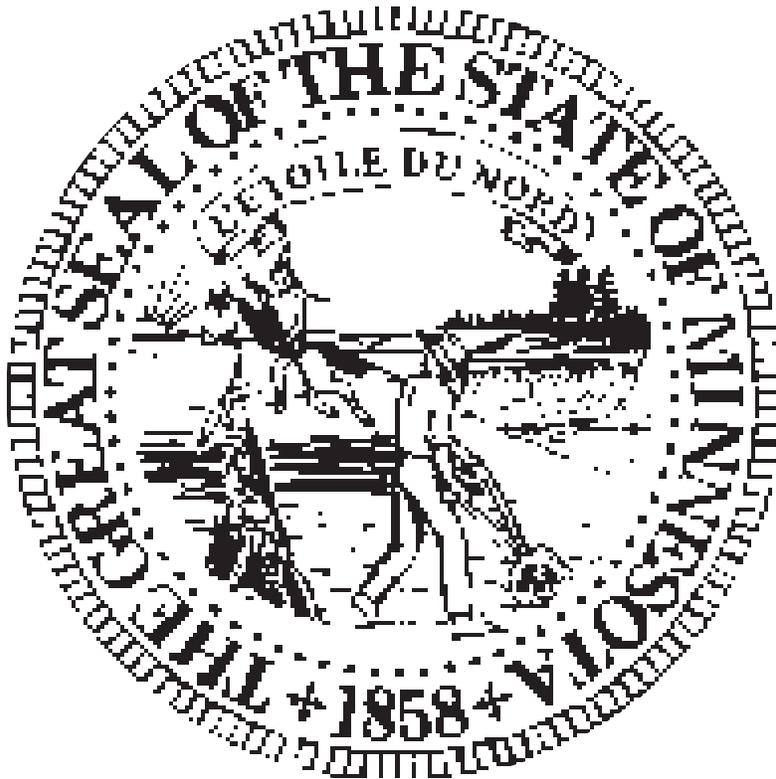


The Minnesota

State Register

Rules and Official Notices Edition



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

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

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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
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# 52	Monday 29 June	Noon Wednesday 17 June	Noon Tuesday 23 June
Vol. 23 # 1	Monday 6 July	Noon Wednesday 24 June	Noon Tuesday 30 June
# 2	Monday 13 July	Noon Wednesday 1 July	Noon Tuesday 7 July

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

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Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1995 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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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 Health Maintenance Organizations

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 Amendments to Rules Governing Health Maintenance Organizations, *Minnesota Rules*, Chapter 4685.

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 July 22, 1998, a public hearing will be held in Room 300, State Office Building, 100 Constitution Avenue, St. Paul, Minnesota 55155, starting at 9:00 AM on Monday, August 3, 1998. 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 July 22 and before August 3, 1998.

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: Susan Margot at the Minnesota Department of Health, 121 East Seventh Place, Suite 400, St. Paul, Minnesota 55155, (612) 282-6360, and fax (612) 282-3839. TTY users may call the Department of Health at (612) 623-5522.

Copies of the Rules and SONAR may be requested by contacting Susan Oudsema at (612) 282-5608.

Subject of Rules and Statutory Authority. The proposed rules are about health maintenance organizations and community integrated service networks. Pursuant to *Minnesota Statutes*, chapter 62N, community integrated service networks are governed under the same rule chapter and health maintenance organizations. The statutory authority to adopt the rules is *Minnesota Statutes*, 62D.20. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Wednesday, July 22, 1998, 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 July 22, 1998. 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 August 3, 1998, 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) 282-6360 after July 22, 1998, 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 Steve M. Mihalchick is assigned to conduct the hearing. Judge Mihalchick can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 349-2544, 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 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 Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure 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.

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> 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 — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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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.

Dated: 10 June 1998

Anne M. Barry, Commissioner
Department of Health

4685.0100 DEFINITIONS.

Subpart 1. **Scope.** ~~All terms used herein which are defined in Minnesota Statutes, chapter 62D shall have the meanings attributed to them therein.~~ For the purposes of parts 4685.0100 to ~~4685.5600~~ 4685.3400 the terms ~~defined herein shall~~ used have the meanings given to them in this part and in Minnesota Statutes, chapter 62D.

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

Subp. 5. **Comprehensive health maintenance service.** "Comprehensive health maintenance service" means a group of services which includes at least all of the types of services defined below:

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

D. "Outpatient health services" means ambulatory care including health supervision, preventive, diagnostic and therapeutic services, including diagnostic radiologic service, therapeutic services for congenital, developmental, or medical conditions that have significantly delayed speech or motor development, treatment of alcohol and other chemical dependency, treatment of mental and emotional conditions, provision of prescription drugs, and other supportive treatment.

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

Subp. 5a. **Cosmetic services.** "Cosmetic services" means nonreconstructive surgery and other procedures performed primarily to enhance or otherwise alter an enrollee's physical appearance without correcting or improving a physiological function.

Subp. 5b. **Custodial care.** "Custodial care" means assistance with meeting personal needs or the activities of daily living that does not require the services of a physician, registered nurse, licensed practical nurse, chiropractor, physical therapist, occupational therapist, speech therapist, or other health care professional, and includes bathing, dressing, getting in and out of bed, feeding, walking, elimination, and taking medications.

[For text of subp 6, see M.R.]

Subp. 6a. **Experimental, investigative, or unproven.** "Experimental, investigative, or unproven" means a drug, device, medical treatment, diagnostic procedure, technology, or procedure for which reliable evidence does not permit conclusions concerning its effect on health outcomes.

Subp. 7. **Formal procedural requirements.** "Formal procedural requirements" means those rules governing the conduct of administrative hearings applicable to and affecting the rights, duties, and privileges of each party of a "contested case," as ~~such~~ the term is defined and as ~~such~~ the rules are set forth in *Minnesota Statutes*, chapter 14.

Subp. 7a. **Formulary.** "Formulary" means a current list of covered outpatient prescription drug products that is subject to periodic review and update.

[For text of subs 8 and 9, see M.R.]

Subp. 9a. **NAIC Blank.** "NAIC Blank" means the most recent version of the National Association of Insurance Commissioners' Blank for Health Maintenance Organizations published by the Brandon Insurance Service Company, Nashville, Tennessee. The NAIC Blank is incorporated by reference and is available for inspection at the State Law Library, Judicial Center, 25 Constitution Avenue, Saint Paul, Minnesota 55155. The NAIC Blank is subject to annual changes by the publisher; ~~but~~ Health maintenance organizations must use the ~~1988~~ version current on December 31 of the year preceding the filing of a required report.

[For text of subs 9b and 9c, see M.R.]

Subp. 10. **Open enrollment.** "Open enrollment" means the acceptance for coverage by health plans of group enrollees without regard to underwriting restrictions, and coverage of individual or nongroup enrollees with regard only to those underwriting restrictions permissible under *Minnesota Statutes*, section 62D.10, subdivision 2, ~~and subdivision 4.~~

[For text of subs 11 to 13, see M.R.]

Subp. 13a. **Referral.** “Referral” means a prior written authorization ~~from the~~ for specified services that is issued by a health maintenance organization or an authorized provider that allows an enrollee to have one or more appointments with a health care provider, for consultation, diagnosis, or treatment of a medical condition, and that identifies the provider to which an enrollee is referred and the type, number, frequency, and duration of services to be covered as a benefit under the enrollee’s health maintenance organization contract.

[For text of subps 13b to 16, see M.R.]

4685.0200 AUTHORITY, SCOPE AND PURPOSE.

Parts 4685.0100 to ~~4685.5600~~ 4685.3400 are ~~promulgated~~ adopted pursuant to *Minnesota Statutes*, sections 62D.03, subdivision 4, clause (m); 62D.04, subdivision 1, ~~clause~~ clauses (c); ~~62D.04, subdivision 1, clause, (d); 62D.04, subdivision 1, clause, and (g);~~ 62D.06, subdivision 2; 62D.08, ~~subdivision subdivisions 1; 62D.08, subdivision and 3; 62D.08, subdivision 3, clause (e);~~ 62D.12, subdivision 2, clause (g); and 62D.20 relating to health maintenance organizations in particular, and *Minnesota Statutes*, sections 14.02, 14.04 to 14.36, and 14.38 relating generally to the ~~promulgation~~ adoption of administrative rules. Parts 4685.0100 to ~~4685.5600~~ 4685.3400 and all future changes herein apply to all health maintenance organizations operating in ~~the state of~~ Minnesota at the time of their adoption ~~and,~~ to all health maintenance organizations hereafter certified, and to all community integrated service networks currently and hereafter licensed, with the exceptions specified in *Minnesota Statutes*, chapter 62N, and are ~~promulgated~~ adopted to carry out the Health Maintenance Act of 1973 and to facilitate the full and uniform implementation and enforcement of that law.

4685.0300 APPLICATION.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Statistics.** The application shall detail procedures established to develop, compile, evaluate, and report statistics which shall include the collection and maintenance of at least the following data:

A. operational statistics sufficient to meet the requirements of *Minnesota Statutes*, section 62D.08, subdivision 3, clause (a), relating to annual financial reports;

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

[For text of subp 6, see M.R.]

Subp. 7. **Other requirements.** Each application must also include documentation ~~and/or~~ or evidence of compliance with all of the requirements of the act and parts 4685.0100 to ~~4685.5600~~ 4685.3400, and the commissioner of health may require such other information in applications for certificates of authority as the commissioner feels is necessary to make a determination on the application.

4685.0400 OPERATING REQUIREMENTS AND REQUIREMENTS FOR ISSUANCE OF A CERTIFICATE OF AUTHORITY.

Each health maintenance organization must submit the information required in part 4685.0300 ~~and~~ *Minnesota Statutes*, chapter 62D ~~and part 4685.0300~~, and the commissioner must find that each health maintenance organization meets the statutory requirements and the standards of parts 4685.0100 to ~~4685.5600~~ 4685.3400 before the commissioner may issue a certificate of authority. The failure of an operating health maintenance organization to comply with the requirements is proper basis for disciplinary action under *Minnesota Statutes*, sections 62D.15 to 62D.17.

4685.0700 COMPREHENSIVE HEALTH MAINTENANCE SERVICES.

Subpart 1. **Providing health maintenance services.** All health maintenance organizations shall provide comprehensive health maintenance services, as defined in part 4685.0100, subpart 5, to enrollees.

Subp. 2. **Minimum services.** Such comprehensive health maintenance services shall include but need not be limited to:

[For text of items A and B, see M.R.]

C. all inpatient hospital care, including mental health and chemical dependency care, except as exclusions or limitations are hereafter permitted;

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

E. all outpatient health services, including mental health and chemical dependency services, except as exclusions or limitations are hereafter permitted; and

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

Subp. 3. **Permissible limitations and/or exclusions.** ~~Permissible limitations upon and/or exclusions from those comprehensive health maintenance services required in subpart 2 may include:~~ A health service that may be excluded under subpart 4 may instead be limited. The following health services may be limited, but cannot be excluded:

- A. ~~limitations upon and/or exclusions of the provision of corrective appliances and artificial aids;~~
- B. ~~limitations upon and/or exclusions of cosmetic surgery;~~
- C. ~~limitations upon and/or exclusion of dental services;~~
- D. ~~limitations upon and/or exclusions of routine refractions and the fitting and provision of contact lenses and eyeglasses;~~
- E. ~~limitations upon and/or exclusions of ambulance transportation;~~
- F. ~~limitations upon and/or exclusions of hemodialysis or other procedures for treatment of chronic renal failure, of organ transplants, and/or experimental procedures, to the extent that such procedures, treatments or services are not covered by a policy of insurance, a nonprofit health service plan contract, or other program of coverage;~~
- G. ~~limitations upon and/or exclusions of custodial and/or domiciliary care;~~
- H. ~~limitations upon and/or exclusions of care for injuries incurred while on military duty, to the extent that such care is, in fact, covered or available in another program of coverage;~~
- I. ~~limitations upon and/or exclusions of home health care services;~~
- J. ~~limitations upon and/or exclusion of services and other items not prescribed, recommended or approved by a physician that is providing services through the enrollee's health maintenance organization or a provider to whom such physician has referred the enrollee, except in a situation where for reason of medical necessity and not convenience the enrollee is unable to obtain needed health care from the health maintenance organization, such as in emergency or out-of-area situations;~~
- K. ~~limitation upon or exclusion of those maternity services which relate to a conception occurring prior to the effective date of coverage of the enrollee;~~
- L. ~~limitations upon outpatient treatment of mental and emotional conditions and alcohol and other chemical dependency, except there may be no limitation applied to diagnosis and referral to sources of care;~~
- M. ~~limitations upon the provision of prescription drugs, except during hospitalization;~~
- A. A health maintenance organization may limit outpatient prescription drug benefits through the use of a formulary.
 - (1) The formulary must be periodically reviewed and updated by physicians and pharmacists to determine that formulary drugs are safe and effective.
 - (2) The formulary must contain:
 - (a) all prescription drugs necessary to provide medically necessary care; and
 - (b) prescription drugs exempt from substitution because of a narrow therapeutic index, including those drugs contained in the list established under *Minnesota Statutes*, section 151.21, subdivision 8.
 - (3) A health maintenance organization shall grant an exception to the formulary when no formulary drug is safe and effective for the enrollee requesting the exception.
 - (4) A health maintenance organization shall have written guidelines and procedures for granting an exception to the formulary that shall be available to the enrollee upon request.
 - (5) When a health maintenance organization grants an exception to the formulary, it may charge the enrollee the approved flat fee copayment or a copayment that does not exceed 25 percent of the provider's charge, in accordance with part 4685.0801.
- N. ~~such limitations or exclusions on B.~~ A health maintenance organization may limit inpatient hospital care as defined in part 4685.0100, subpart 5, item A B, and required in subpart 2, item C, as are specifically authorized below by this item. Each health maintenance organization may have:

(4) limitations upon the number of days of inpatient hospital care; ~~depending on the nature of the coverage, which that~~ at least correspond with the following minimum provisions:

(a) (1) For health maintenance contracts issued to a specified group or groups, the coverage may be limited to 365 days of care in a given period of confinement for a condition arising from a single illness or injury, provided that if this coverage is exhausted the benefit must be renewed, or a new period of confinement commenced, upon the occurrence of a separate illness or injury or upon the passage of no more than 90 days without utilization of inpatient hospital care; and provided further, that if an enrollee group rejects in writing ~~such the~~ limits of coverage in favor of lesser limits, the coverage may be limited to no less than 180 days, with no more than 90 days between periods of confinement.

(b) (2) For individual health maintenance contracts, the coverage may be limited to 90 days of care in a given period of confinement for a condition arising from a single illness or injury, provided that if this coverage is exhausted the benefit must be renewed or a new period of confinement commenced, upon the occurrence of a separate illness or injury or upon the passage of no more than 90 days without utilization of inpatient hospital care.

(c) (3) For inpatient hospital care out of the service area of the health maintenance organization as defined in ~~part 4685.1100~~ parts 4685.1010, subpart 1, item B, and ~~part 4685.0100~~, subpart 11, and as required in subpart 2, item B, the coverage may be limited to 60 days of care in each contract year.

These provisions relate to the aggregate number of days of both acute care and convalescent care, both of which must be rendered to enrollees by the health maintenance organization, but which may be limited, as indicated. These provisions do not relate to custodial ~~or domiciliary~~ care ~~which that~~ may be limited or excluded completely pursuant to subpart 4, item ~~G~~ H, nor do these provisions allow limitations ~~or exclusions~~ relative to the spectrum of service during a covered day, which is provided for ~~below in~~ subpart 4.

