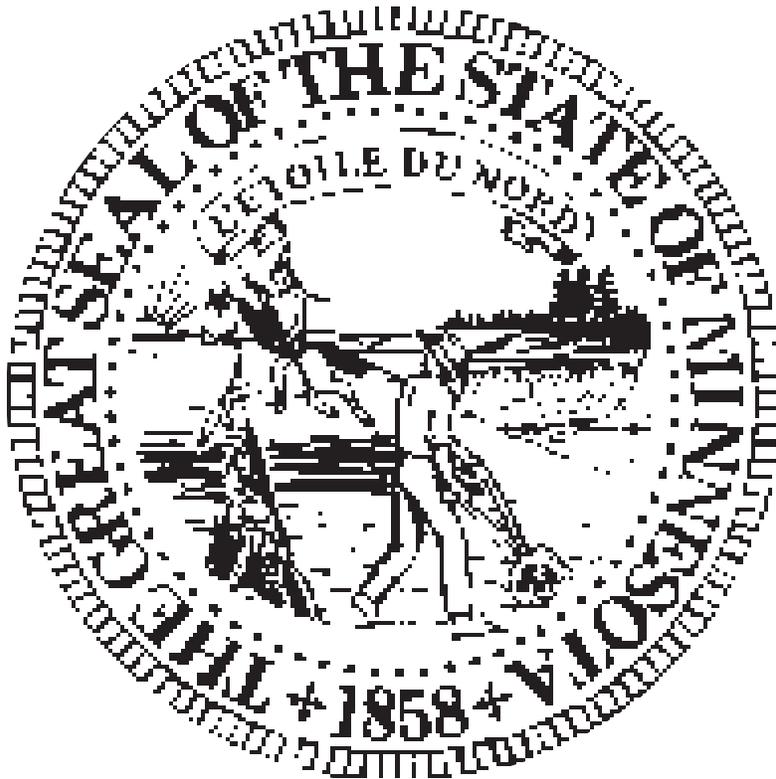


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The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public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

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Vol. 22 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
# 10	Monday 8 September	Monday 25 August	Friday 29 August
# 11	Monday 15 September	Friday 29 August	Monday 8 September
# 12	Monday 22 September	Monday 8 September	Monday 15 September
# 13	Monday 29 September	Monday 15 September	Monday 22 September

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

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Minnesota Rules: Amendments and

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 Health

Proposed Permanent Rules Relating to Alcohol and Drug Counselor Licensing

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing are Received

Proposed Rules Governing Licensure of Alcohol and Drug Counselors, *Minnesota Rules*, Chapter 4747.

Introduction. The Department of Health intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on October 8, 1997 a public hearing will be held in Room 10, State Office Building, 100 Constitution Avenue, St. Paul, Minnesota 55155 starting at 9:00 a.m. on October 23, 1997. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after October 8, 1997 and before October 23, 1997.

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

Jonathan R. Hall
Health Policy and Systems Compliance Division
Minnesota Department of Health
121 East Seventh Place
P.O. Box 64975
St. Paul, Minnesota 55164-0975
Phone (612) 282-5619
Fax (612) 282-5628

TTY users may call the Department of Health through the Minnesota Relay System at (612) 297-5353 or at (800) 627-3529.

Subject of Rules and Statutory Authority. The proposed rules govern licensure of alcohol and drug counselors. The statutory authority to adopt the rules is *Minnesota Statutes*, section 148C.03. A copy of the proposed rules is published in the *State Register*. The proposed rules provide the procedure for all individuals practicing alcohol and drug counseling in Minnesota to become licensed by the Commissioner of Health. A free copy of the proposed rules can be obtained from Mr. Hall at the above address. The following is a summary of the proposed rules:

- the proposed rules are mandated by *Minnesota Statutes*, Chapter 148C (1996);
- all persons who practice alcohol and drug counseling in Minnesota, unless excepted under *Minnesota Statutes*, Chapter 148C (1996), will follow these rules to obtain a license from the Commissioner of Health;

- applicants must meet and document completion of appropriate alcohol and drug counseling classroom education, training, and/or supervised work experience. Applicants must also document that they have either passed a written examination and an oral examination approved by the Commissioner or are exempt;
- the Commissioner may grant or deny a license, and may take appropriate disciplinary actions against licensees for violation of the proposed rules;
- applicants are required to pay fees for initial and biennial renewal of licenses;
- licensees are required to complete and document 40 clock hours of continuing education biennially, in accordance with the statute. The rules propose 66 clock hours of specified cultural diversity training during the first two continuing education reporting periods, and 18 clock hours for each subsequent reporting period;
- licensees are bound by specific rules of professional conduct; and
- licensees are required to provide their clients with a client bill of rights.

Comments. You have until 4:30 p.m. on October 8, 1997, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules 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 rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on October 8, 1997. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. 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 rules.

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 requests 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 withdrawal, 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 to 14.20.

Alternative Format/Accommodation. Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for October 23, 1997 will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (612) 282-5619 after October 8, 1997 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Jon L. Lunde is assigned to conduct the hearing. Judge Lunde can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 341-7645, and fax 612/349-2665.

Hearing Procedure. If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also

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submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day response period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or response period also submit a copy of the written views or data to the agency contact person at the address stated above.

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 rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed and copies obtained at the cost of reproduction from either the agency or the Office of Administrative Hearings.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at: First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 612/296-5148 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the agency may adopt the rules after the end of the comment period. The 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 rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rules and files them with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

Anne M. Barry
Commissioner

4747.0010 SCOPE.

This chapter applies to persons who either are engaged in or seek to engage in alcohol and drug counseling as defined in Minnesota Statutes, chapter 148C. During the transition period, applicants who practice alcohol and drug counseling while waiting for approval of pending applications are unlicensed mental health practitioners under Minnesota Statutes, chapter 148B.

4747.0020 PURPOSE.

This chapter contains rules for licensing and regulating alcohol and drug counselors. This chapter protects the public by setting standards of:

- A. qualifications, training, and experience for those who seek to perform alcohol and drug counseling services; and
- B. professional conduct for those engaged in the practice of alcohol and drug counseling.

4747.0030 DEFINITIONS.

Subpart 1. Scope. The definitions in this part and Minnesota Statutes, section 148C.01, apply to this chapter.

Subp. 2. Accrediting association. "Accrediting association" means an organization recognized by the commissioner that evaluates schools and education programs of alcohol and drug counseling or is listed in Nationally Recognized Accrediting Agencies and Associations, Criteria and Procedures for Listing by the U.S. Secretary of Education and Current List (1996), which is incorporated by reference. It is available at the legislative reference library and is not subject to frequent change.

Subp. 3. Alcohol and drug counselor classroom education. "Alcohol and drug counselor classroom education" means classroom education which is directly related to the core functions and is taken through an accredited school or educational program.

Subp. 4. **Alcohol and drug counselor continuing education activity.** “Alcohol and drug counselor continuing education activity” means clock hours that meet the requirements of part 4747.1100 and are obtained by a licensee at educational programs of annual conferences, lectures, panel discussions, workshops, seminars, symposiums, employer-sponsored inservices, or courses taken through accredited schools or education programs, including home-study courses.

Subp. 5. **Alcohol and drug counselor training.** “Alcohol and drug counselor training” means clock hours obtained by an applicant at educational programs of annual conferences, lectures, panel discussions, workshops, seminars, symposiums, employer-sponsored inservices, or courses taken through accredited schools or education programs, including home-study courses. Clock hours obtained from accredited schools or education programs must be measured pursuant to part 4747.1100, subpart 5.

Subp. 6. **American sign language.** “American sign language” means the natural, visual language of deaf people, with its own syntax and grammatical structure.

Subp. 7. **Applicant.** “Applicant” means a person who has applied for a license under this chapter and *Minnesota Statutes*, chapter 148C.

Subp. 8. **Clock hour.** “Clock hour” means an instructional session of 50 consecutive minutes, excluding coffee breaks, registration, meals without a speaker, and social activities.

Subp. 9. **Commissioner.** “Commissioner” means the commissioner of health or a designee.

Subp. 10. **Credential.** “Credential” means a license, permit, certification, registration, or other evidence of qualification or authorization to engage in the practice of an occupation.

Subp. 11. **Cultural diversity committee.** “Cultural diversity committee” means the committee created under part 4747.1200 and *Minnesota Statutes*, section 148C.11, and comprised of but not limited to representatives of the Minnesota Commission Serving Deaf and Hard-of-Hearing People, the Chicano/Latino Affairs Council, the Council on Asian-Pacific Minnesotans, the Council on Black Minnesotans, the Council on Disability, and the Indian Affairs Council.

Subp. 12. **Deaf.** “Deaf” means a hearing loss of such severity that the individual must depend primarily upon visual communication such as writing, lip reading, manual communication, and gestures.

Subp. 13. **Deaf-blind.** “Deaf-blind” means a combination of vision and hearing loss that interferes with acquiring information from the environment to the extent that compensatory strategies and skills are necessary to access that or other information.

Subp. 14. **Disability.** “Disability” means a condition or characteristic causing a person to:

- A. have a physical, sensory, or mental impairment that materially limits one or more major life activities;
- B. have a record of such an impairment; or
- C. be regarded as having such an impairment.

Subp. 15. **Dual relationship.** “Dual relationship” means a relationship between a licensee and a client that is:

- A. professional; and
- B. one or more of the following:
 - (1) cohabitational, familial, or supervisory; or
 - (2) including or having included personal involvement or financial involvement other than legitimate payment for counseling services rendered. A professional relationship between a client and a licensee continues to exist until terminated, as defined in part 4747.1400, subpart 8, item D.

Subp. 16. **Education committee.** “Education committee” means the committee established under *Minnesota Statutes*, section 148C.05, subdivision 2.

Subp. 17. **Ethnic minority group.** “Ethnic minority group” means persons of African American, Asian American, Native American, or Chicano/Latino descent.

Subp. 18. **Examination.** “Examination” means the written and oral examinations required by this chapter and *Minnesota Statutes*, section 148C.03.

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Subp. 19. Hard-of-hearing. “Hard-of-hearing” means a hearing loss resulting in a functional loss, but not to the extent that the individual must depend primarily upon visual communication.

Subp. 20. Identified population group. “Identified population group” means men, women, adolescents, elderly persons, and gay, lesbian, bisexual, and transgender persons.

Subp. 21. Inservice. “Inservice” means an activity sponsored by a licensee’s employer and presented by a staff member of the licensee’s employer that takes place at the licensee’s place of employment.

Subp. 22. Jurisdiction. “Jurisdiction” means a state or territory of the United States.

Subp. 23. Late-deafened. “Late-deafened” means persons who were born with normal hearing, but at some point lost their hearing through illness or accident.

Subp. 24. Licensee. “Licensee” means a person who holds a valid license under this chapter.

Subp. 25. Qualified evaluator. “Qualified evaluator” means a person licensed under this chapter who has successfully completed International Certification Reciprocity Consortium (ICRC)-approved case presentation method training and is approved as a qualified evaluator by the ICRC. Qualified evaluators weigh and evaluate applicant responses based on global criteria for each of the core functions.

Subp. 26. Qualified interpreter. “Qualified interpreter” means a person who is readily able to communicate, verbally and simultaneously, and accurately translate spoken and written language between a client and a licensee.

Subp. 27. Sign language. “Sign language” means any form of manual communication used to communicate with persons who are deaf or hard-of-hearing.

Subp. 28. Supervised alcohol and drug counseling experience. “Supervised alcohol and drug counseling experience,” as required by *Minnesota Statutes*, section 148C.06, during the transition period, means work experience practicing the core functions as an alcohol and drug counselor either in a program licensed by the Minnesota Department of Human Services, or under a supervisor.

Subp. 29. Supervisor. “Supervisor” means a person whose position in an alcohol and drug counseling work setting includes, but is not limited to, the following:

A. assessing the qualifications of and hiring counselors;

B. assigning job duties and training and directing counselors in the execution of responsibilities to reach work plan objectives; and

C. evaluating counselor work performance and holding periodic performance reviews.

Subp. 30. Transition period. “Transition period” means the two years immediately following the effective date of this chapter.
4747.0040 WRITTEN AND ORAL EXAMINATION.

Subpart 1. Examination required. An applicant may not be licensed under this chapter unless the applicant has passed the examinations required by this part, unless the applicant is applying under part 4747.0080 or 4747.0100.

Subp. 2. Examination eligibility. An applicant who is denied eligibility to sit for an examination may request, in writing, that the commissioner review the application. The commissioner shall review the application with the advice of an independent qualified evaluator and determine the applicant’s examination eligibility. The commissioner’s determination that an applicant is ineligible to sit for an examination is governed by part 4747.0500. If the commissioner denies the applicant’s eligibility, the commissioner must provide written reasons for the denial and provide the applicant 30 days from the date of the letter informing the applicant of the denial that the applicant may provide additional information addressing the reasons for denial. If the commissioner receives nothing within the additional 30-day time period, the denial becomes final. If the commissioner receives additional information, the commissioner shall review it and make a final determination within 30 days.

Subp. 3. Examination administration.

A. At least twice each calendar year, the commissioner shall administer or contract with an entity approved by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC/AODA) to administer the examination developed by the ICRC/AODA. Applicants must attain a minimum passing score approved by the ICRC.

B. The applicant is responsible for:

(1) making all arrangements with the examination administrator to take both the written and oral examinations for alcohol and drug counselors; and

(2) bearing all expenses associated with taking the examinations.

C. Applicants who are members of ethnic minority groups or who have a disability may request reasonable accommodations to complete the written examination authorized in *Minnesota Statutes*, section 148C.03, subdivision 1, and may request that at least

one of the qualified evaluators who sit on the interview panel for the oral examination authorized in *Minnesota Statutes*, section 148C.03, subdivision 1, be of the same ethnic minority background as the applicant. Applicants who request and who are denied reasonable accommodations under this item may request that the commissioner review the application according to subpart 2.

Subp. 4. **Reexamination permitted.** An applicant who fails either examination may take the examinations again upon application for reexamination and payment of the required examination fee to the examination administrator. There is no limit on the number of times an applicant may take the written or oral examinations. However, if an applicant fails either the written or the oral examination three times within a two-year period, the applicant must wait 12 months before retaking an examination.

4747.0050 LICENSE REQUIREMENT.

Subpart 1. **License required.** No person, other than those individuals exempted by *Minnesota Statutes*, section 148C.11, shall engage in alcohol and drug counseling, advertise the performance of those services, or use a title or description denoting alcohol and drug counselor without first being licensed under this chapter and *Minnesota Statutes*, chapter 148C. For purposes of this chapter, an individual engages in the practice of alcohol and drug counseling if the individual performs or offers to perform alcohol and drug counseling services, as defined in *Minnesota Statutes*, section 148C.01, subdivision 10, or if the individual is held out as able to perform those services.

Subp. 2. **Technicians in licensed programs.** This chapter does not prohibit technicians and resident managers in programs licensed by the Department of Human Services from discharging their duties as provided in chapter 9530.

Subp. 3. **Others.** A person exempt under *Minnesota Statutes*, chapter 148C, who elects to obtain a license under this chapter is subject to this chapter and *Minnesota Statutes*, chapter 148C, to the same extent as other licensees.

