a different telephone number shall not constitute permissible reasons for disconnection of residence service or vice versa.

STAT AUTH: *Minnesota Statutes s 237.10*

**7810.2100 MANNER OF DISCONNECTION**

Service shall not be disconnected on any Friday, Saturday, Sunday, or legal holiday, or at any time when the telephone utility's or IXC's business offices are not open to the public, except where an emergency exists.

STAT AUTH: *Minnesota Statutes s 237.10*

**7810.2200 RECONNECTION OF SERVICE**

In the event service has been disconnected for permissible cause by the telephone utility or IXC, the company may charge a reconnect fee based on the cost of reconnection as stated in the company's tariff or price list on file with the commission. Notwithstanding the above provision, the telephone utility or IXC shall not charge a reconnect fee for disconnection of service pursuant to part 7810.1900, item B, except if the hazard is caused by customer provided equipment.

STAT AUTH: *Minnesota Statutes s 237.10*

**7810.2300 NOTICE REQUIREMENTS**

All notices required by this chapter must precede the action to be taken by at least five days excluding Sundays and legal holidays. No notice may be given until the condition of which it informs presently exists. When required by this chapter, notice of impending action by the utility shall be by first class mail. Notice shall be sent to the address where service is rendered or to the address where the bill is sent if different from the address where service is rendered.

In lieu of mailing, notices may be delivered by a representative of the telephone utility or IXC. Such notices must be in writing and receipt of them must be signed by the customer, if present, or some other member of the customer's family of responsible age, or the utility representative must make an affidavit under oath that the utility or IXC representative delivered the notice to the customer, or the customer's residence or business. A record of all notices and all affidavits required by this chapter must be kept on file by the telephone utility or IXC and must be made available to the commission. Disconnection notices shall contain the date on or after which disconnection will occur, reason for disconnection, and methods of avoiding disconnection in normal, easy-to-understand language.

STAT AUTH: *Minnesota Statutes s 237.10*

HIST: 17 SR 1279

**7810.2400 BILL DISPUTES**

Whenever the customer advises the telephone utility's or IXC's designated representative prior to the disconnection of service that any part of the bill as rendered or any part of the service which affects the amount of the bill is in dispute, the utility or IXC shall: investigate the dispute promptly; advise customer of investigation and its result; attempt to resolve dispute; withhold disconnection of service until the investigation is completed and the customer is informed of the findings of fact. Upon the findings of the utility or IXC, the customer must submit payment in full of any part of the bill which is due and undisputed. If the dispute is not resolved to the satisfaction of the customer, the customer must pay the undisputed portion pending final resolution of the complaint.

STAT AUTH: *Minnesota Statutes s 237.10*

## Official Notices

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### **7810.2600 UTILITY WAIVER OF RIGHT TO DISCONNECT AND EMERGENCY STATUS BY CUSTOMER**

A customer may apply to the telephone utility or IXC to waive its rights to disconnect. If the utility or IXC refuses to waive its right to disconnect, the customer may apply to the commission for emergency status. If the commission determines a customer has a probable hardship which may result in the disconnection of service for nonpayment, it may declare an emergency status to exist and order the utility to continue service for a period not to exceed 30 days.

STAT AUTH: *Minnesota Statutes s 237.10*

### **7810.2700 NO OBLIGATION TO SUSPEND DISCONTINUANCE OF SERVICE UNLESS CURRENT BILLS PAID BY CUSTOMER**

Notwithstanding anything herein to the contrary, the telephone utility or IXC shall not be obligated to suspend discontinuance of service upon the filing for review with the commission, unless the customer shall pay, when due, all current, undisputed bills rendered during the pendency. If, following the first filing for review with the commission, the same customer or any other person files for any subsequent review by the commission pertaining to the same account, such subsequent filings shall not relieve the customer from the obligations to pay for service rendered after the first filing.

STAT AUTH: *Minnesota Statutes s 237.10*

### **7810.3900 EMERGENCY OPERATIONS**

Each telephone utility shall make reasonable provisions to meet emergencies resulting from failures of lighting or power service, sudden and prolonged increases in traffic, illness of operators, or from fire, storm, or natural disasters, and each telephone utility shall inform employees as to procedures to be followed in the event of emergency in order to prevent or mitigate interruption or impairment of telecommunications service. All telephone utilities shall make reasonable provisions for emergency power. In offices without installed emergency power facilities, there shall be a mobile power unit available which can be delivered and placed into service within two hours. Each central office shall contain as a minimum four hours of battery reserve. In exchanges exceeding 5,000 lines, a permanent auxiliary power unit shall be installed.

STAT AUTH: *Minnesota Statutes s 237.10*

### **7810.4000 CONSTRUCTION WORK NEAR UTILITY FACILITIES**

Even though all contractors working in the vicinity of telephone utility lines or structures are responsible for exercising due diligence in preventing damage to telephone utility property or interruption to utility services, telephone utilities shall, when requested, furnish to contractors appropriate information concerning the location of underground conduit, cable, etc., in order to prevent any interruption of service to telephone customers. Nothing in this part is intended to affect the responsibility, liability, or legal rights of any party under applicable laws or statutes.

STAT AUTH: *Minnesota Statutes s 237.10*

### **METERING, INSPECTIONS AND TESTING**

#### **7810.4100 ACCESS TO TEST FACILITIES**

Each telephone utility shall provide or have access to test facilities which will enable it to determine the operating and transmission capabilities of circuit and switching equipment, either for routine maintenance or for fault location.

STAT AUTH: *Minnesota Statutes s 237.10*

#### **7810.4200 METER AND RECORDING EQUIPMENT**

Each telephone utility furnishing telephone service, where local exchange billing is based on the number and/or duration of messages, shall provide the necessary facilities, instruments, and equipment for testing its metering or recording equipment. Any telephone utility may be exempted from this requirement by the commission, provided that satisfactory arrangements are made for test of its meters and recording equipment by another telephone utility or approved agency. The overall accuracy of the test equipment and test procedure shall be sufficient to enable test of meters and recording equipment within the requirements of this chapter.