~~(2) Limitations upon and/or exclusions of television, telephone and similar convenience or amenity items available in connection with inpatient hospital care but which are not medically necessary as a part of the care of the enrollee; and limitations upon and/or exclusions of inpatient hospital care, for those conditions or under those circumstances where inpatient physician care is also limited or excluded, provided that inpatient physician care and hospital care may not be so limited or excluded beyond a limitation or exclusion otherwise explicitly authorized in subpart 3.~~

~~(3) Limitations upon and/or exclusion of private room accommodations.~~

~~(4) Limitations upon inpatient treatment for alcohol and other chemical dependency and inpatient treatment for mental and emotional conditions; provided that a health maintenance organization must provide for treatment for alcohol and other chemical dependency in a licensed residential primary treatment program or hospital for up to the greater of 28 days or a number of days equivalent to 20 percent of the other inpatient hospital care coverage; and provided further, that a health maintenance organization must provide for inpatient treatment for mental and emotional conditions of at least 30 days in each contract year.~~

~~Or, those conditions that are subject to underwriting restrictions when the imposition of such restrictions is otherwise proper; provided that underwriting restrictions may only relate to preexisting chronic health conditions; and those acute conditions for which an applicant is being treated at the time of the proposed enrollment.~~

Subp. 4. Permissible exclusions. The following services may be excluded:

- A. durable medical equipment, orthotics, prosthetics, nondurable medical supplies, or personal convenience devices;
- B. cosmetic services;
- C. home health care services;
- D. dental services;
- E. nonemergency ambulance services and special transportation services, except as provided by Minnesota Statutes, section 62J.48;
- F. the fitting and provision of contact lenses, eyeglasses, and hearing aids;

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G. a drug, device, medical treatment, diagnostic procedure, technology, or procedure that is experimental, investigative, or unproven as defined in part 4685.0100, subpart 6a. The health maintenance organization shall make its determination based upon a preponderance of evidence after the examination of the following reliable evidence, none of which shall be determinative in and of itself:

(1) whether there is final approval from the appropriate government regulatory agency, if approval is required;

(2) whether there are standardized written protocols used by the medical facility or provider that provides the service at issue, designed to obtain data on the safety and efficacy of the service;

(3) whether there are consensus opinions and recommendations reported in relevant scientific and medical literature, peer-reviewed journals, or the reports of clinical trial committees and other technology assessment bodies; and

(4) whether there are consensus opinions of national and local health care providers in the applicable specialty or subspecialty that typically manages the condition as determined by a survey or poll of a representative sampling of these providers;

H. custodial care;

I. care for injuries incurred while on military duty, to the extent that care for the injuries is covered or available in another program of coverage;

J. services and other items not prescribed, recommended, or approved by a provider who is providing services through the enrollee's health maintenance organization or a provider to whom the enrollee is referred;

K. the following services relating to inpatient hospitalization:

(1) television, telephone, and similar convenience or amenity items that are available in connection with inpatient hospital care but that are not medically necessary as a part of the enrollee's care;

(2) hospital private room accommodations unless medically necessary; and

(3) inpatient hospital care under any circumstances where inpatient physician care or the procedure is not otherwise covered; and

L. services for those conditions subject to underwriting restrictions when the imposition of the restrictions is otherwise proper, provided that underwriting restrictions may only relate to preexisting health conditions, and those acute health conditions for which an applicant is being treated at the time of the proposed enrollment.

4685.0900 SUBROGATION AND COORDINATION OF BENEFITS.

The health maintenance organization may require an enrollee to reimburse it for the reasonable value of health maintenance services provided to an enrollee who is injured through the act or omission of a third person or in the course of employment to the extent the enrollee collects damages or workers' compensation benefits for the diagnosis, care, and treatment of an injury. The evidence of coverage must contain the notice provisions required by *Minnesota Statutes*, section 62A.095. The health maintenance organization may be subrogated to the enrollee's rights against the third person or the enrollee's employer to the extent of the reasonable value of the health maintenance services provided including the right to bring suit in the enrollee's name.

The health maintenance organization shall provide covered health services first, and coordinate benefits according to parts 4685.0905 to 4685.0950.

4685.1010 AVAILABILITY AND ACCESSIBILITY.

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

Subp. 2. **Basic services.** The health maintenance organization shall have available, either directly or through arrangements, appropriate and sufficient personnel, physical resources, and equipment to meet the projected needs of its enrollees for covered health care services. The health maintenance organization shall develop and implement written standards or guidelines ~~which address the assessment~~ that assess the capacity of each provider capacity network to provide timely access to health care services in accordance with subpart 6.

[For text of items A to I, see M.R.]

J. Referral procedures must be described in an enrollee's evidence of coverage and must be available to an enrollee upon request for a referral or standing referral. A health maintenance organization shall clearly describe its referral procedures including:

(1) under what circumstances and for what services a referral is necessary;

(2) how to request a referral;

(3) how to request a standing referral;

(4) how to determine whether referral services received will be covered; and

(5) how to appeal a referral determination.

[For text of subs 3 and 4, see M.R.]

Subp. 5. **Coordination of care.**

A. The health maintenance organization shall ~~provide~~ arrange for the services of primary care providers; ~~either directly or through contracts or other arrangements~~, to provide initial and basic care to enrollees.

(1) An enrollee who is dissatisfied with the assigned or selected primary care provider shall be allowed to change primary care providers in accordance with the health maintenance organization's procedures and policies.

(2) If requested by an enrollee, or if determined necessary because of a pattern of inappropriate utilization of services, an enrollee's health care may be supervised and coordinated by the primary care provider.

B. In plans in which referrals to specialty ~~physicians~~ providers and ancillary services are required;

(1) the primary care ~~providers or other authorized provider~~ or the health maintenance organization shall initiate the referrals; and

(2) the health maintenance organization shall inform its primary care and other authorized providers of their responsibility to provide written referrals and any specific procedures that must be followed in providing referrals. ~~If requested by an enrollee, or if determined necessary because of a pattern of inappropriate utilization of services, an enrollee's health care may be supervised and coordinated by the primary care provider. An enrollee who is dissatisfied with the assigned or selected primary care provider shall be allowed to change primary care providers in accordance with the health maintenance organization's procedures and policies.~~

~~B. C.~~ The health maintenance organization shall provide for the coordination and continuity of care for enrollees given a referral or standing referral to specialty ~~physicians and, where~~ providers. When possible, the health maintenance organization shall provide this coordination of care through the enrollee's primary care or other authorized provider.

Subp. 6. **Timely access to health care services.**

A. The health maintenance organization, either directly or through its provider contracts, shall arrange for covered health care services, including referrals to participating and nonparticipating specialty ~~physicians~~ providers, to be accessible to enrollees on a timely basis in accordance with medically appropriate guidelines consistent with generally accepted practice parameters.

B. The health maintenance organization ~~or its participating providers~~ shall have written appointment scheduling guidelines based on type of health care service. Examples of types of health care services include well baby and well child examinations, prenatal care appointments, routine physicals, follow up appointments for chronic conditions such as high blood pressure, and diagnosis of acute pain or injury.

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

4685.1105 DEFINITIONS.

Subpart 1. **Scope.** The following definitions apply to parts ~~4685.1100~~ 4685.1105 to 4685.1130, unless the context clearly requires another meaning.

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

Subp. 5. **Monitoring.** "Monitoring" means collection of information relating to quality of care. Monitoring may be in the form of prospective, concurrent, or retrospective audits; reports; surveys; observation; interviews; complaints; peer review; or ~~focused studies~~ evaluation of claims or encounter level data.

[For text of subs 6 to 8, see M.R.]

4685.1110 PROGRAM.

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

Subp. 6. **Delegated activities.** The health maintenance organization may delegate performance of quality assurance activities to ~~providers, review organizations, or~~ other entities. The health maintenance organization shall retain responsibility for performance of all delegated activities. If the health maintenance organization ~~contracts with another organization to conduct~~ delegates performance of quality assurance activities, the health maintenance organization shall have develop and implement review and reporting requirements ~~developed and implemented~~ to ensure that the ~~organization contracting with the health maintenance organization is fulfilling~~ delegated entity performs all delegated quality assurance ~~responsibilities~~ activities.

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

Subp. 9. **Complaints.**

A. Effective July 1, 1999, a health maintenance organization shall conduct ongoing evaluation of all enrollee complaints as defined in part 4685.0100, subpart 4, including complaints filed with participating providers. Ongoing evaluations must be conducted according to the steps in part 4685.1120.

B. Evaluation methods must permit a health maintenance organization to track specific complaints, assess trends, and establish that corrective action is implemented and effective in improving the identified problem.

C. ~~Such~~ The quality assurance program shall conduct ongoing evaluation of enrollee complaints that are related to quality of care. ~~shall~~ The evaluations shall be conducted according to the steps in part 4685.1120. The data on complaints related to quality of care must be reported to and evaluated by the appointed quality assurance entity at least quarterly.

[For text of subp 10, see M.R.]

Subp. 11. **Provider qualifications and selection.** ~~The health maintenance organization shall have policies and procedures for provider selection and qualifications. The health maintenance organization shall have policies and procedures for contracting with or hiring staff and providers that are accredited or appropriately trained for their positions or, as in the case of durable medical equipment, offer products that meet standards generally accepted by the medical community, credentialing, and recredentialing that are consistent with accepted community standards.~~

[For text of subs 12 and 13, see M.R.]

4685.1115 ACTIVITIES.

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

Subp. 2. **Scope.** The components of the health maintenance organization subject to evaluation include the following:

[For text of items A and B, see M.R.]

C. Consumer components ~~which that~~ are the enrollees' perceptions regarding all aspects of the quality of the health plan's services, and which that include:

(1) enrollee satisfaction surveys, which must meet validity standards in the following areas:

(a) assessment of enrollee health care experiences;

(b) statistical methodology for population sampling and analysis of the results, with a focus on membership affected by the issue being researched; and

(c) ease of completion and interpretation by enrollees;

[For text of subitems (2) and (3), see M.R.]

4685.1130 FILED WRITTEN PLAN AND WORK PLAN.

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

Subp. 2. **Annual work plan.** ~~The health maintenance organization shall annually file prepare a proposed written work plan with the commissioner on or before November 1 of every year. The health maintenance organization shall file the work plan with the commissioner, as requested. The proposed work plan must be approved by the governing body and meet the requirements of items A and B.~~

A. The work plan ~~shall~~ must give a detailed description of the proposed quality evaluation activities that will be conducted in the following year and a timetable for completion. The quality evaluation activities ~~shall~~ must address the components of the health care delivery system defined in part 4685.1115, subpart 2. The quality evaluation activities ~~shall~~ must be conducted according to the steps in part 4685.1120.

In determining the level of quality evaluation activities necessary to address each of the components of the health ~~plan maintenance organization,~~ the commissioner shall consider the number of enrollees, the number of providers, the age of the health plan maintenance organization, and the level of quality evaluation activities conducted by health care organizations that perform similar functions.

B. The work plan ~~shall give a description of~~ must describe the proposed focused studies to be conducted in the following year. The focused studies ~~shall~~ must be conducted according to the steps in part 4685.1125. ~~The description of the Each proposed studies shall study must~~ include the following elements:

(1) topic to be studied;

(2) rationale for choosing topic for study according to part 4685.1125, subpart 1;

- (3) benefits expected to be gained by conducting the study;
- (4) study methodology;
- (5) sample size and sampling methodology;
- (6) criteria to be used for evaluation; and

(7) approval by the health maintenance organization's medical director or qualified director of health services designated by the governing body.

Each health maintenance organization shall annually complete a minimum of three focused studies. The focused study sample ~~shall~~ must be representative of all health maintenance organization enrollees who exhibit characteristics of the issue being studied.

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

Subp. 4. **Plan review.** The commissioner shall review the health maintenance organization's annual proposed work plan to determine if it meets the criteria established in parts ~~4685.1100~~ 4685.1105 to 4685.1130. If the commissioner does not disapprove the plan within 30 days of its submission, it is considered approved.

[For text of subp 5, see M.R.]

4685.1300 EFFECTIVE DATE OF OPERATING REQUIREMENTS.

When changes are required in existing evidences of coverage or health maintenance contracts in order to implement the provisions of parts 4685.0100 to ~~4685.5600~~ 4685.3400, ~~such the~~ changes shall be implemented upon the renewal date of ~~such the~~ documents commencing with the first renewal after 180 days after the effective date of parts 4685.0100 to ~~4685.5600~~ 4685.3400. New contracts or evidences of coverage to be implemented after 180 days after the effective date of parts 4685.0100 to ~~4685.5600~~ 4685.3400 must be in compliance with parts 4685.0100 to ~~4685.5600~~ 4685.3400 upon implementation.

4685.1900 RECORDS OF COMPLAINTS.

Subpart 1. **Record requirements.** Every health maintenance organization shall maintain a record of each complaint filed with it during the prior five years. The record ~~shall~~ must, where applicable, include:

- A. the complaint or a copy of the complaint and the date of its filing;
- B. ~~all correspondence relating to documentation of all~~ informal discussions, consultations, ~~or~~ conferences ~~held, and~~ correspondence relative to each complaint; ~~a brief written summary of all informal discussions, consultations, conferences, or correspondence held relative to each complaint that includes, including the date or dates on which of each such informal discussion, consultation, conference, or correspondence occurred interaction and their the~~ outcomes: of each interaction;
- C. a copy of the hearing or reconsideration findings given the complainant;
- D. a copy of the ~~arbitrator's decision~~ alternative dispute resolution process and the agreement reached or the decision of the neutral; and
- E. all documents ~~which that~~ have been filed with a court relating to a complaint and all orders and judgments of a court relating to the complaint.

Subp. 2. **Log of complaints.**

A. A health maintenance organization shall keep a single, ongoing log of complaints submitted to the health maintenance organization by complainants.

B. The log ~~shall~~ must contain the date the complaint was initially submitted; the name, address, and telephone number of the complainant; the enrollee's identification number; and the location of the complainant's complaint records.

C. The log must contain the following information regarding an enrollee who complains orally to the health maintenance organization:

- (1) name;
- (2) address;
- (3) telephone number;

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Proposed Rules

(4) identification number;

(5) nature of the grievance; and

(6) dates when:

(a) the enrollee complained orally;

(b) the enrollee was provided the telephone number of the commissioner; and

(c) the complaint form was mailed, if applicable.

4685.2800 FEES.

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

Subp. 2. **Renewal fee.** The renewal fee for a certificate of authority is \$16,000 for each health maintenance organization plus 46 cents for each person enrolled in the health maintenance organization on December 31 of the preceding year. The fee applies to the calendar year in which the fee is required to be paid.

REPEALER. *Minnesota Rules, part 4685.1100, is repealed.*

INCORPORATIONS BY REFERENCE: Part 4685.0100, subpart 9a: Current version of the National Association of Insurance Commissioners' Blank for Health Maintenance Organizations published by the Brandon Insurance Service Company, Nashville, Tennessee. Available at the State Law Library, Judicial Center, 25 Constitution Avenue, Saint Paul, Minnesota 55155.

Higher Education Services Office

Proposed Permanent Rules Relating to State Financial Aid Programs

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 Amendments to Rules Governing the State Grant, State Work Study, Public Safety Officer's Survivor Grant, and Nursing Grant Program for Persons of Color Programs, *Minnesota Rules, 4830.0600, 4830.2400, 4830.8020, 4830.9015; and the Planned Repeal of Rules Governing Definitions for Higher Education Programs, *Minnesota Rules, 4830.0100, subpart 3a, Definitions for Satisfactory Academic Progress, *Minnesota Rules, 4830.0110, subparts 4, 5, 6, 7, 8, and 9; and the State Grant Program, *Minnesota Rules, 4830.0600, subparts 1 and 1a.****

Introduction. The Minnesota Higher Education Services Office 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 July 23, 1998, a public hearing will be held in Room 716 A,B,C, on the 7th Floor, Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101, starting at 9:00 a.m. on August 6, 1998. 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 July 23, 1998 and before August 6, 1998.

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:

Mary Lou Dresbach
Minnesota Higher Education Services Office
400 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
(612) 296-3974 (ext. 3036)
FAX: (612) 297-8880

TTY users should contact the Minnesota Relay Service at 1-800-627-3529 and request assistance in contacting the Higher Education Services Office.