4747.0060 QUALIFICATIONS FOR LICENSURE AND GROUNDS FOR DENIAL.

Subpart 1. **Qualifications.** To qualify for licensure, an applicant must satisfy the requirements in items A to C and not be subject to denial of licensure under subpart 2, part 4747.1400, or *Minnesota Statutes*, section 148C.09. An applicant must comply with the general licensure procedures in part 4747.0070.

A. For two years after the effective date of this chapter, an applicant may qualify for licensure by meeting the requirements of part 4747.0080, 4747.0090, 4747.0100, 4747.0200, 4747.0300, or 4747.1000.

B. For five years after the effective date of this chapter, an applicant may qualify for licensure by meeting the requirements of part 4747.0200, 4747.0300, or 4747.1000.

C. Beginning five years after the effective date of this chapter, an applicant may qualify for licensure by meeting the requirements of part 4747.0300 or 4747.1000.

D. An applicant who applies under item A or B and fails to meet all requirements within the time periods specified in those items must subsequently meet the applicable requirements of item B or C.

Subp. 2. **Discipline in this or another jurisdiction; effect on licensing.** In addition to the grounds listed in *Minnesota Statutes*, section 148C.09, the commissioner may refuse to grant a license or may impose conditions as described in *Minnesota Statutes*, section 148C.091, for:

A. revocation, suspension, restriction, limitation, or other disciplinary action against the applicant's credential in this or another jurisdiction;

B. failure to report to the commissioner that charges regarding the applicant's credential have been brought in this or another jurisdiction;

C. having been refused a license or certification by this or another jurisdiction; or

D. performing the services of an alcohol and drug counselor in an incompetent manner or in a manner which falls below the professional community's standard of care.

Subp. 3. **Commissioner duties; responsibilities.**

A. If the commissioner finds evidence of a conviction of a crime under *Minnesota Statutes*, section 148C.09, subdivision 1, paragraph (7) or (8), or of any disciplinary action taken by this or another jurisdiction which is reasonably related to the practice of alcohol and drug counseling, the commissioner may take the action specified in *Minnesota Statutes*, section 148C.091.

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B. In determining whether a conviction under *Minnesota Statutes*, section 148C.09, subdivision 1, paragraph (7), or a disciplinary order reasonably relates to alcohol and drug counseling, the commissioner must consider:

- (1) the nature and seriousness of the violation for which the applicant was convicted;
- (2) the relationship of the violation or crime to the purposes of regulating alcohol and drug counselors; and
- (3) the relationship of the violation or crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of alcohol and drug counselors.

C. An applicant who has been convicted of a crime as specified in *Minnesota Statutes*, section 148C.09, subdivision 1, paragraph (7) or (8), or is the subject of a disciplinary order reasonably related to the practice of alcohol and drug counseling must not be disqualified from the practice of alcohol and drug counseling if the applicant can show competent evidence of sufficient rehabilitation and present fitness to perform the duties of alcohol and drug counselors. In making this determination, the commissioner must consider the following evidence:

- (1) a copy of the local, state, or federal release order;
- (2) evidence showing that at least one year has elapsed from any official custody status, including probation or parole, and from any local, state, or federal correctional institution without subsequent conviction of a crime, or a copy of the relevant Department of Corrections discharge order or other documents showing completion of probation or parole supervision;
- (3) the nature and seriousness of the conduct or crime for which convicted;
- (4) all circumstances relative to the conduct or crime, including mitigating circumstances or social conditions surrounding the commission of the conduct or crime;
- (5) the age of the person at the time the conduct or crime was committed;
- (6) the length of time elapsed since the conduct or crime was committed; and
- (7) all other competent evidence of rehabilitation and present fitness presented, including, but not limited to, letters of reference by persons who have been in contact with the applicant since the applicant's release from any local, state, or federal correctional institution.

4747.0070 LICENSE APPLICATION PROCEDURES.

Subpart 1. When application may be submitted. A person may apply for a license only after obtaining the required supervised alcohol and drug counselor experience and completing the applicable examination, education, training, internship, and practicum requirements.

Subp. 2. Application forms. Unless otherwise indicated, all licensure information must be documented and submitted to the commissioner on forms provided by the commissioner.

Subp. 3. Information required from all applicants. An applicant for licensure must submit the following data:

A. personal data, including:

- (1) name;
- (2) date of birth;
- (3) social security number;
- (4) business address and telephone number or home address and telephone number if the applicant conducts business out of the home;
- (5) daytime telephone number if different from the business telephone number;
- (6) name of the applicant's supervisor, manager, or employer, if any; and
- (7) criminal convictions;

B. a list of languages in which the applicant is fluent, other than English, including sign language;

C. a statement that the applicant has read this chapter and *Minnesota Statutes*, chapter 148C, and agrees to abide by their provisions, and a statement that the information included in the application is true and correct to the best knowledge of the applicant;

D. a statement that the applicant, if issued a license, shall return the license directly to the commissioner upon the revocation or suspension of the license;

E. the initial license fee required by part 4747.1600, and a statement that the applicant understands that all fees submitted in the licensure process are nonrefundable;

F. the applicant's signature and application date;

G. a listing of all credentials issued by this or any other jurisdiction. An applicant credentialed in this or another jurisdiction shall request that the appropriate governmental body in each jurisdiction in which the applicant holds a credential send documentation to the commissioner that verifies the applicant's credential and that the credential is in good standing in that jurisdiction. The documentation must include the applicant's name, the date of issuance, a statement regarding investigations pending and disciplinary actions taken or pending against the applicant, the current status of the credential, and the terms under which the credential was issued; and

H. any other information the commissioner considers necessary to determine whether the applicant meets the requirements for licensure specified in this chapter and *Minnesota Statutes*, chapter 148C.

Subp. 4. **Additional information.** During the transition period, an applicant must document qualifications for licensure that the applicant meets the requirements of part 4747.0080, 4747.0090, 4747.0100, 4747.0200, 4747.0300, or 4747.1000. After the transition period, an applicant must document qualifications for licensure, pursuant to the requirements of part 4747.0200, 4747.0300, or 4747.1000. The commissioner may also require additional information regarding the quality, scope, and nature of the experience and competence of an applicant if the commissioner finds that a person's application lacks sufficient information to determine qualifications or fitness for licensure by the commissioner.

Subp. 5. **Fees.** An application must include the fees required under part 4747.1600. Fees are nonrefundable.

Subp. 6. **License certificate.** If the commissioner grants a license to an applicant, the commissioner shall issue a license certificate including the licensee's name, business address, business telephone number, and the effective date and expiration date of the license.

4747.0080 LICENSURE BY PRIOR CERTIFICATION DURING TRANSITION PERIOD.

Subpart 1. **Qualifications.** For two years after the effective date of this chapter, the commissioner must issue a license to a person who is currently credentialed as a certified chemical dependency counselor (CCDC) or a certified chemical dependency counselor-reciprocal (CCDCR) by the Institute for Chemical Dependency Professionals of Minnesota, Inc. (ICDP), or is currently credentialed at the reciprocal level by an International Certification Reciprocity Consortium (ICRC) agent and meets other applicable requirements of this chapter and *Minnesota Statutes*, chapter 148C.

Subp. 2. **Documentation.** Upon receipt of a completed application for licensure, the commissioner shall obtain directly from the ICDP or other ICRC agent in another jurisdiction written verification of good standing of the certification the applicant claims to hold, including:

A. a statement that the applicant is currently certified as either a CCDC or a CCDCR by the ICDP or at the reciprocal level by the ICRC agent in another jurisdiction, the date certification was granted, the applicant's certification number, the applicant's social security number, if available, and a statement regarding disciplinary actions; and

B. the documented results of any disciplinary proceedings.

4747.0090 LICENSURE BY EQUIVALENCY DURING TRANSITION PERIOD; EXAMINATION REQUIRED.

Subpart 1. **Qualifications.** For two years after the effective date of this chapter, a person who, in addition to meeting the other applicable requirements of this chapter and *Minnesota Statutes*, chapter 148C, has met either of the following requirements shall be licensed:

A. the applicant has:

(1) 6,000 hours of supervised alcohol and drug counselor experience;

(2) 270 clock hours of alcohol and drug counselor training with documentation that a minimum of 60 clock hours of this training occurred within the last five years;

(3) 300 hours of alcohol and drug counselor internship, with a minimum of ten hours in each core function; and

(4) verification of having passed both the written examination and oral examination according to *Minnesota Statutes*, section 148C.03; or

B. the applicant has:

(1) 10,000 hours of supervised alcohol and drug counselor experience;

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(2) 270 clock hours of alcohol and drug counselor training with documentation that a minimum of 60 clock hours of this training occurred within the last five years; and

(3) verification of having passed either the written examination or the oral examination according to *Minnesota Statutes*, section 148C.03, or is currently certified as a CCDP by the ICDP.

Subp. 2. Documentation. Before the commissioner grants or denies a license, an applicant must document, according to part 4747.0400, that the applicant has met the requirements of subpart 1.

4747.0100 LICENSURE BY EQUIVALENCY DURING TRANSITION PERIOD; EXAMINATION NOT REQUIRED.

Subpart 1. Qualifications. For two years after the effective date of this chapter, a person who has met the following requirements and other applicable requirements of this chapter and *Minnesota Statutes*, chapter 148C, shall be licensed upon documentation that the applicant has:

A. 14,000 hours of supervised alcohol and drug counselor experience; and

B. 270 clock hours of alcohol and drug counselor training with documentation that a minimum of 60 clock hours of this training occurred within the last five years.

Subp. 2. Documentation. Before the commissioner grants or denies a license, an applicant must document, according to part 4747.0400, that the applicant has met the requirements of subpart 1.

4747.0200 LICENSURE FOR FIVE YEARS AFTER EFFECTIVE DATE OF THIS CHAPTER.

Subpart 1. Qualifications. For five years after the effective date of this chapter, a person who has met the following requirements and other applicable requirements of this chapter and *Minnesota Statutes*, chapter 148C, shall be licensed upon documentation that the applicant has:

A. received an associate degree including 270 clock hours of alcohol and drug counselor classroom education from an accredited school or educational program. The applicant must arrange for an official copy of the transcript, including verification of the degree granted, to be sent directly to the commissioner from the institution granting the degree;

B. successfully completed 880 clock hours of alcohol and drug counseling practicum, with a minimum of ten clock hours in each core function; and

C. verification of having passed both the written examination and oral examination according to part 4747.0040 and *Minnesota Statutes*, section 148C.03.

Subp. 2. Documentation. Before the commissioner grants or denies a license, an applicant must document, according to part 4747.0400, that the applicant has met the requirements of subpart 1.

4747.0300 LICENSURE BEGINNING FIVE YEARS AFTER EFFECTIVE DATE OF THIS CHAPTER.

Subpart 1. Qualifications. Beginning five years after the effective date of this chapter, a person who has met the following requirements and the other requirements of this chapter and *Minnesota Statutes*, chapter 148C, shall be licensed upon documentation that the applicant has:

A. received a bachelor's degree including 480 clock hours of alcohol and drug counseling education from an accredited school or educational program, which must include 45 clock hours of classroom education in studies related to Native American issues, as defined in part 4747.1100, subpart 2. These clock hours satisfy the requirement of part 4747.1100, subpart 2, item A. The applicant shall arrange for an official copy of the transcript, including verification of the degree granted, to be sent directly to the commissioner from the institution granting the degree;

B. successfully completed 880 clock hours of alcohol and drug counseling practicum, with a minimum of ten clock hours in each core function; and

C. passed both the written examination and oral examination according to part 4747.0040 and *Minnesota Statutes*, section 148C.03.

Subp. 2. Documentation. Before the commissioner grants or denies a license, an applicant shall document, according to part 4747.0400, that the applicant has met the requirements of subpart 1.

4747.0400 DOCUMENTATION AND VERIFICATION OF ALCOHOL AND DRUG COUNSELING TRAINING, EDUCATION, INTERNSHIP, PRACTICUM, AND SUPERVISED EXPERIENCE.

Subpart 1. Documentation and verification. Applicants must obtain documentation and verification of alcohol and drug counselor training, classroom education, internship, practicum, and supervised experience according to this chapter. Verification includes, but is not limited to, signed attestation by a supervisor or training sponsor, copies of official transcripts from accredited schools or education programs, and personnel records.

Subp. 2. Applicants under parts 4747.0090 and 4747.0100.

A. Applicants under parts 4747.0090 and 4747.0100 must demonstrate completion of 270 clock hours of alcohol and drug counselor training covering each core function, including 60 clock hours within the past five years, by submitting the following documentation:

- (1) the title of each training course;
- (2) the dates of each training course;
- (3) the agency or institution offering each training course;
- (4) the total number of hours of each training course; and
- (5) the content and objectives of each course or program.

B. Applicants under part 4747.0090, subpart 1, item A, must demonstrate completion of 300 hours of alcohol and drug counselor internship by submitting to the commissioner documentation of:

- (1) the beginning and ending dates of the internship;
- (2) the name of the institution where the internship was completed;
- (3) the total number of hours earned; and
- (4) the total number of hours in each core function.

C. Applicants under parts 4747.0080, 4747.0090, and 4747.0100 must demonstrate completion of the number of hours of supervised alcohol and drug counselor experience by submitting to the commissioner documentation of:

- (1) the name of each employment setting where experience was gained and dates of employment for each;
- (2) the total number of hours of supervised alcohol and drug counseling experience, covering each core function, gained at each employment setting;
- (3) a description of the applicant's caseload, including a description of the population served, employment setting, and treatment modalities used;
- (4) job title and responsibilities, including the percentage of time spent in each; and
- (5) the supervisor's name and title.

Subp. 3. Applicants under parts 4747.0200 and 4747.0300.

A. Applicants under parts 4747.0200 and 4747.0300 must demonstrate completion of the number of clock hours of alcohol and drug counselor education required by those parts from an accredited school or educational program by providing the commissioner with an official transcript sent directly from the institution from which the education was gained, and which states the following:

- (1) the name of school or education program;
- (2) the dates of attendance; and
- (3) the number of quarter, semester, or trimester credits earned.

B. Applicants under parts 4747.0200 and 4747.0300 must demonstrate completion of 880 hours of alcohol and drug counselor practicum by submitting to the commissioner documentation of:

- (1) the name of the accredited school or education program through which the applicant completed the practicum;
- (2) the name of the institution where the practicum was completed;
- (3) the beginning and ending dates of the practicum;
- (4) the total number of hours earned; and
- (5) the total number of hours earned in each core function.

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4747.0500 ACTION ON APPLICATIONS FOR LICENSURE.

The commissioner shall determine if the applicant meets the requirements for licensure and whether there are grounds for denial of licensure under this chapter or *Minnesota Statutes*, chapter 148C. If the commissioner denies an application on grounds other than the applicant's failure of an examination, the commissioner shall:

A. notify the applicant, in writing, of the denial and the reason for the denial and provide the applicant 30 days from the date of the letter informing the applicant of the denial in which the applicant may provide additional information to address the reasons for the denial. If the applicant does not respond in writing to the commissioner within the 30-day period, the denial is final. If the commissioner receives additional information, the commissioner shall review it and make a final determination thereafter;

B. notify the applicant that an application submitted following denial is a new application and must be accompanied by the appropriate fee in part 4747.1600; and

C. notify the applicant of the right to request a hearing under *Minnesota Statutes*, chapter 14.

4747.0600 INITIAL LICENSE; TERM.

Subpart 1. **Effective date.** An initial license is effective on the date the commissioner indicates on the license certificate, with the license number, sent to the applicant upon approval of the application.