STAT AUTH: *Minnesota Statutes s 237.10*

#### **[7810.4270] METER READING RECORDS**

When meters are used in connection with telecommunications service the meter reading records from which the customers' bills are prepared shall show identifying number or means to determine readily the customer's name, address, and service classification, meter readings, date of meter reading, and multiplier or constant, if used.

As nearly as practicable, meters shall be read at monthly intervals.

STAT AUTH: *Minnesota Statutes s 237.10*

**[7810.4280] BILLING RECORDING EQUIPMENT**

Where mechanical and/or electronic means are used for recording information that will affect a customer's bill, such equipment shall be frequently inspected to see that it is functioning properly and the utilities shall keep records of such inspections.

STAT AUTH: *Minnesota Statutes s 237.10*

**7810.4300 ACCURACY REQUIREMENTS**

All meters and/or recording devices used to record data and prepare customers' bills shall be in good mechanical and electrical condition, shall be accurately read, and shall not involve approximations. All meters and/or recording devices shall accurately perform the following.

For message rate service, where timing of length of message is not involved, the meter and/or recording device shall show accurately the number of completed messages sent by the station which it is measuring. For message rate and/or toll service when in addition to recording the calls it is necessary to time the calls, the meter and/or recording device shall show accurately the number of calls and the talking time involved in each call and the station making such call. When the recording equipment provides coded information that is used to automatically prepare customer bills, accurate interpretation of such coded information is required.

STAT AUTH: *Minnesota Statutes s 237.10*

**7810.4400 INITIAL TEST**

Every telephone meter and/or recording device shall be tested prior to its installation, either by the manufacturer, the telephone utility, or any approved organization equipped for such testing.

STAT AUTH: *Minnesota Statutes s 237.10*

**7810.4500 AS-FOUND TESTS**

All meter and/or recording devices tested in accordance with this chapter for routine or complaint tests shall be tested in the condition "as found" in connection with the customer's service prior to removal or adjustment in any respect.

STAT AUTH: *Minnesota Statutes s 237.10*

**7810.4600 ROUTINE TESTS**

Each telephone utility shall adopt appropriate practices for test and maintenance of its meters and/or recording devices to assure the integrity of their operation.

STAT AUTH: *Minnesota Statutes s 237.10*

**7810.4700 TEST RECORDS**

A record of all meter and/or recording equipment tests and adjustments and data sufficient to allow checking of the results shall be recorded. Such record shall include: the identifying number of the meter and/or recording device; its type; the date and kind of test; and the results as found at each test. The record of tests of each meter and/or recording device shall be maintained for at least two years.

STAT AUTH: *Minnesota Statutes s 237.10*

**7810.4800 CUSTOMER REQUEST FOR TESTING AND REVIEW**

Upon request of any customer the telephone utility shall make a test of any meter and/or recording device related to a billing. Such requests should not be made more often than once every three months unless unusual circumstances exist.

In the event a dispute, relating to meter and/or recording device billing, is not reconciled between the customer and the telephone utility, the utility shall direct its personnel to inform the customer that the customer may appeal to the commission for further review of the matter.

STAT AUTH: *Minnesota Statutes s 237.10*

HIST: 17 SR 1279

**7810.4900 ADEQUACY OF SERVICE**

Each telephone utility shall employ reasonable engineering and administrative procedures to determine the adequacy of service being provided to the customer. Traffic studies shall be made and records maintained to the extent and frequency necessary to determine that sufficient equipment and an adequate operating force are provided during the busy hour, busy season. Each telephone utility shall provide emergency service in all exchanges operated in which regular service is not available at certain periods during the 24 hours of the day. When service is not continuous for the full 24-hour day, proper arrangements shall be made for handling emergency calls during the off-periods by the use of alarms maintained in proper conditions with someone conveniently available so that emergency calls will be given prompt attention.

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Each telephone utility shall employ adequate procedures for assignment of facilities. The assignment record shall be kept up to date and checked periodically to determine if adjustments are necessary to maintain proper balance in all groups.

STAT AUTH: *Minnesota Statutes s 237.081; 237.10*

### **7810.5000 UTILITY OBLIGATIONS**

Each telephone utility shall provide telephone service to the public in its service area in accordance with its rules and tariffs on file with the commission. Such service shall meet or exceed the standards set forth in this chapter. Each telephone utility has the obligation of continually reviewing its operations to assure the furnishing of adequate service. Each telephone utility shall maintain records of its operations in sufficient detail as is necessary to permit such review and such records shall be made available for inspection by the commission upon request at any time within the period prescribed for retention of such records. Each telephone utility shall make measurements to determine the level of service for each item included in these rules. Each telephone utility shall provide the commission or its staff with the measurements and summaries thereof for any of the items included herein on request of the commission or its staff. Records of these measurements and summaries shall be retained by the telephone utility as specified by the commission.

Where a telephone utility is generally operated in conjunction with any other enterprise, suitable records shall be maintained so that the results of the telephone operation may be determined upon reasonable notice and request by the commission.

STAT AUTH: *Minnesota Statutes s 237.081; 237.10*

### **MINIMUM SERVICE LEVELS**

#### **[7810.5010]**

Each telephone utility shall meet the minimum service levels contained in *Minnesota Rules* pt. 7810.xxxx-xxxx. Except for the requirements of *Minnesota Rules* 7810. xxxx (Answer times), each company shall make monthly measurements on a per-exchange basis to determine the level of service for each item included in these rules. On an annual basis, each company shall report the results of its monthly activity for each measurement to the Public Utilities Commission. The summary measurement information for each company shall be considered public information.

#### **[7810.5020] TROUBLE REPORT RATES**

Each telephone utility shall provide for the receipt of customer trouble reports twenty-four hours a day, seven days a week. Each telephone utility will maintain accurate records of all trouble reports for regulated services. The record will include:

1. Appropriate identification of the customer;
2. Identification of the service(s) affected;
3. The time, date, and nature of the report;
4. The action taken to clear the trouble report or satisfy the complaint; and
5. The date and time of trouble clearance or other disposition.

The rate of all customer trouble reports in a wire center or local serving area shall be no greater than 2.5 per 100 access lines per month. Two consecutive quarters of 2.5 or greater requires investigation and possible corrective action. The percentage of customers experiencing a repeat trouble on a line within 30 days shall not exceed 9 percent per wire center per month.