Subject of Rules and Statutory Authority. The proposed rules are about the calculation of State Grant awards for the fourth quarter or third semester within a fiscal year, who is an eligible employer under the state Work Study program, the maximum amount of a state Work Study award, who is an eligible recipient under the Public Safety Officers Survivor Grant program, the calculation of refunds to the Nursing Grant Program for Persons of Color program. The proposed repealer language relates to the dele-

tion of the definition of "eligible rural areas," definitions relating to "satisfactory academic progress," and language relating to monetary awards and minimum awards under the State Grant program. The statutory authority to adopt the rules is *Minnesota Statutes*, section 136A.01, Subd. 2(8). A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on July 23, 1998, 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 July 23, 1998. 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 August 6, 1998, 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) 296-3974 (ext. 3036) after July 23, 1998 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 Barbara L. Neilson is assigned to conduct the hearing. Judge Neilson can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone: (612) 341-7604, 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 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.

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Proposed Rules

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 Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure 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.

Dated: 3 June 1998

Robert K. Poch
Director

4830.0600 AWARDS.

Subpart 1. [See repealer.]

Subp. 1a. [See repealer.]

Subp. 1e. Awards for fourth quarter or third semester. In calculating a state grant for the fourth quarter or third semester within a fiscal year, the award shall be calculated as specified in *Minnesota Statutes*, section 136A.121, subdivision 5. The amount of the federal Pell Grant subtracted in the calculation shall be the lesser of:

- A. the amount of the federal Pell Grant for which the grant applicant is eligible; or
- B. the amount of funds remaining from the applicant's full-time annual Pell Grant award.

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

4830.2400 EMPLOYMENT TERMS; AMOUNT OF GRANTS.

Subpart 1. **Eligible employers.** A work-study grant recipient may be employed on-campus by the school or off-campus by any of the following:

- A. a nonprofit, nonsectarian agency located in Minnesota;
- B. a private, for-profit employer employing a student as an intern in a position directly related to the student's field of study that will enhance the student's knowledge and skills in that field;
- C. a person who has a physical or mental impairment which substantially limits at least one life activity and who could benefit from student assistance in or about the home; or
- ~~E. D.~~ a person over 65 years old who could benefit from student assistance in or about the home.

Subp. 2. **Amount.** The maximum a student may earn through a work-study grant is the amount of the student's financial need. ~~If a school finds it necessary to replace any portion of a student's family contribution with a work-study grant, the school must place written documentation supporting the decision in the student's file at the school.~~

[For text of subps 3 and 4, see M.R.]

4830.8020 ELIGIBLE RECIPIENT.

To be eligible for a grant, the person must:

A. be enrolled in an undergraduate degree or certificate program after June 30, 1990, at an eligible institution as specified in part 4830.8010;

B. not have received a baccalaureate degree, nor have been enrolled full time or the equivalent for eight semesters or 12 quarters, whichever occurs first; ~~and~~

C. be a dependent child less than 23 years of age or the surviving spouse of a public safety officer killed in the line of duty on or after January 1, 1973; and

D. provide a copy of the certification of eligibility received from the commissioner of public safety to the eligible institution.

4830.9015 APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.

[For text of subps 1 to 7, see M.R.]

Subp. 7a. Refunds. Refunds to the program are determined as follows:

A. calculate the percentage that the nursing grant award represents of the student's total financial aid package for the applicable term, excluding funds received from federal Title IV programs, United States Code, title 20, sections 1070-1099;

B. calculate the total tuition refund amount using the refund calculation required of schools participating in federal Title IV programs;

C. subtract the federal aid programs' refund amount from item B to determine the remaining tuition refund amount; and

D. multiply the percentage in item A by the amount calculated in item C to determine the amount to be refunded to the nursing grant program.

[For text of subp 8, see M.R.]

REPEALER. Minnesota Rules, parts 4830.0100, subpart 3a; 4830.0110, subparts 4, 5, 6, 7, 8, and 9; and 4830.0600, subparts 1 and 1a, are repealed.

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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 Agriculture

Adopted Permanent Rules Relating to Agricultural Development Grants

The rules proposed and published at *State Register*, Volume 22, Number 41, pages 1811-1812, April 13, 1998 (22 SR 1811), are adopted as proposed.

Department of Economic Security

Adopted Permanent Rules Relating to Rehabilitation Services; Extended Employment Program

The rules proposed and published at *State Register*, Volume 22, Number 31, pages 1327-1343, February 2, 1998 (22 SR 1327), are adopted with the following modifications:

3300.2005 DEFINITIONS.

Subp. 4. **Annual survey.** "Annual survey" means the yearly survey of department staff, extended employment program providers, consumer and advocacy organizations, organizations representing cultural and racial minorities, and county social service agencies to determine the need for center-based employment, community employment, and supported employment.

Subp. 6a. **Center-based fund.** "Center-based fund" means the extended employment program fund which pays for the center-based employment subprogram.

Subp. 10. **Community employment.** "Community employment" is paid work in the community requiring intensive ongoing employment support services that does not meet the definition of supported employment only because the worker is paid less than minimum wage or the employment does not meet the integration standards of supported employment; criteria of an integrated setting, or the worker is compensated at or above the minimum wage but below the customary wage paid by the employer for the same or similar work performed by individuals without a disability.

Subp. 10a. **Community support fund.** "Community support fund" means the extended employment program fund which pays for the community employment subprogram and supported employment subprogram.

Subp. 14. **Expanded program.** "Expanded program" means an expansion of an existing provider's capacity to provide community employment or supported employment to persons with mental illness, traumatic brain injury, or the most severe disabilities, to persons from racial or ethnic minorities, to other unserved or underserved populations, and to persons living in geographic regions of Minnesota; unserved or underserved by the extended employment program.

Subp. 17. **Extended employment support plan.** "Extended employment support plan" means the individual service plan developed with the provider, by the worker, based on informed choice, with assistance from the worker's interdisciplinary team if desired by the worker.

Subp. 18. **Extended employment worker or worker.** "Extended employment worker" or "worker" means an individual with a most severe disability as defined in subpart 22 that results in serious limitations in three or more functional areas as defined in subpart 20 that affect employment, who requires and receives ongoing employment support services as defined in subpart 31 over an extended period of time to maintain and advance in employment, and who is reported to the department by the provider during the contract period. Reference to extended employment worker always includes the worker's legal representative.

Subp. 25. **Integrated setting.** “Integrated setting,” with respect to an employment outcome, means a setting typically found in the community in which an individual with the most severe disabilities interacts with nondisabled individuals, other than nondisabled individuals who are providing services to that individual, to the same extent that nondisabled individuals in comparable positions interact with other persons.

Subp. 27. **Legal representative.** “Legal representative” means an individual who is legally authorized to provide make informed choices on a worker’s behalf. A legal representative may be one of the following individuals: the parent of a minor who has not been emancipated; a court-appointed guardian or conservator of a worker who is 18 years of age or older, in areas where legally authorized to make decisions; a guardian ad litem or special guardian or conservator, in areas where legally authorized to make decisions; legal counsel if so specified by the worker; or other legally authorized individual.

Subp. 28. **Natural supports.** “Natural supports” means ongoing employment support services provided under an extended employment support plan by individuals who are agents of the worker’s employer. Community employment or supported employment with using a natural supports approach is the process of a provider helping an employer to expand its capacity for training, supervising, and supporting one or more workers with the most severe disabilities. This definition involves the direct hire of a worker in an individual job, the location of which is not isolated by disability.

Subp. 32a. **Primary language.** “Primary language,” with reference to an individual with limited English proficiency, means the language normally used by that individual.

Subp. 34. **Rehabilitation facility or facility.** “Rehabilitation facility” or “facility” means an entity as defined in *Minnesota Statutes*, section 268A.01, subdivision 6, including an entity that meets the definition of community rehabilitation program under the federal Rehabilitation Act, but that has not been certified under part 3300.2010 as an extended employment provider.

3300.2010 STATE CERTIFICATION.

Subp. 4. **Requirements for certification.** The commissioner shall certify rehabilitation facilities that meet all of the following requirements as eligible extended employment providers:

F. The governing body of the provider ~~organization~~ must comply with *Minnesota Statutes*, section 268A.08.

G. Members of the governing board and management staff of ~~provider organizations providers~~ shall ~~complete~~ be provided a minimum of eight hours of continuing education and training each year over a three-year cycle concurrent with the ~~organization’s provider’s~~ three-year accreditation cycle with CARF. Members of the governing board and management staff of extended employment provider shall complete training in each of the three subject areas listed in subitems (1) to (3) during the course of the three-year training cycle. At a minimum, two-thirds of the members of the governing board and management staff shall complete this training. The provision of this training shall be documented in the record of meetings of the provider’s board of directors. Subjects for continuing education and training include, but are not limited to, the following:

(3) understanding the programmatic and ethical responsibilities of nonprofit organizations to the communities they serve.

~~Members of the governing board and management staff of extended employment provider organizations shall complete training in each of the three subject areas listed in subitems (1) to (3) during the course of the three-year training cycle. The provision of this training shall be documented in the record of meetings of the organization’s board of directors.~~

H. In addition to the continuing education requirement in item G, the governing board of ~~provider organizations providers~~ must provide training for all members on the fiduciary responsibilities of the directors of nonprofit organizations. Training on fiduciary responsibilities shall be provided to new board members within the first year of their term. In addition, members of the board of directors must receive copies of the ~~organization’s provider’s~~ financial audits and review all management letters that accompany the financial audit. The record of board meetings shall document the provision of training on fiduciary responsibilities and the receipt and review of the ~~organizations provider’s~~ financial audit and management letter.

I. The provider must comply with *United States Code*, title ~~41~~ 42, sections 12101 ~~to 12213~~, et seq., of the Americans with Disabilities Act of 1990.

3300.2015 EXTENDED EMPLOYMENT PROGRAM ELIGIBILITY.

Subp. 5. **Comparable benefits.** At the time of placement in a ~~job in the~~ community employment or supported employment, the provider shall determine and document in accordance with part 3300.2025, subpart 9, item E, subitem (3), that the benefits for workers for whom the provider is not the payroll agent are comparable to the benefits provided by the employer to its workers without disabilities.

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Adopted Rules

Subp. 6. **Fair and equitable pay requirements.** Workers in supported employment shall be paid at a rate equal to or greater than the state or federal minimum wage, whichever is applicable. Workers in center-based; ~~and~~ community; ~~and supported~~ employment ~~shall~~ may be paid at a rate equal to or greater than the state or federal minimum wage, whichever is appropriate, or at a lesser rate of pay according to a certificate issued under *Code of Federal Regulations*, title 29, sections 525.1 to 525.24, or other federal regulations providing for exemption from federal minimum wage requirements. A worker in extended employment who is self-employed must realize net income that is the equivalent or in excess of the hourly rate of pay required under the Minnesota Fair Labor Standards Act, *Minnesota Statutes*, chapter 177, as amended, and the Federal Fair Labor Standards Act, *United States Code*, title 29, as amended, when the number of hours worked is compared with the income realized.

Subp. 7. **Participants in day training and habilitation programs.** Participants in day training and habilitation programs funded under full-day per diem rates by the Department of Human Services are not eligible for extended employment program funding. Participants funded under part-day rates for day training and habilitation services may be reported in the community and supported employment subprograms of extended employment if the following criteria are met:

B. ongoing employment support services provided during the hours reported to the extended employment program are provided under an extended employment support plan, as described in part 3300.2025, subpart 4 or 6, and delivered by employees of a certified provider or by agents of the worker's employer in accordance with part 3300.2025, subpart 6, not the employees of a day activity center licensed by the Department of Human Services; and

3300.2020 REPORTING REQUIREMENTS.

Subp. 2. **Required data elements.** The following data shall be submitted to the department on each worker reported to the extended employment program:

B. legal ~~guardianship status and guardian~~ representative, if applicable;

P. ~~job site model, for example, center-based employment, single site, work crew, or enclave subprogram:~~ center-based employment, community employment, or supported employment;

T. special education participation; ~~and~~

U. SSI or SSDI recipient status; and

V. DTH program status.

Subp. 3. **Data elements required for payment.** Of the data elements listed in subpart 2, payment to providers is based on provider reporting of items A, C, F, and P. When a worker is reported for payment under part 3300.2025, subpart 7, subpart 2, item V, must also be reported to the department. Data elements required for payment must be reported in the format prescribed by the department.

3300.2025 PROGRAM PLANNING, SERVICE DELIVERY, AND CASE RECORDS.

Subp. 4. **Extended employment support plans.** All workers in center-based, ~~supported employment, and~~ community, and supported employment shall have an extended employment support plan. The plan, to be reviewed at yearly intervals, or ~~more often as required under subpart 8,~~ or if changes in the worker's situation require more frequent reviews, describes the worker's employment goals and the ongoing employment support services to be provided to reach the worker's goal. The plan shall include the following:

Subp. 5. **Minimum contact by provider.** The extended employment support plan will include assurances that ~~a minimum of two in-person contacts with the worker in community and supported employee employment will receive a minimum of two in-person contacts per month will occur~~ in the provision of planned ongoing employment support services, unless the ongoing employment support is provided through natural supports as described in subpart 6.

Subp. 7. **Worker information on program planning and service delivery.**

A. The department shall provide information, in the worker's primary language using appropriate modes of communication, on program planning and service delivery in extended employment. This information will be ready for distribution to providers by January 1, 1999, and shall include:

B. Providers shall distribute information on the extended employment program planning and service delivery to the worker and the worker's legal representative on a yearly basis. This information shall be made available to workers using appropriate modes of communication in the primary language of the worker and the worker's legal representative.

This information shall include:

(1) a description of the provider's center-based, community, and supported employment programs, including:

(c) a statement ~~of~~ describing the rights to review, appeal, and records, and descriptions of the processes of grievance procedures and appeal, and examples of the situations in which either or both can be used; and

Subp. 8. **Annual reassessment of extended employment support plans.** Extended employment support plan review with interdisciplinary team involvement, unless waived by the worker, shall occur at least yearly. A plan with a goal of community or supported employment that has not been achieved or maintained shall be reviewed every six months. A written report of this review or an updated extended employment support plan shall summarize this review and shall be maintained in the case file. The record of the reassessment shall include the names of the participants in the reassessment of the worker's extended employment support plan and the signature of the worker designating informed consent. A copy of the reassessment shall be promptly provided to the worker in the worker's primary language using appropriate modes of communication.

This reassessment must address:

D. the worker's interest in; ~~and potential for;~~ changing or advancing in employment.

~~The record of the reassessment shall include the names of the participants in the reassessment of the worker's extended employment support plan and the signature of the worker designating informed consent.~~

~~A copy of the reassessment shall be promptly provided to the worker in the worker's primary language using appropriate modes of communication.~~

3300.2030 NEW OR EXPANDED PROGRAMS.

Subpart 1. **Funding for new or expanded programs.** The department shall provide notice of the availability of funding for new or expanded programs through a request for proposals published in the *State Register*. The department shall make copies of the request for proposals available to a city, town, county, nonprofit corporation, state regional center, or combination thereof. Applicant organizations shall submit an application for a new extended employment program or for expansion of an existing extended employment program. The commissioner shall use the following criteria in reviewing applications for a new or expanded program:

B. the relationship of the new or expanded individual program to any current programs in terms of ~~defined~~ identified needs;

Subp. 2. **Department review of proposals.** The department shall base its decisions on proposals upon objective criteria and a review process that includes representatives of affected county social service agencies, the local vocational rehabilitation office, providers outside the affected service area, representation from racial and ethnic minorities, and advocacy organizations as defined in part 3300.2005, subpart 3.

3300.2035 ALLOCATION OF EXTENDED EMPLOYMENT PROGRAM FUNDS.

Subp. 4. **Procedures for contracts with providers for center-based, community, and supported employment.** Each fiscal year, the department will enter into annual contracts with providers for a specific ~~number of hours of work in allocation from the center-based employment fund or supported employment~~ the community support fund according to items A to C.