Subp. 2. **Term of initial license.** An initial license is valid for a period beginning with the effective date in subpart 1 and ending on the date specified on the license certificate by the commissioner, which will place the applicant in an existing two-year renewal cycle, as established under part 4747.0700, subpart 1.

4747.0700 LICENSE RENEWAL.

Subpart 1. **Biennial renewal.** After the initial license term in part 4747.0600, licenses must be renewed every two years.

Subp. 2. **Renewal requirements.** To be eligible for license renewal, licensees must submit to the commissioner:

A. a completed and signed application for license renewal, including a signed consent authorizing the commissioner to obtain information about the applicant from third parties, including, but not limited to, employers, former employers, and law enforcement agencies;

B. the renewal fee required under part 4747.1600; and

C. additional information as requested by the commissioner to clarify information presented in the renewal application. The licensee must submit information within 30 days of the date of the commissioner's request.

Subp. 3. **License renewal notice.** At least 60 calendar days before the renewal deadline date in subpart 4, the commissioner shall mail a renewal notice to the licensee's last known address on file with the commissioner. The notice must include an application for license renewal, the renewal deadline, and notice of fees required for renewal. The licensee's failure to receive notice does not relieve the licensee of the obligation to meet the renewal deadline and other requirements for license renewal.

Subp. 4. **Renewal deadline and lapse of licensure.** Licensees must comply with items A to C.

A. Each license certificate must state an expiration date. An application for license renewal must be received by the Department of Health or postmarked at least 30 calendar days before the expiration date. If the postmark is illegible, the application must be considered timely if received at least 21 calendar days before the expiration date.

B. An application for license renewal not received within the time required under item A must be accompanied by a late fee in addition to the renewal fee specified by part 4747.1600.

C. A licensee's license lapses if the licensee fails to submit to the commissioner a license renewal application by the licensure expiration date. A licensee shall not engage in the practice of alcohol and drug counseling while the license is lapsed. A licensee whose license has lapsed may renew the license by complying with part 4747.0800.

Subp. 5. **Inactive license status.** Unless a complaint is pending against the licensee, a licensee whose license is in good standing may request, in writing, that the license be placed on the inactive list. If a complaint is pending against a licensee, a license may not be placed on the inactive list until action relating to the complaint is concluded. The commissioner must receive the request for inactive status before expiration of the license. A request for inactive status received after the license expiration date must be denied. A licensee may renew a license that is inactive under this subpart by meeting the renewal requirements of part 4747.0800, subpart 2, except that payment of a late renewal fee is not required. A licensee must not practice alcohol and drug counseling while the license is inactive.

4747.0800 RENEWAL OF INACTIVE OR LAPSED LICENSE.

Subpart 1. **Renewal of inactive license.** A licensee whose license is inactive shall renew the inactive status by the inactive status expiration date determined by the commissioner or the license will lapse. An application for renewal of inactive status must include evidence satisfactory to the commissioner that the licensee has completed 40 clock hours of continuing professional education

required in part 4747.1100, and be received by the Department of Health at least 30 calendar days before the expiration date. If the postmark is illegible, the application must be considered timely if received at least 21 calendar days before the expiration date. Late renewal of inactive status must be accompanied by a late fee.

Subp. 2. Renewal of lapsed license. A licensee whose license has lapsed for less than two years may renew the license by submitting:

- A. a completed and signed license renewal application;
- B. the inactive license renewal fee or the renewal fee and the late fee required under part 4747.1600; and
- C. proof of having met the continuing education requirements in part 4747.1100 since the individual's initial licensure or last license renewal. The license issued is then effective for the remainder of the next two-year license cycle.

Subp. 3. License renewal for two years or more after the license expiration date. A licensee who submitted a license renewal two years or more after the license expiration date must submit the following:

- A. a completed and signed application for licensure, as required by part 4747.0070;
- B. the initial license fee; and
- C. verified documentation of having achieved a passing score within the past year on the examination required by part 4747.0040.

4747.0900 CHANGE OF ADDRESS.

A licensee who changes addresses must inform the commissioner, in writing, within 30 days of the change of address. All notices or other correspondence mailed to or served on a licensee by the commissioner at the licensee's address on file with the commissioner must be considered as having been received by the licensee.

4747.1000 RECIPROCIITY.

Subpart 1. Application required. An individual who holds a current license or certification as an alcohol and drug counselor from another jurisdiction shall file a completed application for licensure by reciprocity containing the information required by part 4747.0070.

Subp. 2. Verification from other jurisdiction required. The applicant must request the credentialing authority of the jurisdiction in which the credential is held to send directly to the commissioner a statement that the credential is current and in good standing, the applicant's qualifications that entitled the applicant to the credential, and a copy of the jurisdiction's credentialing laws and rules that were in effect at the time the applicant obtained the credential.

Subp. 3. Proof of equivalency. A license must be issued under this part if the commissioner finds that the requirements which the applicant had to meet to obtain the credential from the other jurisdiction were substantially similar to the requirements for licensure in this chapter and *Minnesota Statutes*, chapter 148C, and the applicant is not otherwise disqualified under *Minnesota Statutes*, section 148C.09.

4747.1100 CONTINUING EDUCATION REQUIREMENTS.

Subpart 1. General requirements. The commissioner shall establish a two-year continuing education reporting schedule requiring licensees to report completion of the requirements of this part. Licensees must document completion of a minimum of 40 clock hours of continuing education activities each reporting period. A licensee may be given credit only for activities that directly relate to the practice of alcohol and drug counseling, the core functions, or the rules of professional conduct in part 4747.1400. The continuing education reporting form must require reporting of the following information:

- A. the continuing education activity title;
- B. a brief description of the continuing education activity;
- C. the sponsor, presenter, or author;
- D. the location and attendance dates;
- E. the number of clock hours; and
- F. a statement that the information is true and correct to the best knowledge of the licensee.

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Only continuing education obtained during the previous two-year reporting period may be considered at the time of reporting. Clock hours must be earned and reported in increments of one-half clock hour with a minimum of one clock hour for each continuing education activity.

Subp. 2. Continuing education requirements for licensee's first four years. Licensees must, as part of meeting the clock hour requirement of this part, obtain and document the following clock hours within the first four years after their initial license effective date according to the commissioner's reporting schedule. Alcohol and drug counselor training obtained up to three years prior to the effective date of this chapter which meets the requirements of this subpart must be considered as having met the requirements of this part. Alcohol and drug counselor classroom education obtained any time prior to the effective date of this chapter which meets the requirements of this subpart must be considered as having met the requirements of this part.

A. Twelve clock hours in Native American issues, including gaining knowledge of:

- (1) the practical application of traditional Native American spiritual and cultural living to clients;
- (2) the functioning of traditional Native American cultures before the arrival of alcohol and drugs;
- (3) the changes that alcohol and drugs have caused in the traditional Native American cultures;
- (4) the history of the Native American experience in the United States and its effects on the influence of alcohol and drug use among Native Americans;
- (5) the development of United States policy in regard to Native Americans and how this has influenced Native Americans;
- (6) the progression of social scientific thought and its influence on Native Americans as it relates to alcohol and drugs;
- (7) how the licensee must demonstrate sensitivity for a client's healthy, culturally appropriate lifestyle;
- (8) the licensee's knowledge of cultural practices that will recreate a supportive, alcohol-free environment;
- (9) the licensee's awareness and ability to identify the dynamics of an alcohol and drug subculture, as opposed to traditional Native American practices; and
- (10) integrating self-evaluation into personal and professional development.

B. Twelve clock hours in Asian American issues, including gaining knowledge of:

- (1) existing referral agencies whose focus is practicing with Asian American clients, including counties and community-based agencies;
- (2) the various subgroups within the Asian American population in the United States, including their languages, religious practices, and place of origin;
- (3) the dynamic of Asian American emigrational history, including the regulated immigration patterns and the refugee resettlement after World War II, from the Indo-Chinese War to the present time;
- (4) current trends of alcohol and drug abuse among Asian Americans;
- (5) various approaches to practicing with Asian American clients, including prevention, intervention, treatment, and continuing care approaches;
- (6) understanding Asian American family dynamics, its traditional values, and its relation to recovery from alcohol and drug abuse;
- (7) understanding cultural assets, and spiritual and religious healing as they relate to the recovery from alcohol and drug abuse; and
- (8) integrating self-evaluation in the licensee's personal and professional development.

C. Six clock hours in deaf and hard-of-hearing issues, including gaining knowledge of:

- (1) the history of the deaf American experience in the United States as a basis for understanding the continuing oppression deaf, deaf-blind, hard-of-hearing, and late-deafened people face;
- (2) barriers, such as confidentiality, accessibility, and social stigma, to assessment, treatment, and recovery for chemically dependent deaf, deaf-blind, hard-of-hearing, or late-deafened people;
- (3) psychosocial aspects of being deaf, deaf-blind, hard-of-hearing, or late-deafened;
- (4) various approaches to serving the deaf, deaf-blind, hard-of-hearing, or late-deafened client, including prevention, intervention, treatment, and continuing care approaches;
- (5) issues surrounding chemical dependency and people who are deaf, deaf-blind, hard-of-hearing, or late-deafened;

(6) deaf culture, norms, community, and issues relative to and differences among deaf, deaf-blind, hard-of-hearing, or late-deafened persons;

(7) work and volunteer experiences with deaf, deaf-blind, hard of hearing, or late-deafened persons;

(8) a variety of communication modes including, but not limited to: American Sign Language, tactile signing, speech reading, oral speech, manual coded English, and written English;

(9) existing referral agencies whose focus is serving the deaf, deaf-blind, hard-of-hearing, or late-deafened client, including counties and community-based agencies;

(10) family dynamics and its impact on the deaf and hard-of-hearing individual; and

(11) integrating self-evaluation in the licensee's personal and professional development.

D. Twelve clock hours in Chicano/Latino issues, including gaining knowledge of:

(1) existing referral agencies whose focus is serving the Chicano/Latino client, including counties and community-based agencies;

(2) the various subgroups within the Chicano/Latino population in the United States;

(3) current trends of alcohol and drug abuse among the Chicano/Latino community;

(4) various approaches to serving the Chicano/Latino client, including prevention, intervention, treatment, and continuing care approaches;

(5) understanding Chicano/Latino family dynamics and its relationship to recovery from alcohol and drug abuse;

(6) understanding cultural assets as they relate to recovery from alcohol and drug abuse; and

(7) integrating self-evaluation into the licensee's personal and professional development.

E. Twelve clock hours in disability issues, including gaining knowledge of:

(1) disability awareness;

(2) overview of chemical dependency and disability;

(3) identification of disability;

(4) familiarity with the Americans with Disabilities Act;

(5) implications for accessing treatment, exit planning, and aftercare support;

(6) adaptations of methods and materials for increased effectiveness in practicing alcohol and drug counseling with persons with disabilities; and

(7) ability to know when consultation is needed.

F. Twelve clock hours in African American issues, including gaining knowledge of:

(1) existing referral agencies whose focus is serving the African American client, including counties and community-based agencies;

(2) the various subgroups within the African American population in the United States;

(3) current trends of alcohol and drug abuse among the African American community;

(4) various approaches to serving the African American client, including prevention, intervention, treatment, and continuing care approaches;

(5) understanding African American family dynamics and its relationship to recovery from alcohol and drug abuse;

(6) understanding cultural assets as they relate to recovery from alcohol and drug abuse; and

(7) integrating self-evaluation into the licensee's personal and professional development.

G. If the licensee practices alcohol and drug counseling with deaf, deaf-blind, hard-of-hearing, or late-deafened clients, then the licensee must obtain an additional six hours in the areas described in item A, subitem (3), within the four-year period.

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Subp. 3. Continuing education requirements after licensee's initial four years. Four years following a licensee's initial license effective date and according to the commissioner's reporting schedule, a licensee must document completion of the following requirements each continuing education reporting period as part of the 40 clock hour requirement under this part. Clock hours obtained under items A to F must comply with the requirements of subpart 2:

- A. three clock hours in deaf and hard-of-hearing issues;
- B. three clock hours in African American issues;
- C. three clock hours in Asian American issues;
- D. three clock hours in Chicano/Latino issues;
- E. three clock hours in disability issues;
- F. three clock hours in Native American issues; and
- G. six clock hours in courses directly related to the rules of professional conduct in part 4747.1400.

Subp. 4. Standards for approval. In order to obtain clock hour credit for a continuing education activity, the activity must:

- A. constitute an organized program of learning;
- B. reasonably be expected to advance the knowledge and skills of the alcohol and drug counselor;
- C. pertain to subjects that directly relate to the practice of alcohol and drug counseling and the core functions of an alcohol and drug counselor, or the rules of professional conduct in part 4747.1400;
- D. be conducted by individuals who have education, training, and experience and are knowledgeable about the subject matter; and
- E. be presented by a sponsor who has a system to verify participation and maintains attendance records for three years, unless the sponsor provides dated evidence to each participant with the number of clock hours awarded.

Subp. 5. Activities qualifying for continuing education clock hours. The activities in items A to F qualify for continuing education clock hours and are considered approved programs for purposes of Minnesota Statutes, section 148C.05, subdivision 2, if they meet all other requirements of this part.

A. Clock hours may be earned through participation in the following:

(1) attendance at educational programs of annual conferences, lectures, panel discussions, workshops, seminars, and symposiums;

(2) successful completion of college or university courses offered by an accredited school or education program, if not being taken in order to meet the requirements of Minnesota Statutes, section 148C.04. The licensee must obtain a grade of at least a "C" or its equivalent or a pass in a pass/fail course in order to receive the following continuing education credits:

- (a) one semester credit equals 15 clock hours;
- (b) one trimester credit equals 12 clock hours; and
- (c) one quarter credit equals ten clock hours; and

(3) successful completion of home study courses offered by an accredited school or education program and that require a licensee to demonstrate knowledge following completion of the course.

B. A licensee may obtain a maximum of six clock hours in any two-year continuing education period for teaching continuing education courses that meet the requirements of this part. A licensee may earn a maximum of two clock hours as preparation time for each clock hour of presentation time. Clock hours may be claimed only once per course in any two-year continuing education period. The licensee shall maintain a course schedule or brochure for audit.

C. A licensee may earn a maximum of 12 clock hours per reporting period through inservices offered by an employer at the licensee's place of employment.

D. A licensee may not receive credit for taking or teaching the same continuing education course more than once in the same reporting period.

Subp. 6. Activities not qualifying for continuing education clock hours. No approval may be given for courses not meeting the requirements of subpart 4 and that are limited to:

- A. any subject contrary to the rules of professional conduct in part 4747.1400;
- B. supervision of personnel;
- C. entertainment or recreational activities;

- D. employment orientation sessions;
- E. policy meetings;
- F. marketing;
- G. business; and
- H. training related to payment systems, including covered services, coding, and billing.

Subp. 7. Auditing continuing education reports.

A. The commissioner shall audit continuing education reports based on random selection or if the commissioner has reason to believe a report is inaccurate. A licensee shall maintain all documentation required by this part for two years after the last day of the reporting period in which the credits were earned.

B. Upon request, the licensee shall make available to the commissioner for auditing purposes a description of the continuing education activity prepared by the presenter or sponsor that must include the course title and a description of the subject matter, date, place, number of clock hours, presenter, and sponsor. Self-study programs must be documented by materials prepared by the presenter or sponsor and must include course title, course description, name of sponsor or author, and number of hours required to complete the program. University, college, or vocational school courses must be documented by a course syllabus, listing in a course bulletin, or equivalent documentation that must include the course title; instructor's name; course dates; number of clock hours; and course content, objectives, or goals.

