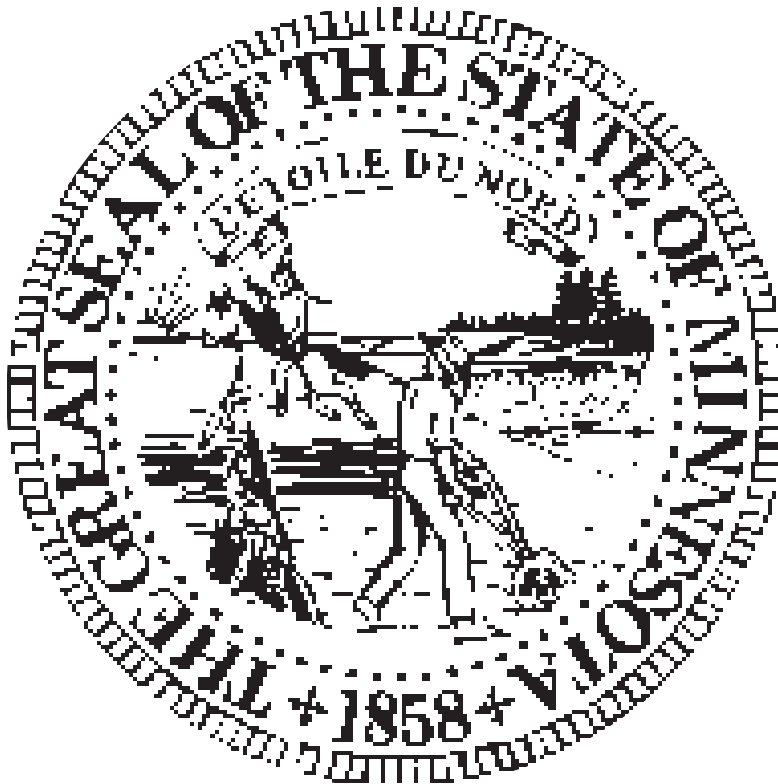


**The Minnesota**  
**State**  
**Register**

**Rules and Official Notices Edition**



Published every Monday (Tuesday when Monday is a holiday) by the  
Department of Administration – Communications Media Division

**Monday 9 November 1998**  
**Volume 23, Number 19**  
**Pages 1171-1214**

# State Register

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

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

### Printing Schedule and Submission Deadlines

Vol. 23 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
#19	Monday 9 November	Noon Wednesday 28 October	Noon Tuesday 3 November
#20	Monday 16 November	Noon Wednesday 4 November	Noon Tuesday 10 November
#21	Monday 23 November	Noon Tuesday 10 November	Noon Tuesday 17 November
#22	Monday 30 November	Noon Wednesday 18 November	4:30pm Monday 23 November
<hr/>			
Arne H. Carlson, Governor 651/296-3391		Hubert H. Humphrey III, Attorney General 651/297-4272	Joan Anderson Grove, Secretary of State 651/296-2079
Joanne E. Benson, Lt. Governor 651/296-3391		Judi Dutcher, State Auditor 651/297-3670	Michael A. McGrath, State Treasurer 651/296-7091
Department of Administration:		Communications Media Division	Robin PanLener, Editor 651/297-7963
Elaine S. Hansen, Commissioner 651/296-1424		Mary Mikes, Director 651/297-3979	Gretchen Stark, Assistant Editor 651/296-0929
Kent Allin, Asst. Commissioner 651/297-4261			Jessie Rahmeyer, Subscriptions 651/297-8774

Copyright © 1998 Communications Media Division, Department of Administration, State of Minnesota.  
Publication Number: 326630. (ISSN 0146-7751)

**PUBLISHING NOTICES IN THE *State Register*:** Submit TWO COPIES of your notice, typed double-spaced. State agency submissions must include a "State Register Printing Order" form, and a "Certification/Internal Contract Negotiation" form with contracts for professional, technical and consulting services. Non-State Agencies should submit TWO COPIES, with a letter on your letterhead stationery requesting publication and date to be published. FAXED submissions to 651-297-8260 are received to meet deadline requirements, but must be followed by originals and applicable forms or letters to be accepted. The charge is \$115.00 per page, billed in tenths of a page (columns are seven inches wide). About 2-1/2 pages typed double-spaced on 8-1/2"x11" paper equal one typeset page in the *State Register*. Contact the editor if you have questions.

An "Affidavit of Publication" can be obtained at a cost of \$10.00 for notices published in the *State Register*. This service includes a notarized "Affidavit of Publication" and a copy of the issue of the *State Register* in which the notice appeared.

**SUBSCRIPTION SERVICES:** The *State Register* is published by Communications Media Division, Department of Administration, State of Minnesota, pursuant to *Minnesota Statutes* § 14.46 and is available at the main branch of county libraries in Minnesota and all "State Depository Libraries": State University and Community College libraries; the University of Minnesota libraries; St. Paul, Minneapolis and Duluth Public Libraries; the Legislative Reference Library; State Law Library; Minnesota Historical Society Library; and the Library Development Service at the State Department of Children, Families and Learning. Copies are available at Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Order by phone: Metro area: (651) 297-3000 Toll free 800-657-3757. TTY relay service phone number: 1-800-627-3529. **NO REFUNDS.** Subscribers who do not receive a copy of an issue should notify the *State Register* Subscription Office immediately at (651) 297-8774. Copies of back issues may not be available more than two weeks after publication. Both editions are delivered postpaid to points in the United States, Periodicals Postage Paid for the *State Register* at St. Paul, MN, first class for the *Contracts Supplement*. See the *State Register* and the *Contracts Supplement* on our website: <http://www.comm.media.state.mn.us> Click on "Minnesota's Bookstore."

- **State Register** (published every Monday, or Tuesday if Monday is a holiday) One year, hard copy, paper subscription: \$160.00.
- **Contracts Supplement** (published every Tuesday, Wednesday, Friday) One year subscription: \$135.00 via first class mail, \$150.00 via fax or through our website. Users agree not to redistribute without authorization.
- **13-week trial subscription** which includes both the *State Register* and *Contracts Supplement*. \$65.00
- **Single issues** are available for a limited time: *State Register* \$5.00, *Contracts Supplement* \$1.00. Shipping is \$3.00 per order.

### FOR LEGISLATIVE NEWS

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

Contact: Senate Public Information Office (651) 296-0504  
Room 231 State Capitol, St. Paul, MN 55155

Contact: House Information Office (651) 296-2146  
Room 175 State Office Building, St. Paul, MN 55155

## Minnesota Rules: Amendments & Additions

Volume 23, issues #14-19  
(issues #1-13 cumulative in #13)..... 1174

## Proposed Rules

### Human Rights Department

Public state contracts..... 1176

## Exempt Rules

### Labor and Industry Department

Proposed rules on occupational safety and health; adoption  
of federal standards by reference..... 1188

## Revenue Notices

### Department of Revenue

Revenue Notice # 98-21: MinnesotaCare - fair market value  
of patient services ..... 1190

## Commissioners' Orders

### Natural Resources Department

Findings of fact, conclusions, and order regarding the public  
hearing on the Zumbro Falls Woods Scientific and  
Natural Area ..... 1191

## Official Notices

### Agriculture Department

Retreat Tuesday 24 November 1998 for the Minnesota  
Agricultural Response Compensation Board..... 1192

### Agricultural Society (Minnesota State Fair)

Meeting Tuesday 10 November 1998 of the board of  
managers ..... 1192

### Minnesota Comprehensive Health Association

Meeting Thursday 12 November 1998 of the Finance  
Committee ..... 1192

### Electricity Board

Public hearing on proposed repeal of signaling circuit rules ... 1192

### Metropolitan Council

Public hearing on 1999 work program and budget, 1999-2004  
capital improvement program, and 1999 capital budget..... 1194

### Natural Resources Department

Comments sought on planned rule amendments on wildlife.. 1194

### Public Safety Department

Meetings of the Board of Directors for the Minnesota  
Auto Theft Prevention Program November 12 and  
December 10, 1998..... 1196  
Rulemaking advisory committee participants..... 1196

### Trade and Economic Development Department

Minnesota Agricultural and Economic Development Board  
public hearing on proposed project and bond issue on  
behalf of The Evangelical Lutheran Good Samaritan  
Society of North Dakota ..... 1198

## State Grants & Loans

### Administration Department

Availability of community action networks rural delivery of  
assistive technology services and devices grants ..... 1199

## Professional, Technical & Consulting Contracts

### Administration Department

Proposals sought for spoken language interpretation  
services: Amharic, Arabic, Cambodian, Cantonese,  
Croatian, French, German, Hmong, Japanese, Laotian,  
Mandarin, Oromo, Nuer, Russian, Somali, Spanish,  
and Vietnamese..... 1199

State Designer Selection Board seeks proposals for the  
University of Minnesota-St. Paul project for a plant  
growth facilities renovation ..... 1200

### Children, Families and Learning Department

Proposals sought for the creation of a Lifework Planning  
Tool for high school students ..... 1205

### Employee Relations Department

Proposals sought for primary-care centered health systems  
administrators ..... 1207

### Human Services Department

Proposals sought for MinnesotaCare outreach for uninsured  
Minnesotans..... 1208

Proposals sought to acquire and implement integrated  
cost accounting and general ledger systems for all state  
operated health care services ..... 1208

Proposals sought to develop and implement a computer  
program to screen for alcohol and drug use among  
adolescents..... 1209

### Revisor of Statutes Office

Proposals sought for systems and programming services for  
an in-house text editing and composition system..... 1210

### Veterans Homes Board

Proposals sought for professional services of: occupational  
therapist, physical therapist, and pharmacy consultant .... 1210

## Non-State Public Bids, Contracts, & Grants

### University of Minnesota

Bid Information Service available for all potential vendors ... 1211

Proposals sought for design-build services for Territorial  
Hall addition and renovation project ..... 1211

Commodity, Service, and Construction contracts are published in  
a bulletin, the *State Register Contracts Supplement*, published  
Tuesday, Wednesday and Friday. Award results are available  
from the Materials Management Helpline (651) 296-2600.

Individual copies and subscriptions are available through  
Minnesota's Bookstore, (651) 297-3000, or 1-800-657-3757.

# 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 1997 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 (651) 297-3000, or toll-free 1-800-657-3757.

## Volume 23, Issues #14-19

(issues #1-13 cumulative in issue #13)

### Administration Department

1307.0005; .0010; .0020; .0025; .0030; .0032; .0035; .0040; .0045; .0065; .0090; .0070 (proposed) .....	997
1307.0015; .0020 s.2; .0050; .0055; .0060; .0075; .0080 (proposed repealer) .....	997
1341.0050; .0100; .0200; .0310; .0320; .0350; .0401; .0403; .0405; .0411; .0413; .0420; .0422; .0424; .0426; .0428; .0430; .0432; .0434; .0436; .0438; .0442; .0444; .0446; .0448; .0450; .0452; .0454; .0456; .0458; .0460; .0462; .0464; .0466; .0468; .0470; .0472; .0474; .0476; .0478; .0480; .0482; .0484; .0486; .0488; .0510; .0520; .0530; .0540; .0550; .0560; .0570; .0580; .0610; .0620; .0630; .0640; .0710; .0720; .0730; .0740; .0810; .0820; .0830; .0840; .0850; .0910; .0920; .0930; .0940; .0950; .1010; .1020; .1030; .1040; .1110; .1120; .1130; .1210; .1220; .1230; .1240; .1250; .1260; .1610; .1620; .1640 (proposed) .....	918
1340.0100; .1102; .1103; .1104; .1105; .1106; .1107; .1110; .1120; .1130; .1140; .1150; .1155; .1160; .1170; .1180; .1190; .1205; .1210; .1220; .1230; .1240; .1250; .1260; .1270; .1280 (proposed repealer) .....	918