Customers experiencing more than two instances of trouble in a six month period shall receive a free month of basic local service, including EAS.

#### **[7810.5030] SERVICE CENTER ACCESS**

Each telephone utility shall provide a toll-free or local telephone number for customers making inquiries or complaints. Adequate staffing shall be provided at each customer service center and repair center to assure that 90 percent of the calls will be answered within twenty seconds. An "answer" shall mean that the operator or representative is ready to render assistance and/or ready to accept information necessary to process the call. For calls answered by a voice response unit, timing of the twenty seconds will begin upon entry into the voice response unit. An acknowledgment that the customer is waiting on the line shall not constitute an answer. No more than one percent of the callers to a service center shall reach a busy signal.

#### **[7810.5040] INSTALLATION STANDARDS**

Each telephone utility shall provide service to its customers within two business days of the date the order was taken (application date), unless a later date is requested by the customer. The two day installation standard shall apply to orders for all business and residential primary and additional line service. When it is determined that facilities do not exist to serve a customer, each utility shall provide service to its customers within 30 days of the application date, unless a later date is requested by the customer. Facilities are considered to be available unless service is requested at a location that requires new construction in a previously unserved area.



If the requested access line service or regrade of service cannot be provided within thirty calendar days after receipt of the application, or if the date requested by any applicant or subscriber cannot be met, the customer shall be promptly notified of the delay, the reason for the delay, the steps taken by the utility to provide the requested service, and the probable date when installation or regrade of service can be completed.

Each telephone utility shall meet 95 percent of its installation commitments to customers as to the date of installation of service, excepting customer-caused delays and natural disasters in each exchange or serving area during each calendar month. Installation commitments as to date and time of appointment will be met 95 percent of the time.

**[7810.5050] INSTALLATION - CUSTOMER REMEDIES**

If a telephone utility fails to provide installation within two business days, or on the date requested by the customer, whichever is later, the customer will receive a credit for any installation charges associated with the requested service, a credit of \$10 per day for each additional day service is not installed, a directory assistance listing to the customer's new telephone number, and remote call forwarding to a utility provided voice mailbox or other telephone number, as desired by the customer.

If a telephone utility fails to provide installation within seven days of the date requested by the customer, the customer will receive the choice of obtaining (1) a cellular telephone or equivalent local telephone service, or \$100 credit or payment to the customer, as desired by the customer. The alternative will be made available to customers at no charge, and will provide the customer with unlimited local calling. The company may block long distance and roaming charges.

When it is determined an order cannot be completed because no facilities exist to provide service, these remedies will be made available to the customer as soon as that determination is made or on the due date originally requested by the customer, whichever is earlier.

For customers identifying a medical need these remedies, including the option of a cellular phone or equivalent local service will be provided, if installation is not provided within two business days, whether or not facilities exist. The utility may require a doctor's notice as evidence of a medical need.

If access to the customer's premise is required, thereby requiring a customer to be on site, and an installation appointment is missed, the customer will receive a bill adjustment in the amount of \$15 for each missed residential installation appointment, and \$45 for each missed business installation appointment.

**[7810.5060] HELD ORDERS**

A held order is defined as an order for installation of primary, secondary, or regraded residential or business service not completed due to a lack of network facilities within 30 days of the application date, or by the customer-requested date, if a later date is requested. Facilities are considered to be available unless service is requested at a location that requires new construction in a previously unserved area. Companies shall maintain a record by exchange or serving area showing the name and address of each applicant for service, the date of application, date service was desired, the class of service desired, and the reason for the inability to provide the new service to the applicant. When, because of a shortage of facilities, a telephone utility is unable to supply main telephone service on dates requested by applicants, first priority shall be given to furnishing those services which are essential to public health and safety, and then shall be provided to customers, on a first come first served basis. In cases of prolonged shortage or other emergency, the commission may require establishment of a priority plan subject to its approval for clearing held orders, and may request periodic reports concerning the progress being made.

A telephone utility's total number of held orders will not exceed an annual average determined as a percentage of total working access lines:

<u>Total working access lines</u>	<u>Percentage of total working access lines</u>
0 to 100,000	.025%
100,001 - 1,000,000	.005% or 25, whichever is greater
greater than 1 million	.005%

If a telephone utility has more than 10 exchanges or local serving areas, no exchange or serving area may account for more than 10 percent of the statewide total.

**[7810.5070] REPAIR STANDARDS**

Arrangements shall be made to receive customer trouble reports 24 hours daily and to clear trouble of an emergency nature at all hours, consistent with the bona fide needs of the customer and personal safety of telephone utility personnel. Each telephone utility shall clear 95 percent of all out-of-service trouble reports within 24 hours, excepting natural disasters such as wind storms, flood, fire, or other acts of God which result in prolonged and serious widespread interruption of service. Customers experiencing an outage will receive a bill adjustment consistent with *Minnesota Rules* pt. 7810.1400.

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Repair commitments as to date and time of appointment will be met 90 percent of the time. If access to the customer's premise is required, thereby requiring a customer to be on site, and a repair appointment is missed, the customer will receive a bill adjustment in the amount of \$15 for each missed residential repair appointment, and \$45 for each missed business repair appointment.

### **7810.5100 TELEPHONE OPERATORS**

Suitable practices shall be adopted by each telephone utility concerning the operating methods to be employed by operators with the objective of providing efficient and pleasing service to the customers. Telephone operators shall be instructed to be courteous, considerate, and efficient in the handling of all calls, and to comply with the provisions of the Communications Act of 1934 in maintaining the secrecy of communications. All operator-handled calls shall be carefully supervised and disconnects made promptly. When an operator is notified by a customer that the customer has reached a wrong number on a direct-dialed call, the customer shall be given a bill credit when the claim has been substantiated.

STAT AUTH: *Minnesota Statutes s 237.081; 237.10*

### **7810.5300 DIAL SERVICE REQUIREMENTS**

Sufficient central office capacity and equipment shall be provided to meet the following minimum requirements during average busy season, busy hour:

A. Dial tone within three seconds on at least 98 percent of telephone calls. Dial tone delays of more than 2.6 percent of calls on a continuing basis indicates a need for investigative or corrective action.

B. Complete dialing of called numbers on at least 97 percent of telephone calls without encountering an all-trunks busy condition within the central office.