C. A licensee shall provide verification of attendance at continuing education activities upon request by the commissioner. Verification must consist of a signature of the presenter, or a representative of the sponsor, a copy of the certificate of completion provided by the course sponsor, or, for completion of a course taken at an accredited school or educational program, an official copy of the transcript, or a report of clock hours attended signed by the instructor. A licensee may summarize or outline the educational content of an audio or video education activity to verify participation in the activity if a designee is not available to sign the continuing education reporting form. Independent study programs must be verified by a certificate of completion or other documentation indicating that the individual has demonstrated knowledge and has successfully completed the program.

Subp. 8. Waiver of continuing education requirements. The commissioner may grant a waiver of the requirements of this part if the commissioner determines that the requirements would impose an extreme hardship on the licensee. The request for a waiver must be submitted to the commissioner in writing, state the circumstances that constitute extreme hardship, state the period of time the licensee wishes to have the continuing education requirement waived, and state the alternative measures that will be taken if a waiver is granted. The commissioner shall set forth, in writing, the reasons for granting or refusing to grant the waiver. Waivers granted by the commissioner must specify in writing the time limitation and required alternative measures to be taken by the licensee.

Subp. 9. Penalties for noncompliance. The commissioner may refuse to renew or grant or may suspend, condition, limit, or qualify the license of any person whom the commissioner determines has failed to comply with the continuing education requirements of this part.

4747.1200 CULTURAL DIVERSITY COMMITTEE.

Subpart 1. Cultural diversity committee; membership. The commissioner shall establish a committee comprised of at least one representative of the Minnesota Commission Serving Deaf and Hard-of-Hearing People, the Chicano/Latino Affairs Council, the Council on Asian-Pacific Minnesotans, the Council on Black Minnesotans, the Council on Disabilities, and the Indian Affairs Council. Membership must also include one member at large from each ethnic minority group, the deaf and hard-of-hearing community, and the community of persons with disabilities. The committee may create subcommittees comprised of a committee member and volunteers or consultants of the same or related ethnic minority group, the deaf and hard-of-hearing community, or the community of people with disabilities. The commissioner may act on the advice of subcommittees so created.

Subp. 2. Cultural diversity committee; duties. At the commissioner's request, the committee shall provide advice and recommendations to the commissioner on issues specific to licensees in their practice of alcohol and drug counseling with ethnic or minority group clients, including:

- A. the development and evaluation of rules for licensees in order to refine and improve the methods used to enforce the commissioner's standards;

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B. the development of standards and procedures for the written and oral examination, licensing, and review of licensees' professional conduct;

C. the establishment of written internal operating procedures for receiving and investigating complaints related to cultural diversity and for taking disciplinary actions as appropriate, including disciplinary cases in the areas of counselor competency issues, counselor practice issues, and counselor impairment issues;

D. the issuance of copies of the rules to licensees;

E. disciplinary actions against licensees;

F. the education of the public about the existence and content of the rules for licensees to enable consumers to file complaints against licensees who may have violated the rules;

G. the preparation of legislative reports on activities related to the licensure of alcohol and drug counselors who practice with ethnic minority clients or clients with disabilities; and

H. any other issues regarding licensees qualified to engage in the practice of alcohol and drug counseling with ethnic or minority group clients, or with clients with disabilities.

4747.1300 EDUCATION COMMITTEE; ORGANIZATION; MEMBERSHIP; DUTIES.

Subpart 1. **Organization; reporting.** The commissioner shall appoint an education committee of seven persons, including a chair, according to this part. The advisory council may make recommendations to the commissioner for the development of internal operating procedures for the appointment and removal of members.

Subp. 2. **Member qualifications.** The education committee is comprised of the following persons:

A. the advisory council member who holds the advisory council position of alcohol and drug counselor accredited training program director;

B. two providers of counselor training;

C. two licensed alcohol and drug counselors; and

D. two members of the cultural diversity committee.

Subp. 3. **Duties and responsibilities.** The education committee shall:

A. report to the advisory council each time the advisory council meets;

B. for each application referred to it, review denial of an application to sit for the written examination or the oral examination if the denial is based on educational issues and make recommendations as to the disposition of denials under item A;

C. make recommendations as to the approval of continuing education programs and the conducting of and the disposition of continuing education audits; and

D. review, as directed by the advisory council, policy issues as they relate to education and continuing education and make recommendations to the advisory council.

4747.1400 RULES OF PROFESSIONAL CONDUCT.

Subpart 1. **Scope.** The rules of professional conduct apply to the conduct of all licensees and applicants, including conduct during the periods of education, training, and employment required for licensure. A licensee must comply with this part notwithstanding any contrary policies of an employer or contractor.

Subp. 2. **Purpose.** The rules of professional conduct constitute the standard against which professional behavior of alcohol and drug counselors is measured.

Subp. 3. **Violations.** A violation of the rules of professional conduct constitutes unprofessional or unethical conduct and is a sufficient cause for disciplinary action or denial of licensure. Alcohol and drug counselors must not engage in any unprofessional conduct. Unprofessional conduct includes any conduct violating this chapter.

Subp. 4. **Integrity.** An alcohol and drug counselor:

A. must be truthful in dealing with clients, students, volunteers, colleagues, and the public;

B. must not perform, nor present himself or herself as able to perform, services beyond his or her field of competence. Licensed status is not a claim, promise, or guarantee of successful service and must not be used as such. Licensed status must not be used to imply competence in other human services occupations, as defined in part 4695.0600;

C. must not permit students, volunteers, or interns under supervision to perform, or represent themselves as able to perform, services beyond the students', volunteers', or interns' skill levels;

D. must not participate in any illegal activities involving drug or alcohol use, possession, sale, or distribution;

E. must make decisions regarding the continuation or the termination of professional services to a client based upon clinical need;

F. must not give or take any commission, rebate, or other form of compensation for the referral of clients for alcohol or drug counseling services or other professional services;

G. must not advertise in a way likely to deceive or defraud the public including, but not limited to, promises of a cure, misrepresentation of professional licensure status or other credential, or the disparagement of any treatment modalities;

H. must not use a client's or former client's name, image, or statements without the written consent of the client or former client;

I. must not knowingly solicit individuals who are receiving drug or alcohol counseling services from another licensed alcohol and drug counselor;

J. must not submit false or misleading information to the commissioner; and

K. must provide information in response to a written request by the commissioner within 30 days of the date of the request.

Subp. 5. Relations to clients.

A. An alcohol and drug counselor's primary professional responsibility is to the welfare of the client. Alcohol and drug counselors must respect the right of a client to make decisions regarding personal relationships with family members, friends, and community and must help the client understand the consequences of those decisions.

B. Alcohol and drug counselors must have no sexual contact with clients, as defined in *Minnesota Statutes*, section 148A.01, subdivision 7. Engaging in sexual contact with a client or former client as defined in *Minnesota Statutes*, section 148A.01; engaging in any contact that may be reasonably interpreted by a client as sexual; engaging in any verbal behavior that is seductive or sexually demeaning to the client; or engaging in sexual exploitation of a client or former client is prohibited. Conduct by an alcohol and drug counselor which may reasonably be interpreted by a client as sexual, and any verbal behavior which is seductive or sexually demeaning to the client, or any sexual exploitation of a client, is prohibited.

C. In the provision of services, alcohol and drug counselors must not discriminate on the basis of HIV status or any of the grounds listed in *Minnesota Statutes*, chapter 363. When unable to offer services, a counselor must make an appropriate referral.

D. Alcohol and drug counselors must recognize the influential position the counselor may have with respect to clients and must not exploit the trust and dependency of clients. A counselor must avoid dual relationships with clients that could impair the counselor's professional judgment or increase the risk of exploitation.

E. Alcohol and drug counselors must not use language of an abusive or obscene nature, including, but not limited to, name-calling, verbal put-downs, threats of harm, false accusations, or sexual jokes.

F. Alcohol and drug counselors must not engage in physical or any other abuse of clients, including, but not limited to, isolating clients from others without therapeutic basis, intimidation, possessiveness, or harassment of any kind.

G. Alcohol and drug counselors must accept no gifts of over \$10 in value from a client.

H. Alcohol and drug counselors must comply with all laws concerning the reporting of abuse of children under *Minnesota Statutes*, section 626.556, and vulnerable adults under *Minnesota Statutes*, section 626.557.

I. Alcohol and drug counselors must maintain all client information as private during the professional relationship and after the relationship has terminated.

Subp. 6. Relations to students and interns. Alcohol and drug counselors must not use or exploit their professional relationships with students, interns, volunteers, trainees, employees, independent contractors, colleagues, research subjects, or actual or potential witnesses or complainants in disciplinary proceedings in any manner through sexual or other harassment, or therapeutic deception for the counselor's emotional, financial, personal, political, religious, or sexual advantage or benefit. Alcohol and drug counselors must not engage in sexual contact, as defined in *Minnesota Statutes*, section 148A.01, with students, interns, or volunteers whom the counselor is directly supervising.

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Subp. 7. Client privacy and confidentiality. Applicants and licensees not subject to item A are governed by items B, C, and D.

A. Confidentiality and disclosure of client records must be governed by all applicable laws, including, but not limited to Minnesota Statutes, chapters 13 and 148C, and Code of Federal Regulations, title 42, parts 2.1 to 2.67.

B. Code of Federal Regulations, title 42, parts 2.1 to 2.67, is incorporated by reference and applies to licensees who do not maintain client records in connection with the performance of any federally assisted alcohol and drug abuse program.

C. An alcohol and drug counselor must inform a client that self-disclosure in group therapy may result in a loss of confidentiality and client privacy.

D. Licensees governed by item B must, in addition to providing the notice required by Code of Federal Regulations, title 42, part 2.22, make disclosure of items mandated to be reported under Minnesota Statutes, section 626.557, to authorized report receivers without client consent.

Subp. 8. Client welfare.

A. Clients have the right and the counselor has an obligation to provide, on request, a clear explanation of the nature and purposes of the counseling procedures to be used and the results of any tests administered to the client.

B. A client whose treatment involves the use of a newly developed service, technique, or specialty must be informed of its innovative nature and of known risks associated with it.

C. Alcohol and drug counselors must conduct research activities with full respect for the rights and dignity of clients and with full concern for their welfare. Client participation in research is voluntary and is subject to the provisions of Code of Federal Regulations, title 45, parts 46.101-409.

D. A professional relationship between a licensee and a client terminates when the licensee or the client formally notifies the other verbally or in writing, or two years after the last contact in an alcohol and drug counseling capacity between the licensee and the client.

Subp. 9. Competency in practice with ethnic minority, disabled, and identified population group clients.

A. A licensee meets the standards in part 4747.1100, subpart 2, when practicing alcohol and drug counseling with a client who is a member of an ethnic minority group or a client with a disability by acting according to this subpart. If a licensee is inexperienced as compared to other licensees or the professional community's standard of care in practicing alcohol and drug counseling with ethnic minority or disabled clients, the licensee:

(1) engages in ongoing consultation with a licensee who meets the professional community's standard of care with respect to such clients;

(2) practices under the supervision of a licensee who meets the professional community's standard of care with respect to such clients; or

(3) refers the client to a licensee who meets the professional community's standard of care with respect to such clients.

B. An alcohol and drug counselor fluently speaks the primary or preferred language of the client, works with a certified or qualified interpreter according to Minnesota Statutes, section 546.44, and uses the services of a certified or qualified interpreter or refers the client to a licensee who either is fluent in the client's primary or preferred language or works with qualified interpreters.

C. Licensees who practice alcohol and drug counseling with deaf, deaf-blind, hard-of-hearing, or late-deafened clients:

(1) are proficient in American Sign Language at the advanced-plus level or higher if the client's primary or preferred language is American Sign Language; or

(2) are trained in working with and work with an American Sign Language interpreter who qualifies as both a certified interpreter and a certified transliterator by the Registry of Interpreters for the Deaf or certified at level three or higher by the National Association of the Deaf; or

(3) refer the client to a licensee who is either proficient in American Sign Language at the advanced-plus or higher level or who is trained to work with a certified American Sign Language interpreter or transliterator. Licensees who practice with such clients must submit a statement signed by a supervisor that the licensee has demonstrated a minimum proficiency in practicing with such clients.

D. Licensees inexperienced compared to the professional community's standard of care in practicing alcohol and drug counseling with members of identified population groups:

(1) engage in ongoing consultation with a licensee who meets the professional community's standard of care with respect to such clients;

(2) practice under the supervision of a licensee who meets the professional community's standard of care with respect to such clients; or

(3) refer the client to a licensee who meets the professional community's standard of care with respect to such clients.

Subp. 10. Impaired objectivity or effectiveness.

A. An alcohol and drug counselor must make an appropriate referral for a client or potential client if the counselor's objectivity or effectiveness is impaired.

B. An alcohol and drug counselor's objectivity or effectiveness is impaired if the counselor:

(1) has a dual relationship with a client;

(2) is dysfunctional as a result of a severe physical or mental health problem, including the abuse of drugs or alcohol;

(3) exploits or has exploited the professional relationship for the counselor's emotional, financial, sexual, or personal advantage or benefit; or

(4) holds convictions that interfere with the professional relationship.

C. An alcohol and drug counselor must not practice while under the influence of alcohol or other controlled substances not prescribed by a physician. An alcohol and drug counselor must not use or possess controlled substances as defined by *Minnesota Statutes*, chapter 152, unless prescribed by, and used in accordance with the direction of, a practitioner, as defined by *Minnesota Statutes*, section 151.01, subdivision 23.

Subp. 11. Public statements. Public statements made by an alcohol and drug counselor must not directly or by implication contain any false or misleading representations about professional qualifications such as education, experience, the license, affiliations, purposes, or characteristics of institutions and organizations with which the counselor is associated, or any other aspect of the professional services provided by the counselor.

Subp. 12. Fees and statements.

A. An alcohol and drug counselor must disclose the cost of services provided and must clearly explain financial matters to clients. Arrangements for fees and payments must be made at the beginning of the counseling relationship. Bartering for services is prohibited.

B. If alcohol and drug counseling services are requested or paid for by one person or agency on behalf of a client, the counselor must inform both parties that any information gained by the counselor in the course of rendering services to the client may not be disclosed to any third party, including the person or agency paying for the services without the informed, written consent of the client.

C. An alcohol and drug counselor must not aid or abet an unlicensed individual engaged in the practice of alcohol and drug counseling. An alcohol and drug counselor who supervises an individual engaged in supervised alcohol and drug counselor experience, an alcohol and drug counselor practicum, or an alcohol and drug counselor internship is not in violation of this part.

Subp. 13. Violation of law. An alcohol and drug counselor must not violate any law in which the facts giving rise to the violation involve the provision of alcohol and drug counseling services. In determining whether a violation involves the provision of alcohol and drug counseling services, the commissioner must consider:

A. the nature of the violation the alcohol and drug counselor is alleged to have committed;

B. the relationship of the alleged violation to the purposes of regulating the practice of alcohol and drug counseling; and

C. the relationship of the violation to the ability, capacity, or integrity of the alcohol and drug counselor in rendering alcohol and drug counseling services. In any proceeding alleging a violation of this chapter, the proof of a conviction of a crime shall constitute proof of the factual elements necessarily underlying that conviction.