### Animal Health Board

1700.0100; .0300; .0400; .0700; .0800; .1300; .1500; .2100; .0060; .1705.0120; .0150; .0160; .0170; .0180; .0210; .0220; .0260; .0270; .0310; .0390; .0420; .0530; .0840; .0930; .1040; .1086; .1087; .1088; 1715.0160; .0290; .0300; .0430; .0440; .0460; .0570; .0780; .1060; .1070; .1100; .1130; .1140; .1150; .1160; .1230; .1370; .1390; .1420; .1440 (adopted) .....	883
1700.1400; .4800; 1705.0060 s.2a; .0400; .0430; .0460; .0510; .0640 s.4a, 8; .0670; .0728; .0731; .0735; .1081; .1082; .1083; .1084; .1085; 1715.0400; .0880; .0980; .0990; .1090; .1180 (repealed) .....	883

### Chiropractic Examiners Board

2500.0710; .0720; .0730; .0740; .0750; .1000; (proposed) .....	783
2500.1110; .1600; .1900 (proposed) .....	785
2500.1200; .1225; .1500 (proposed) .....	781

### Commerce Department

2752.0010; .0015; .0020; .0030; .0040 (adopted) .....	806
---	-----

### Corrections Department

2940.0100; .0200; .0300; .0400; .0600; .0700; .0800; .0900; .1000; .1100; .1300; .1500; .1600; .1800; .2300; .2700; .2800; .3100; .3200; .3300; .3500; .3700; .3800; .3900; .4000; .4200; .4300; .4400; .4500 (adopted exempt) .....	808
2940.0100 s.11, 15, 30; .4600; .4700; .4800; .4900; .5000; .5100; .5200; .5300; .5400; .5500; .5600 (repealed exempt) .....	808
2955.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0080; .0090; .0100; .0110; .0120; .0130; .0140; .0150; .0160; .0170 (proposed) ..	1010
2965.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0080; .0090; .0100; .0110; .0120; .0130; .0140; .0150; .0160; .0170 (proposed) ..	787

### Dietetics and Nutrition Practice Board

3250.0050 (adopted) .....	1151
---------------------------	------

### Education Board

3512.5200 (proposed) .....	705
----------------------------	-----

### Health Department

4668.0002; .0003; .0008; .0012; .0017; .0040; .0050; .0075; .0220; .0230; .0800; .0805; .0810; .0815; .0820; .0825; .0830; .0835; .0840; .0845; .0855; .0860; .0865; .0870 (proposed) .....	854
4730.0100; .0300; .0310; .0340; .0360; .0380; .0400; .0600; .0700; .0900; .1120; .1130; .1140; .1210; .1310; .1510; .1520; .1530; .1600; .1610; .1630; .1665; .1670; .1675; .1680; .1690; .1691; .1693; .1695; .1850; .1950; .2150; .2250; .2350; .2450; .2475; .2510; .2520; .2530; .2570; .2600; .2710; .2750; .5500 (proposed) .....	708
4730.0340 s.2; .1120 s. 1; .1130 s. 3; .1140 s. 1; .1400; .1691 s. 10; .1695 s.6; .2450 s. 18; .3000 (proposed repealer) .....	708

### Human Rights Department

5000.3200; .3300; .3400; .3410; .3415; .3420; .3450; .3460; .3480; .3500; .3520; .3530; .3535; .3540; .3550; .3552; .3555; .3557; .3560; .3570; .3580; .3600 (proposed) .....	1176
5000.3400 s.23 (proposed repealer) .....	1176

### Labor and Industry Department

5205.0010 (adopted exempt/adopted by reference) .....	813
5205.0010 (proposed exempt) .....	1188

### Medical Practice Board

5600.2500 (adopted) .....	807
---------------------------	-----

## Minnesota Rules: Amendments and Additions

### Natural Resources Department

<b>6100.0100; .0200; .0300; .0500; .0525; .0550; .0600; .0650; .0700; .0800; .0900; .1000; .1100; .1200; .1250; .1350; .1355; .1400; .1500; .1600; .1650; .1700; .1710; .1900; .1950; .2350; .2400 (proposed) .....</b>	751
<b>6100.0400; .0500 s. 3a, 5c, 5d, 7c; .0800 s. 3, 4; .1300; .1610; .1905; .1910; .1920; .1930; .2000; .2100; .2300 (proposed repealer) .....</b>	751
<b>6230.0400; 6240.1850 (adopted expedited emergency) .....</b>	894
<b>Optometry Board</b>	
<b>6500.0100; .0150; .0900; .1000; .1100; .1200; .1300; .1400; .1500; .1600; .1700 (adopted) .....</b>	883
<b>6500.0150 (renumbered to 6500.0950) .....</b>	883
<b>6500.0200 (repealed) .....</b>	883
<b>Pollution Control Agency</b>	
<b>7001.0020; .4200; .4210; .4215; .4220; .4230; .4240; .4250; 7151.1100; .1200; .1300; .2100; .3100; .4100; .5100; .5200; .5300; .5400; .5500; .5600; .5700; .6100; .6200; .6300; .6400; .6500; .6600; .6700; .7100; .7200; .7300; .7400; .7500; .8100; .8200; .8300; .8400; .8500; .9100; .9200; .9300; .9400; .9500; .9600 (adopted) .....</b>	883
<b>7100.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0080; .0090 (repealed) .....</b>	883
<b>Public Safety Department</b>	
<b>7410.0100; .0200; .0300; .0400; .0425; .0500 (adopted) .....</b>	832
<b>7410.0100 s.6 (repealed) .....</b>	832
<b>Public Utilities Commission</b>	
<b>7819.0050; .0100; .0200; .1000; .1100; .1200; .1250; .3000; .3100; .3200; .3300; .4000; .4100; .5000; .9900; .9905; .9910; .9915; .9920; .9925; .9930; .9935; .9940; .9945; .9950 (proposed) .....</b>	1136
<b>Gambling Control Board</b>	
<b>7861.0010; .0060; .0070; .0080; .0090; .0100; .0110; .0120; 7863.0010; .0020; 7864.0010; .0030 (adopted) .....</b>	831
<b>7861.0100 s.17 (repealed) .....</b>	831

### Minnesota Racing Commission

<b>7869.0100; 7870.0050; .0640; 7871.0030; .0150; 7873.0186; .0190; .0191; .0198; 7874.0100; 7875.0200 (proposed) .....</b>	877
<b>7895.0125 (adopted) .....</b>	832
<b>Revenue Department</b>	
<b>8019.0500 (adopted) .....</b>	807
<b>Teaching Board</b>	
<b>8700.0100; .0300; .0500; .7800; 8710.2000; .3000; .3100; .3200; .4000; .4050; .4100; .4150; .4200; .4250; .4300; .4350; .4400; .4450; .4500; .4550; .4600; .4650; .4700; .4750; .4800; .4825; .4850; .4900; .4950; .5000; .5100; .5200; .5300; .5400; .5500; .5600; .5700; .5800; .6000; .6200; .6300; .6400 (proposed) .....</b>	1030
<b>8700.2700 effective Sept 1, 2001; .2810 (proposed repealer) .....</b>	1030
<b>RENUMBER 8700.0100 to 8710.0100; 8700.0600 to 8710.0200; 8700.0200 to 8710.0300; 8700.0500 to 8710.0350; 8700.7800 to 8710.0400; 8700.0210 to 8710.0500; 8700.0400 to 8710.0600; 8700.0501 to 8710.0700; 8700.0700 to 8710.0800; 8700.0800 to 8710.0850; 8700.2500 to 8710.0900; 8700.0300 to 8710.1000; 8700.0502 to 8710.1100; 8700.7300 to 8710.1200; 8700.7400 to 8710.1300; 8700.2400 to 8710.1400 (proposed renumbering) .....</b>	1030
<b>Human Services Department</b>	
<b>9500.4000; .4010; .4020; .4030; .4040; .4050; .4060; .4070; .4080; .4090; .4100; .4110; .4120; .4130; .4140; .4150; .4160; .4170; .4180; .4190; .4200; .4210; .4220; .4230; .4240; .4250; .4260; .4270; .4280; .4290; .4300; .4310; .4320; .4330; .4340; 9510.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0080; .0090; .0100; .0110; .0120; .0130; .0140; .0150; .0160; .0170; .0180; .0190; .0200; .0210; .0220; .0230; .0240; .0250; .0260; .0270; .0280; .0290; .0300; .0310; .0320; .0330; .0340; .0350; .0360; .0370; .0380; .0390; .0400; .0410; .0420; .0430; .0440; .0450; .0460; .0470; .0480; .0500; .0510; .0520; .0530; .0540; .0550; .0560; .0570; .0580; .0590; .0600; .0610; .0620; .0630; .0640; .0650; .0660; .0670; .0680; .0690; .0700; .0710; .0720; .0730; .0740; .0750; .0760; .0770; .0780; .0790; .0800; .0810; .0820; .0830; .0840; .0850; .0860; .0870; .0880; .0890; .1000; .1010 (proposed repealer) .....</b>	875



# Proposed Rules

## Comments on Planned Rules or Rule Amendments

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

## Rules to be Adopted After a Hearing

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

## Rules to be Adopted Without a Hearing

Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

## Department of Human Rights

### Proposed Permanent Rules Relating to Public State Contracts

**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 Contract Compliance and a Proposed Rule Governing the Means by Which a Contract May Be Revoked, if Given to a Contractor Who Does Not Possess a Valid Certificate of Compliance, *Minnesota Rules*, 5000.3200 to 5000.3600.**

**Introduction.** The Department of Human Rights 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 December 9, 1998, a public hearing will be held in Conference Rooms A and B, Army Corps of Engineers Centre, 190 East 5th Street, Suite 700, St. Paul, Minnesota 55101, starting at 10:00 on Monday, December 21, 1998. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the department contact person after December 9, 1998 and before December 21, 1998.

**Department Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the department contact person. The department contact person is: Melanie Miles at Department of Human Rights, Army Corps of Engineers Centre, 190 East 5th Street, Suite 700, St. Paul, MN 55101. (651) 297-1687, TTY users may call the Department of Human Rights at (651) 296-1283. A copy of the proposed rules is published in the *State Register*. A free copy of the proposed rules also is available upon request from the department contact person.

**Subject of Rules and Statutory Authority.** The proposed rules are about contract compliance. The statutory authority to adopt the rules is *Minnesota Statutes*, section 363.074. The proposed rules reflect the current status and administering of *Minnesota Statutes*, section 363.073. The proposed rules either reflect statutory changes or clarify the intent of the rules. The proposed rules allow the department to maximize the efficiency of the contract compliance division. The proposed rule on voiding a contract sets out the procedural steps the department and the parties to a contract must take when a contractor is accused or suspected of not having a current contract compliance certificate. The proposed rule will affect those businesses that fall within the ambit of these rules and who are accused or suspected of being in violation of the Minnesota Human Rights Act by not possessing a certificate of compliance.

**Comments.** You have until 4:30 p.m. on Wednesday, December 9, 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 department 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 also must be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you also may 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 department contact person by 4:30 p.m. on December 9, 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 department in determining whether a public hearing must be held. You also are 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 to below 25, the department must give written notice of this to all persons who requested a hearing explaining the actions the department took, if any, to effect the withdrawals, and asking for written comments on these actions.

**Alternative Format/Accommodation.** Upon request, this Notice will be made available in an alternative format. To make such a request or if you need an accommodation to make the hearing accessible, please contact the department 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 department 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 December 21, 1998, will be canceled if the department does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the department will notify you before the scheduled hearing whether or not the hearing will be held. You also may call the department contact person at (651) 297-1684 after December 9, 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. 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 also may 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 will be a five-working-day response period during which the department 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 department 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 department contact person at the address stated above.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available. 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 be reviewed and copies obtained at the cost of reproduction from either the department contact person or the Office of Administrative Hearings.

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

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
--

## Proposed Rules

---

**Adoption Procedure if No Hearing.** If no hearing is required, the department may adopt the rules after the end of the comment period. The rules and supporting documents then will be submitted to the Office of Administrative Hearings for review of their 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 department to receive notice of future rule proceedings, submit your request to the department contact person.

**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 may make this request at the hearing or in writing to the Administrative Law Judge. You also may ask to be notified of the date on which the department adopts the rules and files them with the Secretary of State, and may make this request at the hearing or in writing to the department contact person.