STAT AUTH: *Minnesota Statutes s 237.081; 237.10*

### **7810.5400 INTEROFFICE TRUNKS**

Local interoffice trunks shall be provided so that at least 97 percent of telephone calls offered to the group will not encounter an all-trunks-busy condition. For toll connecting trunks, this figure shall be at least 97 percent. When the completion rate falls below 95 percent on a continuing basis investigative or corrective action should be initiated.

STAT AUTH: *Minnesota Statutes s 237.081; 237.10*

### **7810.5500 TRANSMISSION REQUIREMENTS**

Telephone utilities shall furnish and maintain adequate plant, equipment, and facilities to provide satisfactory transmission of communications between customers in their service areas. Transmission shall be at adequate volume levels and free of excessive distortion. Levels of noise and cross talk shall be such as not to impair communications.

STAT AUTH: *Minnesota Statutes s 237.081; 237.10*

### **7810.5600 MINIMUM TRANSMISSION OBJECTIVES**

The transmission objectives set forth herein are based upon the use of standard telephone sets connected to a 48-volt dial central office and measured at a frequency of 1,000 cycles per second. With the foregoing conditions a subscriber line that provides satisfactory pulsing and supervision normally will provide acceptable and adequate transmission. Such line shall, in general, have a loop resistance not exceeding the operating design of the associated central office equipment. The overall transmission loss, including terminating equipment, on local interoffice trunks shall be no more than ten decibels. Whenever feasible, the overall transmission loss, including terminating equipment, on intertoll trunks and on terminating links shall be no more than five decibels. Because these trunks may be only one of several connected links, on some toll routes it may be necessary to provide better facilities of high grade in order to keep overall net circuit losses within reasonable limits and to provide satisfactory message transmission.

STAT AUTH: *Minnesota Statutes s 237.081; 237.10*

### **7810.6000 PROTECTIVE MEASURES**

Each telephone utility shall exercise reasonable care to reduce the hazards to which its employees, its customers, and the general public may be subjected. The telephone utility shall give reasonable assistance to the commission in the investigation of the cause of accidents and in the determination of suitable means of preventing accidents.

STAT AUTH: *Minnesota Statutes s 237.10*

## **Teachers Retirement Association**

### **Notice of Regular Meeting**

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Friday, June 6, 1997, at 9:30 a.m. in Suite 500, Gallery Building, 17 W. Exchange Street, St. Paul, MN to consider matters which may properly come before the Board.

## **Department of Transportation**

### **Transportation Research and Investment Management Division Office of Investment Management**

### **Notice of Solicitation for Public Review and Comment on the Draft *State Transportation Improvement Program (STIP) for State Fiscal Years 1998-1999-2000 (July 1, 1997 to June 30, 2000)***

The Minnesota Department of Transportation is offering an opportunity for public review and comment on a proposed *State Transportation Improvement Program (STIP)* for state fiscal years 1998-1999-2000 (July 1, 1997 to June 30, 2000). The program of transportation projects annually utilize about \$300 million federal funds, \$221 million of state trunk highway funds and funds from local and other sources. Projects include local road and bridge projects utilizing federal funds, transit capital investments, state highway road and bridge projects, enhancement projects, congestion mitigation and air quality projects, scenic by-way projects and other projects intending to utilize federal transportation funds or state trunk highway funds. The proposed *State Transportation Improvement Program* is available for review at Department of Transportation District Offices:

District 1 - Duluth, 1123 Mesaba Avenue, Duluth, MN 55811;

District 2 - Bemidji, Box 490, Bemidji, MN 56601;

District 3 - Brainerd, 1991 Industrial Park Road, Baxter, MN 56401;

District 4 - Detroit Lakes, P.O. Box 666, 1000 W. Hwy. 10, Detroit Lakes, MN 56502;

District 6 - Rochester, Box 6177, 2900 48th Street N.W., Rochester, MN 55903-6177;

District 7 - Mankato, P.O. Box 4039, Mankato, MN 56001;

District 8 - Willmar, P.O. Box 768, 2505 Transportation Road, Willmar, MN 56201;

Metro Division - Water's Edge Building, 1500 W. Co. Rd B2, Roseville, MN 55113-3174; or the Office of Investment Management, Room 211, Mail Stop 440, 395 John Ireland Boulevard, St. Paul, MN 55155.

You have 30 days to submit comments. Comments must be received by **4:30 p.m. on June 20, 1997**. Comments are encouraged and should identify the portion of the STIP addressed, reason for the comment, and any change proposed. **Please direct all correspondence to:**

**Office of Investment Management  
Minnesota Department of Transportation  
Room 211 - Mail Stop 440  
395 John Ireland Boulevard  
St. Paul, MN 55155**

Phone: (612) 296-8521

Fax: (612) 296-3019

# State Grants and Loans

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In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan 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 and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

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## Minnesota State Colleges and Universities (Mn/SCU)

### Academic Affairs

#### Grants Available for Education Coordination Activities as Part of the Job Training and Partnership Act

JTPA 8% Education Coordination activities are authorized under Section 123 of the Job Training Partnership Act as amended, 1992. The Act appropriates funds to be utilized to provide services to eligible participants through coordination agreements.

The *purpose* of the PY1997 School-to-Work (STW) JTPA 8% Special Needs is to serve JTPA eligible participants by increasing participant first year job success. Partnership coordination agreements between Workforce Service Delivery Area's (SDA's), education agencies, and community-based organizations is required. One urban and one greater Minnesota grant will be awarded. Projects may be two years in length, not to exceed \$ 112,500 each year, with second year funding dependent upon successful completion of first year stated performance standards. Projects will begin July 1, 1997 and operate until June 30, 1998 and June 30, 1999 respectively. The *focus* of the grants will be to develop innovative models to increase job success for at risk individuals. Successful proposals will include STW components: school-based and work-based learning, service learning, and connecting activities to serve participants for up to one year after employment.

Technical Assistance Conferences will be held in early June, 1997. The purpose of these meetings is to discuss the proposal process and to answer any questions related to the RFP. Final awards are planned for July 1, 1997. Groups intending to submit an RFP must submit a letter of intent by June 6, 1997 to the address below. To obtain a copy of the application form or to obtain further information on the Technical Assistance Conferences, please contact Mary Messimer, JTPA Manager, Minnesota State Colleges and Universities (612) 282-5569.