4747.1500 CLIENT BILL OF RIGHTS.

Subpart 1. Scope. The client bill of rights must be in writing, must include the information in items A to C, and must be provided to a client once upon intake prior to a client receiving alcohol and drug counseling services from a licensee. In addition, a client must receive the information in item A from each counselor worked with at the time the counselor begins working with the client. A copy of the client bill of rights must also be posted in a prominent location in the office of the counselor. Reasonable accommodations must be made for those clients who cannot read or who have communication impairments and those who do not read or speak English.

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

Proposed

A. Personal information about the counselor, including:

- (1) the name, title, business address, license number, and telephone number; and
- (2) the name, business address, and telephone number of the counselor's supervisor, if any.

B. A list of specific rights a client has while in treatment, including the following statements:

(1) the counselor's fees per unit of service, the counselor's method of billing, the names of any insurance companies that have agreed to reimburse the counselor, or health maintenance organizations with whom the counselor contracts to provide service, whether the counselor accepts Medicare or reimbursement from the consolidated chemical dependency treatment fund, and whether the counselor is willing to accept partial payment, or to waive payment, and in what circumstances;

(2) a brief summary, in plain language, of the theoretical approach used by the counselor in treating clients; and

(3) a statement that other health and social services are available in the community, including where information concerning services is available.

C. The following statements:

(1) "You may obtain a copy of the rules of professional conduct from the Public Documents Division, Minnesota Department of Administration." It should include the current address and telephone number;

(2) "You have the right to report complaints to the commissioner, Minnesota Department of Health." It should include the current address and telephone number;

(3) "You have a right to reasonable notice of changes in counseling services or charges.";

(4) "You have a right to complete and current information concerning the counselor's assessment and recommended course of treatment, including the expected duration of treatment.";

(5) "You may expect courteous treatment and to be free from verbal, physical, or sexual abuse by the counselor.";

(6) "Your records and transactions with the counselor are confidential unless release of these records is authorized in writing by you, or otherwise provided by law.";

(7) "You have a right to be allowed access to records and written information from records according to Minnesota Statutes, section 144.335.";

(8) "You have a right to choose freely from among available counselors, and to change counselors after services have begun, within the limits of health insurance, medical assistance, or other payment programs or agreements.";

(9) "You have a right to coordinated transfer when there will be a change in the provider of services.";

(10) "You may refuse services or treatment, unless otherwise provided by law."; and

(11) "You may assert your rights without retaliation.".

Subp. 2. Acknowledgment by client. Prior to intake, the counselor must obtain a written statement signed by the client attesting that the client has received the client bill of rights. If the client refuses to sign the statement, the counselor must document that fact.

4747.1600 FEES.

Subpart 1. Application fee. The application fee is \$250.

Subp. 2. Biennial renewal fee. The license renewal fee is \$250. If the commissioner changes the renewal schedule and the expiration date is less than two years, the fee must be prorated.

Subp. 3. Examination fee. The examination fee is established by the examination administrator.

Subp. 4. Inactive renewal fee. The inactive renewal fee is \$100.

Subp. 5. Late fee. The late fee is 25 percent of the biennial renewal fee.

Subp. 6. Fee for certification to other jurisdictions. The fee for certification to other jurisdictions is \$25.

Subp. 7. Fee for verification to institutions. The fee for verification to institutions is \$25.

Subp. 8. Surcharge fee. The surcharge fee is \$45.

Subp. 9. Nonrefundable fees. All fees are nonrefundable.

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.

Department of Health

Department of Trade and Economic Development

Adopted Permanent Rules Relating to the Drinking Water Revolving Fund

The rules proposed and published at *State Register*, Volume 21, Number 51, pages 1804-1819, June 16, 1997 (21 SR 1804), are adopted with the following modifications:

4720.9000 PURPOSE.

The drinking water revolving fund provides financial assistance to eligible public drinking water suppliers for the planning, design, and construction of facilities to ensure safe and adequate drinking water. The program is jointly administered by the Minnesota Department of Health and the Minnesota Public Facilities Authority. The Minnesota Department of Health establishes priorities for the use of the drinking water revolving fund. All projects must be approved by the Minnesota Department of Health before they may be considered for funding by the Minnesota Public Facilities Authority. Parts 4720.9000 to ~~4720.9085~~ 4720.9080 provide, for the Minnesota Department of Health, administration of its responsibilities under *Minnesota Statutes*, section 446A.081. Rules governing the Minnesota Public Facilities Authority's administration of its responsibilities under *Minnesota Statutes*, section 446A.081, are contained in chapter 7380.

The United States Environmental Protection Agency provides capitalization grants for this program to the state of Minnesota. Financial assistance projects must be in conformance with the requirements of the Public Health Service Act, *United States Code*, title 42, sections 300f et seq., Public Law Number 104-182, title XIV, section 1452, Part E.

4720.9005 DEFINITIONS.

Subpart 1. **Scope.** The terms defined in this part, in *Minnesota Statutes*, section 446A.081, and in the Public Health Service Act, apply to parts 4720.9000 to ~~4720.9085~~ 4720.9080.

4720.9015 PROJECT PRIORITY LIST.

Subp. 7. **Priority points.** A project must be assigned project priority points before being listed on the project priority list. The commissioner must review and approve the information submitted under subpart 4, 5, or 6 before assigning project priority points. Approval must be based on the determination that the information addresses the requirements under subpart 4, 5, or 6 and an evaluation that the selected alternative will provide a solution to the problems presented. A project's priority points must be the total number of priority points assigned under parts 4720.9020 to 4720.9040. The project priority points may be recalculated when new information becomes available until the project is placed on the intended use plan as provided in part 7380.0255, as proposed at ~~SR~~ 21 SR 1804.

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

4720.9050 DEPARTMENT APPROVAL OF PROJECTS.

The commissioner must approve the project upon review of the documents submitted and a determination that the project meets the applicable requirements of the act, federal regulations, *Minnesota Statutes*, and parts 4720.9000 to 4720.9080.

If there is significant alteration to the project after the commissioner approves the project, the eligible applicant must request in writing an amended approval. The commissioner must review the request and project alteration and, upon a determination that the project meets the applicable requirements of the act, federal regulations, *Minnesota Statutes*, and parts 4720.9000 to ~~4720.9085~~ 4720.9080, the commissioner must approve the project.

4720.9055 EMERGENCY LOAN PROGRAM.

Subp. 3. **Approval.** Upon review of the information required by subpart 2 and a determination that the project meets the applicable requirements of the act, federal regulations, *Minnesota Statutes*, and parts 4720.9000 to ~~4720.9085~~ 4720.9010 and 4720.9055 to 4720.9080, the commissioner must approve the project. Approval must be based on the determination that the information demonstrates the need for emergency funding and that the proposed remediation will provide a solution to the problems presented.

4720.9065 CONSTRUCTION PHASE AND POSTCONSTRUCTION PHASE REQUIREMENTS.

Subpart 1. **Project completion and final inspection.** The financial assistance recipient must notify the commissioner of the estimated date on which the operation of the project's major components is initiated or is capable of being initiated. A final inspection of the project must be performed if the commissioner determines it is necessary to verify that construction conforms with approved plans and specifications and any change orders.

The commissioner must consider the following criteria when determining the necessity of conducting a final inspection: previous site visits or other field reports; the nature and scope of the project; the experience, training, and capability of the facility operators; and other information received about the conduct of the project.

4720.9075 SANCTIONS.

If a project fails to conform ~~substantially~~ to approved plans and specifications, or a financial assistance recipient fails to comply with the requirements of parts 4720.9000 to ~~4720.9085~~ 4720.9080, the commissioner must request the authority to withhold or terminate either total or partial disbursements to the financial assistance recipient. Once an agreement for correcting the condition which led to the withholding of funds is reached between the commissioner and the financial assistance recipient, the commissioner must recommend to the authority that the retained funds be released according to the provisions of the agreement.

7380.0245 PURPOSE.

The drinking water revolving fund provides loans and other forms of financial assistance to eligible public drinking water suppliers for the planning, design, and construction of facilities to ensure safe and adequate drinking water. Under the provisions of the federal Safe Drinking Water Act and *Minnesota Statutes*, section 446A.081, the Minnesota Public Facilities Authority receives capitalization grants from the United States Environmental Protection Agency and manages the fund, including making loans to eligible borrowers and receiving loan repayments. The authority also raises funds for loans through the sale of revenue bonds. Parts 7380.0245 to 7380.0297 provide for the authority's administration of its responsibilities under *Minnesota Statutes*, section 446A.081. The Minnesota Department of Health also has administrative responsibilities under *Minnesota Statutes*, section 446A.081, including determining project priorities and approving projects prior to the award of financial assistance by the authority. Parts 4720.9000 to ~~4720.9085~~ 4720.9080, as proposed at ~~SR 21 SR 1804~~, provide for the administration of the Minnesota Department of Health's responsibilities.

7380.0250 DEFINITIONS.

Subp. 3. **Applicant.** "Applicant" means any county, city, town, township, regional entity, or other governmental entity, or such other entity as provided in part 4720.9010, as proposed at ~~SR 21 SR 1804~~, which is responsible for providing public drinking water, and which intends to apply or has applied to the authority for financial assistance from the fund. If an entity responsible for providing public drinking water is not empowered to issue a general obligation bond to the authority and another governmental entity agrees to issue a general obligation note on behalf of the drinking water supplier, applicant refers to both entities. All data used in these circumstances to determine the interest rate of a loan under part 7380.0270 shall be based on the entity responsible for providing public drinking water.

Subp. 7. **Borrower.** "Borrower" means any county, home rule charter or statutory city, town, township, regional entity, or other governmental entity, or other entity as provided in part 4720.9010, as proposed at ~~SR 21 SR 1804~~, which is responsible for providing public drinking water, and which will enter into or has entered into a loan agreement with the authority. If an entity responsible for providing public drinking water is not empowered to issue a general obligation bond to the authority and another governmental entity agrees to issue a general obligation note on behalf of the drinking water supplier, borrower refers to both entities. All data used in these circumstances to determine the interest rate of a loan under part 7380.0270 shall be based on the entity responsible for providing public drinking water.

Subp. 12. **Eligible costs.** “Eligible costs” means the project costs that may be financed by the authority, pursuant to the act and parts 7380.0245 to 7380.0297, provided that the project costs are reasonable and necessary, ~~as determined by the authority~~, and, subject to applicable law, provisions of the capitalization grant, and the authority’s basic bond resolution and series bond resolution, may include the following:

Subp. 13. **Emergency project.** “Emergency project” means a project so designated by the commissioner of the department as provided in part 4720.9055, as proposed at ~~SR~~ 21 SR 1804.

7380.0255 INTENDED USE PLAN.

Subp. 2. **Eligibility.** To be eligible for placement on the intended use plan:

A. the project must be listed on the project priority list maintained by the department as provided in part 4720.9015, as proposed at ~~SR~~ 21 SR 1804; and

Subp. 3. **Priority order.** Projects shall be listed on the intended use plan in order of their priority on the project priority list maintained by the department as provided in part 4720.9015, as proposed at ~~SR~~ 21 SR 1804. If the total requested loan amount from applicants meeting the eligibility requirements in subpart 2 exceeds the amount expected to be available for loans, all eligible projects shall be listed on the intended use plan and the intended use plan shall identify the projects that are expected to be funded, beginning with the highest priority projects.

7380.0260 APPLICATIONS.

Subpart 1. **Timing.** Applicants whose projects are identified to receive funding on the intended use plan described in part 7380.0255 must submit the items specified in items A and B within six months after the date the authority adopts the intended use plan or an amendment to the intended use plan. If the applicant fails to submit these items by the required date, the applicant’s project will be subject to the bypass procedure as provided in part 7380.0255, subpart 4. The applicant must:

B. for construction projects, submit plans and specifications to the department as provided in part 4720.9045, as proposed at ~~SR~~ 21 SR 1804.

Subp. 4. **Complete applications.** An application is considered complete when the ~~executive director of the authority determines that the~~ applicant has provided the required forms, and ~~that~~ the data, exhibits, and documentation which have been submitted are sufficient for the authority to make an informed determination that:

Subp. 7. **Rejection of an application.** The authority shall reject an application for financial assistance for one or more of the following reasons:

A. failure of the project to receive certification by the department under part 4720.9060, as proposed at ~~SR~~ 21 SR 1804;

7380.0280 SUPPLEMENTAL ASSISTANCE FOR DISADVANTAGED COMMUNITIES.

Subp. 2. **Disadvantaged community criteria.** A borrower is eligible for supplemental assistance as described in subpart 1 if:

A. the borrower’s project receives public health priority points on the department’s project priority list under part 4720.9020, as proposed at ~~SR~~ 21 SR 1804;

7380.0295 RELEASE OF FUNDS.

Subp. 2. **Adverse change.** The authority shall not release funds to a borrower for an approved project ~~until the authority has determined that~~ if there has been ~~no~~ a material negative change in the financial condition of the borrower, as reasonably determined by the authority, since the day of the completion of the application. The authority reserves the right to suspend or terminate funding to a borrower if the authority determines that there has been such a change.

Subp. 3. **Withholding, disallowance, or termination of disbursements.**

A. The authority shall withhold or disallow either total or partial disbursements if:

(1) the commissioner of the department requests disbursements be withheld or disallowed as provided in part 4720.9075, as proposed at ~~SR~~ 21 SR 1804; or

B. If the authority withholds or disallows disbursements under item A, the executive director shall give a borrower written notice of the reasons and the time in which the borrower must demonstrate ~~to the authority’s satisfaction~~ that the condition has or

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Withdrawn

will be corrected. If the condition has not been corrected in the specified time period, withheld disbursements may be terminated. Termination of disbursements means that the amount of the loan available to the borrower is reduced by the amount so terminated.

7380.0296 PENALTY FOR NONCOMPLIANCE WITH LOAN CONDITIONS.

If ~~the authority determines that~~ a borrower has failed to fully comply with the loan conditions provided in parts 7380.0245 to 7380.0297, the executive director shall notify the borrower in writing of the authority's determination. The borrower has three months from the date of notification to return to compliance or provide a written plan, acceptable to the authority, for returning to compliance. Upon submission of a plan by the borrower, the authority shall either accept or reject the plan. If an accepted plan has a longer time period for returning to compliance, the time period for compliance shall be the period specified in the accepted plan. If after three months the borrower fails to return to compliance or provide an acceptable plan, or fails to return to compliance within the time period specified in an accepted plan, the interest rate on the unpaid loan principal shall increase from and after the date of required compliance to the quarterly set rate in effect when the borrower's loan application was received, with no further discounts as provided in part 7380.0270. If the borrower subsequently returns to compliance, the borrower may request the authority to reinstate the original interest rate. If the authority determines, upon written request of the borrower, that the borrower has returned to compliance, the interest rate on the unpaid loan principal shall revert back to the original interest rate as of the date of the determination by the authority.

7380.0297 REPORTS, DISCLOSURE, AND AUDITS.

Subp. 2. **Disclosure.** During the term of the loan, the borrower is required on its own volition to disclose to the authority any material information or events impacting the creditworthiness of the borrower, including, but not limited to, those requirements contained in *Code of Federal Regulations*, title 17, section 240.15c2-12 adopted by the United States Securities and Exchange Commission. If and when required by the rule, ~~as determined by the authority~~, the borrower shall enter into a continuing disclosure document in a form provided by the authority.