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

Dated: 27 October 1998

Dolores H. Fridge, Commissioner

### 5000.3200 SEVERABILITY.

If any provision of parts ~~5000.0100~~ 5000.0050 to 5000.3300, or the application thereof to any person is held invalid, the invalidity does not affect any provision or application of ~~these rules~~ parts 5000.0050 to 5000.3300 which can be given effect without the invalid provision or application, and to this end the provisions of ~~these rules~~ parts 5000.0050 to 5000.3300 are severable.

### 5000.3300 CONSTRUCTION.

Parts ~~5000.0100~~ 5000.0050 to 5000.3300 shall be construed liberally to effectuate the purposes of the act.

### 5000.3400 DEFINITIONS.

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

Subp. 2. **Affirmative action policy.** "Affirmative action policy" means a managerial objective to eliminate all barriers to employment opportunity that are not based on specific job requirements. It refers also to the identification of barriers in the use of action-oriented programs to advance employment opportunities for women, minorities, and qualified disabled ~~individuals~~ persons.

[For text of subps 3 to 8, see M.R.]

Subp. 9. **Contractor.** "Contractor" means a firm or business ~~which that~~ has employed more than ~~20~~ 40 full-time employees in Minnesota ~~at any time on a single working day~~ during the previous 12 months, and ~~which that~~ executes, holds, or submits a bid or proposal for a covered state contract for goods or services in excess of \$50,000.

Subp. 10. **Covered state contract.** "Covered state contract" means a state contract for goods or services in excess of ~~\$50,000~~ \$100,000.

[For text of subps 11 and 12, see M.R.]

Subp. 13. **Disabled individual person.** "Disabled ~~individual person~~" means a person who has a physical, sensory, or mental impairment ~~which substantially that materially limits one or more major life activity; it does not include an alcoholic or drug abuser whose current use of alcohol or drugs renders that individual a hazard to the individual or others activities or has a record of or is regarded as having such an impairment. For purposes of this subdivision, "impairment" excludes any condition resulting from alcohol or drug abuse that prevents a person from performing the essential functions of the job in question or constitutes a direct threat to property or the safety of others.~~

[For text of subps 14 to 17, see M.R.]

Subp. 18. **Minority.** "Minority" ~~includes~~ means:

- A. ~~Blacks~~ Black, persons having origins of any of the Black African racial groups not of Hispanic origin;

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

[For text of subps 19 and 20, see M.R.]

Subp. 21. **Qualified disabled individual person.** "Qualified disabled ~~individual person~~" means a disabled ~~individual person~~ who is capable of performing ~~a particular job~~ the essential functions required of all applicants for the job in question, with or without reasonable accommodation to that person's disability. For purposes of this subdivision, "disability" excludes any condition resulting from alcohol or drug abuse that prevents a person from performing the essential functions of the job in question or constitutes a direct threat to property or the safety of others.

[For text of subp 22, see M.R.]



Subp. 23. [See repealer.]

[For text of subps 24 and 25, see M.R.]

#### **5000.3410 GENERAL PROVISIONS.**

Subpart 1. **Purpose.** The purpose of parts 5000.3400 to 5000.3600 is to increase employment opportunities for women, minorities, and disabled ~~individuals~~ persons by requiring contractors to adopt and implement affirmative action programs approved by the commissioner.

Subp. 2. **Persons Businesses regulated.** Parts 5000.3400 to 5000.3600 apply to contractors:

- A. who are doing business or desire to do business with the state;
- B. who employ more than ~~20~~ 40 full-time employees on a single working day during the previous 12 months before, or any time during, performance on a state contract; and
- C. whose contract amount exceeds ~~\$50,000~~ \$100,000 or is reasonably expected to exceed ~~\$50,000~~ \$100,000 in any one year.

#### **5000.3415 COMMISSIONER MAY VOID CONTRACT.**

If the commissioner has reason to believe that a state agency has awarded a contract in excess of \$100,000 to a contractor who employs more than 40 full-time employees in Minnesota but does not currently hold a valid certificate of compliance, the commissioner must notify the agency and the contractor of this potential violation and request a written response from each within ten days. The response should explain why the state agency or contractor believes it is in compliance with Minnesota Statutes, section 363.073. The contracting state agency's response must include a copy of the contract.

If, after receipt of both responses, the commissioner determines that the contract was legally awarded, the commissioner must notify the contracting state agency and the contractor within ten days that the contract will not be voided.

If only the contracting state agency or only the contractor submits a response, and the commissioner is able to determine that the contract was legally awarded from that response, the contracting state agency and the contractor will be notified that the contract will not be voided.

If both the contracting state agency and the contractor fail to respond, or if a written response or other credible information indicate that the contract was awarded illegally, the commissioner must notify the contracting state agency and the contractor by certified mail that the contract is void, effective ten days after receipt of the letter by the contracting state agency or contractor, whichever is later.

The commissioner must send simultaneously by regular mail a copy of the above referenced notice that the contract is void, to the commissioners of administration and finance, the assistant attorney general assigned to the contracting state agency, and any other parties to the contract.

A contractor may apply for a certificate of compliance at any time.

#### **5000.3420 CRITERIA FOR APPROVAL AND IMPLEMENTATION OF AFFIRMATIVE ACTION PLANS FOR CONTRACTORS.**

Subpart 1. **General requirements.** Under the affirmative action obligation imposed by the Human Rights Act, *Minnesota Statutes*, section 363.073, contractors ~~shall~~ must take affirmative action to employ and advance in employment qualified minority, female, and disabled ~~individuals~~ persons at all levels of employment, including the executive level. Affirmative action must apply to all employment practices including the following:

- A. hiring, upgrading, demotion, or transfer;
- B. recruitment or recruitment advertising;
- C. layoff or termination;
- D. rates of pay or other forms of compensation; and
- E. selection for training, including apprenticeship.

[For text of subps 2 to 7, see M.R.]

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

## Proposed Rules

---

Subp. 8. **Equal opportunity policy statement.** The contractor ~~shall~~ must prepare and include in its affirmative action plan an equal employment opportunity policy statement.

The equal employment opportunity policy statement must indicate that the contractor is committed to the principles of equal employment opportunity, assign overall responsibility to an executive of the contractor, and provide for a reporting and monitoring procedure. The policy statement must indicate that it is the policy of the contractor to:

A. recruit, hire, train, and promote persons in all job titles, without regard to race, color, creed, religion, sex, national origin, marital status, status with regard to public assistance, disability, sexual orientation, or age except where such status is a bona fide occupational qualification;

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

D. ensure that all personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, company-sponsored training, education, tuition assistance, and social and recreation programs will be administered without regard to race, color, creed, religion, sex, national origin, marital status, status with regard to public assistance, disability, sexual orientation, or age.

This statement must be signed by the chairperson of the board or the chief executive officer.

### **5000.3450 WORKFORCE ANALYSIS, INCLUDING AVAILABILITY AND UTILIZATION ANALYSES.**

Subpart 1. **Workforce analysis.** The affirmative action plan must include a workforce analysis based on data that is no more than one year old, including a listing of each job title as it appears in applicable collective bargaining agreements or payroll records (not job group) ranked from the lowest paid to the highest paid within each department or other similar organizational unit including departmental or unit supervision. If there are separate work units or lines of progression within a department, a separate list must be provided for each work unit, or line, including unit supervisors. For lines of progression there must be indicated the order of jobs in the line through which an employee could move to the top of the line. Where there are no formal progression lines or usual promotional sequences, job titles ~~shall~~ must be listed by department, ~~and then by~~ job family; or discipline; ~~within that department~~ in order of wage rate or salary range. For each job title, the total number of full-time incumbents, the total number of full-time female and male incumbents, and the total number of full-time female and male incumbents in each of the following groups must be given: Blacks, ~~Spanish-surnamed Americans~~ Hispanics, American Indians or Alaskan Natives, and ~~Orientals~~ Asian and Pacific Islanders. The wage rate or salary range for each job title must be given. All job titles, including managerial job titles, must be listed.

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

Subp. 3. **Minority analysis.** In determining whether minorities are underutilized in any job group, the contractor ~~shall~~ must consider at least all of the following factors:

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

E. the availability of minorities having requisite skills in ~~an~~ the relevant recruitment area in which the contractor can reasonably recruit;

[For text of items F to H, see M.R.]

Subp. 4. **Women analysis.** In determining whether women are underutilized in any job group, the contractor ~~shall~~ must consider at least all of the following factors:

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

D. the availability of women having requisite skills in ~~an~~ the relevant recruitment area in which the contractor can reasonably recruit;

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

### **5000.3460 GOALS AND OBJECTIVES ESTABLISHED BY ORGANIZATIONAL UNITS AND JOB GROUPS INCLUDING TIMETABLES FOR COMPLETION.**

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

Subp. 6. **Relevant percentages.** Where deficiencies exist and where numbers ~~of~~ or percentages are relevant in developing corrective action, the contractor ~~shall~~ must establish and set forth specific goals and timetables separately for minorities and women.

[For text of subps 7 to 11, see M.R.]

### **5000.3480 MEASURES TO FACILITATE IMPLEMENTATION OF EQUAL EMPLOYMENT OPPORTUNITY POLICY AND AFFIRMATIVE ACTION PROGRAMS.**

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

Subp. 2. **Worker specifications.** The contractor ~~shall~~ must validate worker specifications by division, department, location, or other organizational unit and by job title using job performance criteria. Special attention must be given to academic, experience, and skill requirements to ensure that the requirements in themselves do not constitute inadvertent discrimination. Specifications must be consistent for the same job title in all locations and ~~shall~~ must be free from bias as regards to race, color, creed, religion, sex, national origin, marital status, status regarding public assistance, age, sexual orientation, and disability except where such status is a bona fide occupational qualification. Where requirements screen out a disproportionate number of minorities or women, the requirements must be professionally validated to job performance.

[For text of subps 3 to 6, see M.R.]

**5000.3500 NONCONSTRUCTION CONTRACTOR'S DISABLED ~~INDIVIDUALS~~ PERSONS PLAN.**

Nonconstruction contractors ~~shall~~ must also have affirmative action plans for disabled ~~individuals~~ persons in accordance with parts 5000.3550 to 5000.3559.

**5000.3520 COMMISSIONER SETS GOALS AND TIMETABLES.**

The commissioner, from time to time, shall issue goals and timetables for minority and female utilization which must be based on appropriate workforce, demographic, or other relevant data and which ~~shall~~ must cover construction projects, or construction contracts performed in specific geographical areas. The goals must be applicable to each construction trade in an area covered by the contractor's entire workforce which is working in the area covered by the goals and timetables. Goals must be published as notices in the *State Register*, and must be inserted by contracting state agencies and ~~applicants~~ contractors, as applicable, in the notice required by part 5000.3530.

**5000.3530 NOTICE OF REQUIREMENTS FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY.**

Contracting state agencies ~~shall~~ must include the following notice in all solicitations for offers and bids on all state and state-assisted construction contracts in excess of ~~\$50,000~~ \$100,000 to be performed in geographical areas designed by the commissioner.

The notice requirements ~~shall~~ must take the following form:

**“NOTICE OF REQUIREMENTS FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY**

1. The offeror's or bidder's attention is called to the “equal opportunity clause” set forth herein.
2. The goals and timetables for minority and female participation, expressed in percentage terms for the contractor's aggregate workforce in each trade on all construction work in the covered area are as follows:

Timetables	Goals for minority participation in each trade	Goals for female participation in each trade
Insert the timetables as determined under part 5000.3520.	Insert the goals as determined under part 5000.3520.	Insert the goals as determined under part 5000.3520.

These goals are applicable to all the contractor's construction work (whether or not it is state or state-assisted) performed in the covered area.

The contractor's compliance with *Minnesota Statutes*, section 363.073 and part 5000.3520 shall be based on its implementation of the equal opportunity clause, specific affirmative action obligations required by the specifications in part 5000.3540, and its efforts to meet the goals established for the geographical area where the contract resulting from this solicitation is to be performed. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the contractor ~~shall~~ must make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from contractor to contractor or from project to project for the sole purpose of meeting the contractor's goals ~~shall be~~ is a violation of the contract, *Minnesota Statutes*, section 363.073 and part 5000.3520. Compliance with the goals will be measured against the total work hours performed.