A. ~~The A~~ A provider's contract starting point each year will be ~~the previous year's contracted allocation or the previous year's earned allocation, whichever is less; determined by the previous year's contract and the previous year's reported contract production, as follows: (i) when the provider's reported contract production in the previous year is equal to or greater than 95 percent of the contract, the provider's starting point shall be the previous year's contract; or (ii) when the provider's reported contract production in the previous year is less than 95 percent of the contract, the provider's starting point will be the reported contract production plus five percent of the previous contract.~~

(1) The starting point for contracts to providers for state fiscal year 1999 shall be calculated using the following method:

(a) for ~~supported employment~~ the community support fund, the lesser of each provider's total contracted or reported hours of work and service ~~contracted for in supported employment as defined under the prior extended employment rule in part 3300.2050, subpart 31a, in state fiscal year 1998 by the provider~~ shall be multiplied by \$2.04 to determine the provider's contract starting point ~~for supported employment from the community support fund~~ for state fiscal year 1999; and

(b) for the center-based ~~employment fund~~, the lesser of each provider's total contracted or reported hours of work and service ~~contracted for in center-based employment in state fiscal year 1998~~ shall be multiplied by \$1.13 to determine the provider's contract starting point ~~for from the center-based employment fund~~ for state fiscal year 1999.

B. ~~When a provider's earned allocation is less than the allocation specified in a contract year for center-based employment, community, or supported employment, the provider is required to return unearned payments with the following exception: up to 2.5 percent of the unearned payment can be repaid through work hours in supported employment or community employment in excess~~

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Adopted Rules

~~of the number of work hours required for the allocation specified in that contract year. Two and one-half percent of a provider's contracted allocation from either the center-based fund or the community support fund can be earned by reported production that exceeds the provider's contracted allocation in the other fund. This reported contract production cannot be used to adjust the contract starting point under item A. This provision cannot be exercised in the subsequent fiscal year.~~

C. The redistribution of allocation from underproduction to providers is as provided in subitems (1) to ~~(4)~~ (3).

(1) Where a provider's underproduction in ~~the center-based employment fund or supported employment~~ the community support fund is over five percent of the contracted level of allocation, the allocation in excess of five percent shall be redistributed to other providers, unless a variance for economic hardship has been approved under part 3300.2040.

(2) Allocation from underproduction shall be redistributed to other providers on the basis of guidelines established by the department for that funding year. The guidelines shall consider unmet needs of target populations and the geographic distribution of center-based employment, community employment, and supported employment.

(3) When the allocation to be redistributed under department guidelines is at least one percent of the total allocation for either ~~the center-based employment fund or supported employment~~ the community support fund, the department shall issue a request for proposals under part 3300.2030, subparts 1 and 2. Alternatively, the allocation to be redistributed may, at the commissioner's discretion, be used to adjust the statewide uniform rates under subpart 6, item B.

~~(4) Providers cannot exercise the repayment option in this item in the subsequent state fiscal year.~~

Subp. 5. **Annual survey.** The department shall conduct an annual survey of extended employment program needs for center-based, community, and supported employment, including the geographic distribution of these services. ~~Survey sources shall include department staff, providers, consumer and advocacy organizations, and county social service agencies.~~ The results of this survey shall be considered in the department's application and guidelines for funding in subpart 3, and in the department's issuance of requests for proposals under parts 3300.2030, subparts 1 and 2, and 3300.2052, subpart 1, item C. This information shall be available to public officials, workers, providers, advocacy organizations, and social service agencies.

Subp. 6. **Statewide uniform rates.** Effective July 1, 1998, the allocation and distribution of extended employment program funds to center-based employment, community employment, and supported employment will be based on the work hour rates in items A and B.

A. There shall be ~~two three~~ statewide uniform rates ~~for each work hour in supported employment and a statewide uniform rate for each work hour in center-based employment.~~ One uniform statewide rate for supported employment shall be for hours of work which meet the definition of supported employment. The second statewide uniform state rate for supported employment shall be for hours of work which meet the definition of community employment. The rate for a work hour in supported employment shall be \$2.40 per hour. The rate for a work hour in community employment shall be \$2.13 per hour. The rate for a work hour in center-based employment shall be \$1.19 per hour.

B. The statewide uniform work hour rates for center-based employment, community employment, and supported employment may, at the commissioner's discretion, be adjusted to account for changes in the Consumer Price Index (CPI).

Subp. 7. **Statewide allocation of extended employment funds to center-based employment fund and supported employment community support fund.** For each state fiscal year, the department shall determine the statewide allocation for ~~the center-based employment fund and supported employment~~ the community support fund according to items A to D.

A. From the state appropriation, the department shall reserve for ~~supported employment~~ the community support fund an amount of dollars equal to the sum of the allocations for the starting point for all providers with contracts and making application for funding.

B. From the state appropriation, the department shall reserve ~~for from the center-based employment fund~~ an amount of dollars equal to (1) the sum of the allocations for the starting point for all providers with contracts and making application, less (2) any ~~work hours allocation~~ withheld resulting from the request for proposals process, multiplied by the statewide uniform rate for center-based employment. However, no future statewide allocation of extended employment funds to ~~the center-based employment fund~~ shall exceed \$4,279,000, the funding allocation for center-based employment in state fiscal year 1997.

C. Adjustments to the statewide allocation may be made based on shifts of dollars from ~~the center-based employment fund to supported employment~~ the community support fund as requested by providers. Shifts will be adjusted at the starting point for each provider requesting shifts.

Subp. 8. **Adjustment of state grant funds allocated to providers.**

A. The department must distribute state grant funds based on provider reporting of work hours of paid employment provided to workers in center-based employment, community employment, and supported employment.

B. ~~The department must adjust payments to providers during the contract year based on corrections of reported hours of paid employment in center-based employment, community employment, and supported employment.~~

~~C.~~ Beginning in state fiscal year 2000, provider contracts must also be adjusted for the wage level performance incentives in part 3300.2045.

~~D. C.~~ Compliance audits of eligible work hours shall be performed and adjustments made to the allocation of state grant funds to providers after the close of the funding year as provided in subitems (1) and (2).

(1) After the close of each funding year, an audit of each provider must be conducted using the department's compliance audit standards according to generally accepted auditing standards as follows:

(a) The audits must be performed by independent ~~audit firms~~ auditors at the expense of the providers.

(b) The department must seek input from providers and ~~private audit firms~~ independent auditors in the development of the compliance audit standards.

(c) The department must review the compliance audit standards on an annual basis and seek the input of providers and ~~private audit firms~~ independent auditors in the review of the standards. The department will make the standards available no later than 30 days prior to the end of each state fiscal year.

(e) Completed audits must be submitted to the department within 90 days from the close of the funding year. Audits submitted after the due date will not adjust allocations beyond the allocation earned by the reported work hours during the contract period.

(2) Audit adjustments to provider allocations must be made as follows:

(b) Based on the results of the compliance audit, the department must seek repayment from providers for hours of employment in center-based employment, community employment, or supported employment that were not provided according to the provider's contract.

3300.2045 WAGE LEVEL INCENTIVE.

All funds not paid out to providers as a result of underproduction and all funds repaid to the department by providers as the result of final audit adjustments must be used as a performance fund for extended employment providers whose workers' wages meet or exceed the federal minimum wage.

The incentive fund must be distributed to each extended employment provider based on the proportionate share of hours of work where the statutory minimum or a higher wage was paid. The ratio is the provider's hours divided by the total hours meeting minimum wage reported by all extended employment providers.

The incentives are calculated and paid separately for the center-based employment fund and ~~supported employment~~ the community support fund.

3300.2052 WITHDRAWAL OF ALLOCATED FUNDS.

Subp. 4. **Reallocation.** When the withdrawn allocation to be redistributed is less than one percent of the total allocation for either the center-based employment fund or ~~supported employment~~ the community support fund, the reallocation shall take place under the department guidelines in part 3300.2035, subpart 3. When the reallocation to be redistributed is one percent or more of the total allocation in either the center-based employment fund or ~~supported employment~~ the community support fund, the withdrawn funds shall be reallocated by the commissioner through the request for proposals process in part 3300.2030, subparts 1 and 2. Withdrawn funds may be reallocated by the commissioner on an interim basis for up to 120 days when that is necessary to continue the employment of workers in the extended employment program until the request for proposals process in part 3300.2030, subparts 1 and 2, can be completed.

3300.2055 APPEAL PROCEDURE.

Subpart 1. **Scope.** The procedure in this part governs all appeals initiated by providers having a right of appeal under:

B. the appeal of a decision of the department concerning the provider's allocation of state grant funds in part ~~3300.2030~~ 3300.2035, including actions resulting from the department's monitoring of the extended employment program that affect the status of the provider's certification or the provider's funding under the extended employment program.

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

Adopted Rules

Department of Health

Adopted Permanent Rules Relating to Mortuary Science

The rules proposed and published at *State Register*, Volume 22, Number 44, pages 1944-1945, May 4, 1998 (22 SR 1944); and Volume 22, Number 46, pages 2012-2013, May 18, 1998 (22 SR 2012), are adopted as proposed.

Minnesota Pollution Control Agency

Adopted Permanent Rules Relating to Air Emission Permits

The rules proposed and published at *State Register*, Volume 22, Number 41, pages 1835-1840, April 13, 1998 (22 SR 1835), are adopted with the following modifications:

7007.3010 CONSTRUCTION OR RECONSTRUCTION OF A MAJOR SOURCE OF HAZARDOUS AIR POLLUTANTS UNDER SECTION 112(g)(2)(B) OF THE ACT.

Any person who constructs or reconstructs a major hazardous air pollutant source as defined in Code of Regulations, title 40, section 63.41, except electric utility steam generating units, stationary sources in deleted source categories under section 112(C)(9) of the act, and research and development activities, must meet the requirements of *Code of Federal Regulations*, title 40, part 63, subpart B, sections ~~63.39~~ 63.40 to 63.44, as amended, entitled "Requirements for Control Technology," which is adopted and incorporated by reference, except sections 63.42(a) and 63.42(b) are not included.

All applications and other information required pursuant to *Code of Federal Regulations*, title 40, part 63, subpart B, sections 63.40 to 63.44, from emissions units, emission facilities, and stationary sources located in Minnesota shall be submitted to the commissioner.

Department of Public Safety

Adopted Permanent Rules Relating to Minnesota Uniform Fire Code

The rules proposed and published at *State Register*, Volume 22, Number 36, pages 1520-1546, March 9, 1998 (22 SR 1520), are adopted with the following modifications:

7510.3360 ARTICLE 9 - FIRE DEPARTMENT ACCESS AND WATER SUPPLY.

Subp. 3. **Sec. 1003.1.2.** Sec. 1003.1.2 of the Uniform Fire Code is amended to read:

1003.1.2 Standards. Fire-extinguishing systems shall comply with the National Fire Protection Association Standard No. 13, Standard for the Installation of Sprinkler Systems (Quincy, Massachusetts, 1996). National Fire Protection Standard No. 13 is incorporated by reference, is not subject to frequent change, and is available at the State Law Library, 25 Constitution Avenue, Saint Paul, Minnesota 55155.

EXCEPTIONS: 1. Fire-extinguishing systems complying with Uniform Building Code Standard 9-1.

2. Automatic fire-extinguishing systems not covered by the Building Code shall be approved and installed in accordance with approved standards (see Article 90).

3. Automatic sprinkler systems may be connected to the domestic water supply main when approved by the chief, provided that the domestic water supply is of adequate pressure, capacity and sizing for the combined domestic and sprinkler requirements. In such case, the sprinkler system connection shall be made between the public water main or meter and the building shutoff valve, and there shall not be intervening valves or connections. The fire department connection required by NFPA Standard No. 13 and the Uniform Building Code Standard 9-1 may be omitted when approved by the chief.

4. Automatic sprinkler systems in Group R Occupancies four stories or less may be in accordance with the Building Code requirements for residential systems. (See the Building Code and U.B.C. Standard 9-3.)

5. When, in the opinion of the chief, an adequate alternate water supply for hose stream requirements is provided or available, the water supply requirements for the sprinkler system hose stream demands may be modified.

7510.3440 ARTICLE 79 - FLAMMABLE AND COMBUSTIBLE LIQUIDS.

Subp. 5. **Sec. 5202.4.1.** Sec. 5202.4.1 of the Uniform Fire Code is amended to read:

5202.4.1 Aboveground tanks. When approved by the chief, Class I and II liquids are permitted to be dispensed into the fuel tanks of a motor vehicle from aboveground tanks when such tanks are installed inside special enclosures in accordance with Sec. 5202.3.6, from protected aboveground tanks conforming with Appendix II-F or when such dispensing systems meet the requirements of this section.

5202.4.1.1 Aboveground tank dispensing systems. When approved by the chief, the dispensing of Class I and Class II liquids from a fuel dispensing system supplied by exterior aboveground tanks may be permitted under the conditions set forth in Sections 5202.4.1.1.1 through 5202.4.1.1.10.

5202.4.1.1.1 Number of tanks. Not more than three aboveground storage tanks shall be used for dispensing at any single dispensing site.

5202.4.1.1.2 Capacity of tanks. Tanks storing Class I liquids shall not exceed 6,000 gallons individual capacity. Tanks storing Class II liquids shall not exceed 10,000 gallons individual capacity.

5202.4.1.1.3 Fuel delivery method. Fuel delivery from aboveground tanks shall be from the top of the tank with the dispensing line equipped with an approved antisiphon system.

5202.4.1.1.4 Dispensing lines. Dispensing lines between the diked area and the dispenser shall be located underground and shall be completely enclosed in an approved secondary containment piping system. These lines shall also be equipped with an approved, normally closed solenoid valve at each dispenser located below the impact valve.

5202.4.1.1.5 Fill pipe and fill openings. The fill pipe between the fill opening and the diked area shall be underground. In addition to the normal valving requirements of the code, there shall be a manually operated, mechanical shut-off valve on the fill line inside the diked area which is operated from a location outside the dike.

5202.4.1.1.6 Safety precautions. The tanks and piping shall be safeguarded against collision, spillage, and overfill ~~as required by~~. The chief may require additional safeguards on tanks and piping against collision, spillage, and overfill. Dispensing lines and fill piping shall not penetrate the dike.

5202.4.1.1.7 Lightning protection. Tanks shall be provided with lightning protection as specified in National Fire Protection Association Standard 780, Lightning Protection Code, by the National Fire Protection Association (Quincy, Massachusetts, 1994). Standard 780 is incorporated by reference, is not subject to frequent change, and is available at the State Law Library, 25 Constitution Avenue, Saint Paul, Minnesota 55155.

5202.4.1.1.8 Tank location and distance from dispenser. Tank location and distance from the tank to the dispenser shall be at least 30 feet.

EXCEPTIONS: 1. For operations not open to the public and for resort operations serving registered guests only, dispensing of Class I liquids from one tank having a capacity of 560 gallons or less having the dispenser located on or adjacent to the tank is permitted.

2. For operations not open to the public, dispensing of Class II liquids from two tanks having a capacity of 1,000 gallons or less having the dispenser located on or adjacent to the tank is permitted.

3. Special tank enclosures complying with Sec. 5202.3.6 of this code having the dispenser located on or adjacent to the tank are permitted.

4. Dispensing devices are permitted to be installed on top of or adjacent to a listed, two-hour fire-protected aboveground tank system.

5202.4.1.1.9 Location of tank. Tanks shall be located not less than 50 feet from the nearest side of any public way, property line, building, or combustible storage located on the same property.

EXCEPTION: Aboveground tanks which have a separation distance of at least 30 feet between the tank and the dispenser may reduce the distances between the tank, the public way, property line, building, or combustible storage to 30 feet.

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> 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 — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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5202.4.1.1.10 Fire protection for multiple tanks. Where more than one tank is used, all aboveground tanks shall be protected by an approved fire-protection system when required by the chief.

7510.3480 AMENDMENTS TO APPENDICES OF UNIFORM FIRE CODE.

Subp. 3. **Appendix I-A, Sec. 1.** Appendix I-A, Sec. 1, of the Uniform Fire Code is amended to read:

SECTION 1 - GENERAL

1.1 Purpose. The purpose of Appendix I-A is to provide a reasonable degree of safety to persons occupying existing buildings by providing for alterations to such existing buildings which do not conform with the minimum requirements of this code or the Building Code. This appendix is intended to apply to buildings constructed prior to the adoption of the state fire code on October 3, 1975.