Withdrawn

Pollution Control Agency

Notice of Withdrawal of Rule Amendments Governing Low-Level Radioactive Waste Generator Fees, *Minnesota Rules 7042.0010-7042.0060*

NOTICE IS HEREBY GIVEN that the amendments to *Minnesota Rules*, parts 7042.0010 to 7042.0060, as proposed and published at *State Register*, Volume 21, Number 39, pages 1356-1360, March 24, 1997, are withdrawn. For questions concerning the withdrawal of these rule amendments please contact:

Joseph L. Esker
Low-Level Waste Program Director
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, Minnesota 55155-4194
612/296-7275
FAX 612/297-8324

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking 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 mat-

Department of Administration

Real Estate Management

Notice of Corrective Deed: Quit-Claim Deed in Redwood County

In accordance with *Minnesota Statutes* 84.0273, the State of Minnesota, by and through its Departments of Administration and Natural Resources, intends to issue a quit-claim deed for the purpose of correcting an error in the state deed issued in Land Exchange No. 455 on property located in Section 8, Township 112, Range 34 of Redwood County. The correction is necessary as the result of a transcription error in the survey of the property. The corrective deed will reflect actual field measurements and therefore properly convey the originally intended parcel. No additional acreage is conveyed as a result of this corrective deed. For further information, contact Wayne Waslaski at (612) 296-2278.

Department of Commerce

Policy Analysis Division

Notice to Insurance Companies Writing Credit Involuntary Unemployment Insurance

Pursuant to *Minnesota Rule* 2761.0800, **STANDARD PREMIUM RATE CHANGES; UNEMPLOYMENT RATE VARIABLE**, premium rates for credit involuntary unemployment insurance must be adjusted downward if the state unemployment rate, as found in Table C-2, falls below 3.5% for three consecutive months. Table C-2 is published by the *United States Department of Labor, Bureau of Labor Statistics* and found in the *Employment and Earnings "Labor Force Status by State Seasonally Adjusted"* report.

Pursuant to *Minnesota Rule* 2761.0900 notice is hereby given by the Commissioner of Commerce that the new factor to be applied to Prima Facie Rates for credit involuntary unemployment insurance is changed from 1.00 to 0.85, effective November 1, 1997. Questions regarding this notice should be directed to the attention of Brian Pennington, Senior Analyst, Minnesota Department of Commerce, at (612) 296-8218 or by E-Mail at: brian.pennington@state.mn.us.

Department of Health

Division of Environmental Health

Request for Comments on Planned Amendment to Rules Governing Public Water Supplies, *Minnesota Rules*, Chapter 4720

Subject of Rules. The Minnesota Department of Health requests comments on its planned amendment to rules governing Public Water Supplies. The Department is considering rule amendments that adopt the federal regulations found at 40 CFR Part 141 from the date of the last adopted revision, July 17, 1992, through July 1997. During this time period the Environmental Protection Agency adopted three CFR changes: 1) Technical Corrections to the Lead and Copper Rule; 2) Technical Corrections to the Phase II and Phase V Rule; and 3) Changes to Analytical Methods. The Department is also considering revising chapter 4720 in order to bring it into conformance with 1995 amendments to *Minnesota Rules*, chapter 7080 (Minnesota Pollution Control Agency's Individual Sewage Treatment System Program).

Persons Affected. The amendment to the rules would likely affect public water suppliers.

Statutory Authority. The statutory authority to adopt these planned rules is *Minnesota Statutes*, section 144.383, paragraph (e).

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules.

Rules Drafts. The Department has prepared a draft of the planned rule amendments.

Official Notices

Agency Contact Person. Written comments, questions, and requests to receive a draft of the rules, and requests for more information on these planned rules should be addressed to:

Dennis Maki
Division of Environmental Health, Department of Health
121 East Seventh Place, Suite 220
P.O. Box 64975
St. Paul, Minnesota 55164-0975
Phone: (612) 215-0756
Fax: (612) 215-0979
TTY: (612) 215-0707
E-mail: dennis.maki@health.state.mn.us

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Note: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started.

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

CORRECTION:

The Addition to Dassel/Cokato High & Middle School, Cokato project formerly certified on 070797 for Meeker County—correctly certified for Wright County.

Effective September 8, 1997 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Anoka: Carlos Avery Game Farm HVAC-Forest Lake; Vidoe Assessment Project - Lino Lakes MCF-Lino Lakes.

Becker: Frazee-Vergas High School Addition-Frazee.

Hennepin: Fire/Rescue Station - Fire Protection System - MAC-Minneapolis.

Koochiching: Cold Storage Maintenance Garage - County Highway Department-International Falls.

Mille Lacs: Mille Lacs Community Center-Onamia.

Nicollet: Ventilation for Welding Shop - South Central Tech College-North Mankato.

Nobles: Adrian Water Project-Adrian.

Norman: Ada-Borup High School Demolition-Ada.

Ramsey: Four Seasons Arts Plus Elementary School-St. Paul.

Wright: 1999 New Monticello High School-Monticello.

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 is \$1.36 per project. Make check or money order payable to the State of Minnesota.

Gary W. Bastian
Commissioner

Metropolitan Airports Commission

Notice of Adoption of Ordinance No. 83

PLEASE TAKE NOTICE that on the 25th day of August, 1997, at a regularly scheduled meeting, the Metropolitan Airports Commission adopted Ordinance No. 83.

Ordinance No. 83:

An ordinance to promote and conserve the public safety, health, peace, convenience and welfare; to provide for the amendment of ground rental rates, as provided by *Minnesota Statutes* § 473.651; for property located at the Minneapolis-St. Paul International Airport, all of which is property owned by or under the supervision and control of the Metropolitan Airports Commission; prescribing the penalty for violation thereof, and repealing Ordinance No. 75.

Copies of Ordinance No. 83 as adopted will be on file with the Secretary of State and may be obtained from the Metropolitan Airports Commission offices.

Jeffrey W. Hamiel
Executive Director
Metropolitan Airports Commission
6040 - 28th Avenue South
Minneapolis, MN 55450

Department of Natural Resources

Bureau of Real Estate Management

Notice of Proposed Conveyance for the Purpose of Resolving Boundary Line Issues Affecting the Ownership Interests of the State and Adjacent Landowners

NOTICE IS HEREBY GIVEN that the Minnesota Department of Natural Resources intends to correct a boundary discrepancy which affects land presently owned by the State and land owned by David Mensick and Tracie Mensick; and David E. Schmidt and Jeanette Schmidt (*Minnesota Statutes* 84.0273, as amended 1997). The State originally acquired its property by County Board Resolution recorded in the Office of the Fillmore County Recorder May 5, 1964 as Document No. 178932 and Warranty Deed recorded in the Office of the Fillmore County Recorder November 23, 1973 as Document No. 202821. The State will exchange quit claim deeds with the adjacent owner in order to resolve the boundary discrepancy. The deed from the State to David Mensick and Tracie Mensick will contain the following legal description:

That part of the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4) of Section 25, Township 102 North, Range 12 West, Fillmore County, Minnesota, described as follows:

Beginning at the Northeast Corner of said NE1/4 NW1/4; thence South 00 degrees 06 minutes 09 seconds West (assumed bearing), along the East line of said NE1/4 NW1/4, 1314.86 feet to the Southeast Corner of said NE1/4 NW1/4; thence South 89 degrees 09 minutes 53 seconds West along the South line of said NE1/4 NW1/4, 63.60 feet; thence North 05 degrees 48 minutes 25 seconds West, 83.16 feet; thence North 00 degrees 08 minutes 52 seconds East, 427.64 feet; thence North 04 degrees 14 minutes 45 seconds East, 507.28 feet; thence North 02 degrees 46 minutes 12 seconds East, 299.45 feet to the North line of said NE1/4 NW1/4; thence North 88 degrees 51 minutes 35 seconds East along said North line, 21.23 feet to the point of beginning.

And the deed to David E. Schmidt and Jeanette Schmidt will contain the following legal description:

That part of the Southeast Quarter of the Northwest Quarter (SE1/4 NW1/4) and that part of the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4), all in Section 25, Township 102 North, Range 12 West, Fillmore County, Minnesota, described as follows:

Beginning at the Northeast Corner of said SE1/4 NW1/4; thence South 00 degrees 06 minutes 09 seconds West (assumed bearing) along the East line of said SE1/4 NW1/4, 1314.86 feet to the Northeast Corner of said NE1/4 SW1/4; thence continuing South 00 degrees 06 minutes 09 seconds West along the East line of said NE1/4 SW1/4, 1306.56 feet to the Southeast Corner of said NE1/4 SW1/4; thence South 89 degrees 26 minutes 26 seconds West along the South line of said NE1/4 SW1/4, 13.50 feet; thence North 00 degrees 54 minutes 48 seconds West, 1441.34 feet; thence North 02 degrees 12 minutes 23 seconds West, 298.58 feet; thence North 01

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degrees 21 minutes 29 seconds West, 483.51 feet; thence North 00 degrees 04 minutes 31 seconds East, 397.73 feet to the North line of said SE1/4 NW1/4; thence North 89 degrees 09 minutes 53 seconds East along said North line, 63.60 feet to the point of beginning.

For further information, contact Gerald P. Johnson at the Department of Natural Resource, Region 5 Real Estate Office, 2300 Silver Creek Rd NE, Rochester, Minnesota 55906, phone (507) 280-2962.

Pollution Control Agency

Hazardous Waste Division

Request for Comments on Planned Amendment to Rules Governing Very Small Quantity Generators of Hazardous Waste, *Minnesota Rules Ch. 7001 and 7045*

Subject of Rules. The Minnesota Pollution Control Agency (MPCA) requests comments on its planned amendment to the rules governing very small quantity generators (VSQGs) of hazardous waste. The MPCA is considering amendments to the hazardous waste rules that govern persons who generate less than 220 pounds of hazardous waste per month and also persons who only generate specific types of wastes such as used oil and oil contaminated sorbents, spent lead-acid batteries, photographic waste, and fluorescent lamps. The MPCA is also seeking input regarding how the rules could be amended to allow household hazardous waste collection facilities to pursue the option of accepting waste from commercial very small quantity generator sources.

Persons Affected. The planned amendments to the rules would likely affect all VSQGs and may also affect the operators of facilities that receive waste from VSQGs or that accept household hazardous waste or facilities that accept used oil and contaminated sorbents, fluorescent lamps, silver photographic waste and spent lead-acid batteries for treatment, storage or disposal.

Statutory Authority. *Minnesota Statutes*, section 116.07, subd. 4 authorizes the MPCA to adopt and amend rules governing the management of hazardous waste.

Public Comment. Interested persons or groups may submit comments or information on this planned rule in writing or orally until 4:30 p.m. on September 30, 1997. The MPCA has prepared a preliminary draft of the proposed amendments. Written or oral comments, questions or requests to receive a draft of the rule amendments, and requests for more information on the planned rule amendments should be addressed to:

Carol Nankivel
Hazardous Waste Division
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, Minnesota 55115-4194
612/ 297-8371

Advisory Committee. The MPCA is considering developing an advisory committee to review the proposed rules and assist in the resolution of issues. If you are interested in serving on the advisory committee please contact Carol Nankivel at the number listed above.

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

Peder A. Larson
Commissioner

Minnesota Property Insurance Placement Facility

Notice of Meeting of the Board of Directors

NOTICE IS HEREBY GIVEN that a meeting of the Board of Directors of the Minnesota Property Insurance Placement Facility will be held at 9:00 a.m. on Wednesday, September 10, 1997, at Minnesota Property Insurance Placement Facility located at 1201 Marquette Avenue, Suite 310; Minneapolis, Minnesota 55403. For additional information please call 338-7584.

Public Employees Retirement Association

Notice of Meeting of the Board of Trustees

A meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) will be held on Thursday, September 11, 1997, at 9:30 a.m. in the offices of the association, 514 Saint Peter Street, Suite 200, Saint Paul, Minnesota.

Office of the Secretary of State

Request for Comments on Planned Rules Governing The Minnesota Electronic Authentication Act, *Minnesota Statutes*, chapter 325K.01 *et. seq.* (1997 Laws chapter 178)

Subject of Rules. The Minnesota Secretary of State requests comments on its planned rules governing licensing and operation of certification authorities, operation of repositories and the other issues related to the implementation of The Minnesota Electronic Authentication Act, *Minnesota Statutes* section 325K.01 *et. seq.* The secretary is considering rules that will determine:

- the requirements a certification authority must meet in order to receive a license including the level of suitable guaranty that must be provided to protect users of the certification authority's services and how the certification authority must operate to ensure the integrity of the data which is transferred using the certification authority's asymmetric cryptosystem software;
- how certification authority licenses will be classified;
- the qualifications of the auditors who will evaluate the performance of certification authorities; and
- the operation and recognition of repositories to hold information about certificates issued by a certification authority and public notices issues by the secretary.

Certification authorities, recognized repositories and asymmetric cryptosystem software are all part of a system known as the public key infrastructure (PKI). PKI is the use of asymmetric cryptosystem software to encrypt an electronic message before it is sent and decrypt the message after it is received in order to demonstrate to the recipient that the message came from a specific person and was not altered during transmission. The technology and the legal rules surrounding it are necessary to provide the assurances needed by parties to accept electronic transmissions as legally binding.

Persons Affected. The rules would affect any organization wishing to become a licensed certification authority, any organization wishing to operate a recognized repository, any auditor who will evaluate certification authorities and any individual, business or government entity who will use a digital signature to create a legally binding transaction with another party using an electronic message.

Statutory Authority. *Minnesota Statutes*, section 325K.26, authorizes the secretary of state to adopt rules for the implementation of The Minnesota Electronic Authentication Act. There are also specific sections within chapter 325K which authorize the secretary to adopt rules in specific areas relating to the Electronic Authentication Act. Those sections are:

325K.01, subd.6	contents of certification authority disclosure record
325K.01, subd. 35	amount of suitable guaranty by certification authority
325K..03, subd. 3	licensing of certification authorities and related topics
325K.04	set fees
325K.05, subd. 1	amount of working capital for certification authority
325K.05, subd. 3	classification of licenses for certification authority
325K.05, subd. 5	recognition of licensing by other government entities
325K.06, subd. 1	qualifications of auditors
325K.18, subd. 3	claim requirements when acting against guaranty
325K.25, subd. 1	information required about repositories

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing or orally until further notice is published in the *State Register* that the secretary intends to adopt or to withdraw the rules. The secretary will appoint an advisory committee to comment on the planned rules. The advisory committee will be made up of persons who represent groups that have indicated their interest in The Minnesota Electronic Authentication Act during its consideration by the legislature and since its passage. Advisory committee members from the following groups will be asked to participate: bankers, health care industry, large and small businesses, the Minnesota State Bar Association, the higher education community, state and local government, libraries and the K-12 education community, insurance companies, vendors who provide the software to do the asym-

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metric cryptography and the authors of the legislation. Additional individuals and groups who have expressed interest will be notified of all meetings of the advisory committee and permitted to participate. The advisory committee will meet three or four times between September 16, 1997 and January 20, 1998.

Rules Drafts. The secretary has not yet prepared a draft of the planned rules.

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these planned rules should be addressed to: Katie Engler, 180 State Office Building, 100 Constitution Avenue, St. Paul, MN, 55155-1299. Her telephone number is (612) 297-5163 and her e-mail address is: kengler@sos.state.mn.us. TTY users may call the Minnesota Relay Service at (612) 297-5353 and ask to speak to Ms. Engler at 297-5163.