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

## Proposed Rules

---

3. The contractor ~~shall~~ must provide written notification to the Compliance Division of the Minnesota Department of Human Rights within ten working days of award of any construction subcontract at any tier for construction work under the contract resulting from the solicitation. The notification must list the name, address, and telephone number of the subcontractor; employer identification number, estimated dollar amount of the subcontract; estimated starting and completion dates of the subcontract; and the geographical area in which the contract is to be performed.

4. As used in this notice, and in the contract resulting from this solicitation, the "covered area" is the geographical area where the contract is to be performed. The contracting state agency ~~shall~~ must insert the description of the geographical areas where the contract is to be performed describing the state, county, city, town, or municipality of the geographic area in the notice, and in the contract resulting from this solicitation."

### **5000.3535 STANDARD STATE EQUAL EMPLOYMENT OPPORTUNITY CONSTRUCTION CONTRACT SPECIFICATIONS.**

Each contracting state agency and each contractor ~~shall~~ must include the following equal opportunity clause in each of its covered state and state-assisted construction contracts (and modifications, renewals, or extensions if not included in the original contract):

#### **"STANDARD STATE EQUAL EMPLOYMENT OPPORTUNITY CONSTRUCTION CONTRACT SPECIFICATIONS**

1. The contractor ~~shall~~ must implement the specific affirmative action standards provided in paragraphs 4(a) to (o) of these specifications. The goals set forth in the solicitation from which this contract resulted are expressed as percentages of the total hours of employment and training of minority and female utilization the contractor ~~shall~~ must reasonably be able to achieve in each construction trade in which it has employees in the covered area. The contractor ~~shall~~ must make substantially uniform progress toward its goals in each craft during the period specified.

2. Neither the provisions of any collective bargaining agreement, nor the failure by a union with whom the contractor has a collective bargaining agreement, to refer either minorities or women shall excuse the contractor's obligations under these specifications, *Minnesota Statutes*, section 363.073 of the Minnesota Human Rights Act, or the rules adopted under the act.

3. In order for the nonworking training hours of apprentices and trainees to be counted in meeting the goals, such apprentices and trainees ~~shall~~ must be employed by the contractor during the training period, and the contractor must have made a commitment to employ the apprentices and trainees at the completion of their training, subject to the availability of employment opportunities. Trainees ~~shall~~ must be trained according to training programs approved by the Minnesota Department of Human Rights, the Minnesota Department of Labor and Industry, or the United States Department of Labor.

4. The contractor ~~shall~~ must take specific affirmative action to ensure equal employment opportunity. The evaluation of the contractor's compliance with these specifications must be based upon its effort to achieve maximum results from its actions. The contractor ~~shall~~ must document these efforts fully, and ~~shall~~ must implement affirmative action steps at least as extensive as the following:

(a) Make a good faith effort to maintain a working environment free of harassment, intimidation, and coercion at all sites, and in all facilities at which the contractor's employees are assigned to work. The contractor ~~shall~~ must specifically ensure that all lead supervisors, superintendents, and other on-site supervisory personnel are aware of and carry out the contractor's obligation to maintain such a working environment, with specific attention to minority or female ~~individuals~~ persons working at such sites or in such facilities.

(b) Establish and maintain a current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations when the contractor or its unions have employment opportunities available, and maintain a record of the organizations' responses.

(c) Maintain a current file of the names, addresses, and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a union, a recruitment source, or community organization and of what action was taken with respect to each ~~individual person~~. If the ~~individual person~~ was sent to the union hiring hall for referral and was not referred back to the contractor by the union or, if referred, not employed by the contractor, this ~~shall~~ must be documented in the file with the reason therefore, along with whatever additional actions the contractor may have taken.

(d) Provide immediate written notification to the commissioner of the Minnesota Department of Human Rights when the union or unions with which the contractor has a collective bargaining agreement has not referred to the contractor a minority person or woman sent by the contractor, or when the contractor has other information that the union referral process has impeded the contractor's efforts to meet its obligations.

(e) Develop on-the-job training opportunities and/or participate in training programs for the areas which expressly include minorities and women, including upgrading programs and apprenticeship and trainee programs relevant to the contractor's employment needs, especially those programs funded or approved by the state of Minnesota. The contractor ~~shall~~ must provide notice of these programs to the sources compiled under (b).

(f) Disseminate the contractor's equal employment opportunity policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting the contractor in meeting its equal employment opportunity obligations; by including it in any policy manual and collective bargaining agreement; by publicizing it in the company newspaper, annual report, etc.; by specific review of the policy with all management personnel and with all minority and female employees at least once a year; and by posting the company equal employment opportunity policy on bulletin boards accessible to all employees at each location where construction work is performed.

(g) Review, at least annually, the company's equal employment opportunity policy and affirmative action obligations under these specifications with all employees having any responsibility for hiring, assignment, layoff, termination, or other employment decisions including specific review of these items with on-site supervisory personnel such as superintendents, general lead supervisors, etc., prior to the first day of construction work at any job site. A written record ~~shall~~ must be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter.

(h) Disseminate the contractor's equal employment opportunity policy externally by including it in any advertising in the news media, specifically including minority and female news media, and providing written notification to and discussing the contractor's equal employment opportunity policy with other contractors and subcontractors with whom the contractor does or anticipates doing business.

(i) Direct its recruitment efforts, both oral and written, to minority, female, and community organizations, to schools with minority and female students, and to minority and female recruitment and training organizations serving the contractor's recruitment area and employment needs. Not later than one month prior to the date for the acceptance of applications for apprenticeship or other training by any recruitment source the contractor ~~shall~~ must send written notification to organizations such as the above, describing the openings, screening procedures, and tests to be used in the selection process.

(j) Encourage present minority and female employees to recruit other minority persons and women and, where reasonable, provide after school, summer and vacation employment to minority and female youth both on the site and in other areas of a contractor's work force.

(k) Conduct, at least annually, an inventory and evaluation at least of all minority and female personnel for promotional opportunities and encourage these employees to seek or to prepare for, through appropriate training, such opportunities.

(l) Ensure that seniority practices, job classifications, work assignments, and other personnel practices do not have a discriminatory effect by continually monitoring all personnel and employment related activities to ensure that the equal employment opportunity policy and the contractor's obligations under these specifications are being carried out.

(m) Ensure that all facilities and company activities are nonsegregated except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.

(n) Document and maintain a record of all solicitations of offers for subcontracts from minority and female construction contractors and suppliers, including circulation of solicitations to minority and female contractor associations and other business associations.

(o) Conduct a review, at least annually, of all supervisors' adherence to and performance under the contractor's equal employment opportunity policies and affirmative action obligations.

5. Contractors are encouraged to participate in voluntary associations which assist in fulfilling one or more of their affirmative action obligations (4(a) to (o)). The efforts of a contractor association, joint contractor-union, contractor-community, or other similar group of which the contractor is a member and participant, may be asserted as fulfilling any one or more of its obligations under 4(a) to (o) of these specifications provided that the contractor actively participates in the group, makes every effort to assure that the group has a positive impact on the employment of minorities and women in the industry, ensures that the concrete benefits of the program are reflected in the contractor's minority and female workforce participation, makes a good faith effort to meet its individual goals and timetables, and can provide access to documentation which demonstrates the effectiveness of actions taken on behalf of the contractor. The obligation to comply, however, is the contractor's and failure of such a group to fulfill an obligation ~~shall~~ must not be defense for the contractor's noncompliance.

6. A single goal for minorities and a separate single goal for women have been established. The contractor, however, is required to provide equal employment opportunity and to take affirmative action for all minority groups, both female and male, and all women, both minority and nonminority. Consequently, the contractor may be in violation of part 5000.3520 if a particular group is employed in a substantially disparate manner (for example, even though the contractor has achieved its goals for women generally, the contractor may be in violation of part 5000.3520 if a specific minority group is underutilized).

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
--



## Proposed Rules

---

7. The contractor ~~shall~~ must not use the goals and timetables or affirmative action standards to discriminate against any person because of race, color, creed, religion, sex, national origin, marital status, status with regard to public assistance, disability, sexual orientation, or age.

8. The contractor ~~shall~~ must not enter into any subcontract with any person or firm debarred from government contracts under the federal Executive Order 11246 or a local human rights ordinance, or whose certificate of compliance has been suspended or revoked pursuant to *Minnesota Statutes*, section 363.073.

9. The contractor ~~shall~~ must carry out such sanctions for violation of these specifications and of the equal opportunity clause, including suspension, termination, and cancellation of existing contracts as may be imposed or ordered pursuant to *Minnesota Statutes*, section 363.073, and its implementing rules. Any contractor who fails to carry out such sanctions ~~shall~~ will be in violation of these specifications and *Minnesota Statutes*, section 363.073.

10. The contractor, in fulfilling its obligations under these specifications, ~~shall~~ must implement specific affirmative action steps, at least as extensive as those standards prescribed in paragraph 4, so as to achieve maximum results from its efforts to ensure equal employment opportunity. If the contractor fails to comply with the requirements of *Minnesota Statutes*, section 363.073, its implementing rules, or these specifications, the commissioner ~~shall~~ must proceed in accordance with part 5000.3570.

11. The contractor ~~shall~~ must designate a responsible official to monitor all employment related activity to ensure that the company equal employment opportunity policy is being carried out, to submit reports relating to the provisions hereof as may be required by the Minnesota Department of Human Rights, and to keep records. Records ~~shall~~ must at least include for each employee the name, address, telephone numbers, construction trade, union affiliation if any, employee identification number when assigned, social security number, race, sex, status (for example, mechanic, apprentice trainee, helper, or laborer), dates of changes in status, hours worked per week in the indicated trade, rate of pay, and locations at which the work was performed. Records ~~shall~~ must be maintained in an easily understandable and retrievable form; however, to the degree that existing records satisfy this requirement, contractors ~~shall~~ must not be required to maintain separate records.

12. Nothing provided in this part ~~shall~~ will be construed as a limitation upon the application of other state or federal laws which establish different standards of compliance or upon the application of requirements for the hiring of local or other area residents."

### **5000.3540 CONSTRUCTION CONTRACTOR DISABLED ~~INDIVIDUALS~~ PERSONS PLAN.**

Construction contractors ~~shall~~ must also have affirmative action plans for disabled ~~individuals~~ persons in accordance with parts 5000.3550 to 5000.3559.

### **ALL CONTRACTORS; AFFIRMATIVE ACTION PLANS FOR DISABLED ~~INDIVIDUALS~~ PERSONS**

### **5000.3550 DISABLED ~~INDIVIDUALS~~ PERSONS AFFIRMATIVE ACTION CLAUSE.**

Each state agency and each contractor ~~shall~~ must include the following affirmative action clause in each of its covered state contracts and modifications, renewals, or extensions thereof if not included in the original contract.

#### **"AFFIRMATIVE ACTION FOR DISABLED WORKERS**

(a) The contractor ~~shall~~ must not discriminate against any employee or applicant for employment because of physical or mental disability in regard to any position for which the employee or applicant for employment is qualified. The contractor agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified disabled ~~individuals~~ persons without discrimination based upon their physical or mental disability in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(b) The contractor agrees to comply with the rules and relevant orders of the Minnesota Department of Human Rights issued pursuant to the Minnesota Human Rights Act.

(c) In the event of the contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with *Minnesota Statutes*, section 363.073 and the rules and relevant orders of the Minnesota Department of Human Rights issued pursuant to the Minnesota Human Rights Act.

(d) The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the commissioner of the Minnesota Department of Human Rights. Such notices ~~shall~~ must state the contractor's obligation under the law to take affirmative action to employ and advance in employment qualified disabled employees and applicants for employment, and the rights of applicants and employees.

(e) The contractor ~~shall~~ must notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of *Minnesota Statutes*, section 363.073 of the Minnesota Human Rights Act and is committed to take affirmative action to employ and advance in employment physically and mentally disabled ~~individuals~~ persons."