EXCEPTIONS: 1. Group U Occupancies need not comply with this appendix article.

2. Group R, Division 3 Occupancies need only comply with Sections 2, 6 and 7 of this appendix article.

1.2 Standards for Existing Group I Occupancies. The provisions of protection in existing Group I, Divisions 1.1, 1.2 and 2 Occupancies shall be in accordance with the applicable provisions of the Life Safety Code, ANSI/NFPA 101, referred to as Standard No. 101, issued by the National Fire Protection Association (Quincy, Massachusetts, 1997). Standard No. 101 is incorporated by reference, is not subject to frequent change, and is available at the State Law Library, 25 Constitution Avenue, Saint Paul, Minnesota 55155.

The provisions of protection in existing Group I, Division 3 Occupancies used as detention and correctional facilities shall be in accordance with the applicable provisions of the Life Safety Code, ANSI/NFPA 101, referred to as Standard No. 101, issued by the National Fire Protection Association (Quincy, Massachusetts, 1997). Standard No. 101 is not subject to frequent change and is available at the State Law Library, 25 Constitution Avenue, Saint Paul, Minnesota 55155.

Construction provisions of Standard No. 101 which are more restrictive than those found in the Building Code shall not be applicable. For the purposes of this section, construction provisions shall include those relating to type of construction, automatic fire-extinguishing and standpipe systems, fire alarm and detection systems, vertical opening protection, escape windows, exits, smoke barriers, handicapped accessibility and hazardous area separations.

1.3 Exit Requirements for Existing Buildings. Exits and emergency escapes shall be provided, installed and maintained as required in Article 12, except as modified by Section 2 of this appendix.

Expedited Emergency Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited emergency 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. Expedited emergency rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Expedited emergency rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these Expedited emergency rules detail the agency's rulemaking authority.

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules; 1998 Moose Season Quotas and Moose Zones

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13(b). The statutory authority for the contents of these rules is *Minnesota Statutes*, sections 97A.431 and 97B.505.

Dated: 11 June 1998

Rodney W. Sando
Commissioner of Natural Resources

6232.3855 1998 QUOTAS FOR TAKING MOOSE.

The number of available licenses for the 1998 moose hunting season is 184 and is distributed as follows:

- A. Moose Zone 20, 25;
- B. Moose Zone 21, six;
- C. Moose Zone 22, three;
- D. Moose Zone 23, three;
- E. Moose Zone 24, ten;
- F. Moose Zone 25, five;
- G. Moose Zone 26, three;
- H. Moose Zone 27, three;
- I. Moose Zone 28, two;
- J. Moose Zone 29, seven;
- K. Moose Zone 30, ten;
- L. Moose Zone 31, ten;
- M. Moose Zone 32, nine;
- N. Moose Zone 33, seven;
- O. Moose Zone 34, four;
- P. Moose Zone 35, four;
- Q. Moose Zone 36, nine;
- R. Moose Zone 60, two;
- S. Moose Zone 61, eight;
- T. Moose Zone 62, 14;
- U. Moose Zone 63, nine;
- V. Moose Zone 70, two;
- W. Moose Zone 72, two;

Expedited Emergency Rules

X. Moose Zone 73, six;

Y. Moose Zone 74, five;

Z. Moose Zone 76, six;

AA. Moose Zone 77, four;

BB. Moose Zone 79, three; and

CC. Moose Zone 80, three.

6232.4100 MOOSE ZONES.

[For text of subs 1 to 19, see M.R.]

Subp. 20. **Moose Zone 21.** Moose Zone 21 consists of that portion of the state lying within the following described boundary:

Beginning at the junction of State Trunk Highway (STH) 169 and ~~County State Aid Highway (CSAH)~~ the Superior National Forest Boundary in Township 62 North, Range 13 West, Sections 3 and 4; thence south along said boundary to Muckwa Lake; thence along the west shore of Muckwa Lake to the Superior National Forest Boundary; thence along said boundary to Bear Island Lake; thence along the west shore of Bear Island Lake to the public access on the south shore; thence southerly along County State Aid Highway (CSAH) 490, St. Louis County; thence along CSAH 490 to CSAH 904, St. Louis County; thence along CSAH 904 to CSAH 21, St. Louis County; thence along CSAH 21 to CSAH 70, St. Louis County; thence along CSAH 70 to Forest Road (FR) 112; thence along FR 112 to FR 424; thence along FR 424 to the Erie Mining Company railroad; thence along said railroad to FR 116; thence along FR 116 to FR 114; thence along FR 114 to FR 112; thence along FR 112 to FR 1431; thence along FR 1431 to FR 424; thence along FR 424 to FR 178; thence along FR 178 to FR 1860; thence along FR 1860 to the shore of Birch Lake; thence along the east shore of Birch Lake to the South Kawishiwi River; thence along the east and south shore of said river to the Kawishiwi River; thence westerly along the southerly shores of said river to Farm Lake; thence along the east and south shores of Farm Lake to the boat ramp on the west shore of Farm Lake; thence along the boat ramp road to Section Thirty Road; thence along said road to STH 169; thence along STH 169 to the point of beginning.

[For text of subs 21 to 24, see M.R.]

Subp. 24a. **Moose Zone 26.** Moose Zone 26 consists of that portion of the state lying within the following described boundary:

Beginning where the Horse River meets the Canadian border near the southeastern tip of Crooked Lake; thence south-westerly along the Horse River to Horse Lake; thence along the east shore of Horse Lake to the portage to Tin Can Mike Lake; thence along the portage and streams connecting Tin Can Mike, Sandpit, and Range Lakes to the access trail on the south shore of Range Lake; thence southerly along the access trail to the Range Lake access road; thence along the Range Lake access road to Forest Road (FR) 1036; thence along FR 1036 to FR 459; thence along FR 459 to County State Aid Highway (CSAH) 116 (Echo Trail), St. Louis County; thence along CSAH 116 to CSAH 88, St. Louis County; thence along CSAH 88 to State Trunk Highway (STH) 169; thence along STH 169 to CSAH 58, St. Louis County; thence along CSAH 58 to CSAH 16, Lake County (Section Thirty Road); thence along CSAH 16 to the public access on Farm Lake; thence along the east shore of Farm Lake to the North Kawishiwi River; thence easterly along the North Kawishiwi River to the public access on Lake One and the junction with CSAH 18, Lake County (Fernberg Road); thence along CSAH 18 to the former access point for Forest Trail (FT) 147 (Kekekabic Trail); thence northeasterly along FT 147 to the portage between Strup and Kekekabic Lakes; thence to Kekekabic Lake and along the south shore of said lake and a swampy flowage to Grubstake Lake; thence through Grubstake Lake and north to Skoota Lake; thence overland in a northerly direction to Knife Lake and the Canadian border; thence westerly along the Canadian border to the point of beginning.

Subp. 24b. **Moose Zone 27.** Moose Zone 27 consists of that portion of the state lying within the following described boundary:

Beginning at the junction of County State Aid Highway (CSAH) 116, St. Louis County (Echo Trail) and Forest Road (FR) 459; thence along CSAH 116 to CSAH 88, St. Louis County; thence along CSAH 88 to State Trunk Highway (STH) 169; thence along STH 169 to Old STH 169; thence northwesterly along Old STH 169 for 0.7 miles to a point south of Armstrong Bay of Lake Vermillion; thence north to said bay; thence along the east and north shore of Lake Vermillion to the portage to Trout Lake; thence along the portage and the east shore of Trout and Little Trout Lakes to the portage to the Little Indian Sioux River; thence along the portage and the Little Indian Sioux River to Otter Lake; thence through Otter and Cummings Lakes to Forest Trail (FT) 163; thence easterly along FT 163 to CSAH 644, St. Louis County; thence along CSAH 644 to CSAH 116, St. Louis County; thence along CSAH 116 to the point of beginning.

Subp. 24c. **Moose Zone 28.** Moose Zone 28 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of County State Aid Highway (CSAH) 2, Lake County and Superior National Forest Road (NFR) 122; thence along NFR 122 to CSAH 44, St. Louis County; thence along CSAH 44 to County Road (CR) 266 (Fox Farm Road), St. Louis County; thence along CR 266 to the North Shore Snowmobile Trail; thence in a north-easterly direction along the North Shore Snowmobile Trail to CSAH 2, Lake County; thence along CSAH 2 to the point of beginning.

[For text of subs 25 and 26, see M.R.]

Subp. 27. **Moose Zone 31.** Moose Zone 31 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 1 and County State Aid Highway (CSAH) 4, Lake County; thence in a southwesterly direction along CSAH 4, Lake County, to the North Shore Snowmobile Trail at Lax Lake; thence in a southwesterly direction along the North Shore Snowmobile Trail to the Reserve Mining Company Railroad; thence in a northwesterly direction along the Reserve Mining Company Railroad to Forest Road (FR) 107; thence along FR 107 to CSAH 203, Lake County; thence along CSAH 203 to CSAH 3, Lake County; thence along CSAH 3 to Silver Creek Township Road (TR) 24 (Alger Grade); thence along TR 24 to CSAH 2, Lake County; thence along CSAH 2 to Forest Road (FR) 104; thence along FR 104 to FR 102; thence along FR 102 to the Erie Mining Company Railroad; thence along the Erie Mining Company Railroad to STH 1; thence along STH 1 to the point of beginning.

Subp. 28. **Moose Zone 32.** Moose Zone 32 consists of that portion of the state lying within the following described boundary:

Beginning ~~on~~ at the Little Indian Sioux River ~~at~~ access road and its intersection with County State Aid Highway (CSAH) 116 (Echo Trail) St. Louis County; thence in a northerly direction along the access road to the Little Indian Sioux River; thence northerly on said river to the portage trail to Upper Pauness Lake; thence in a northerly direction along the east shore of Upper Pauness Lake to the outlet of Upper Pauness Lake; thence in an easterly and northerly direction through Lower Pauness Lake to the outlet of the Little Indian Sioux River; thence in a northerly direction along the Little Indian Sioux River to the Canadian Border; thence in a northerly, easterly and southeasterly direction along the Canadian Border through Loon, Lac La Croix, Bottle, Iron and Crooked Lakes to the Horse River near the southeastern tip of Crooked Lake; thence upstream in a southwesterly direction along the Horse River to Horse Lake; thence in a southerly direction along the east shore of Horse Lake to the southern tip of Horse Lake Lower Pauness Lake; thence along the east shore of Lower Pauness Lake to the portage to Shell Lake; thence along said portage and the south shore of Shell Lake to the portage to Little Shell Lake; thence through Little Shell Lake to the portage to Lynx Lake; thence along the portage and through Lynx Lake to the portage to Ruby Lake; thence along the portage and east and north along the south shore of Ruby Lake to the portage to Hustler Lake; thence along the portage and the south shore of Hustler Lake to the portage to Oyster Lake; thence along the portage and the south shore of Oyster Lake to the portage to the Oyster River; thence along the portage and southerly along the Oyster River to its junction with the Nina Moose River; thence east along the Nina Moose River to its confluence with Lake Agnes; thence along the south shore of Lake Agnes to the portage to the Boulder River; thence along the portage to and easterly along the Boulder River to its confluence with the Dahlgren River; thence southerly along the Dahlgren River to its confluence with Stuart Lake; thence along the south shore of Stuart Lake to the portage to Nibin Lake; thence along the portage and along the south shore of Nibin and Bibon Lakes to the portage to Sterling Lake; thence along the portage and the south shore of Sterling Lake to Sterling Creek; thence easterly along Sterling Creek to its confluence with the Beartrap River; thence easterly and southerly along the Beartrap River through Sunday Lake to Beartrap Lake; thence along the south shore of Beartrap Lake to Thunder Lake; thence south along the west shore of Thunder Lake to the portage to Mud Hole Lake; thence along the portage and through Mud Hole Lake to the portage to Gull Lake; thence along the portage and the north shore of Gull Lake to the portage to Gun Lake; thence along the portage and the west shore of Gun Lake to the portage to Fairy Lake; thence along the portage and the west shore of Fairy Lake to the portage to Boot Lake; thence along the portage and the west and south shores of Boot Lake to the portage to Fourtown Lake; thence along the portage and the west, south, and east shores of Fourtown Lake to the portage to Horse Lake; thence along the portage and the west shore of Horse Lake to the portage to Tin Can Mike Lake; thence along the portage to Tin Can Mike Lake; thence in a southwesterly direction across all portages and along all streams connecting Tin Can Mike, Sandpit, and Range Lakes, thence to the access trail on the south shore of Range Lake; thence in a southerly direction along the access trail to the Range Lake access road; thence along said road in a southwesterly direction to Forest Road (FR) 1036; thence along FR 1036 to FR 459; thence along FR 459 to CSAH 116 (Echo Trail), St. Louis County; thence along CSAH 116 to the point of beginning.

[For text of subs 29 and 29a, see M.R.]

Expedited Emergency Rules

Subp. 29b. **Moose Zone 35.** Moose Zone 35 consists of that portion of the state lying within the following described boundaries:

Beginning at the intersection of the Little Indian Sioux River access road and County State Aid Highway (CSAH) 116 (Echo Trail), St. Louis County; thence along the access road to the Little Indian Sioux River to Upper Pauness Lake; thence along the east shore of Upper Pauness Lake to the outlet of Upper Pauness Lake; thence along said outlet; thence northerly on said river to the portage trail to Lower Pauness Lake; thence along the east shore of Lower Pauness Lake to the Little Indian Sioux River; thence along the Little Indian Sioux River to the Canadian border; thence along the Canadian border through Loon, Loon River, Little Vermilion, and Sand Pit Lakes; thence through King Williams Narrows to the east shore of Crane Lake; thence along the east and south shore of Crane Lake to the Vermilion River; thence along the Vermilion River to CSAH 24, St. Louis County; thence along CSAH 24 to CSAH 116, St. Louis County; thence along CSAH 116 to the point of beginning.

Subp. 29c. **Moose Zone 36.** Moose Zone 36 consists of that portion of the state lying within the following described boundary:

Beginning at the south tip of Horse Lake, St. Louis County; thence along the east shore of Horse Lake to the Horse River; thence along the Horse River to the Canadian border; thence along the Canadian border through Crooked, Iron, Bottle, Lac La Croix, and Loon Lakes to the confluence with the Little Indian Sioux River; thence along the Little Indian Sioux River to Lower Pauness Lake; thence along the east shore of Lower Pauness Lake to the portage to Shell Lake; thence along said portage and the south shore of Shell Lake to the portage to Little Shell Lake; thence through Little Shell Lake to the portage to Lynx Lake; thence along the portage and through Lynx Lake to the portage to Ruby Lake; thence along the portage and east and north along the south shore of Ruby Lake to the portage to Hustler Lake; thence along the portage and the south shore of Hustler Lake to the portage to Oyster Lake; thence along the portage and the south shore of Oyster Lake to the portage to the Oyster River; thence along the portage and southerly along the Oyster River to its junction with the Nina Moose River; thence east along the Nina Moose River to its confluence with Lake Agnes; thence along the south shore of Lake Agnes to the portage to the Boulder River; thence along the portage to and easterly along the Boulder River to its confluence with the Dahlgren River; thence southerly along the Dahlgren River to its confluence with Stuart Lake; thence along the south shore of Stuart Lake to the portage to Nibin Lake; thence along the portage and along the south shore of Nibin and Bibon Lakes to the portage to Sterling Lake; thence along the portage and the south shore of Sterling Lake to Sterling Creek; thence easterly along Sterling Creek to its confluence with the Beartrap River; thence easterly and southerly along the Beartrap River through Sunday Lake to Beartrap Lake; thence along the south shore of Beartrap Lake to Thunder Lake; thence south along the west shore of Thunder Lake to the portage to Mud Hole Lake; thence along the portage and through Mud Hole Lake to the portage to Gull Lake; thence along the portage and the north shore of Gull Lake to the portage to Gun Lake; thence along the portage and the west shore of Gun Lake to the portage to Fairy Lake; thence along the portage and the west shore of Fairy Lake to the portage to Boot Lake; thence along the portage and the west and south shores of Boot Lake to the portage to Fourtown Lake; thence along the portage and the west, south, and east shores of Fourtown Lake to the point of beginning.