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Note: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: 22 August 1997

Joan Anderson Growe
Secretary of State

Department of Trade and Economic Development

Minnesota Agricultural and Economic Development Board

Notice of Public Hearing on Proposed Project and the Issuance of Bonds Under *Minnesota Statutes* 1986, Chapter 116M and *Minnesota Statutes*, Chapter 41A on Behalf of The Evangelical Lutheran Good Samaritan Society

NOTICE IS HEREBY GIVEN that the Minnesota Agricultural and Economic Development Board (the "Board") or its designated representative, shall meet on *September 30, 1997, at 9:00 a.m. o'clock*, at 500 Metro Square, 121 7th Place East, Saint Paul, Minnesota, for the purpose of conducting a public hearing on a proposed issue of one or more series of bonds (the "Bonds") and the provision of other financial assistance under *Minnesota Statutes* 1986, Chapter 116M, and *Minnesota Statutes*, Chapter 41A, as amended (the "Act"), to undertake and finance a project on behalf of The Evangelical Lutheran Good Samaritan Society, a North Dakota nonprofit corporation (the "Applicant"). Such persons as desire to be heard with reference to said issue of Bonds will be heard at this public hearing.

The project to be financed consists of the refinancing of existing debt, debt incurred or assumed in connection with the purchase of nursing homes, senior housing, assisted living and related facilities (the "Project") at the following locations and in amounts not to exceed the following: (i) Whitehouse Good Samaritan Center, 563 County Road B W, Roseville, MN 55113-6698; \$1,000,000; (ii) Winthrop Good Samaritan Center, 506 High Street W, Winthrop, MN 55396-9798; \$1,000,000; (iii) University Good Samaritan Center, 22 27th Avenue S, Minneapolis, MN 55414-3198; \$3,000,000; (iv) Waterville Good Samaritan Center, 205 First Street N, Waterville, MN 56096-1199; \$1,000,000; (v) Hill Top Terrace, 117 Paquin Street E, Waterville, MN 56096-1475; \$1,000,000; (vi) Anoka Good Samaritan Center, 1040 Madison Street, Anoka, MN 55303-2699; \$2,000,000; (vii) Barnesville Good Samaritan Center, 600 5th Street SE, P.O. Box 129, Barnesville, MN 56514-0129; \$1,000,000; (viii) Battle Lake Good Samaritan Center, 105 Glenhaven Drive, Battle Lake, MN 56515-4010; \$1,000,000; (ix) Bloomington Good Samaritan Center, 8916 Lyndale Avenue S, Bloomington, MN 55420-2742; \$2,000,000; (x) Comforcare Good Samaritan Center, 205 14th Street NW, Austin, MN 55912-4698; \$1,000,000; (xi) Falls Good Samaritan Center, 1402 Highway 71, International Falls, MN 56649-2186; \$2,000,000; (xii) Roseville Good Samaritan Center, 1415 County Road B W, Roseville, MN 55113-4251; \$2,000,000; (xiii) Grandview Good Samaritan Center, 830 N Sunrise Drive, St Peter, MN 56082-1203; \$1,000,000; (xiv) Hilltop Good Samaritan Center, 410 Luella Street, Watkins, MN 55389-1012; \$1,000,000; (xv) Hoffman Good Samaritan Center, 104 Sixth Street, P.O. Box 337, Hoffman, MN 56339-0337; \$1,000,000; (xvi) Lakeview Good Samaritan Center, 515 Franklin Street S, Glenwood, MN 56334-1599; \$1,000,000; (xvii) Nicollet Good Samaritan Center, 4429 Nicollet Avenue S, Minneapolis, MN 55409-2034; \$2,000,000; (xviii) Preston Good Samaritan Center, 608 Winona Street, NW, P.O. Box 607, Preston, MN 55965-0607; \$1,000,000.

The initial owner of the Project is the Applicant and the Project will be owned, operated and managed by the Applicant. It is contemplated that the project will be used as nursing homes, senior housing, assisted living or related facilities. The total estimated amount of the Board's proposed bond issues is an amount not to exceed \$25,000,000. The Bonds shall be limited obligations of the

Board, the Bonds and the interest thereon shall be payable solely from the revenue pledged to the payment thereof, and a mortgage or security interest or other security arrangements to be established by or on behalf of the Applicant. Notwithstanding the foregoing, no holders of any such Bonds shall ever have the right to compel any exercise of the taxing powers of the State of Minnesota or any political subdivision thereof to pay the Bonds or the interest thereon nor to enforce payment against any property of said State or said political subdivision.

This Notice of Public Hearing is being given pursuant to Section 147 (f) of the *Internal Revenue Code of 1986*, as amended.

A copy of the Application to the Board for approval of the Project, together with all attachments and exhibits thereto and a copy of the Board's resolution accepting the Application and accepting the Project is available for public inspection at the offices of the Board at 500 Metro Square, 121 7th Place East, Saint Paul, Minnesota from the date of this notice to the date of the public hearing hereinabove identified, during normal business hours.

Dated: 25 August 1997

BY ORDER OF THE MEMBERS OF THE
MINNESOTA AGRICULTURAL AND
ECONOMIC DEVELOPMENT BOARD

Paul Moe, Executive Director
Minnesota Agricultural and Economic
Development Board

Department of Transportation

Notice of Appointment and Meeting September 17, 1997 of a State Aid Variance Committee

NOTICE IS HEREBY GIVEN that the Commissioner of Transportation has appointed a State Aid Variance Committee who will conduct a meeting on Wednesday, September 17, 1997 at 9:30 a.m. in Conference Room 148 Water's Edge Building, 1500 West County Road B-2, Roseville Minnesota, 55113.

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

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

The agenda will be limited to these questions:

1. **Petition of the City of Minneapolis** for a variance from *Minnesota Rules* 8820.9936 as they apply to a proposed construction project on East 50th Street (Municipal State Aid Street No. 264), between Nicollet Avenue and the west approach of the I-35W Bridge in the City of Minneapolis, to allow three horizontal curves with speeds less than the required 50 km/h design speed.
2. **Petition of the City of Minneapolis** for a variance from *Minnesota Rules* 8820.9936 as they apply to a proposed construction project on Fourth Street South (Municipal State Aid Street No. 341), between Fourth Avenue South and Fifth Avenue South, to allow a 2.4 meter parking lane, in lieu of the required 3 meter parking lane.
3. **Petition of the City of West St. Paul** for a variance from *Minnesota Rules* as they apply to a construction project on Marie Avenue (Municipal State Aid Street No. 122), between South Robert Street and Oakdale Avenue in the City of West St. Paul, so as to allow approval of construction plans by the State Aid Engineer after award of contract, in lieu of the required approval of plans by the State Aid Engineer prior to award of contract.
4. **Petition of the City of Chaska** for a variance from *Minnesota Rules* as they apply to proposed construction projects on Stoughton Avenue (M.S.A.S. 107), State Aid Project No. 196-107-04; and on Zemble Avenue (M.S.A.S. No. 110), State Aid Project No. 196-111-01 in the City of Chaska, so as to allow plan approval after award of contract, in lieu of the required award of contract by the State Aid Engineer prior to award of contract.
5. **Petition of the City of Willmar** for a variance from *Minnesota Rules* 8820, as they apply to a Municipal State Aid Turnback project on Business 71/Highway 23 (First Street) in the City of Willmar, to allow the use of Municipal Turnback Funds after such funds have been used on the reconstruction project on a segment of First Street between South 19th Avenue and Litchfield Avenue in the City of Willmar.

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6. **Petition of the City of Rochester** for a variance from *Minnesota Rules* 8820.9936, as they apply to a proposed construction project on 23rd Avenue Southeast (Municipal State Aid Street No. 144), between County Road No. 9 and 8-1/2 Street Southeast in the City of Rochester, so as to allow the construction of two roundabouts and the segment between such roundabouts with a 20 mph design speed, in lieu of the required 50 km/h design speed.
7. **Petition of Redwood County** for a variance from *Minnesota Rules* 8820.9936, as they apply to a proposed reconstruction project on County State Aid Highway No. 101, between the Minnesota Valley Railroad to a point approximately 130 meters East of the Redwood River Bridge in the Minnesota Valley, so as to allow a 40 km/h horizontal curve, in lieu of the required 50 km/h design speed.
8. **Petition of the City of Duluth** for a variance from *Minnesota Rules* 8820.9931 as they apply to a proposed reconstruction project on Skyline Parkway (Municipal State Aid Street No. 113), approximately 0.615 to approximately 0.650 kilometers east of Haines Road (County State Aid Highway No. 91), in the City of Duluth, to allow a 3.4 meter lane width, in lieu of the required 3.6 meter lane width; to allow a horizontal design speed of 30 km/h, in lieu of the required 50 km/h design speed; and to allow a 0.9 meter clear recovery area, in lieu of the required 3 meter recovery area with 4:1 or flatter slopes.
9. **Petition of the City of Crystal** for a variance from *Minnesota Rules* as they apply to a proposed construction project on Brunswick Avenue North (Municipal State Aid Street No. 330), between 32nd Avenue South and 36th Avenue South in the City of Crystal, to allow one vertical curve with a design speed less than the required 50 km/h minimum; and to allow a street width of 9 meters with parking allowed on one side, in lieu of the required 9.6 meter street width with parking allowed on one side.

9:30 a.m.	City of Minneapolis
10:00 a.m.	City of West St. Paul
10:45 a.m.	City of Chaska
11:00 a.m.	City of Willmar
11:15 a.m.	City of Rochester
11:30 a.m.	Redwood County
11:45 a.m.	City of Duluth
12:00 p.m.	City of Crystal

Dated: 2 September 1997

Patrick B. Murphy
Division Director
State Aid for Local Transportation

Department of Transportation

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

NOTICE IS HEREBY GIVEN that the Minneapolis City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a proposed construction project on Fourth Street South (Municipal State Aid Street No. 341), between Fourth Avenue South and Fifth Avenue South in the City of Minneapolis.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9936, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit parking lanes with a width of 2.4 meters, in lieu of the required 3 meter parking lane on the proposed construction project on Fourth Street South (Municipal State Aid Street No. 341), between Fourth Avenue South and Fifth Avenue South in the City of Minneapolis.

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

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

Dated: 25 August 1997

Patrick B. Murphy
Division Director

Department of Transportation**Petition of the City of St. Peter for a Variance from State Aid Requirements for AFTER-
THE-FACT PLAN APPROVAL**

NOTICE IS HEREBY GIVEN that the City Council of the City of St. Peter has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a construction project on Trunk Highway No. 99, State Project No. 4009-13, State Aid Project Number 165-010-06 in the City of St. Peter.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.2800, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit plan approval after award of contract, in lieu of the required State Aid plan approval prior to award of contract on the T.H. No. 99, construction project in the City of St. Peter, State Project No. 4009-13, State Aid Project No. 165-010-06.

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

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

Dated: 25 August 1997

Patrick B. Murphy
Division Director
State Aid for Local Transportation

Department of Transportation**Petition of the City of Willmar for a Variance from State Aid Requirements for
TURNBACK ELIGIBILITY**

NOTICE IS HEREBY GIVEN that the Willmar City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a proposed reconstruction project on former Trunk Highway No. 71 (First Street), from South 19th Avenue to Litchfield Avenue in the City of Willmar.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.2900, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow the eligibility of Municipal Turnback Funds to be used on a section of First Street, between South 19th Avenue and Litchfield Avenue in the City of Willmar, in lieu of the required termination of eligibility of turnback funds once such funds are used on a segment of turnback highway.

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

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

Dated: 25 August 1997

Patrick B. Murphy
Division Director

Department of Transportation

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

NOTICE IS HEREBY GIVEN that the Rochester City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a proposed construction project on 23rd Avenue Southeast (Municipal State Aid Street No. 144), between County Road No. 9 and 8-1/2 Street Southeast in the City of Rochester.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9936, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit construction of a portion of 23rd Avenue Southeast (Municipal State Aid Street No. 144), between County Road No. 9 and 8-1/2 Street Southeast in the City of Rochester containing two roundabouts and the segment of 23rd Avenue Southeast between the roundabouts with a 20 mph design speed, in lieu of the required 50 km/h design speed.

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

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

Dated: 25 August 1997

Patrick B. Murphy
Division Director
State Aid for Local Transportation

Department of Transportation

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

NOTICE IS HEREBY GIVEN that the Redwood County Board has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a proposed reconstruction project on County State Aid Highway No. 101 in North Redwood, from the Minnesota Valley Railroad to a point approximately 130 meters East of the Redwood River Bridge in the Minnesota River Valley.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9936, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow a 40 km/h horizontal curve, in lieu of the required 50 km/h minimum design speed on the proposed reconstruction project on County State Aid Highway No. 101 in North Redwood, Redwood County.

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

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

Dated: 25 August 1997

Patrick B. Murphy
Division Director

State Aid for Local Transportation

Department of Transportation**Petition of the City of Chaska for a Variance from State Aid Requirements for AFTER-
THE-FACT PLAN APPROVAL**

NOTICE IS HEREBY GIVEN that the City Council of the City of Chaska has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a construction project on Stoughton Avenue (M.S.A.S. No. 107), State Aid Project Number 196-107-04; and on Zemble Avenue (M.S.A.S. No. 111), State Aid Project Number 196-110-01 in the City of Chaska.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.2800, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit plan approval after award of contract, in lieu of the required State Aid plan approval prior to award of contract on the construction projects on Stoughton Avenue (State Aid Project Number 196-107-04), and on Zemble Avenue (State Aid Project Number 196-111-01) in the City of Chaska.

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

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

Dated: 25 August 1997

Patrick B. Murphy
Division Director
State Aid for Local Transportation

Department of Transportation**Petition of the City of Crystal for a Variance from State Aid Requirements for DESIGN
SPEED AND STREET WIDTH**

NOTICE IS HEREBY GIVEN that the City Council of the City of Crystal has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a construction project on Brunswick Avenue North (M.S.A.S. No. 330), between 32nd Avenue North and 36th Avenue North in the City of Crystal.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9936, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to one vertical curve with the design speed less than the required 50 km/h minimum; and to allow a 9 meter street width with parking allowed on one side, in lieu of the required 9.6 meter street width with parking allowed on one side of Brunswick Avenue North (Municipal State Aid Street No. 330), between 32nd Avenue North and 36th Avenue North in the City of Crystal.

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

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

Dated: 25 August 1997

Patrick B. Murphy
Division Director
State Aid for Local Transportation

State Grants and

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.

Department of Health

Bureau of Health Delivery Systems

Notice of Availability of Grant Funds for Community Abstinence Education Projects

The Department of Health announces the availability of funding through last year's federal welfare reform legislation, P.L. 104-193, which established a new program for abstinence education. The Minnesota Abstinence Education program is a new initiative with the goals of reducing adolescent pregnancy and promoting a standard of abstinence for youth age 14 and under, utilizing a community health promotion approach. This age group was chosen because for most, sexual activity has not yet begun and parental guidance is well accepted. The program will develop a statewide media campaign directed to parents/caregivers that promotes a standard of abstinence for youth 14 and under, and encourages parents/caregivers to talk with their children about abstinence. Additionally it will provide funding and technical support for local projects to support and reinforce the message of abstinence to youth age 14 and under that involves adolescents, parents/caregivers, schools, public and other community organizations. A significant portion of the federal grant funds allocated to Minnesota will be made available through grant contracts to support community abstinence education projects as follows:

Eligible Applicants: Local government agencies and non-profit corporations

Amount of Available Funds: \$350,000 annually

Estimated Size of Awards: Approximately \$25,000 per year

Duration of Grants: 1/1/98 - 12/31/2002

It is anticipated that award contracts will be for a two-year period with the potential for contracts to be renewed for an additional three years subject to satisfactory progress.