### 5000.3552 PHYSICAL AND MENTAL QUALIFICATIONS.

Subpart 1. **Schedule for review.** The contractor ~~shall~~ must provide in its affirmative action program, and ~~shall~~ must adhere to, a schedule for the review of all physical or mental job qualification requirements to ensure that, to the extent qualification requirements tend to screen out qualified disabled ~~individuals~~ persons, they are job related and are consistent with business necessity and the safe performance of the job.

Subp. 2. **Relating qualification requirements to job.** Whenever a contractor applies physical or mental job qualification requirements in the selection of applicants or employees for employment or other change in employment status such as promotion, demotion, or training, to the extent that qualification requirements tend to screen out qualified disabled ~~individuals~~ persons, the requirements ~~shall~~ must be related to the specific job or jobs for which the ~~individual~~ person is being considered and ~~shall~~ must be consistent with business necessity and the safe performance of the job. The contractor ~~shall have~~ has the burden to demonstrate that it has complied with the requirements of this ~~paragraph~~ subpart.

Subp. 3. **Preemployment medical exam.** Nothing in this part shall prohibit a contractor from requiring a comprehensive medical examination ~~prior to~~ after a conditional offer of employment provided that the results of such an examination shall be used only in accordance with the requirements of parts 5000.3550 to 5000.3559. Whenever a contractor inquires into an applicant's or employee's physical or mental condition or conducts a medical examination ~~prior to~~ after a conditional offer of employment or change in employment status, information obtained in response to such inquiries or examination ~~shall~~ must be kept confidential except that:

A. supervisors and managers may be informed regarding restrictions on the work or duties of disabled ~~individuals~~ persons and regarding accommodations;

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

C. officials, employees, representatives, or agents of the department or local human rights agencies investigating compliance with the act or local human rights ordinances ~~shall~~ must be informed if they request such information.

[For text of subp 4, see M.R.]

Subp. 5. **Compensation.** In offering employment or promotions to disabled ~~individuals~~ persons, the contractor ~~shall~~ must not reduce the amount of compensation offered because of any disability income, pension, or other benefit the applicant or employee receives from another source.

Subp. 6. **Outreach, positive recruitment, and external dissemination of policy.** Contractors ~~shall~~ must review their employment practices to determine whether their personnel programs provide the required affirmative action for employment and advancement of qualified disabled ~~individuals~~ persons. Based upon the findings of such reviews, contractors ~~shall~~ must undertake appropriate outreach and positive recruitment activities, such as those listed ~~below in items A to J~~. It is not contemplated that contractors will necessarily undertake all the listed activities or that their activities will be limited to those listed. The scope of a contractor's efforts ~~shall~~ must depend upon all the circumstances, including the contractor's size and resources and the extent to which existing employment practices are adequate.

A. Develop internal communication of its obligation to engage in affirmative action efforts to employ qualified disabled ~~individuals~~ persons in such a manner as to foster understanding, acceptance, and support among the contractor's executive, management, supervisory, and all other employees and to encourage such persons to take the necessary action to aid the contractor in meeting this obligation.

B. Develop reasonable internal procedures to ensure that its obligation to engage in affirmative action to employ and promote qualified disabled ~~individuals~~ persons is being fully implemented.

C. Periodically inform all employees and prospective employees of its commitment to engage in affirmative action to increase employment opportunities for qualified disabled ~~individuals~~ persons.

D. Enlist the assistance and support of recruiting sources (including state employment security agencies, state vocational rehabilitation agencies or facilities, rehabilitation facilities, college placement officers, state education agencies, labor organizations and organizations of or for disabled ~~individuals~~ persons) for the contractor's commitment to provide meaningful employment opportunities to qualified disabled ~~individuals~~ persons. ~~(A list of numerous~~ Information on national organizations serving the disabled,

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
--

## Proposed Rules

many of which have state or local affiliates, is found in the "Directory of Organizations Interested in the Handicapped" published by the Committee for the Handicapped People to People Program, Washington, D.C. can be obtained from the Clearinghouse on Disability Information, Office of Special Education and Rehabilitation Services, United States Department of Education, (202) 732-1241 or (202) 732-1723 (Voice/TDD).

E. Engage in recruitment activities at educational institutions ~~which~~ that participate in training of the disabled, such as schools for the blind, deaf, or ~~retarded~~ developmentally disabled.

F. Establish meaningful contracts with appropriate social service agencies, organizations of and for disabled ~~individuals~~ persons, vocational rehabilitation agencies or facilities, for such purposes as advice, technical assistance, and referral to potential employees. Technical assistance from the resources described in this paragraph may consist of advice on proper placement, recruitment, training, and accommodations contractors may undertake, but no such resource providing technical assistance ~~shall~~ must have the authority to approve or disapprove the acceptability of affirmative action programs.

G. Review employment records to determine the availability of promotable and transferable qualified known disabled ~~individuals~~ persons presently employed, and to determine whether their present and potential skills are being fully utilized or developed.

[For text of items H and I, see M.R.]

J. Take positive steps to attract qualified disabled persons not currently in the work force who have requisite skills and can be recruited through affirmative action measures. These persons may be located through the local chapters of organizations of and for disabled ~~individuals~~ persons described in part 5000.3552, subpart 6.

Subp. 7. **Internal dissemination of policy.** ~~A strong~~ An outreach program ~~shall be~~ is ineffective without adequate internal support from supervisory and management personnel and other employees, who may have had limited contact with disabled persons in the past. In order to assure greater employee cooperation and participation in the contractor's efforts, the contractor shall adopt, implement, and disseminate this policy internally as follows:

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

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

Subp. 9. **Development and execution of affirmative action programs.** The affirmative action programs ~~shall~~ must be developed and executed as follows:

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

H. An effort ~~shall~~ must be made to participate in work study programs with rehabilitation facilities and schools which specialize in training or educating disabled ~~individuals~~ persons.

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

Subp. 10. **Rehabilitation facilities.** Contracts with rehabilitation facilities do not constitute affirmative action in lieu of employment and advancement of qualified disabled ~~individuals~~ persons in the contractor's own workforce. Contracts with rehabilitation facilities may be included within an affirmative action program if the rehabilitation facility trains employees for the contractor and the contractor is obligated to hire trainees at full compensation when such trainees become qualified as "qualified disabled ~~individuals~~ persons" as defined in part 5000.3400, subpart 21.

### 5000.3555 DETERMINATION OF DISABILITY.

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

Subp. 2. **Application of determination.** Any determination of disability required pursuant to subpart 1 must meet the requirements of part 5000.3552, subpart 3, and must be for the purpose of affirmative action and proper job placement. Information obtained therefrom ~~shall~~ must not be used to exclude or otherwise limit the employment opportunities of qualified disabled ~~individuals~~ persons.

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

### 5000.3557 LISTING OF EMPLOYMENT OPENINGS.

Contractors ~~shall~~ must request the Minnesota Department of Economic Security to refer qualified disabled ~~individuals~~ persons for consideration under their affirmative action programs.

### 5000.3560 PROCEDURES FOR ISSUING CERTIFICATES OF COMPLIANCE.

Subpart 1. **Information required.** All businesses or firms desiring a certificate of compliance ~~shall~~ must submit to the department one of the following:

A. an affirmative action plan in compliance with parts 5000.3400 to 5000.3600; or

B. letters or documentation establishing their compliance with federal or local agency rules together with an affirmative action program for disabled ~~individuals~~ persons.

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

#### **5000.3570 DETERMINATION OF COMPLIANCE STATUS.**

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

Subp. 2. **Determination of good faith efforts.** A contractor's good faith efforts shall be determined by whether it takes prompt corrective action when it becomes aware that any of the following conditions exist with regard to its workforce:

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

H. women, minorities, and disabled ~~individuals~~ persons who are not participating in company-sponsored activities;

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

[For text of subps 3 to 8, see M.R.]

#### **5000.3580 SUBMISSION OF COMPLIANCE REPORTS.**

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

Subp. 2. **Construction contractors; ~~semiannual~~ annual reports.** Construction contractors ~~shall~~ must also submit ~~semiannual~~ annual compliance reports of their affirmative action programs for nonconstruction personnel. These ~~compliance~~ reports must contain the same information, and be submitted at the same time as the reports required for nonconstruction contractors in part 5000.3580, subpart 3.

Subp. 3. **Nonconstruction contractors; ~~semiannual~~ annual reports.** Nonconstruction contractors ~~shall~~ must submit ~~semiannual~~ annual compliance reports. ~~The report~~ These reports must include the following data, by job, group, race, sex, and disability:

- A. total number of employment applicants;
- B. total number of applicants interviewed;
- C. total number of applicants tested;
- D. total number of applicants hired;
- E. total number of employees promoted;
- F. total number of employees demoted;
- G. total number of employees transferred;
- ~~H.~~ H. total number of employees laid off;
- ~~I.~~ I. total number of employees recalled from layoff;
- ~~J.~~ H. total number of employees terminated;
- ~~K.~~ I. total number of employees receiving company sponsored training; and
- ~~L.~~ J. total number of people employed by company.

[For text of subp 4, see M.R.]

#### **5000.3600 DUTIES OF CONTRACTING STATE AGENCY.**

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

Subp. 5. **Submission of list of bidders.** The contracting agency shall submit to the department a list of ~~prospective bidders~~ nonexempt firms or businesses that have submitted bids prior to the ~~opening~~ award of a contractor's bid to ensure compliance with *Minnesota Statutes*, section 363.073.

[For text of subps 6 to 9, see M.R.]

**REPEALER.** *Minnesota Rules*, part 5000.3400, subpart 23, is repealed.

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
--

# Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the *State Register*. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* §§ 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only.

The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

## Department of Labor and Industry

### Proposed Exempt Permanent Rules Relating to Occupational Safety and Health; Adoption of Federal Standards by Reference

#### Proposed Revisions to the Occupational Safety and Health Standards and Request for Comments

**NOTICE IS HEREBY GIVEN** that the Department of Labor and Industry, Occupational Safety and Health Division (Minnesota OSHA) proposes to adopt the following revisions to the Department of Labor and Industry, Occupational Safety and Health Rules, as authorized under *Minnesota Statutes* § 182.655 (1996). This notice proposes the adoption by reference of corrections and amendments to Occupational Safety and Health Standards that have already been proposed and adopted by the Federal Occupational Safety and Health Administration (Federal OSHA).

All interested or affected persons have 30 days from the date this notice is published in the *State Register* to submit, in writing, data and views on the proposed amendments to the rule. Comments in support of or in opposition to the proposed amendments are encouraged. Each comment should identify the portion of the proposed amendment addressed, the reason for the comment, and any proposed change.

Any person may file with the Commissioner written objections to the proposed amendments stating the grounds for those objections and may request a public hearing. A public hearing will be held if 25 or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period. Requests for hearing must include the name and address of the person submitting the request, define the reasons for the request, and discuss any proposed changes. If a public hearing is required, the Department will proceed according to the provisions of *Minnesota Statutes* § 182.655 and *Minnesota Rules* 5210.0010 to 5210.0100.

Written comments or requests for a public hearing should be sent to: Occupational Safety and Health Division, Department of Labor and Industry, 443 Lafayette Road, St. Paul, Minnesota 55155-4307. A complete copy of the standards proposed for adoption is available by writing to this address, or by calling (612) 297-3254 or (612) 282-5806.

Gretchen B. Maglich  
Commissioner

#### SUMMARY OF CHANGES

The following is a brief summary of the proposed amendments. Persons interested in reviewing the complete *Federal Register* notices referenced below may obtain copies from the above address.

- (A) "Occupational Exposure to Asbestos; Final Rule." On June 29, 1998, federal OSHA published in the *Federal Register* its final rule for occupational exposure to asbestos in the construction and shipyard standards. In both 29 CFR 1915.1001 and 1926.1001 a paragraph is being added to state that the standard does not apply to asbestos-containing asphalt roof cements, coatings, and mastics. In paragraphs covering alternative work practices, reference to roofing cements is being deleted. The general industry asbestos standard, 29 CFR 1910.1001, remains unchanged.

By this notice, Minnesota OSHA proposes to adopt the final rule as published in the *Federal Register* on June 29, 1998.