[For text of subps 30 to 44, see M.R.]

EFFECTIVE PERIOD. Minnesota Rules, part 6232.3855, is effective through December 31, 1998. After the emergency amendments to Minnesota Rules, part 6232.4100, expire, the permanent rule as it read prior to those amendments again takes effect, except as it may be amended by permanent rule.

Office of the Governor

Emergency Executive Order #98-07: Declaring a State of Emergency in the State of Minnesota

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

WHEREAS, during the period from May 15, 1998, through May 30, 1998, severe thunderstorms accompanied by tornadoes, straight-line winds, hail and torrential rain devastated central Minnesota; and

WHEREAS, these events have inflicted widespread and considerable damage to the public infrastructure as well as to homes, farms and businesses; and

WHEREAS, as a result of this crisis, there is a threat to public safety for citizens in the counties of Anoka, Blue Earth, Carver, Dakota, Hennepin, Ramsey, Scott and Washington; and

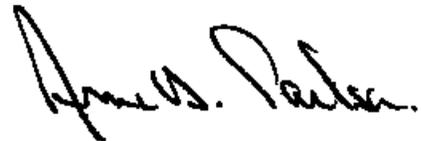
WHEREAS, the resources of local, county, state and tribal government and private relief agencies have been exhausted in responding to this crisis;

NOW, THEREFORE, I hereby declare that:

A State of Emergency exists in the State of Minnesota and do direct the Division of Emergency Management, in conjunction with the Federal Emergency Management Agency and other state and federal agencies, to determine the need for supplementary disaster aid and to coordinate the provision of any such assistance as necessary under existing state and federal authority.

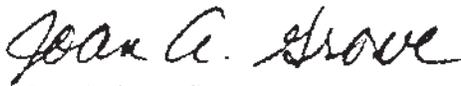
Pursuant to *Minnesota Statutes* 1996, section 4.035, subd. 2, this Order is effective immediately and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 1996, section 4.035, subd. 3.

IN TESTIMONY WHEREOF, I have set my hand this ninth day of June, 1998.



Arne H. Carlson
Governor

Filed According to Law:



Joan Anderson Growe
Secretary of State

Official Notices

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 matters of public interest.

Minnesota Comprehensive Health Association

Notice of the Board of Directors Strategic Planning Session - Work Group #3: Educator of the Public

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Board of Directors Strategic Planning Work Group #3 (educator of the public) will be held at 8:00 a.m. on Monday, June 29, 1998. The meeting will take place at the MCHA Executive Office, 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

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

Minnesota Comprehensive Health Association

Notice of the Board of Directors Strategic Planning Session - Work Group #1: Current Practices and Catastrophic Benefits

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Board of Directors Strategic Planning Work Group #1 (current practices & catastrophic benefits) will be held at 1:00 p.m. on Tuesday, June 30, 1998. The meeting will take place at the MCHA Executive Office, 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

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

Emergency Medical Services Regulatory Board

Notice of Completed Application In the Matter of the License Application of the Mahnomen Health Center Ambulance Service, Mahnomen, Minnesota

PLEASE TAKE NOTICE that the Emergency Medical Services Regulatory Board (hereinafter "EMSRB") has received a completed application from the **Mahnomen Health Center Ambulance Service, Mahnomen, Minnesota**, for a new license, advanced ambulance.

NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes* Sec. 144E.11, subd. 3 (1997), each municipality, county, community health board, governing body of a regional emergency medical services system, ambulance service and other person wishing to make recommendations concerning the disposition of the application, shall make written recommendations or comments opposing the application to the EMSRB within 30 days or by July 24, 1998, 4:30 p.m.

Written recommendations or comments opposing the application should be sent to: Donald O. Hedman, Acting Executive Director, EMSRB, 2829 University Avenue, S.E., Suite 310, Minneapolis, Minnesota 55414-3222.

If fewer than six comments opposing the application are received during the comment period, and the EMSRB approves the application, the applicant will be exempt from a contested case hearing, pursuant to *Minnesota Statutes* Sec. 144E.11, subd. 4 (1997). If six or more comments in opposition to the application are received during the comment period or the EMSRB denies the application, the applicant may immediately request a contested case hearing, or may try to resolve the objections of the public and/or the EMSRB within 30 day, pursuant to *Minnesota Statutes* Sec. 144E.11, subd. 5(a), (b) (1997). If the applicant is unable to resolve the objections within 30 days, or if the applicant initially requests a hearing, a contested case hearing will be scheduled and notice of the hearing given pursuant to *Minnesota Statutes* Sec. 144E.11, subd. 5 (c), (e) (1997).

Dated: 9 June 1998

Donald O. Hedman, Acting Executive Director

Department of Human Services

Health Care - Purchasing and Service Delivery

Public Notice Regarding Changes in Establishment of Rates for Local Trade Area Medical Assistance Inpatient Hospitals, and Clarification of Indian Health Service Facilities Under the Medical Assistance Program

NOTICE IS HEREBY GIVEN to recipients, providers of services under the Medicaid (Medical Assistance (MA)) Program, and to the public of final legislative changes: (1) in how rates for out-of-state MA inpatient hospitals in local trade areas are established; and (2) clarifying what constitutes an Indian Health Services (IHS) facility under the MA Program. These final legislative changes were first published as proposed changes by the Department in the *State Register* on February 2, 1998 (22 S.R. 1351). The Minnesota Legislature considered the proposed changes, gathered information, and held public hearings which providers, recipients and the general public were invited to attend. The Legislature considered the public's input and enacted the following changes, which the Department anticipates adding to its MA State plan.

Inpatient Hospitals. *Minnesota Statutes*, section 256.969, subdivision 17 defines "local trade area" as a county contiguous to Minnesota. Currently, MA rates for out-of-state inpatient hospitals located within a Minnesota local trade area (local trade area hospitals) are established using the same procedures and methods that apply to Minnesota inpatient hospitals. The legislative change, found at *Laws of Minnesota 1998*, chapter 407, article 4, section 10 and effective January 1, 1999, requires out-of-state inpatient hospitals to have more than 20 combined MA and General Assistance Medical Care admissions in the base year and be located within a local trade area that is also in a metropolitan statistical area as determined by the Medicare Program in order to have their MA payment rates established using the same procedures and methods that apply to Minnesota hospitals. Current local trade area inpatient hospitals that will not meet this amended definition will be paid on a claim specific basis the lesser of a statewide average rate, or billed charges.

Minnesota's MA inpatient payment system establishes hospital specific rates for Minnesota hospitals and for local trade area hospitals. Hospital specific rates are established on hospitals' admissions and costs as allowed on the Medicare cost report in the base year. The amendment to the definition of "local trade area" will result in more equitable rate setting. Currently, it is difficult to establish equitable rates if there is not a statistically valid number of base year admissions. It will not be necessary for inpatient hospitals to submit Medicare cost reports to the Department and review base year admissions. Thus, the change will be less burdensome for these particular hospitals. The Department does not anticipate any budget impact and believes that the change will not discourage hospitals from participating in the MA Program.

For additional information, please contact:

Richard Tester, Supervisor
 Inpatient & Health Center Services Unit
 Payment Policy Division
 Health Care Administration
 Minnesota Department of Human Services
 444 Lafayette Road North
 St. Paul, Minnesota 55155-3853
 (612) 296-5596

Facilities of the Indian Health Service and Facilities Operated by Tribes or Tribal Organizations. Effective July 11, 1996, a Memorandum of Agreement was signed between the IHS and the Health Care Financing Administration (HCFA), the branch of the U.S. Department of Health and Human Services that oversees the Medicaid Program. The agreement modified current HCFA policy with regard to MA payment rates for services provided to American Indian recipients. The agreement extended the definition of IHS facility to include facilities owned or operated by tribes or tribal organizations that are funded by the Indian Self-Determination and Education Assistance Act.

Minnesota Statutes, section 256.969, subdivision 16 provided that IHS facilities are exempt from the MA inpatient hospital payment system of *Minnesota Statutes*, sections 256.9685-256.9695 and are paid at charges as limited to the amount allowed under federal law. *Minnesota Statutes*, section 256B.0625, subdivision 34 provides that MA payments to IHS facilities are paid in accordance with the rate published by federal government. The legislative changes, found at *Laws of Minnesota 1998*, chapter 407, article 4, sections 9 and 27 and effective July 1, 1998, include facilities operated by tribes or tribal organizations and make clear that such facilities are paid in accordance with the rate published in the *Federal Register* by the federal government.

Official Notices

This notice is published pursuant to the federal Balanced Budget Act of 1997 (P.L. 105-33), signed by the President on August 5, 1997. Section 4711 of the Balanced Budget Act, amending Title XIX of the Social Security Act (42 *United States Code* section 1396a(a)(13)), requires the Department to publish final inpatient hospital payment rates, the methodologies underlying the establishment of such rates, and the justification for such rates. Minnesota's MA State plan is available from:

Stephanie Schwartz
Minnesota Department of Human Services
444 Lafayette Road North
St. Paul, Minnesota 55155-3853
(612) 297-7198

Metropolitan Council

Metropolitan Radio Board

Public Hearing on Proposed 1999 Budget

The Metropolitan Radio Board will hold a public hearing on its proposed 1999 budget. The budget provides funds for the Board's share of capital and leasing costs for a region-wide 800 megahertz digital two-way public safety radio system for the metropolitan area.

The hearing will be held Friday, August 7, 1998, 9 a.m. at the Metropolitan Counties Government Center (formerly the Mosquito Control District Offices), 2099 University Ave., St. Paul. All interested persons are encouraged to attend the hearing and offer comments. People may register in advance to speak by calling 602-1392 or 291-0904 (TTY). Persons with disabilities may contact the Board at 602-1392 or 291-0904 (TTY) to request reasonable accommodations for the public hearing.

Comments, which must be received by 4 p.m., Friday, August 21, 1998, may also be submitted as follows:

- Send written comments to: Pat Pahl, Metropolitan Radio Board, Metropolitan Council, Mears Park Centre, 230 E. Fifth St., St. Paul, MN 55101.
- Fax comments to Pat Pahl at 602-1442
- Record comments on Metropolitan Council's Public Comment Telephone Line at 602-1500
- E-mail comments to data.center@metc.state.mn.us
- Send TTY comments to 291-0904

Free copies of the public hearing draft of the proposed 1999 budget will be available on June 10, 1998 through the Metropolitan Council's Data Center. Call 602-1140 or 291-0904 (TTY) to request a copy.

Department of Public Safety

Driver and Vehicle Services Division

Request for Comments on Planned Rules Governing Driver Improvement Clinics, *Minnesota Rules, 7411.5100 to 7411.5700*

Subject of Rules. The Minnesota Department of Public Safety, Driver and Vehicle Services Division requests comment on planned rules and amendments to rules governing driver improvement clinics, *Minnesota Rules* 7411.5100 to 7411.5700. (The Department has already published notice that it is considering rules to implement and administer *Laws of Minnesota*, Chapter 388 which provided authority to the Department to supervise, administer and conduct youth-oriented driver improvement clinics. The commissioner of public safety must promulgate rules setting forth standards for the curriculum and mode of instruction of such clinics.) In conjunction with the development of the driver improvement clinic rules for violators age 18 and under, the department has now decided to also update its existing rules governing driver improvement clinics for drivers over the age of 18. Issues that will be addressed include sponsorship organizations, curriculum, and instructor qualifications.

Persons Affected. These rules will affect and be of interest to drivers age 19 and older, the operators of existing clinics, public and transportation safety advocates, and the public in general.

Statutory Authority. Authority for these rules is found in *Laws of Minnesota 1998*, Chapter 388; and *Minnesota Statutes*, sections 169.89, 169.971, 169.973, 299A.01, subdivision 6; and section 14.06.

Public Comment. Interested persons or groups may submit comment 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. The Department has developed an advisory committee to comment on the planned rules. The Department is involving representatives of the commissioner of children, families and learning; the state associations of judges; county prosecutors and law enforcement; the Minnesota Safety Council; the Minnesota Driver and Traffic Safety Education Association; the ombudsman for crime victims; the medical community; legislative representatives; the Minnesota Highway Safety Center; the insurance industry; driver's education and driving schools; and current clinic instructors, sponsors and operators.

Rules Drafts. At this time the Department has not prepared a draft of the planned rules. Existing rules governing driver improvement clinics in general are contained in *Minnesota Rules*, 7411.5100 to 7411.5700. These rules will be reviewed for amendment. Drafts of amendments will be available and will be reviewed by the rule advisory committee before the publication of the proposed rules. The Department will be reviewing national policy, recommendations and curriculum of the American Association of Motor Vehicle Administrators, National Safety Council, National Highway Traffic Safety Administration, and the Prevention Research Institute.

Agency Contact Person. Written or oral comment, questions, requests to receive a draft of rules when prepared, and requests for more information on these planned rules should be addressed to: Jane A. Nelson, Department of Public Safety, Driver and Vehicle Services Division, 445 Minnesota Street, Suite 196, St. Paul, Minnesota 55101-5196. (612) 296-2608, FAX (612) 296-3141, TTY users may call the Department at (612) 282-6555. E-mail: Jane.Nelson@state.mn.us

Alternative Format. Upon request, this Request for Comment 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: 11 June 1999

Donald E. Davis, Commissioner

Department of Public Safety

Office of Pipeline Safety

Request for Comments on Planned Rules Governing Damage Prevention and the Excavation Notice System, *Minnesota Rules*, Chapter 7560

Subject of Rules. The Minnesota Department of Public Safety requests comments on its planned rules and amendment to rules governing damage prevention and the excavation notice system. Specifically, the Department is considering rules that will establish a notification process and competitive bidding procedure for selecting a vendor to provide notification services for the One Call Notification System; establish operating procedures for the notification system; determine the technology needed to administer the notification system; and set forth the method for assessing the cost of the service among operators. The amendment will also address changes in the statutes addressing the amount of civil penalty allowed for violations by excavators and operators, how operators and excavators will identify, inform, and track abandoned and out-of-service lines, further clarification of the expiration of a notification ticket, and the change in start time for excavation per 1998 law changes.

Persons Affected. The rules and amendment will have a direct affect on persons engaged in excavation for remuneration, and operators of underground facilities. Furthermore, they would likely affect vendors of notification systems, the One Call Board, and the general public.

Statutory Authority. *Minnesota Statutes*, section 216D.03, subdivision 2(b) (Supp. 1997), authorizes the Commissioner of Public Safety to adopt rules governing establishment of a notification system. *Minnesota Statutes*, sections 216D.08, subdivision 4 and 299f.60, subdivision 5, provide the authority to issue rules with respect to civil penalties.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing until 4:30 p.m. on August 25, 1998.

Official Notices

Advisory Committee. The Department is establishing an advisory committee specifically for the adoption of rules governing the subject matter for the notification center. The advisory committee will be made up of members of the One Call Board of Directors, the current vendor, legal counsel for the One Call Board and staff from the Minnesota Office of Pipeline Safety and the Department of Public Safety. At the time this document was submitted for publication, members of the committee had not been named. The Department also plans to ask its standing Pipeline Advisory Committee, appointed by the Commissioner and established by *Minnesota Laws 1998*, Chapter 348, section 7, subd.1, to comment and review the proposed rules and amendments. Furthermore, direct communication with interested and affected parties will be used to provide input for the proposed rules and amendments. Likewise, the Department plans to work closely with local government interests, as required by *Minnesota Statutes*, section 216D.03, Subd.3, when discussing and establishing operating procedures and technology for the notification system.

Rules Drafts. The Department has not prepared a draft of the planned rules and amendment as of the time of submitting this notice.

Agency Contact Person. Written or oral comments, questions, and requests for more information on these planned rules should be addressed to: Maureen Janke, Office of Pipeline Safety, 444 Cedar Street, Suite 157, St. Paul, Minnesota 55101; phone # 296-0649. TTY users may call the Department at 612-282-6555.

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 be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started, but they will be considered when drafting the rule.