Application Materials Available: After receipt of Notice of Intent to Apply for Funds

Application Deadline: Announced in application materials

Award Decision: 12/97

Beginning Contract Date: 1/1/98

Description of Grant:

Community abstinence education projects will be required to adhere to the following requirements:

- (a) Target youth age 14 and under.
- (b) Utilize a community health promotion approach.
- (c) Use one of the designated abstinence core curricula.
- (d) Plan and implement community organization strategies by collaborating with other community organizations and interested persons.
- (e) Assemble a core planning group (coalition, advisory group, task force, etc.) that consists of at least three people.
- (f) Involve parents and other primary adult caregivers in all community-based efforts.
- (g) Participate in a media/public relations campaign in conjunction with the statewide media campaign.
- (h) Develop local media linkages by collaboration/coordination with other community organizations to provide school and community-wide media/public relations promotional activities.
- (i) Participate in state required and sponsored training, technical assistance, publicity and evaluation.
- (j) Teach only non-religious material and perspectives as a part of the project.
- (k) Assure referrals for other needed health and social services if requested by the client.
- (l) Utilize a positive approach to supporting and reinforcing the message of abstinence for youth 14 and under.

Procedures and Information for Applying***STEP 1: Applicants Must Provide Notice of Intent to Apply for Funds***

Any organization interested in applying for funds should submit information requested by the "Notice of Intent to Apply for Abstinence Education Grant Funds" form.

The Notice of Intent to Apply for Abstinence Education Funds must be received by the Department of Health no later than 4:30 p.m., September 22, 1997.

STEP 2: The Department Will Provide Application Materials

An organization expressing an intent to apply will be provided with pertinent application materials, information on the review and award process, and the names and telephone number of the Minnesota Department of Health consultant available to provide technical assistance concerning preparation of the grant application.

STEP 3: Submission of Completed Applications

Completed applications must be received by the Minnesota Department of Health office listed in the application materials you receive (step 2 above) no later than 4:30 p.m. on the date identified in the application materials.

STEP 4: Awarding of Funds

Applications will be reviewed as submitted except that, at its discretion, the Department may request further clarification. Grants will be awarded in accordance with criteria identified in the application materials. Applicant organizations will be notified in writing of the grant award decisions and contracts will be completed to begin according to the schedule for grant activities.

Contact Person:

LeeAnn Mortensen
Abstinence Education Planner
Division of Family Health
Minnesota Department of Health
717 Delaware Street SE, P.O. Box 9441
Minneapolis, MN 55441-9441
Telephone: (612) 623-5415 Fax: (612) 623-5442
E-mail: leeann.mortensen@health.state.mn.us

Department of Public Safety**Minnesota Auto Theft Prevention Program****Grant Availability for Aid in Identification of Critical Issues, Education and Awareness, and Investigation and Prosecution of Motor Vehicle Theft**

The Minnesota Auto Theft Prevention Program Board announces the availability of grant money to be used in the reduction of motor vehicle theft by funding programs which aid in the identification of critical issues, education and awareness and investigation and prosecution. Applications will be accepted from State, County, Local Police, Governmental Agencies, Prosecutors, Judiciary, Businesses, and Community and Neighborhood Organizations. The moneys granted must be dedicated to the area of auto theft. This is the second round of auto theft grants. These grant proposals will be due by December 31, 1997. Grant proposal forms and information may be obtained by contacting Dennis Roske at the Auto Theft Prevention Office at (612/405-6153 or 405-6155).

Professional, Technical & Consulting

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].

Department of Administration

Communications Media - Minnesota's Bookstore

Notice of Availability of "Awards Report" for Awarded Professional, Technical, and Consulting Contracts

An "Awards Report" of professional, technical, and consulting contracts, published as open for bid in this *State Register*, is available as a subscription service. This information can be useful to contractors preparing and submitting proposals in response to "Requests for Proposals" appearing in the "*State Register*."

The report lists the item put out for bid, the agency requesting proposals, the contract winner, the amount, the beginning and end dates of the contract, and the duration of the contract. The "Awards Report" is published each month listing the previous month's awards of contracts and RFPs that appeared in the Monday edition of the "*State Register*" magazine. Reports are available only in hard copy format and are mailed first class to subscribers.

"Awards Reports" cover six-months and cost \$75.00 per subscription. Single copies cost \$15.00, plus \$3.00 for shipping. Order Stock # 99-43 for individual copies, or Stock # 90-15 for a six-month subscription. To order, call (612) 297-8774, or toll-free 1-800-657-3757, or FAX your order using VISA, MasterCard, American Express, or Discover Card to (612) 297-8260.

Department of Administration

STAR Program

Notice of Availability, Request for Proposal - Consultant Services

Assisting an Agency in Developing a Nonprofit Organization

A program of the Governor's Advisory Council on Technology for People with Disabilities, A System of Technology to Achieve Results (the STAR Program), provides information and advocacy for people with disabilities. Developing the knowledge and support they need to exert greater control over their lives through the use of technology. In pursuit of new ways to deliver Assistive Technology services and devices to Minnesotans with disabilities, the STAR Program wishes to engage creative strategies for resource development as our federal funding sunsets over the next two years. We seek assistance in developing a nonprofit organization, asking the right questions of our governing council and staff during the transition, selecting a board of directors, fundraising and strategic planning. The STAR Program estimates the cost of this assistance should not exceed \$25,000. Multiple contracts may be awarded.

To obtain a copy of complete proposal materials contact STAR at 612.296.8817, 612.296.9478 (TDD), outstate 800.657.3862, 800.657.3895 (TDD). Questions should be directed to Tom Shaffer, Program and Development Specialist at 612.296.9718. Proposal deadline is 4:00 PM, October 10, 1997. No faxed copies will be accepted.

Department of Human Services

Inventory Management Office

Notice of Request for Proposals for Design and Development of a Multimedia Computer-based Training Tutorial on CD ROM

The State of Minnesota, Department of Human Services Inventory Management Office is requesting a proposal for the design and development of a multimedia computer-based training (CBT) tutorial on CD ROM for their Fixed Asset Inventory Management and Surplus Catalog computer system modules. This tool will be used to train Department of Human Services staff on the use of the two modules so that, upon completion, staff will have expertise in both understanding inventory management and using the inventory management system modules. Audio and video production for the tutorial will be provided by the Department of Human Services, along with files in bit map format of system screens needed to assist the vendor in building the applications necessary for inclusion into the tutorial.

This request for proposal does not obligate the State to complete the proposed project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interests. The State also reserves the right to modify the technical specifications in order to meet the desired outcome.

Details of the proposed project are fully described in the RFP. The Department has estimated that the cost of this contract will not exceed \$25,000. Deadline for submission of the Proposal is no later than 4:00 PM, Wednesday, October 1, 1997.

For further information or to obtain a copy of this RFP, contact Joyce Lindholm, State Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3807, Phone: 612/297-5398.

Environmental Protection —

Videos & Training Material

Transport Packaging: Reducing Waste & Saving Money – Video **New!**
Video shows how business can eliminate waste and increase profits with reusable and source-reduced transport packaging. Includes *Reusable Transport Packaging Directory*. (color, 12 minutes, 1997) Stock No. 4-22 \$9.50

Source Reduction: How to Implement a Source Reduction Program – Video **New!**
Video and resource manual *Source Reduction* Now demonstrates how to set up a source reduction program in a commercial, industrial or institutional organization. (color, 12 minutes, 1997) Stock No. 4-21 \$9.50

Motor Vehicle Salvage Facility Environmental Compliance Manual & Video
Durable manual and color video *Salvage Yards & the Environment: The Next Generation*, AND 3 work-site posters. Convenient tabs guide you through general operating procedures, draining, dismantling & storage practices, waste handling, storage and disposal practices, PLUS a quick reference table for handling hazardous waste. 220pp. with VHS. (PCA, 1994) Stock No. 10-9 \$35.00

Hazardous Waste: Identification & Evaluation – Video
Find out how to determine if a waste is hazardous, and what basic steps to take to evaluate wastes. Fact sheets on F-listed wastes are included with video. (color, 9.5 minutes, 1995) Stock No. 4-7 \$16.00

Blue Ribbon Task Force Report
Findings and recommendations of task force examining the funding of Minnesota's water quality programs. 76pp. (PCA, 1995) Stock No. 10-5 \$19.95

Common Automotive Wastes – Video
Video covers eight sections on hazardous wastes most commonly found in vehicle maintenance and collision-repair operations (antifreeze, lead acid batteries, sludges and residues, parts washer solvents & cleaners, towels, wipes and sorbents, used oil and paint-related wastes). Includes management options for each plus a 'Used Oil' fact sheet. (color, 17.6 minutes, 1995) Stock No. 4-8 \$10.00

Hazardous Waste Storage – Video
Learn how to choose the right container, close and mark it correctly, plus proper care when moving it off-site. Also includes handy storage poster and fact sheet on labeling and storing hazardous waste correctly. (color, 12.5 minutes, 1994) Stock No. 4-6 \$10.00

MPCA Point-Source Final Report **New**
Phase 2 of *Blue Ribbon Task Force Report* features Improvement Initiative. 142pp. (PCA, 1996) Stock No. 10-1 \$10.95



Non-State Public Bids, Contracts &

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

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

Metropolitan Council

Request for Proposal (RFP) for Financial Advisory Services

The Metropolitan Council is soliciting proposals for Financial Advisory Services.

The Council is a regional agency authorized by the Minnesota Legislature to provide a full range of regional planning, including the areas of airports, housing, regional parks, transportation and water resources. In addition to its planning responsibilities, the Council has responsibilities for the operation of the region's transit system, wastewater treatment facilities and the metropolitan Housing and Redevelopment Authority (Metro HRA). The Council employs approximately 3,600 employees.

Proposals (one original and seven copies) must be submitted by 4 p.m., Friday, October 3, 1997 to: Regional Administrator's Office, Metropolitan Council, Mears Park Centre, 230 E. Fifth Street, St. Paul, MN 55101-1634, Attention: Richard Johnson.

Copies of the RFP are available by calling Richard Johnson at 612-602-1454 or 612-291-0904 (TTY).

Metropolitan Council

Notice of Request for Equipment Prequalification: Centrifuges and Gravity Belt Thickeners for Blue Lake WWTP Thickening/Dewatering Facilities MCES Project Number 910210

NOTICE IS HEREBY GIVEN that the Metropolitan Council Environmental Services (MCES) will receive submittals for centrifuges and gravity belt thickeners (Goods) from manufacturers or their authorized representatives (Vendors), for the purpose of prequalifying Goods for the above referenced project. Prequalification submittals will be received at the MCES's office at Mears Park Centre, 230 East Fifth Street, St. Paul, MN until Noon on Wednesday, October 8, 1997.

The Goods will be procured and installed by others under a separate Design/Build contract with the MCES for the Blue Lake WWTP Thickening/Dewatering Facilities project.

Copies of the Prequalification Requirements and Documents may be obtained from the MCES office referenced above, Attn: Contracts and Documents Administrative Assistant.

A pre-submittal informational meeting is scheduled to be held at the Administration Building Conference Room at the Blue Lake WWTP, 6949 Highway 101, Shakopee, MN, beginning at 1:30 p.m. on Friday, September 19, 1997. All Vendors are encouraged to attend.

Direct inquiries to MCES's Project Manager, Bill Johnson at (612) 602-1168.

Minnesota Counties Information Systems

Notice of Request for Proposals for Analysis and Design of Windows 95™ Versions of Two Software Applications

Minnesota Counties Information Systems (MCIS), is soliciting proposals from qualified firms for the analysis and design of Windows 95™ versions of two software applications: the County Recorder Indexing System (CRIS) and the Timber Sales Management System (TSMS). Such proposals shall address the following main objectives:

Development of two separate, but probably similar, detailed design documents for the purpose of rewriting the existing DOS-based applications into Windows 95™ versions, incorporating all of the current features and functional capabilities, redesigning several areas for enhancement, as well as incorporating new designs for additional features and functions currently not part of such applications. Some of these features and functions are described in Part 2 of this RFP. The detailed design documents should include work plan schedules and cost estimates to perform the actual development of these applications. The overall tentative time frame for the design of these applications is as follows:

Design Phase:

September 15, 1997	Publish the RFP
October 31, 1997	Response deadline for the RFP
November 30, 1997	Contract negotiated with successful RFP vendor
February 6, 1998	Delivery of design documents
February 28, 1998	Final acceptance of design documents

For a complete RFP, please contact:

MCIS
413 SE 7th Avenue
Grand Rapids, MN 55744
(218) 326-0381 ext. 10

Minnesota Historical Society

Notice of Request for Bids for Architect Services at the Historic Le Duc Site in Hastings

The Minnesota Historical Society is seeking bids from qualified firms and individuals to provide Architectural and Engineering services to prepare plans and specifications for the restoration of the historic Le Duc House Carriage Barn in Hastings, Minnesota.

The project includes structural stabilization (outside and inside), restoration of an 1860's structure design by Andrew Jackson Downing, and historically sympathetic introduction of electrical services and lighting to the building. Pre-bid Inspection of the property will be Thursday, September 11, 1997 at 2:00 PM at the site located in Hastings, Minnesota. Contact Wayne Cavadini for questions about the project (612-297-7969).

The Request for Bids 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.

Bids must be received not later than 2:00 P.M. Central Time September 24, 1997.

Details concerning project summary, utilization intent, proposal submission and requirements are included in the Request for Bids.

Non-State Public Bids, Contracts &

Minnesota Historical Society

Notice of Request for Bids for Chain Link Fence Construction near Pine City

The Minnesota Historical Society is seeking bids from qualified firms and individuals to provide brush cut and installation of 2500 feet of chain link fence to match current fence around the Stumne Mounds site. Contact Patrick Schifferdecker at NW Co Fur Post in Pine City at 320-629-6356 for site inspection.

The Request for Bids 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.

Bids must be received not later than 2:00 P.M. Central Time September 24, 1997.

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

Minnesota Historical Society

Notice of Request for Bids for Roof Replacement on Folsom House & Well, and Garage

The Minnesota Historical Society is seeking bids from qualified firms and individuals to provide replacement of roof on the Folsom House & Well (wood shingles), and garage (G.A.F. Timberline shingles). Installation will include Cedar Breather supplied by owner. Buildings can be inspected at 272 Government Road in Taylors Falls, Minnesota, by contacting Bill Scott at 612-465-3125 and make an appointment.

The Request for Bids 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.

Bids must be received not later 2:00 P.M. Central Time September 24, 1997.

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

University of Minnesota

Human Resources

Notice of Request for Proposals for Consulting Services, a Market Study, and Computer-based Salary Planning and Administration Software

The University of Minnesota requests proposals from Compensation consulting firms to: provide consulting services; design and conduct a market study; and provide personal computer based salary planning and administration software.

For RFP contact Linda Inman, Office of Human Resources, University of Minnesota, 200 Donhowe Building, 319 15th Avenue S.E., Minneapolis, MN 55455, (612) 625-2575.