- (B) "Methylene Chloride; Final Rule." On September 22, 1998, Federal OSHA published in the *Federal Register* the final rule for the methylene chloride standard, 29 CFR 1910.152. The final rule adds a provision for temporary medical removal protection benefits for employees who are removed or transferred to another job because of a medical determination that exposure to methylene chloride may aggravate or contribute to the employee's existing skin, heart, liver, or neurological disease. OSHA is also amending the startup dates by which employers in certain identified application



groups, i.e., who use MC in certain work operations, must achieve the eight-hour time-weighted average permissible exposure limit and the dates by which they must achieve the short-term exposure limit by means of engineering controls. Employers may defer respirator use to achieve the eight-hour time-weighted average PEL of 25 parts per million (ppm) until the engineering control startup dates have passed. At the federal level, the new final rule became effective October 22, 1998. Exception: The startup date paragraph, 29 CFR 1910.152(n)(2), became effective at the federal level upon publication in the *Federal Register* on September 22, 1998.

By this notice, Minnesota OSHA proposes to adopt the final rule as published in the *Federal Register* on September 22, 1998. This rule becomes effective in Minnesota upon publication of the adoption notice in the *State Register*.

- (C) “Respiratory Protection; Announcement of OMB Approval of Information Collection Requirements; Notice.” On October 2, 1998, the *Federal Register* published a notice announcing that the OMB approved the collection of information requirements in its Respiratory Protection standard. The notice also announces the OMB approval number and expiration date. OSHA sought approval under the Paperwork Reduction Act of 1995 (PRA-95).

By this notice, Minnesota OSHA proposes to adopt the notice of OMB approval of information collection requirements, as published in the *Federal Register* on October 2, 1998.

#### **5205.0010 ADOPTION OF FEDERAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS BY REFERENCE.**

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

Subp. 2. **Part 1910.** Part 1910: Occupational Safety and Health Standards as published in Volume 43, No. 206 of the *Federal Register* on October 24, 1978, and corrected in Volume 43, No. 216 on November 7, 1978, which incorporates changes, additions, deletions, and corrections made up to November 7, 1978; and subsequent changes as follows:

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

U. *Federal Register*, Volume 63:

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

(6) *Federal Register*, Vol. 63, No. 183, page 50711, dated September 22, 1998: “Methylene Chloride; Final Rule.”

(7) *Federal Register*, Vol. 63, No. 191, page 53103, dated October 2, 1998: “Respiratory Protection; Announcement of OMB Approval of Information Collection Requirements; Notice.”

Subp. 3. **Part 1915.** Part 1915: Occupational Safety and Health Standards for Shipyard Employment as published in Volume 47, No. 76 of the *Federal Register* on April 20, 1982; all changes made prior to December 31, 1986, which consolidated Part 1915 and Part 1916; technical amendments and redesignations published in Volume 58, No. 125, of the *Federal Register* on July 1, 1993; and additional changes as follows:

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

Y. *Federal Register*, Vol. 63, No. 124, page 35137, dated June 29, 1998: “Occupational Exposure to Asbestos; Final Rule.”

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

Subp. 6. **Part 1926.** Part 1926: Construction Safety and Health Regulations as published in Part VII, Volume 44, No. 29 of the *Federal Register* on February 9, 1979, which incorporates changes, additions, deletions, and corrections made up to October 17, 1978, the incorporation and redesignation of the regulatory text of the General Industry Occupational Safety and Health Standards (29 CFR Part 1910) that have been identified as applicable to construction work as published in the *Federal Register*, Volume 58, No. 124, dated June 30, 1993, and corrected in Volume 58, No. 143, dated July 28, 1993; and additional changes as follows:

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

N. *Federal Register*, Volume 63:

[For text of subitems (1) to (6), see M.R.]

(7) *Federal Register*, Vol. 63, No. 124, page 35137, dated June 29, 1998: “Occupational Exposure to Asbestos; Final Rule.”

(8) *Federal Register*, Vol. 63, No. 191, page 53103, dated October 2, 1998: “Respiratory Protection; Announcement of OMB Approval of Information Collection Requirements; Notice.”

[For text of subp 7, see M.R.]

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
--

# Revenue Notices

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

## Department of Revenue

### Revenue Notice # 98-21: MinnesotaCare - Fair Market Value of Patient Services

This revenue notice modifies *Revenue Notice* # 93-05 with regard to the portion titled 'Gross Revenues Subject to Tax.' It explains what amount should be included in the taxable gross revenues of a health care provider, staff model health plan company, hospital, or surgical center ("provider") when the provider furnishes patient services at no charge or at a reduced charge to patients who pay for the service (or part of it) by performing a service. These typically involve services to employees as part of the employees' compensation package or services to other patients at a discount based on the patient's obligation to provide goods or services in return.

*Minnesota Statutes*, § 295.50, subdivision 3, defines gross revenues subject to the MinnesotaCare tax as "... total amounts received in money or otherwise . . ." The word "otherwise" means the fair market value in money, of services or property, or the right to receive services, given in lieu of money.

When a provider furnishes patient services to its employees at a reduced price or free of charge, the taxable amount is the lowest price at which the provider furnishes similar patient services to other similarly-situated paying patients. This means that the provider may use the lowest price it charges under a plan negotiated at arm's length (i.e., negotiated with an unrelated party, acting in its own best interests). The plan used for determining the lowest price must still be open for enrollment.

When a provider furnishes patient services to its employees and it is reimbursed through health insurance it purchased for the employees from a health plan company, the provider is required to pay the tax on the total of: (1) the amount it receives from the health plan company; (2) any copayments or deductibles it receives from the employee; and (3) any copayment or deductible waived by the provider as part of the employees' compensation package.

When a provider furnishes patient services to other individuals or groups (e.g., other providers) at a reduced price or free of charge, the services are measured by their fair market value if these individuals or groups will provide goods or services in return (i.e., the lowest price at which the provider furnishes similar patient services to other similarly-situated paying patients).

Frequently asked questions on the subject:

- Can a provider use the fees paid by Medicare or Medical Assistance as the lowest price paid by a patient for purposes of measuring the fair market value of services provided free or at a reduced charge?  
No. A provider may not use Medicare or Medical Assistance fees because the provider has not negotiated for the fees at arm's length.
- Can a provider use the fees paid to it by other providers under professional discount agreements for purposes of measuring the fair market value of the services provided?  
No. When the other providers provide goods or services in return, the provider may not use these discounted fees, since these fees do not represent the total amount paid for the services provided.
- Are free chest X-rays provided annually to employees subject to tax?  
Yes. The taxable amount is the lowest price at which the provider furnishes similar services to other similarly-situated paying patients under a contract negotiated at arm's length.
- Are patient services provided at a reduced price to employees and their family members subject to tax?  
Yes. The taxable amount is the lowest price at which the provider furnishes similar services to other similarly-situated paying patients under a contract negotiated at arm's length.
- Are patient services furnished to other providers at a professional discount or free of charge subject to tax when the other providers provide goods or services in return?  
Yes. The taxable amount is the lowest price at which the provider furnishes similar services to other similarly-situated paying patients under a contract negotiated at arm's length.
- Are mandated vaccinations and tests provided to employees free of charge subject to tax?  
Yes. Mandated vaccinations (e.g., hepatitis shots required by federal law), tests (e.g., tuberculosis testing mandated by state law), and other free vaccinations (e.g., flu shots) are subject to tax. The taxable amount is the lowest price at which the provider furnishes similar service to other similarly-situated paying patients under a contract negotiated at arm's length.

---

---

## Commissioners' Orders

- Are sick care programs that are furnished by a provider to its employees subject to tax?  
Yes. Under *Minnesota Rules*, part 9503.0085, sick care programs are required to have a registered nurse on staff. If the services are provided at a reduced price, the tax is imposed on the lowest price at which the provider furnishes similar services to other similarly-situated paying patients. If the provider furnished the sick care program only for its employees, the provider should use the lowest price at which other providers furnish similar services to other similarly-situated paying patients.
- Are services given by a self-employed provider to family members or friends subject to tax?  
No. As long as these family members or friends do not provide goods or services in return, they are not subject to tax.
- Are pre-employment physicals subject to tax?  
No. Pre-employment physicals are not subject to tax since the provider does not receive any payment or service in return.
- What is the taxable amount when a physician furnishes services at a reduced price to low-income patients?  
The tax is imposed on the amount actually received. If the services are provided free of charge, there is no tax due since the provider does not receive any payment or service in return.
- What is the taxable amount when the service is provided at a discount because the patient makes a cash payment?  
The taxable amount is the amount actually received.

Dated: 9 November 1998

Terese Koenig, Director  
Appeals, Legal Services and Criminal Investigation Division

---

---

## Commissioners' Orders

### Department of Natural Resources

#### Findings of Fact, Conclusions, and Order in the Matter of the Public Hearing on the Zumbro Falls Woods Scientific and Natural Area (SNA)


I have reviewed the Hearings Examiners Findings of Fact, Conclusions and Recommendations in the matter of the public hearing on the Zumbro Falls Woods Scientific and Natural Area (SNA) conducted on June 23, 1998 regarding opening the SNA to deer hunting by the public.

I concur with and adopt the findings, conclusions and the recommendations of the Hearing Examiner and hereby order the opening of the Zumbro Falls Woods Scientific and Natural Area to the hunting of antlerless deer by the public.

Dated: 26 October 1998


Rodney W. Sando  
Commissioner

**Craig Blacklock**, noted nature photographer



**Lake Superior Images**  
*Photos by Craig Blacklock*  
Be swept away by the force of this outstanding collection of photographs by noted nature photographer, Craig Blacklock. This softcover edition presents 154 color photos taken as Blacklock first hiked and then sea-kayaked to places inaccessible by road along 1,200 miles of shoreline. Softcover, 192pp.  
**Stock No. 19-64 \$29.95 + tax & shipping**  
**also by Blacklock—**  
**Border Country #19-37 \$35.00**  
**Seasons Calendar #15-50 \$10.95**

**Meet Craig Blacklock at  
our Holiday Booksigning  
Friday, Dec. 4  
11am-1pm**



**Minnesota's  
Bookstore**  
117 University Ave. St. Paul  
651.297.3000 / 800.657.3757

# 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.

---

## Department of Agriculture

### Agronomy & Plant Protection Services Division

#### Notice of Minnesota Agricultural Response Compensation Board Retreat

The Agricultural Chemical Response Compensation Board (ACRRA Board) will meet on Tuesday November 24, 1998 - 9:00 a.m. - 3:00 p.m. for a board retreat. The retreat will be held at the • Minnesota Office of Aeronautics • 222 East Plato Boulevard • St. Paul, Minnesota. The general public may attend this meeting; however, if you do plan to attend please RSVP the ACRRA staff by Wednesday, November 18, 1998.

Should you require additional information, call the ACRRA Program, 297-3490.

## Minnesota State Agricultural Society

### Minnesota State Fair

#### Meeting Notice for the Board of Managers

The board of managers of the Minnesota State Agricultural Society, governing body of the State Fair, will conduct a business meeting at 10:00 a.m. Tuesday November 10 at the Libby Conference Center on the fairgrounds. The business meeting will follow a 9:15 a.m. meeting of the board's sales committee. Agendas are available upon request; phone the Minnesota State Fair at (651) 642-2200.

## Minnesota Comprehensive Health Association

#### Notice of Meeting of the Finance Committee

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Finance Committee will be held at 1:30 pm on Thursday, November 12, 1998. The meeting will be at the MCHA Executive Office, 5775 Wayzata Blvd., Suite 910, St. Louis Park.

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

## Minnesota Board of Electricity

#### Notice of Hearing on Proposed Repeal of Signaling Circuit Rules, *Minnesota Rules*, 3800.3500, Subpart 12

**Public Hearing.** The Board of Electricity intends to adopt rules after a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing on the above-entitled rules in Room 135, Earle Brown Continuing Education Center, 1890 Buford Avenue, Saint Paul, Minnesota 55108, starting at 9:00 A.M. on December 9, 1998, and continuing until the hearing is completed. Additional days of hearing will be scheduled if necessary. All interested parties or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

**Administrative Law Judge.** The hearing will be conducted by Administrative Law Judge Allen E. Giles, who can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 349-2543, and FAX (612) 349-2665. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to

14.20, and by rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge.