Dated: 15 June 1998

Donald E. Davis
Commissioner, Department of Public Safety

Department of Transportation

Notice of Appointment and Meeting 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 Thursday, June 25, 1998 at 9:30 a.m. in Conference Room 194, Water's Edge Building, 1500 West County Road B-2, Roseville, Minnesota 55113.

This notice is given pursuant to *Minnesota Statutes*, Section 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, Part 8820.3300 adopted pursuant to *Minnesota Statutes*, Chapters 161 and 162.

The agenda will be limited to these questions:

- Petition of the City of Woodbury** for a variance from *Minnesota Rules*, Part 8820.9936 as they apply to a construction project on Municipal State Aid Street No. 109 (Woodlane Drive), between Woodbury Drive and Guider Drive, to allow a 20 mph horizontal curve at the intersection of Guider Drive, in lieu of the required 50 km/h design speed.
- Petition of Lyon County** for a variance from *Minnesota Rules*, Part 8820.9926 as they apply to a proposed resurfacing project on County State Aid Highway No. 25, at the north entrance to the Camden State Park, so as to allow a pavement width of 6.6 meters with no shoulders, in lieu of the required 6.6 meter pavement width with 0.6 meter shoulders, and to allow the use of the resulting 3.3 meter lanes as shared lanes with bicycles.

9:30 a.m. City of Woodbury

9:45 a.m. Lyon County

Dated: 16 June 1998

Patrick B. Murphy
Division Director
State Aid for Local Transportation

Department of Transportation

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

NOTICE IS HEREBY GIVEN that the Mankato City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules*, Part 8820.3300 for a variance from rules as they apply to a proposed construction project on Municipal State Aid Street No. 108 (Main Street), between Sixth Street and Hinkley Street in the City of Mankato, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations, Part 8820.9936 adopted pursuant to *Minnesota Statutes*, Chapters 161 and 162, so as to permit a vertical design speed less than the required 50 km/h design speed on the proposed construction project on Municipal State Aid Street No. 108 (Main Street), between Sixth Street and Hinkley Street in the City of Mankato, Minnesota.

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: 6 June 1998

Patrick B. Murphy
Division Director
State Aid for Local Transportation Division

Department of Transportation

Petition of the City of Woodbury for a Variance from State Aid Requirements for HORIZONTAL CURVE

NOTICE IS HEREBY GIVEN that the Woodbury City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules*, Part 8820.3300 for a variance from rules as they apply to a proposed construction project on Municipal State Aid Street No. 109 (Woodlane Drive), between Woodbury Drive and Guider Drive in the City of Woodbury, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations, Part 8820.9936 adopted pursuant to *Minnesota Statutes*, Chapters 161 and 162, so as to permit a 20 mph horizontal curve at the intersection of Guider Drive, in lieu of the required 50 km/h design speed on the proposed construction project on Municipal State Aid Street No. 109 (Woodlane Drive), between Woodbury Drive and Guider Drive in the City of Woodbury, Minnesota.

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: 6 June 1998

Patrick B. Murphy
Division Director
State Aid for Local Transportation Division

State Grants & Loans

Department of Transportation

Petition of Lyon County for a Variance from State Aid Requirements for ROADWAY WIDTH

NOTICE IS HEREBY GIVEN that the Lyon County Board has made a written request to the Commissioner of Transportation pursuant to *Minnesota Rules*, Part 8820.3300 for a variance from rules as they apply to a proposed resurfacing project on County State Aid Highway No. 25, at the north entrance to Camden State Park.

The request is for a variance from *Minnesota Rules* for State Aid Operations, Part 8820.9926, adopted pursuant to *Minnesota Statutes*, Chapters 161 and 162, so as to allow a pavement width of 6.6 meters with no shoulders, in lieu of the required 6.6 meter pavement width with 0.6 meter shoulders, and to allow the use of the resulting 3.3 meters lanes as shared lanes with bicycles.

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: 6 June 1998

Patrick B. Murphy
Division Director
State Aid for Local Transportation Division

State Grants & Loans

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.

JOINT NOTICE:

Department of Administration

Department of Human Services

Notice of Request for Proposal; Augmentative and Alternative Communication System Recycling and Education Grant

The Department of Human Services (DHS) and the STAR Program (A System of Technology to Achieve Results) of the Minnesota Governor's Advisory Council on Technology for People with Disabilities and a division of the Department of Administration, invite proposals for the purpose of expanding or creating augmentative and alternative communication (AAC) recycling projects and education/training for people with severe communication limitations, their families, and the professionals who serve them.

An appropriation of \$25,000 has been made available for a pilot project with the goal of developing AAC system recycling and education. Projects that serve people with severe expressive communication limitations in the 7 county metro area and at least one rural region will be given funding priorities.

Eligible applicants include public, for and non-profit organizations based in Minnesota with a history of successful programs promoting assistive technology services to people with disabilities.

An optional proposer's conference will be held from 10:00 a.m. to noon on Wednesday, July 8, 1998 at the STAR office, located at 300 Centennial Office Building, 658 Cedar Street, St. Paul, MN.

Deadline date is July 17 for application submittal.

Materials detailing the process can be obtained by contacting STAR at 612-296-8817, 612-296-9470 (TTY), 1-800-657-3862, or 1-800-657-3895 (TTY). Questions should be directed to the program coordinator, Tom Shaffer, at 612-296-9718.

Department of Health (MDH)

Notice of Availability of Funds for a Project to Provide Information, Resources and Service Coordination for Persons With Traumatic Brain Injury and Their Families

The Minnesota Department of Health (MDH) is seeking proposals from qualified private, non-profit, community-based organizations interested in providing information, resources and service coordination for persons with traumatic brain injury (TBI) and their families. An estimated \$100,000 is available to fund the project for each of three years. Successful applicants will be able to begin the project by July 20, 1998.

Applicants must demonstrate administrative, organizational and fiscal qualifications to provide and staff a toll-free number and internet access with information and resource listings for persons who have sustained a TBI and their families; collaborate with established regional brain injury committees and establish new committees where needed; collaborate with state and federal agencies and organizations involved with persons who have sustained a TBI and their families; organize and support peer-facilitated TBI support groups; maintain a TBI resource library; and provide individual assistance/advocacy which support access to services for brain injured persons and their families.

Those interested in receiving the complete request for proposal (RFP) may contact:

Mark Kinde, Supervisor
Injury and Violence Prevention Unit
Minnesota Department of Health
P. O. Box 9441
717 Delaware Street Southeast
Minneapolis, Minnesota 55440-9441
Telephone: (612) 623-5782
Facsimile: (612) 623-5775
Internet: mark.kinde@health.state.mn.us

Proposals are due by 4:30 p.m., Monday, July 20, 1998.

Minnesota Planning

Notice of \$750,000 in Grants Available for Community-Based Planning and Planning Technology

Minnesota Planning is accepting grant proposals from local governments to fund the development of community-based comprehensive plans and related technology as part of Minnesota's Community-Based Planning Act. Counties and groups of local governments (consisting of at least one county or a county and one or more cities or townships within it) are eligible to apply. A total of \$375,000 for planning grants and \$375,000 for technology grants is available.

The application deadline is August 7, 1998. All eligible local governments are encouraged to apply.

The goal of these grants is to assist local governments who want to participate in community-based planning and to provide financial support for the acquisition and implementation of technology to enhance community-based planning. The Community-Based Planning Act creates a statewide framework for comprehensive planning, emphasizes extensive citizen involvement, encourages cooperative planning and provides for state review of local plans for consistency with 11 goals.

Applicants for planning grants will commit to completing a community-based plan within 24 months of award of a grant. Priority will be given to proposals for joint planning efforts.

Applicants for technology grants must be undertaking or proposing to undertake a community-based planning effort. Funds can be used for technology that will enhance the community-based planning process, including computer design and simulation activities, web page and electronic communication techniques, geographic information systems and related database development, equipment and staffing.

For a grant application packet or further information on these grants and community-based planning, please contact Elizabeth Hallowell at 612-296-6550 (e-mail: elizabeth.hallowell@mnplan.state.mn.us) or consult Minnesota Planning's web site at www.mnplan.state.mn.us.

Professional, Technical & Consulting Contracts

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

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

Department of Administration

Communications Media Division

State Register Available Free on the Internet Beginning July 6, 1998

The *State Register* will be available free on the Internet beginning with the first issue of volume 23 on July 6, 1998. The website address is: www.comm.media.state.mn.us

For reliability, ease of service, and convenience, paper copies will continue to be available at current prices: \$5.00 per individual copy, \$10.00 per copy with an "affidavit of publication," and \$160 for a full year's subscription, including cumulative indices.

In addition, the "State Register Contracts Supplement" will appear free of charge on the Internet website listed above, beginning July 1, 1998 with issue # 775, as well as the text of the *Minnesota Guidebook to State Agency Services 1996-1999*. Paper copies will be sold for both items.

To assist those with busy schedules, limited time, and occasional "forgetfulness," the print versions of these publications will remain available through subscriptions, as well as FAX for the "State Register Contracts Supplement." These will continue to provide reliable, convenient, and easy ways of notifying you of important information, rather than leaving the burden of searching up to you and your staff.

The "State Register Contracts Supplement" will be available for an annual paper subscription at \$135 per year (156 issues), and by FAX for \$150 per year. Individual paper copies cost \$1.00.

The *Minnesota Guidebook to State Agency Services 1996-1999* has been reduced to half-price for paper copies (\$14.98 for either spiral-bound or looseleaf [binder sold separately at \$7.95]). Compact disks of the *Guidebook* have also been marked half-price: \$29.98 for single user, \$117.98 for small network CD (2-10 users), and \$499.98 for large network CD (11-unlimited use).

For more information, call Minnesota's Bookstore at (612) 297-3000, or toll-free: 1-800-657-3757, FAX: (612) 297-8260.

Department of Administration

State Designer Selection Board

Request for Proposals for Minnesota Veterans Home - Hastings (Project 18 -98)

IN AN ATTEMPT TO FACILITATE COMMUNICATION, THE STATE DESIGNER SELECTION BOARD HAS MADE SOME CHANGES IN THEIR STANDARD RFP LANGUAGE. PLEASE READ CAREFULLY THE SECTIONS THAT ARE IN BOLD TYPE AS THEY CONTAIN REVISIONS TO THE RFP.

To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select consultants for a project. Design firms who wish to be considered for these projects must deliver proposals on or before 4 p.m., Monday, July 6, 1998, to:

Sharon Schmidt, Acting Executive Secretary

State Designer Selection Board
Department of Administration
50 Sherburne Avenue, **Room 200**
St. Paul, Minnesota 55155-3000
612.297.5525

Questions concerning the Board's procedures herein described or the schedule in Item 7.h may be referred to the Executive Secretary at 612.297.5525. Questions relating to the project may be referred to the project contact(s) in Item 7.i.

Professional, Technical & Consulting Contracts

NOTE TO RESPONDERS: IN ORDER TO BE CONSIDERED BY THE BOARD, THE PROPOSALS MUST CONFORM TO THE FOLLOWING CONTENT AND FORMAT REQUIREMENTS AS OUTLINED IN ITEMS 1 THROUGH 5 BELOW. **FAILURE TO DO SO WILL RESULT IN THE DISQUALIFICATION OF THE PROPOSAL:**

1. **Nine (9)** copies of the proposal shall be submitted plus one (1) additional unbound copy in black and white for micro fiche purposes only.
2. All data shall be on 8 1/2" x 11" sheets, soft bound. No more than 20 printed faces shall be allowed (see the following for clarification):
 - a. All letters directed to the Board shall be bound into the proposal and all pages shall be counted as printed face(s). It is not necessary to do a cover letter to the Executive Secretary.
 - b. Blank dividers (with printed tab headings only) shall not be counted as faces.
 - c. Front and back covers of proposals shall not counted as faces.
 - d. None of the statutory, mandatory, or optional information, except as requested in Item 3 below, shall appear on the dividers or covers.
3. **The front cover of the proposal shall be clearly labeled with the project number and project title as shown at the top of this request for proposal, together with the designer's firm name, address, telephone number, fax number, and the name of the contact person. The back cover shall remain blank.**
4. Brief Proposal Summary:

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

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

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

NOTE: Please call the Executive Secretary at 612.297.5525 and leave your address or fax number to receive a copy of the acceptable format for providing fee information.

- f. **Minnesota Statutes, Section 363.073, subd. 1, in part, requires: "No department or agency of the state shall accept any bid or proposal for a contract or agreement unless the firm or business has an affirmative action plan submitted to the commissioner of human rights for approval. No department or agency of the state shall execute any contract or agreement for goods or services in excess of \$100,000 with any business having more than 40 full-time employees, either within or outside this state, on a single working day during the previous 12 months, unless the firm or business has an affirmative action plan for the employment of minority persons, women, and the disabled that has been approved by the commissioner of human rights." THEREFORE, THE PROPOSAL SHALL INCLUDE ONE OF THE FOLLOWING:**
 - 1) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
 - 2) A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights; or

Professional, Technical & Consulting Contracts

- 3) A statement certifying that the firm has applied for Affirmative Action Plan approval to the Commissioner of Human Rights and the date when such application was received by the Commissioner of Human Rights; or
 - 4) A statement certifying that the firm has not had a cumulative total of more than 40 full-time employees at any time during the previous 12 months, anywhere in the United States.
5. Additional Mandatory Proposal Contents:
- a. A section containing graphic material (e.g., photos, plans, drawings, etc.) as evidence of the firm's qualifications for the work. The graphic material shall be identified. It shall be work in which the personnel listed in Item 4.b above have had significant participation and their roles shall be clearly described. It shall be noted if the personnel were, at the time of the work, employed by other than their present firms.
 - b. Expanded resumes showing qualification of individuals, listed in Item 4.b above, administering or producing the major elements of the work, including consultants. Identify roles in which such persons played in projects which are relevant to the project at hand.
 - c. A discussion of the firm's understanding of and approach to the project.
 - d. A listing of relevant past projects.
6. Design firms wishing to have their proposals returned after the Board's review shall follow one of the following procedures:
- a. Enclose a *self-addressed, stamped* postal card with the proposals. Design firms shall be notified when material is ready to be picked up. Design firms shall have two weeks to pick up their proposals, after which time the proposals shall be discarded; or
 - b. Enclose a *self-addressed, stamped* mailing envelope with the proposals. When the Board has completed its review, proposals shall be returned using this envelope.

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

7. PROJECT 18-98

**Minnesota Veterans Home Board
1800 East 18th Street
Hastings, MN 55033**

a. PROJECT DESCRIPTION:

This project consists of the renovation of the existing Power Plant, the boiler and related support services at the Hastings Veterans Home. The Construction will be completed in two phases. Currently, funding is only provided for the first phase. Utilities in underground service tunnels are deteriorated as well as the tunnel structures and require replacement. Campus utilities for water, sanitary, sewer, and storm sewer also require repairs and replacement. The need to phase construction work to maintain resident health care is essential to this project.

- 1) Complete repairs to existing power plant including installation of a new boilers and relocation of the temporary boiler to inside the building.
- 2) Replace sections of the main utility tunnel leading from the power plant to the building complex.
- 3) Replace the existing well operated chiller and provide for future expansion. A new chiller, cooling tower, and mechanical space addition is required.
- 4) Investigate and test existing site sanitary and storm sewers: and water main. Design new sewer and water main sections to replace defective pipe sections and provide adequate capacity.
- 5) Design repairs to replace defective mechanical piping and electrical conduits in underground utility tunnels.

b. REQUIRED CONSULTANT SERVICES:

A professional design team of engineers and architects is needed to assist the Minnesota Veterans Board to develop, design, bid, schedule, and provide construction administrative services for infrastructure improvements to the Hastings Veterans Home. The consultant will first perform a comprehensive campus study to determine the scope of work. A previous study was performed at the Minneapolis Veterans Home and is available from the Division of State building Construction. This previous study shall be used as a basis for the format to follow at Hastings Veterans Home. The Infrastructure work will be performed in two phases. Presently only funding is provided for the first phase.

The first phase funding shall be concentrated on tunnel infrastructures, site utilities, repairs to the power plant, and central cooling equipment. Funding will be sought from upcoming legislative appropriations for repairs to mechanical, electrical, and structural systems inside campus buildings that can be deferred until future funding is available.