Applications must be received by Mary Messimer, MnSCU, Suite 367-B, Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101 by 4:00 p.m., Friday, June 20, 1997.

## Department of Human Services

### Family and Children's Services Division

#### Request for Proposals to Provide Conference Planning for the Children's Justice Act Annual Time for Effective Action on Maltreatment of Minors (hereinafter TEAM) Conference

The Minnesota Department of Human Services is soliciting proposals from qualified parties to provide conference planning services for the annual TEAM conference. The TEAM conference provides cross disciplinary training to approximately 400 county attorneys, child protection, and law enforcement professionals designed to alleviate trauma to child victims through the interagency coordination of child maltreatment assessment, investigation and prosecution. The successful grantee will provide overall coordination and contract management for the TEAM conference including but not limited to advertising, registration, scheduling, faculty arrangements, food and beverage service, evaluation and on-site management services.

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

The Department has estimated that the cost of this contract will not exceed \$24,000.00. All proposals must be submitted no later than June 13, 1997.

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

Inta Sellars  
Department of Human Services  
Family and Children's Services  
444 Lafayette Road  
St. Paul, MN 55155-3832  
(612) 296-0813

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## Professional, Technical & Consulting Contracts

### Department of Public Safety

#### Minnesota Auto Theft Prevention Program

#### Notice of Grant Availability to Government and Community Organizations for Auto Theft Prevention

The Minnesota Auto Theft Prevention Program Board announces the availability of \$830,000.00 in grant money. Applications will be accepted from State, County, Local Police or Governmental Agencies, Prosecutors, Judiciary, Businesses, Community and Neighborhood Organizations. The moneys granted out must be dedicated to the area of auto theft. Grant proposal forms and information may be obtained by contacting Dennis Roske at the Auto Theft Prevention office at (612/405-6153 or 612/405-6155).

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## 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, and final submission date of completed contract proposal.

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

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### Department of Administration

#### State Designer Selection Board

#### Request for Proposals for Department of Corrections Project

#### To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select consultants for a project. Design firms who wish to be considered for these projects should deliver proposals on or before 4:00 p.m., Monday, June 2, 1997, to:

John D. Retzer, Executive Secretary  
State Designer Selection Board  
Department of Administration  
50 Sherburne Avenue, Room G-10  
St. Paul, Minnesota 55155-3000  
(612) 297-1640

#### The proposals must conform to the following:

- 1) Six (6) copies of the proposal will be required plus one additional unbound copy in black and white for micro fiche purposes only.\*
- 2) All data must be on 8½" x 11" sheets, soft bound. No more than 20 printed faces will be allowed (see the following bullet points for clarification).
  - Any letters directed to the Board shall be bound into the proposal and all pages will be counted as printed face(s). It is not necessary to do a cover letter to John Retzer.
  - Blank dividers (with printed tab headings only) are not counted as faces.
  - Front and back covers of proposals are not counted as faces.
  - None of the statutory, mandatory, or optional information, except as required in 3) below, shall appear on the dividers or covers.
- 3) The front cover of the proposal must be clearly labeled with the project number, as listed in 7) below, together with the designer's firm name, address, telephone number, \*\*fax number, and the name of the contact person. The back cover shall remain blank.

## Professional, Technical & Consulting Contracts

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### 4) Brief Proposal Summary:

All proposals shall begin with a summary which includes *only* the following items:

- a) Name of firm and its legal status;
- b) Names of the persons responsible for the management, design, and production of each major element of the work, including consultants, as well as Minnesota registration numbers for all (e.g. architects, civil/electrical/mechanical/structural engineers, landscape architects, land surveyors, and geotechnical);
- c) The proposal shall contain a statement indicating that the consultants listed have been contacted and have agreed to be a part of the design team;
- d) A commitment to enter the work promptly, if selected, by engaging the consultants and assigning the persons named in 4 b) above, along with adequate staff to meet the requirements of work;
- e) A list of State and University of Minnesota current and past projects and studies awarded to the prime firms(s) submitting this proposal during the four years immediately preceding the date of this request for proposal. For the purposes of this list, "awarded" shall mean you have been selected for a given project regardless of the status of the contract.

The prime firm(s) shall list and total all fees associated with these projects and studies whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects and studies listed pursuant to the above.

- f) In accordance with the provisions of *Minnesota Statutes*, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000, all responders having more than 20 full-time employees anywhere in the United States at any time during the previous 12 months, must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be submitted; therefore, the proposal shall include one of the following:
  1. A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
  2. A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
  3. A statement certifying that the firm has not had a cumulative total of more than 20 full-time employees at any time during the previous 12 months, anywhere in the United States. Any questions regarding this topic may be directed to the Department of Human Rights, (612) 296-5663 Phone & (612) 296-9042 Fax.

### 5) Additional Mandatory Proposal Contents:

- a) A section containing graphic material (e.g. photos, plans, drawings, etc.) as evidence of the firm's qualifications for the work. The graphic material must be identified. It must be work in which the personnel listed in 4 b) above have had significant participation and their roles must be clearly described. It must be noted if the personnel were, at the time of the work, employed by other than their present firms.
  - b) Expanded resumes showing qualification of individuals, listed in 4(b) above, administering or producing the major elements of the work, including consultants. Identify roles that such persons played in projects which are relevant to the project at hand.
  - c) A discussion of the firm's understanding of and approach to the project.
  - d) A listing of relevant past projects.
- 6) Design firms wishing to have their proposals returned after the Board's review, must follow one of the following procedures:
- a) Enclose a **self-addressed stamped** postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two weeks to pick up their proposals, after which time the proposals will be discarded; or
  - b) Enclose a **self-addressed stamped** mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

In accordance with existing statutes, the Board will retain one copy of each proposal submitted.

Any questions concerning the Board's procedures or their schedule for the projects herein described may be referred to John D. Retzer at (612) 297-1640.