**Subject of Rules, Statutory Authority, and Agency Contact Person.** The subject of the hearing will be the proposed repeal of the rule governing the definition of "signaling circuit," *Minnesota Rules*, 3800.3500, Subpart 12. The Board's statutory authority to adopt rules is set forth in *Minnesota Statutes* 326.241, Subd. 2(6). A copy of the proposed repeal of the rule is published in the *State Register* and attached to this notice as mailed. The agency contact person is: John A. Schultz at the Board of Electricity, Griggs-Midway Building, Suite S-128, 1821 University Avenue, Saint Paul, Minnesota 55104-2993, telephone (651) 642-0800, FAX (651) 642-0441, or TTY/MRS users may call (800) 627-3529.

**Statement of Need and Reasonableness.** A Statement of Need and Reasonableness is now available for review at the agency offices and at the Office of Administrative Hearings. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed repeal of the rule and an estimate of the probable cost of the proposed repeal of the rule. The statement may be reviewed and copies obtained at the cost of reproduction from either the agency or the Office of Administrative Hearings.

**Public Comment.** You and all interested or affected persons, including representatives of associations and 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 repeal of the rule. 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. The agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment period also submit a copy of the written views or data to the agency contact person at the address stated above.

**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 repeal of the rule may be modified as a result of the rule hearing process. Modifications must be supported by data and views presented during the rule hearing process, and the adopted rule/repeal of the rule may not be substantially different than the proposed repeal of the rule. If the proposed repeal of the rule affects you in any way, you are encouraged to participate.

**Adoption Procedure After The Hearing.** After the close of the hearing record, the Administrative Law Judge will issue a report on the proposed repeal of the rule. At the hearing or in writing to the Administrative Law Judge, you may ask to be notified of the date the judge's report will become available. You may also, at the hearing or in writing to the agency contact person stated above, ask to be notified of the date on which the agency adopts the rule and files it with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings.

**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, Saint Paul, Minnesota 55155, telephone (651) 296-5148 or 1-800-657-3889.

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

Dated: 20 October 1998

John A. Schultz  
Executive Secretary



### Metropolitan Council

#### Public Hearing on 1999 Work Program and Budget, 1999-2004 Capital Improvement Program and 1999 Capital Budget

The Metropolitan Council will hold public hearing on the Council's proposed 1999 work program and budget, the 1999-2004 capital improvement program and the 1999 capital budget. These hearings will be as follows:

- **Metropolitan Council 1999 Work Program and Budget Hearing**  
6 p.m., Thursday, December 3, 1998  
Metropolitan Council Chambers  
Mears Park Centre  
230 E. Fifth St.  
St. Paul, MN
- **Metropolitan Council 1999-2004 Capital Improvement Program and 1999 Capital Budget Hearing**  
6 p.m., Thursday, December 3, 1998  
Metropolitan Council Chambers  
Mears Park Centre  
230 E. Fifth St.  
St. Paul, MN

All interested persons are encouraged to attend the hearing and offer comments. People may register in advance to speak by calling (651) 602-1390 or (651) 291-0904 (TTY). Upon request, the Council will provide reasonable accommodations to persons with disabilities.

Comments may also be submitted as follows:

- Send written comments to: Richard Johnson, Associate Regional Administrator, Metropolitan Council, Mears Park Centre, 230 E. Fifth St., St. Paul, MN 55101.
- Fax comments to Mr. Johnson at (651) 602-1358.
- Record comments on the Council's Public Comment Line: (651) 602-1500.
- Send comments electronically to: [data.center@metc.state.mn.us](mailto:data.center@metc.state.mn.us)

Comments must be received by Noon, December 17, 1998.

Free copies of the public hearing draft of the Council's proposed 1999 work program and budget, 1999-2004 capital improvement program and 1999 capital budget may be obtained from the Council's Data Center by calling (651) 602-1140 or (651) 291-0904 (TTY).

- These hearings are in addition to a December 2, 1998 Truth-in-Taxation hearing scheduled for the Metropolitan Council and Metropolitan Mosquito Control Commission.

### Department of Natural Resources

#### Division of Fish and Wildlife

#### Request for Comments on Planned Rule Amendments Governing Wildlife, *Minnesota Rules*, Chapters 6133, 6230, 6232, 6234, 6236, 6240, and 6284

**Subject of Rule.** The Minnesota Department of Natural Resources requests comments on its planned rules governing various wildlife matters. The department is considering rules and rule amendments that:

1. modify general and special provisions for some Wildlife Management Areas;
2. modify special provisions for some State Game Refuges and Waterfowl Refuges;
3. modify provisions for hunting in waterfowl Controlled Hunt Zones;
4. modify provisions for wild rice harvest in Wildlife Management Areas;
5. modify watercraft motor restrictions on some Wildlife Management Areas;
6. modify procedures for bear tagging and authorization for taking bears causing damage;

7. modify some deer, bear, moose, and wild turkey quota area boundaries and procedures;
8. modify provisions related to bucks-only restrictions for deer hunting in permit areas with no antlerless permits;
9. modify woodcock seasons and limits;
10. modify regulations for hunting by falconry;
11. allow electronic listening devices for wild turkey hunting;
12. change fisher, pine marten, and bobcat limits/zones;
13. modify goose seasons and open areas;
14. modify nontoxic shot provisions for taking migratory waterfowl to conform with federal regulations;
15. split the season for taking crows to provide for a summer and a late winter season;
16. reinstate the restitution value for wolves that was eliminated when wolves were removed from the state threatened species list; and
17. modify rules related to wildlife rehabilitation.

**Persons Affected.** The rules may affect hunters, trappers, and wildlife viewers in some wildlife refuges, wildlife management areas, and controlled hunt zones; deer, bear, and moose hunters; persons seeking to take fisher, marten, and bobcat; persons hunting by falconry; waterfowl hunters; wild turkey hunters; woodcock hunters; wild rice harvesters on Wildlife Management Areas; wildlife rehabilitators; and persons who illegally take a gray wolf. Individuals or businesses that provide goods and services to hunters and trappers may also be affected.

**Advisory Committee.** The department does not contemplate appointing an advisory committee to comment on the planned rules. Direct communication with interested and affected parties and public news releases will be used to provide input for the proposed rules.

**Statutory Authority.** The adoption of the proposed rules is authorized by *Minnesota Statutes*, sections 84.152; 86A.06; 97A.091, subdivision 2; 97A.092; 97A.137; 97A.345; 97A.401; 97B.105; 97B.311; 97B.411; 97B.505; 97B.605; 97B.711, subdivisions 1 and 3; and 97B.731, subdivisions 1 through 3.

**Public Comment.** Interested persons or groups may submit comments or information on these planned rules in writing or orally until 4:30 p.m. on January 8, 1999. The department has not yet prepared a draft of the planned rules. Written or oral comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these planned rules should be addressed to:

Ed Boggess  
Department of Natural Resources  
500 Lafayette Road, Box 7  
St. Paul, Minnesota 55155-4007  
Telephone: (651) 297-2072

**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 submitted in response to this notice will be considered in drafting rules, but comments submitted in response to this notice will not be included in the formal rulemaking record when a proceeding to adopt the rules is started.

Dated: 29 October 1998

Rodney W. Sando, Commissioner  
Department of Natural Resources

By Gail Lewellan, Assistant Commissioner of  
Human Resources and Legal Affairs

### Department of Public Safety

#### Minnesota Auto Theft Prevention Program

#### Notice of Meetings of the Board of Directors

The Minnesota Auto Theft Prevention Program, will be holding its Board of Directors meeting on the following dates: November 12, 1998 and December 10, 1998. Meetings will begin at 9:00 A.M. and will be held at the Minnesota Auto Theft Prevention Program (MATPP) office located at 1110 Centre Pointe Curve, Suite 405, Mendota Heights, MN. (Hwy 110 and Lexington Ave., west of Hwy 35W (South) on the south side of the GNB Technologies Bldg.). Meetings are open to the public. For more information you may contact the MATPP office at (651) 405-6155.

### Department of Public Safety

#### Driver and Vehicle Services Division

#### Rulemaking Advisory Committee Participants

The publication of these committee participants is made to comply with *Minnesota Statutes*, section 14.101, subdivision 2, which requires the publication of the membership of any rulemaking advisory committees once each year.

##### ***Minnesota Rules, parts 7411.5100 to 7411.6100 Driver Improvement Clinics***

Representative Carol Molnau, Chaska, MN.  
Mary Pfeifer, Minnesota Department of Children, Families and Learning  
Honorable Richard Perkins, LeCenter, MN.  
Honorable Dale Wolf, Carlton, MN.  
Duane Mettler, Minnesota Driver & Traffic Safety Education Assn.  
Bruce Duncan, Ombudsman for Crime Victims  
Dr. Rob Welch, Ridgeview Medical Center, Waconia, MN.  
Nick Dvorak, driver education instructor St.Cloud, MN.  
Robert O'Connor, Assistant Jackson County Attorney  
Senator Dave Kleis, St. Cloud, MN.  
Ed Olson, Minnesota Safety Council  
Barbara E. Brody, Minnesota Highway Safety Center  
Carl Buraglio, Minnesota Highway Safety Center  
Robert Johnson, Insurance Federation  
David Gantner, Sears Driving School  
Tom Tschida, Teens Inc.  
Gary Wentz, clinic operator, Grand Forks, N. D.  
Jerry Pagel, Pike Driving School  
Mike Pehl, operator/instructor, Shoreview, MN.  
Jan Mattson, DVS/DPS Driver Education Coordinator  
Jane Nelson, DVS/DPS Rules  
Rollie Hunter, DVS/DPS Driver Evaluation  
Larry Ollila, DVS/DPS Driver Education  
Kathy Swanson, Traffic Safety/DPS

##### ***Minnesota Rules, Chapter 7404, Driver's Licensing Agents***

Honorable Al Juhnke, Wilmar, MN.  
Senator Carol Flynn or Gary Pagel, St. Paul, MN.  
Jennifer Gunewitz, Maple Grove Deputy Registrar  
Craig Schleisman, Sears License Bureau  
Evelyn Wolfe, Bloomington, Drivers License Office  
Pam Landgren, Aitkin County License Center  
Margaret Steele, Pine County License Bureau  
Sharon Balster, Nobles County License Center

Robert Cheney, Anoka County Deputy Registrar  
Joyce Nichols, Sherburne County Court Administrator's Office  
James Connolly, DPS/DVS Examinations and Inspections  
Larry Ollila, DPS/DVS Registration and Titling  
Maureen Murphy, DPS/DVS Audits  
Jane Nelson, DPS/DVS Rules  
Jim Nuessle, DPS/DVS Examinations

***Minnesota Rules, parts 7410.0100 to 7410.0500 Documentation of Identity***

John Berglund, Minnesota Licensed Beverage Association  
Lt. Mike Morehead, Traffic and Accident Division, St. Paul Police Department  
Jean Ewald, Deputy Registrar, Golden Valley  
Judy Cook, Minnesota Retail Merchants Association  
Barbara Bednarszyk, Minnesota Department of Health - Center for Health Statistics  
Patricia O'Connor, licensing agent, deputy registrar, vital statistics, Blue Earth County  
Jennifer Stohl, Migrant Legal Services, Southern Minnesota Regional Legal Services, Inc.  
Anne Webb, Council on Asian Pacific Minnesotans  
Lester Collins, Council on Black Minnesotans  
Margarita Zalamea, Chicano-Latino People Affairs Council  
Mike Carlson/Joe Witt, Minnesota Banker's Association  
Dr. Bruce Downing, University of Minnesota Institute of Linguistics  
Jim Schutjer, Minnesota Auto Dealers, Association  
John Hausladen, Minnesota Trucking Association  
James Connolly, DPS/DVS examining and inspections  
Larry Ollila, DPS/DVS title and registration  
Joan Allen, DPS/DVS Midway exam station, St. Paul  
Jane Nelson, DPS/DVS rules