Professional, Technical & Consulting Contracts

It is intended the project design team leader be a mechanical engineer. The scope of services require coordination and abatement of hazardous wastes including asbestos and lead; the following branches of engineering; mechanical, electrical, structural, civil/environmental, and land surveying; and architecture to design miscellaneous general construction items.

The design team must be familiar with the support services essential to the 24-hour resident care environment.

The successful design team will be required during schematic design phase to investigate tunnels and site utilities to develop accurate record drawings of existing conditions. Design development and construction documents will be based on data resulting from detailed on site inspections. Special consideration will be given to design teams with knowledge and experience using technologies for signal tracing buried utilities and field verification and testing of existing conditions. Section profiles will be required for all utility tunnels and utilities that will be replaced or disturbed by construction. The ability to use digital photography in bid documents and provide graphical details will be given additional consideration by the selection process. The design team shall provide a complete list of all members of the team including the branch of professional practice within the RFP response.

c. **PROJECT BUDGET/FEES:**

The construction budget is estimated at \$4,200,000 with total consulting fees for all services based at ten percent of construction costs. An additional \$75,000 fees are estimated for performing a comprehensive study to identify the scope and estimated costs both phase one and phase to construction projects.

d. **PROJECT SCHEDULE:**

It is desired to schedule and complete the first phase project within 18 months of consultant selection and satisfactory negotiation of the consultant contract.

e. **PROJECT INFORMATIONAL MEETING(S)/SITE VISIT(S):**

An informational meeting will be held Tuesday, June 30, 1998, at 1 p.m. To preregister contact Pat Ferrin at 612.297.3454.

f. **STATE DESIGNER SELECTION BOARD SCHEDULE:**

Project Informational/Site Visits:Tuesday, June 30, 1998

Project Proposals Due:Monday, July 6, 1998

Project Short List:Thursday, July 23, 1998

Project Interviews & Award:Tuesday, August 4, 1998

g. **PROJECT CONTACT(S):**

Questions concerning the project should be referred to:

Ev Wright, Agency Facility Manager Minnesota Veterans Homes Board 122 West 12th Street St. Paul, MN 55155 Phone: 612.296.9759	Andrew Vinson, Administrator Minnesota Veterans Home 1800 East 18th Street Hastings, MN 55033 Phone: 612.721.0600
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Pat Ferrin, Project Manager
State Division of Building Construction
Minnesota Department of Administration
50 Sherburne Avenue, Room G-10
St. Paul, MN 55155
Phone: 612.297.3454

Douglas Wolfangle, P.E., Chair
State Designer Selection Board

Professional, Technical & Consulting Contracts

Department of Administration

State Designer Selection Board

Request for Proposals for the Veterans Home Board, Minneapolis For Infrastructure Construction (Project 16-98)

IN AN ATTEMPT TO FACILITATE COMMUNICATION, THE STATE DESIGNER SELECTION BOARD HAS MADE SOME CHANGES IN THEIR STANDARD RFP LANGUAGE. PLEASE READ CAREFULLY THE SECTIONS THAT ARE IN BOLD TYPE AS THEY CONTAIN REVISIONS TO THE RFP.

To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select consultants for a project. Design firms who wish to be considered for these projects must deliver proposals on or before 4 p.m., Monday, July 6, 1998, to:

Sharon Schmidt, Acting Executive Secretary

State Designer Selection Board
Department of Administration
50 Sherburne Avenue, **Room 200**
St. Paul, Minnesota 55155-3000
612.297.5525

Questions concerning the Board's procedures herein described or the schedule in Item 7.h may be referred to the Executive Secretary at 612.297.5525. Questions relating to the project may be referred to the project contact(s) in Item 7.i.

NOTE TO RESPONDERS: IN ORDER TO BE CONSIDERED BY THE BOARD, THE PROPOSALS MUST CONFORM TO THE FOLLOWING CONTENT AND FORMAT REQUIREMENTS AS OUTLINED IN ITEMS 1 THROUGH 5 BELOW. ***FAILURE TO DO SO WILL RESULT IN THE DISQUALIFICATION OF THE PROPOSAL:***

1. **Nine (9)** copies of the proposal shall be submitted plus one (1) additional unbound copy in black and white for micro fiche purposes only.
2. All data shall be on 8 1/2" x 11" sheets, soft bound. No more than 20 printed faces shall be allowed (see the following for clarification):
 - a. All letters directed to the Board shall be bound into the proposal and all pages shall be counted as printed face(s). It is not necessary to do a cover letter to the Executive Secretary.
 - b. Blank dividers (with printed tab headings only) shall not be counted as faces.
 - c. Front and back covers of proposals shall not counted as faces.
 - d. None of the statutory, mandatory, or optional information, except as requested in Item 3 below, shall appear on the dividers or covers.
3. **The front cover of the proposal shall be clearly labeled with the project number and project title as shown at the top of this request for proposal, together with the designer's firm name, address, telephone number, fax number, and the name of the contact person. The back cover shall remain blank.**
4. Brief Proposal Summary:

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

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

Professional, Technical & Consulting Contracts

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

NOTE: Please call the Executive Secretary at 612.297.5525 and leave your address or fax number to receive a copy of the acceptable format for providing fee information.

- f. **Minnesota Statutes, Section 363.073, subd. 1, in part, requires: “No department or agency of the state shall accept any bid or proposal for a contract or agreement unless the firm or business has an affirmative action plan submitted to the commissioner of human rights for approval. No department or agency of the state shall execute any contract or agreement for goods or services in excess of \$100,000 with any business having more than 40 full-time employees, either within or outside this state, on a single working day during the previous 12 months, unless the firm or business has an affirmative action plan for the employment of minority persons, women, and the disabled that has been approved by the commissioner of human rights.” THEREFORE, THE PROPOSAL SHALL INCLUDE ONE OF THE FOLLOWING:**
- 1) A copy of your firm’s current certificate of compliance issued by the Commissioner of Human Rights; or
 - 2) A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
 - 3) A statement certifying that the firm has applied for Affirmative Action Plan approval to the Commissioner of Human Rights and the date when such application was received by the Commissioner of Human Rights; or
 - 4) A statement certifying that the firm has not had a cumulative total of more than 40 full-time employees at any time during the previous 12 months, anywhere in the United States.
5. Additional Mandatory Proposal Contents:
- a. A section containing graphic material (e.g., photos, plans, drawings, etc.) as evidence of the firm’s qualifications for the work. The graphic material shall be identified. It shall be work in which the personnel listed in Item 4.b above have had significant participation and their roles shall be clearly described. It shall be noted if the personnel were, at the time of the work, employed by other than their present firms.
 - b. Expanded resumes showing qualification of individuals, listed in Item 4.b above, administering or producing the major elements of the work, including consultants. Identify roles in which such persons played in projects which are relevant to the project at hand.
 - c. A discussion of the firm’s understanding of and approach to the project.
 - d. A listing of relevant past projects.
6. Design firms wishing to have their proposals returned after the Board’s review shall follow one of the following procedures:
- a. Enclose a *self-addressed, stamped* postal card with the proposals. Design firms shall be notified when material is ready to be picked up. Design firms shall have two weeks to pick up their proposals, after which time the proposals shall be discarded; or
 - b. Enclose a *self-addressed, stamped* mailing envelope with the proposals. When the Board has completed its review, proposals shall be returned using this envelope.

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

7. PROJECT 16-98

**Minnesota Veterans Home Board
5101 Minnehaha Avenue
Minneapolis, MN 55417**

a. PROJECT DESCRIPTION:

The Minneapolis Veterans Home consists of 53 acres of grounds with 18 buildings constructed at various times from as early as 1180’s to the 1970’s. \$6.341 million dollars has been appropriated by the legislature for infrastructure improvement to tunnels and associated mechanical piping and electrical distribution systems. Engineering investigations of utility tunnels and infrastructure have identified a number of deficiencies in the existing utility services including steam, water, and condensate piping; leaking and deteriorating tunnel structures that require replacement. The need to phase construction work to maintain resident health care is essential to this project. The scope of work is identified in a report available from the Department of Administration, Division of State Building Construction.

- 1) Replace existing upper utility tunnels, including mechanical and electrical utilities. Design temporary utility connections to maintain operation during construction.

Professional, Technical & Consulting Contracts

- 2) Design repairs and stabilization to the existing deep sandstone tunnels.
- 3) Construct a new lift station including a walk-in building to allow for servicing. The lift station requires redundant pump capacity and remote alarms. Replace temporary retaining wall behind the lift station with a permanent structure. In addition, existing manholes are covered with earth and need to be extended up the surface.
- 4) Building 14A and the adjacent service building require tuck-pointing and replacement of bricks that have fallen from the building. Work in Building 14A will also include abating asbestos, removing and replacing the old boilers, a new PRV station for steam and other miscellaneous piping repairs.
- 5) Rebuild the existing boiler stack which may involve review and approval of the Historical Society. It is desired to lower the stack height and reuse the old face bricks on the exterior of the new stack.

b. **REQUIRED CONSULTANT SERVICES:**

A professional design team of engineers and architects is needed to assist the Minnesota Veterans Board to develop, design, bid, schedule, and provide construction administrative services for the infrastructure improvements to the Minneapolis Veterans Home. It is intended the project design team leader be a mechanical engineer. The scope of services require coordination and abatement of hazardous wastes including asbestos and lead; cost estimating and scheduling; the following branches of engineering; mechanical, electrical, structural, civil/environmental, and land surveying; and architecture to design miscellaneous building repairs

The design team must be familiar with the support services essential to the 24-hour resident care environment. The project will include the following phases, Schematic Design, Design Development, Construction Documents, and Construction Administration.

The design team will be required during schematic design phase to investigate tunnels and site utilities to develop accurate record drawings of existing conditions. The project scope will then be based on data resulting from detailed on site inspections and the priorities determined by the Division of State Building Construction. Special consideration will be given to design teams with knowledge and experience using technologies for signal tracing buried

utilities and field verification and testing of existing conditions. Section profiles will be required for all utility tunnels and utilities that will be replaced or disturbed by construction. The ability to use digital photography in bid documents and provide graphical details will be given additional consideration by the selection process.

c. **PROJECT BUDGET/FEES:**

The construction budget is estimated at \$4,200,000 with total consulting fees for all services based at ten percent of construction costs.

d. **PROJECT SCHEDULE:**

It is desired to schedule and complete the project within 18 months of consultant selection and satisfactory negotiation of the consultant contract.

e. **PROJECT INFORMATIONAL MEETING(S)/SITE VISIT(S):**

An informational meeting will be held Tuesday, June 30, 1998, at 9 a.m. To preregister contact Pat Ferrin at 612.297.3454.

f. **STATE DESIGNER SELECTION BOARD SCHEDULE:**

Project Informational/Site Visits:Tuesday, June 30, 1998

Project Proposals Due:Monday, July 6, 1998

Project Short List:Thursday, July 23, 1998

Project Interviews & Award:Tuesday, August 4, 1998

g. **PROJECT CONTACT(S):**

Questions concerning the project should be referred to:

Ev Wright, Agency Facility Manager	Tom Mullan
Minnesota Veterans Homes Board	Minnesota Veterans Home
122 West 12th Street	5101 Minnehaha Avenue
St. Paul, MN 55155	Minneapolis, MN 55417
Phone: 612.296.9759	Phone: 612.721.0600

Pat Ferrin, Project Manager
State Division of Building Construction
Minnesota Department of Administration
50 Sherburne Avenue, Room G-10
St. Paul, MN 55155
Phone: 612.297.3454

Douglas Wolfangle, P.E., Chair
State Designer Selection Board

Colleges and Universities, Minnesota State (MnSCU)

Minneapolis Community and Technical College (MCTC)

Notice of Request for Proposals for Child Care Provider

The Minneapolis Community and Technical College (MCTC), part of the Minnesota State Colleges and Universities (MnSCU), requests the professional services of a child care provider.

A full school year child care provider with accreditation is being sought for approximately 70 children. For full specifications, contact Mr. Gene Tessier, Director of Operations, (612) 359-1417; or FAX: (612) 359-1421.

Proposals must be delivered by Monday, July 6, 1998 at 11:00 a.m. to the above named person, at MCTC, 1501 Hennepin Avenue, Minneapolis, MN 55403.

Board of Electricity

Notice of Request for Proposals for Independent Contract Electrical Inspectors

The Minnesota State Board of Electricity is seeking services of independent contract electrical inspectors who must hold a Class "A" Journeyman or Class "A" Master electrician's license in Minnesota to make electrical inspections in designated geographical areas. Compensation is based on a percentage of the inspection fee paid by the installer of wiring when the inspections are completed.

Presently there are no geographical areas open, but all applications submitted will be kept on file for future openings. This is an open request and proposals will be accepted indefinitely. A formal request for proposal may be requested from and other inquiries made to:

John A. Schultz
Executive Secretary
State Board of Electricity
Griggs-Midway Bldg., Ste S-128
1821 University Avenue
St. Paul, Minnesota 55104-2993

Professional, Technical & Consulting Contracts

Department of Labor and Industry

Workers' Compensation Advisory Council

Notice of Request for Proposals for an Actuarial Consultant

The Minnesota Department of Labor and Industry is seeking proposals from actuarial consultants to conduct a review of the Minnesota Workers' Compensation Insurers Association's (MWCIA) annual rate filing of workers' compensation pure premium rates.

To receive a complete Request for Proposal and background information, please call or write:

Kevin Wilkins
Workers' Compensation Advisory Council
Minnesota Department of Labor and Industry
443 Lafayette Road
Saint Paul, Minnesota 55155
(612) 215-1396

NOTE: Details concerning submission requirements, including due dates are included with the Request for Proposal. No other Minnesota Department of Labor and Industry personnel are authorized to discuss the project with responders before the submittal of the proposal.

Responses are due by 3:30 p.m. on July 17, 1998.

Department of Public Safety

Minnesota Auto Theft Prevention Program

Notice of Grant Availability for Businesses, Government Units, and Community Organizations for Auto Theft Prevention

The Minnesota Auto Theft Prevention Program Board announces the availability of over \$350,000.00 in grant funds still accessible for the July 1, 1998 through June 30, 1999 grant period. Applications will be accepted from State, County, Local Police Departments, Governmental Agencies, Prosecutors, Judiciary, Businesses, Community and Neighborhood Organizations. This reimbursement grant program must be for projects dedicated to the area of auto theft. Grant application packets may be obtained by contacting Dennis Roske at the Auto Theft Prevention Office at (612/405-6153 or 405-6155). To be considered, applications must be received in the MATPP office in Mendota Heights by 4:30 p.m. on June 1, 1998.

Non-State Public Bids, Contracts & Grants

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

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

Bassett Creek Water Management Commission

Request for Interest Proposals — Professional Services for Legal, Engineering and Technical Consulting Services

Pursuant to *Minnesota Statutes Annotated* 103B.227, Subd. 5, the Bassett Creek Water Management Commission hereby solicits LETTERS OF INTEREST for legal, engineering and technical consulting services for fiscal years 1998 and 1999. The 1998 budget for all services of the organization is \$349,500.

Letters should include a brief description of the company and the experience of the individual(s) proposing to perform services for the commission. The commission will review the letters and reserves to itself the right to take such action as it deems in its best interests. All Letters of Interest shall be submitted on or before July 14, 1998 to:

W. Peter Enck, Chairman
9000 47 1/2 Avenue North
New Hope, MN 55428
(NO CALLS)

University of Minnesota

Purchasing Services

Notice of Bid Information Service (BIS) Available for All Potential Vendors

The University of Minnesota offers 24 hour/day, 7 day/week access to all Requests for Bids/Proposals through its fax back Bid Information Service (BIS). Subscriptions to BIS are \$75/per fiscal year (not prorated). Call 612-625-5534 for information or visit our web site at <http://purchserv.finop.umn.edu>. Choose BID Information Service.

Requests for Bids/Proposals are available to the public at no charge each business day from 8:00 a.m. - 4:30 p.m. in Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls, MN 55454.