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## Professional, Technical & Consulting Contracts

### PROJECT SPECIFICATIONS & OUTLINE:

#### PROJECT 2-97

Department of Corrections  
MCF-St. Cloud, E Cell Block  
Engineering Services-Plumbing Modifications  
St. Cloud, Minnesota

#### PROJECT DESCRIPTION:

The project consists of the replacement of roof drains, sewer and water mains inside E-house basement and the replacement of the plumbing piping (including risers) and fixtures in E-house cellblock (total of 192 cells) at the St. Cloud Correctional Facility, St. Cloud, Minnesota. In order to maintain approximately 90% of normal operations in E cellblock during the construction period, no more than 20 cells may be removed from operation at any one time.

#### REQUIRED CONSULTANT SERVICES:

The engineer shall (1) prepare schematic, design development and construction documents for the plumbing project, (2) coordinate his phased construction work with the work of the asbestos removal contractor (design and construction by others) and (3) provide construction administration for the plumbing contract. The engineer shall perform substantial completion and final inspections for each individual project phase.

The engineers should have applicable prior experience in similar plumbing projects and understand the unique experience of construction within a correctional facility. Incidental architectural, structural and electrical engineering may be required.

#### PROJECT SCHEDULE:

The engineer shall prepare, for owners approval, a detailed schedule illustrating the project's phasing and coordination aspects.

#### INFORMATIONAL MEETING/SITE VISIT:

There will be an informational meeting and site inspection for all interested firms at 10:00am on Tuesday, May 27, 1997 at the St. Cloud facility. Any firm wishing to attend the informational meeting and site inspection must preregister with Ben Baloun, (320) 240-3089, by 3:30pm on May 23, 1997.

#### PROJECT CONTACT:

Questions concerning the project should be referred to:

James B. Zellmer, Director  
Institution Support Services  
Minnesota Department of Corrections  
1450 Energy Park Drive, Suite 200  
St. Paul, Minnesota 55108-5219  
Phone: (612) 642-0247  
Fax: (612) 603-0150

#### STATE DESIGNER BOARD SCHEDULE:

Proposals Due: Monday, June 2, 1997  
Project Short List: Thursday, June 12, 1997  
Project Selection: Thursday, June 26, 1997

Questions regarding the RFP should be directed to John Retzer at 297-1640

## Professional, Technical & Consulting Contracts

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### Minnesota State Arts Board

#### Public Notice of Request for Proposals for Design and Development of an Interactive Web Site

**NOTICE IS HEREBY GIVEN** that the Minnesota State Arts Board is soliciting proposals from firms or individuals who can provide full service Web site design, development, and maintenance, to include the following: graphic design, information design, content development, HTML, and programming.

**Purpose:** To design and test a comprehensive Web site that will include interactive forms and search capability for placement on the State of Minnesota's Northstar Hotel. Respondents must have experience creating Web sites for the Northstar server; a demonstrated ability to create sites accessible by text-only browsers; and familiarity with Minnesota's arts community. Respondents will be asked to provide URLs of completed work, staff qualifications, and a detailed budget.

**Contract Dates:** The services will be provided under a contract for the period beginning July 1, 1997 through June 30, 1998.

**Contract Amount:** It is anticipated that the total contract will not exceed \$20,000.

**Disclaimer:** This request does not obligate the Minnesota State Arts Board to complete the work contemplated in this notice and Request for Proposals (RFP). The Arts Board reserves the right to cancel this solicitation and reissue the RFP.

**For More Information or To Receive a Copy of the RFP:** Call Marjorie Casey, Project Manager, at (612) 215-1604, or TTY (612) 215-6235.

**Deadline Date:** Completed proposals must be received by **4 p.m. Friday, June 6, 1997** in the offices of the Minnesota State Arts Board.

**Submittal Address:** Marjorie Casey, Communications Director, Minnesota State Arts Board, 400 Sibley Street, Suite 200, Saint Paul, MN 55101.

## Department of Corrections

### Request for Proposal for Art Instruction Services at the Stillwater, St. Cloud, and Shakopee Correctional Facilities

The Minnesota Department of Corrections, Education Unit is requesting proposals for contracted art education services at the Stillwater, St. Cloud, and Shakopee correctional facilities. Services to include art classes and arranging student exhibits. Applicants must demonstrate that they are accomplished studio artists with that being a primary source of income.

For an RFP or additional information, please call, write or email to:

Mr. Roger Knudson  
Education Coordinator  
Minnesota Department of Corrections  
1450 Energy Park Drive, Suite 200  
St. Paul, MN 55108-5219  
Telephone: 612-642-0244  
email: rknudson@smtp-co.doc.state.mn.us

Proposals are due no later than 4:00pm on Monday, June 9, 1997. No late proposals will be accepted.



## **Department of Corrections**

### **Minnesota Correctional Facility - Red Wing**

#### **Notice of Availability of Contract for Dietetic Services**

The program at the Minnesota Correctional Facility-Red Wing requires the services of a licensed dietician from 7/1/97 to 6/30/99. This person will provide professional dietetic consultation, enabling dietetic staff to provide hygienic dietetic services that meet the daily nutritional needs of residents, ensures that special dietary needs are met and, provides palatable, attractive and acceptable meals. The consultant will provide a minimum of 30 hours per month of professional services. Total cost for the biennium is limited to \$14,400.00.

For further information on this contract contact:

Maureen Kees, Business Office  
Minnesota Correctional Facility - Red Wing  
1079 Highway 292  
Red Wing, Minnesota 55066  
Telephone: (612) 388-7154

Final submission date for this contract is June 10, 1997.

## **Department of Corrections**

### **Minnesota Correctional Facility - Lino Lakes**

#### **Notice of Availability of Professional/Technical Service Contracts for Employee Physical Exams**

To provide pre-employment, employment extension physical exams and drug/alcohol testing for staff and report exam results while noting any limitations on job duties. Estimated cost for the two year period is \$21,000. Specific details on the purpose and scope of these physical examinations can be obtained by calling Sharon Harris, MCF-Lino Lakes Human Resource Director, at (612)717-6156. The proposals must be submitted by 4:30 PM on May 30, 1997. Send proposals to Sharon Harris, MCF-LL, 7525 Fourth Ave., Lino Lakes, MN 55014.

## **Department of Corrections**

### **Request for Proposal for Higher Education Services at Stillwater, Lino Lakes, and Shakopee Correctional Facilities**

The Minnesota Department of Corrections, Education Unit is requesting proposals for contracted higher education services at the Stillwater, Lino Lakes, and Shakopee correctional facilities. Services to include credit classes which lead to an Associate level degree, student services, and administration. The contractor will also be required to participate in scheduled meetings as directed by the Department of Corrections Education Coordinator.

For an RFP or additional information, please call, write or email to:

Mr. Roger Knudson  
Education Coordinator  
Minnesota Department of Corrections  
1450 Energy Park Drive, Suite 200  
St. Paul, MN 55108-5219  
Telephone: 612-642-0244  
email: rknudson@smtp-co.doc.state.mn.us

Proposals are due no later than 4:00pm on Monday, June 9, 1997. No late proposals will be accepted.

# Professional, Technical & Consulting Contracts

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## Department of Human Services

### Moose Lake Regional Authority

#### Notice of Request for Proposals for a Drama Therapist

The Minnesota Department of Human Services, Moose Lake Regional Authority is soliciting proposals for services of one drama therapist to facilitate drama therapy sessions for the Moose Lake Regional Authority, Department of Human Services for the period June 1, 1997 - June 30, 1998.

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

#### I. Nature of Contract

The drama therapist will facilitate drama therapy sessions with residents participating in the sex offender treatment program, as an adjunct to the core treatment program. He/she will consult with staff concerning the integration of role-play techniques in the group modules of the core treatment program. The drama therapist will consult with staff concerning treatment plans for individual treatment participants.

#### II. Goal and Objectives

The goals for the drama therapist are as follows:

- a) with the Phase II residents, the drama therapist will facilitate combining cognitive and affective sensitizing to discrete offense cues, and will also facilitate affective investigations of Family of Origin issues.
- b) with the Phase III and IV residents, the drama therapist will facilitate the experiential connection between personal victimization and victimizing, and also expand on the experiential component of Victim Empathy groups.
- c) through consultation with the drama therapist, staff will increase their skill in using roleplays during daily group sessions.

#### III. Contractor's Duties

Drama therapist will facilitate drama therapy sessions with residents participating in the sex offender treatment program, and an adjunct to the core treatment program.

Therapist will consult with staff concerning the integration of role-play techniques in the group modules of the core treatment program.

The drama therapist will consult with staff concerning treatment plans for individual treatment participants.

#### IV. Submission of Proposals

All proposals must be sent to and received by:

Moose Lake Regional State Operated Services  
Frank R. Milczark  
Chief Executive Officer  
1111 Hwy. 73  
Moose Lake, MN 55767

not later than 12:00 PM, June 2, 1997.

Late proposals will not be accepted. Submit six copies of proposals. Proposals must be submitted in a sealed mailing envelope or package with the responder's name and address clearly written on the outside, and with evidence of the responder's compliance with the Human Rights Act attached to the envelope or package. Each copy of the proposal must be signed in ink, with original signature by an authorized member of the firm. Prices and terms of the proposal must be valid for the length of the proposal.

#### V. Amount of Contract

The estimated amount of contract is \$21,450.00.

#### VI. Proposal Contents

Documentation needed of education and experience.

**VII. Evaluation**

All proposals received by the deadline specified in Section V. will be evaluated by representatives of the Department of Human Services. A personal interview may be part of the evaluation process.

**VIII. Department Contacts**

Prospective responders who have any questions regarding this Request for Proposals may call or write:

Moose Lake Regional State Operated Services  
Anita Schlank  
1111 Hwy. 73  
Moose Lake, MN 55767  
(218) 485-5300

**Department of Human Services****Moose Lake Regional State Operated Services****Notice of Request for Proposals for a General Practitioner to Perform Medical Services**

The Minnesota Department of Human Services, Moose Lake Regional Authority is soliciting proposals for services of a general practitioner to perform medical services for the Moose Lake Regional State Operated Services, Department of Human Services for the period July 1, 1997 - June 30, 1998.

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

**I. Nature of Contract**

General medical care.

**II. Goal and Objectives**

Provide history and physical exam, diagnosis and on-going medical care treatment.

**III. Contractor's Duties**

- a. Review on a yearly basis, the unit Medical Services Plan and Health Monitoring Plan and make appropriate recommendations for approval and/or changes to the Moose Lake Regional State Operated Services Medical Director.
- b. Monthly case conference and case review with Liberalis Women's Program staff as appropriate.
- c. As needed, pre-admission consultation for medically fragile clients.
- d. Quarterly, one (1) hour inservice training for Liberalis Women's Program staff related to appropriate medical care for the addicted female client.

**IV. Submission of Proposals**

All proposals must be sent to and received by:

Moose Lake Regional State Operated Services  
Frank R. Milczark  
Chief Executive Officer  
1111 Hwy. 73  
Moose Lake, MN 55767

not later than 12:00 PM, June 2, 1997.

Late proposals will not be accepted. Submit six copies of proposals. Proposals must be submitted in a sealed mailing envelope or package with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed in ink, with original signature by an authorized member of the firm. Prices and terms of the proposal must be valid for the length of the proposal.

**V. Amount of Contract**

The estimated amount of contract is \$27,284.40 per year.

## Professional, Technical & Consulting Contracts

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### VI. Proposal Contents

- a. Resume' with prospective contractor's educational and professional background required.
- b. Proof of valid and unlimited license to practice medicine in Minnesota in accordance with *Minnesota Statutes*, Chapter 147.
- c. Submit proof of registration with the Drug Enforcement Administration.
- d. Submit proof of professional liability insurance coverage.
- e. Submit proof of board certification in Internal Medicine.

### VII. Evaluation

All proposals received by the deadline specified in Section V. will be evaluated by representatives of the Department of Human Services. A personal interview may be part of the evaluation process.

### VIII. Department Contacts

Prospective responders who have any questions regarding this Request for Proposals may call or write:

Moose Lake Regional State Operated Services  
Gregory Peterson, M.D.  
1111 Hwy. 73  
Moose Lake, MN 55767  
(218) 485-5300

## Department of Human Services

### Willmar Regional Treatment Center

### Notification of Request for Proposal for a Protestant Chaplain, a Nurse Practitioner, and a Consultant Registered Nurse

NOTICE IS HEREBY GIVEN that the Willmar Regional Treatment Center, Mental Health Division, Department of Human Services, is seeking the following services for the period starting July 1, 1997 - June 30, 1999. These services are to be performed as requested by the Administration of the Willmar Regional Treatment Center; Willmar, MN.

1. **Services of a Protestant Chaplain** to conduct services and other ministries to Mentally Ill, Developmentally Disabled and Chemically Dependent patients. Services will be required approximately 20-40 hours weekly.
2. **Services of a Nurse Practitioner** to provide health assessments and management consultation for the patients of Willmar Regional Treatment Center and medical staff. Services will be provided approximately 36 hours weekly.
3. **Services of Consultant Registered Nurse** to provide consultation and training to staff and Developmentally Disabled clients at the Redwood Falls SOCS in Redwood Falls, MN. Services will be provided approximately 49 hours monthly.

Questions: 320-231-5396 - Stephen Grams

WRITTEN RESPONSES/BID OR COPY OF R.F.P.'S FOR THE ABOVE SERVICES MUST BE RECEIVED BY JUNE 9, 1997.

ADDRESSED TO:

Mr. Stephen Grams  
Business Manager  
Willmar Regional Treatment Center  
Box 1128  
Willmar, MN 56201

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## 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.

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### City of St. Paul

#### Notice of Request for Proposals to Review City of Saint Paul Department of Fire and Safety Services (RFP-18887-6)

The City of Saint Paul is accepting Request for Proposals (RFP) to conduct an independent review of its Department of Fire and Safety Services. The consultant will be asked to look closely at major functional areas to determine whether services are being provided cost effectively and where opportunities exist for improvement.

**Timeline:** Proposals are to be submitted by noon Friday, June 6, 1997 to:

Division of Contract and Analysis Services  
Attn: Linda J. Camp, Manager  
City Hall/Courthouse - Room 280  
15 West Kellogg Boulevard  
Saint Paul, MN 55102

Project is to begin on or about July 1, 1997. A draft report for review by the project committee is due NO later than August 1, 1997.

Interested parties in this Request for Proposal (RFP) are to contact the Division of Contract and Analysis Services at the above address or at (612) 266-8900.

The City will also be issuing a separate Request for Proposals (RFP) for a companion management performance review of the Fire Chief in the near future. This request will be available approximately June 1, 1997.

### Minnesota Historical Society

#### Notice of Request for Proposals for Design of Sign System for the Research Center

The Minnesota Historical Society is seeking proposals from qualified firms and individuals to provide design services for a sign system for its Research Center including the oversight its construction and implementation.

The Request for Proposals is available by calling or writing Deane M. Roe, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone (612) 297-5863.

Proposals must be received not later than 2:00 p.m., June 6, 1997.

Details concerning submission requirements are included in the Request for Proposals.

### University of Minnesota

#### University Dance Center, Minneapolis, Minnesota

#### Notice of Request for Proposals for Design/Build Team for New University Dance Center

##### Project Description

The University of Minnesota is planning to construct a new University Dance Center on the Minneapolis campus, using the Design/Build process. Proposals are requested for the selection of a Design/Build Team for this project. The Design/Build Team will provide full design/build services for a new dance facility, including architectural, mechanical, electrical, structural, civil, project scheduling, cost estimating, project management, and construction services.

## Non-State Public Bids, Contracts & Grants

The new Dance Center will provide office, studio, performance and classroom space for the University Dance program. Program elements include:

• Performance Studio (50' x 82' x 15' high minimum)	4,100 asf
• Rehearsal Studios (2 each @ 33' x 58' x 15' minimum)	3,828 asf
• Green Room/Classroom (40 students)	750 asf
• Faculty Offices	
Four @ 95 asf/each	380 asf
Three @ 110 asf/each	330 asf
• Main Office	300 asf
• Lounge (near Entry & Rehearsal Studios)	170 asf
• Women's Locker Room	400 asf
• Men's Locker Room	160 asf
• Department Storage	150 asf
Total	<u>10,568 asf</u>

### Project Budget:

Funding has been provided from a variety of funding sources. The estimated design/construction budget, which includes construction costs for the new facility, site preparation and utilities, design fees and the design/builder's contingency is \$2,700,000. The total project cost, including all permits, internal University costs, movable furnishings and equipment, and Owner's contingency is \$3,500,000.

### Pre-Proposal Information Packet:

A packet of information, describing the Request for Proposal requirements and evaluation process is available to all interested parties for pickup at:

Facilities Management - Reception Desk  
University of Minnesota  
Donhowe Building, Suite 400  
319 - 15th Avenue SE  
Minneapolis, MN 55455-1082

### Pre-Proposal Site Meeting (Open To Everyone)

A pre-proposal site meeting will be held on Friday, May 30, 1997 at 10:30 a.m. at the Thrust Theater, Rarig Center, 330 - 21st Avenue South, Minneapolis, MN for all interested parties. Preliminary programming, pre-design information, and other necessary information will be distributed. Attendance is highly encouraged.

### Proposals Due:

Tuesday, June 10, 1997, 3:00 p.m. CST. Mail or deliver proposals to:

Denis Larson  
Facilities Management/Purchasing Department  
University of Minnesota  
400 Donhowe Building  
319 15th Avenue SE  
Minneapolis, MN 55455-1082

### Project Contact:

**Technical Questions Concerning the Project:**  
Anna McDonagh  
Facilities Management/Zone 2  
Room 57 Management and Economics  
271 - 19th Avenue South  
Minneapolis, MN 55455-1082  
Phone: (612) 624-8268/Fax: (612) 625-6681

**Purchasing and Procedural Questions:**  
Denis Larson  
Facilities Management/Purchasing  
400 Donhowe Building  
319 - 15th Avenue SE  
Minneapolis, MN 55455-1082  
Phone: (612) 625-5554/Fax: (612) 624-5796

### Selection Schedule:

May 30, 1997 - Pre-proposal Meeting  
June 13, 1997 - Short List  
June 30, 1997 - Interviews

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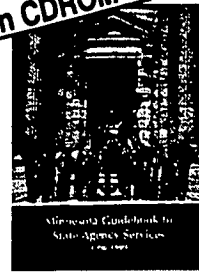
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