***Minnesota Rules, Chapter 7414, School Bus Drivers***

Major Dennis Lazenberry, DPS State Patrol  
Barbara Anderson, DPS/school bus safety  
Terry Stone, Minnesota Department of Human Rights  
Duane Bartels, DPS vehicle inspections  
Edward Anderson, school superintendent, Aitkin, MN.  
Bruce Bersie, school bus driver, Waverly, MN.  
Ron Bernstrom, school transportation contractor, Anoka, MN.  
Robert W. Fischer, Minnesota Department of Children, Families and Learning  
Richard Sobalvarro, city attorney, St. Cloud, MN.  
Jon Hovde, school board member, Fertile, MN.  
Jane Baggott, school bus driver, Stillwater, MN.  
Thomas Merrill, school transportation contractor, Faribault, MN.  
Chuck Corliss, school transportation safety director, White Bear Lake, MN.  
Earlene Wickre, school transportation safety director, Rochester, MN.  
Robert Wakanabo, public member, Cass Lake, MN.  
Janet Berkseth, public member, Golden Valley, MN.  
Wayne Jerrow, DPS/DVS examinations and inspections  
Gary Hult, public member, Lake Elmo, MN.  
Kris Avery, public member, Eden Prairie, MN.  
Robert Wedl, Minnesota Department of Children, Families and Learning  
Jane Nelson, DPS/DVS rules

## Department of Trade and Economic Development

### Minnesota Agricultural and Economic Development Board

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

**NOTICE IS HEREBY GIVEN** that the Minnesota Agricultural and Economic Development Board (the "Board") or its designated representative, shall meet on Monday, November 30, 1998, at 9:00 A.M. o'clock, at 500 Metro Square, 121 7th Place East, Saint Paul, Minnesota, for the purpose of conducting a public hearing on a proposed issue of one or more series of bonds (the "Bonds") and the provision of other financial assistance under *Minnesota Statutes* 1986, Chapter 116M, and *Minnesota Statutes*, Chapter 41A, as amended (the "Act"), to undertake and finance a project on behalf The Evangelical Lutheran Good Samaritan Society, a North Dakota nonprofit corporation (the "Applicant"). Such persons as desire to be heard with reference to said issue of Bonds will be heard at this public hearing.

The project to be financed consists of the financing of acquisition, construction and equipping and the refinancing of existing debt, debt incurred or assumed in connection with the purchase of nursing homes, senior housing, assisted living and related facilities (the "Project") at the following locations and in amounts not to exceed the following: (i) Pipestone Good Samaritan Center, 1311 N. Hiawatha Avenue, Pipestone, MN 56164, \$400,000; (ii) Hoffman Good Samaritan Center, 104 6th Street, Hoffman, MN 56339, \$600,000; (iii) Maplewood Good Samaritan Center, 550 East Roselawn Avenue, St. Paul, MN 55117, \$2,900,000; (iv) Preston Good Samaritan Center, 608 Winona Street, Preston, MN 55965, \$1,300,000; (v) Good Samaritan Center, 1414 20th Street NW, East Grand Forks, MN 57621, \$3,900,000; (vi) Mary Jane Brown Good Samaritan Center, 110 South Walnut, Luverne, MN 56156, \$1,800,000; (vii) Anoka Good Samaritan Center, 1040 Madison Street, Anoka, MN 55303, \$1,700,000; (viii) Comforcare Good Samaritan Center, 205 14th Street NW, Austin, MN 55912, \$1,300,000; (ix) Roseville Good Samaritan Center, 1415 West County Road B, Roseville, MN 55113, \$2,300,000; (x) Lakeview Good Samaritan Center, 515 South Franklin, Glenwood, MN 56334, \$1,100,000; (xi) Nicollet Good Samaritan Center, 4429 Nicollet Avenue South, Minneapolis, MN 55409, \$1,800,000; and (xii) Howard Lake Good Samaritan Center, 413-13th Avenue, Howard Lake, MN 55439, \$400,000.

The initial owner of the Project is the Applicant and the Project will be owned, operated and managed by the Applicant. It is contemplated that the Project will be used as nursing homes, senior housing, assisted living or related facilities. The total estimated amount of the Board's proposed bond issues is an amount not to exceed \$20,000,000. The Bonds shall be limited obligations of the Board, the Bonds and the interest thereon shall be payable solely from the revenue pledged to the payment thereof, and a mortgage or security interest or other security arrangements to be established by or on behalf of the Applicant. Notwithstanding the foregoing, no holders of any such Bonds shall ever have the right to compel any exercise of the taxing powers of the State of Minnesota or any political subdivision thereof to pay the Bonds or the interest thereon nor to enforce payment against any property of said State or said political subdivision.

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

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

Dated: 2 November 1998

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

Paul Moe  
Executive Director  
Minnesota Agricultural and Economic  
Development Board



---

---

## 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.

---

### Department of Administration

#### STAR Program

#### Notice of Availability of Community Action Networks (CAN) - Rural Delivery of Assistive Technology Services and Devices Grants. Region 4 Only (Benton, Cass, Chisago, Crow Wing, Isanti, Kanabec, Mille Lacs, Morrison, Pine, Sherburne, Stearns, Todd, Wadena and Wright Counties)

A System of Technology to Achieve Results (STAR) is offering grants to Region 4 based groups of volunteers, non-profit or for-profit organizations who wish to establish or expand projects that guarantee rural delivery of assistive technology (AT) services and devices to unserved, underserved, or under-represented people with disabilities. This includes minorities, persons with low incomes, and persons with limited English proficiency. Each CAN should be comprised of a majority of individuals with disabilities and immediate family members of individuals with disabilities from your region. Such projects should include, but are not limited to, assessment, evaluation and consultation for mobility, seating, positioning, augmentative communication, environmental controls, as well as aids to provide sensory or cognitive access to assistive technology; provide training, and help develop advocacy skills with the goal of developing regional capacity to provide access to technology by individuals with disabilities. The grant is for up to \$10,000. Proposals must be received by Friday, November 27, 1998, 4:30 P.M. in the format specified in the application packet. Previous winners of RATR or other STAR grants *are eligible*. These funds may not be used to supplant activities or services mandated by other federal or state legislation. Materials detailing the process can be obtained by contacting STAR at (651) 296-8817, (651) 296-9478 (TTY), 800-657-3862, 800-657-3895 (TTY). No FAX copies will be accepted. Questions should be directed to the Program Specialist at (651) 296-9718.

---

---

## 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

#### Notice of Request for Proposal for Spoken Language Interpretation Services

The Department of Administration is seeking qualified vendors for Spoken Language Interpretation Services. The purpose of this RFP is to put in place a master contract of multiple vendors, for multiple languages. This RFP covers the interpretation needs of all state agencies. Therefore, the following types of interpretation are requested:

- general community interpretation
- medical/health care interpretation
- legal interpretation

#### Languages Requested in this RFP

*Amharic, Arabic, Cambodian, Cantonese, Croatian, French, German, Hmong, Japanese, Laotian, Mandarin, Oromo, Nuer, Russian, Somali, Spanish, Vietnamese*

Contractors may propose to provide services in one, more than one, or all of the above listed languages.

The State reserves the right to award each language to multiple vendors. The state reserves the right to add languages or to add vendors after the initial award, if it is in the best interest of the state.

## Professional, Technical & Consulting Contracts

---

The initial contract period would be for a two year period, with the option to extend the contracts up to three additional years.

**If you are interested in receiving a complete copy of this RFP, please call (651) 296-2600 or write to the below address and ask for the Spoken Language Interpretation Request for Proposal.**

Department of Administration  
Materials Management Division  
50 Sherburne Ave.  
112 State Administration Building  
St. Paul, MN 55155

**COMPLETED PROPOSALS ARE DUE AT THE ABOVE ADDRESS NO LATER THAN: December 1, 1998 at 2:00 pm**

## Department of Administration

### State Designer Selection Board

### Request for Proposals for the University of Minnesota, St. Paul (Project 32 -98) for a Plant Growth Facilities Renovation

#### 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 12 P.M., Monday, November 30, 1998, to:

Lisa Blue, Executive Secretary  
State Designer Selection Board  
Department of Administration  
Materials Management Division  
50 Sherburne Avenue, Room 112  
St. Paul, Minnesota 55155-3000  
(651) 297-5526

#### **PROPOSALS RECEIVED AFTER THE SUBMISSION DEADLINE WILL NOT BE CONSIDERED.**

Questions concerning the Board's procedures herein described, or the schedule in Item 8.h, should be referred to the Executive Secretary at (651) 297-5526. Questions relating to the project must be referred to the project contact(s) in Item 8.i.

**NOTE TO RESPONDERS: CHANGES MAY HAVE BEEN MADE IN THE CONTENT AND FORMAT REQUIREMENT. PROPOSALS WHICH DO NOT CONFORM TO THE FOLLOWING CONTENT, ORDER AND FORMAT REQUIREMENTS AS OUTLINED IN ITEMS 1 THROUGH 5 BELOW MAY BE DISQUALIFIED.**

1. **The front cover** of the proposal should 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 should remain blank.
2. **All data** should be on 8 1/2" x 11" sheets, soft bound. No more than 20 printed faces should be included (see the following for clarification):
  - a. All letters directed to the Board should be bound into the proposal and all pages will be counted as printed face(s). It is not necessary to do a cover letter to the Executive Secretary.
  - b. Blank dividers (with printed tab headings only) will not be counted as faces.
  - c. Front and back covers of proposals will not be counted as faces.
  - d. None of the statutory or mandatory information, except as requested in Item 3 below, should appear on the dividers or covers.
  - e. All pages should be numbered.

Proposals that are too cumbersome, difficult to follow or deviate from the above may be disqualified.

**3. 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 persons responsible for project management, design and production of architecture; design of civil, structural, mechanical and electrical engineering, landscape architecture, land surveying, fire protection and geoscience for each and every discipline called for in Section 8.b. The name of each person so mentioned must also include their Minnesota registration number. Fire protection engineering requires a licensed fire protection engineer, identified by their number OR the engineering registration number accompanied in Section 4.b by a listing of past projects demonstrating competency in this field.

Consultants and assistants to the persons in principle charge, as identified above, need not provide a Minnesota registration number. These individuals should be listed separately from those above.

- 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 3.c above, along with adequate staff to meet the requirements of work;
- e. A list of all 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.

Projects and studies shall mean those projects and studies (1) funded by the state legislature, by state/user agencies or University of Minnesota operating funds, or by funding raised from the private sector or individuals by state/user agencies or the University of Minnesota; (2) awarded as a result of the State Designer Selection Board process or awarded directly by state/user agencies or the University of Minnesota without employing the State Designer Selection Board process; or (3) related to design-bid-build or design/build project delivery systems.

The prime firm(s) shall list and total all fees associated with the above projects and studies, whether the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid, or are anticipated to be paid, to engineering or other specialty consultants employed, or anticipated to be employed, on the projects and studies listed pursuant to the above.

**NOTE:** Please call the Executive Secretary at (651) 297-5526 and leave your name and address or fax number to receive a copy of the acceptable format for providing fee information.

- f. The amended Minnesota Human Rights Act (*Minnesota Statute* 363.073) divides the contract compliance program into two categories. Both categories apply to any contracts for goods or services in excess of \$100,000. The first category applies to businesses who have more than 40 full-time employees within Minnesota on a single working day during the previous 12 months. The businesses in this category must have submitted an affirmative action plan to the Commissioner of the Department of Human Rights prior to the date and time set for the solicitation opening and must have received a Certificate of Compliance prior to the execution of the contract or agreement. The second category applies to businesses who have more than 40 full-time employees on a single working day in the previous 12 months in the State in which they have their primary place of business. The business in this category must either have an unexpired Certificate of Compliance previously issued by the Department of Human Rights, or certify to the contracting State agency that they are in compliance with federal affirmative action requirements before execution of the contract. This Certificate is valid for two (2) years. For further information, contact the Department of Human Rights, 190 East Fifth Street, Suite 700, St. Paul, MN 55101, (651) 296-5663 or 800-657-3704.

The Department of Administration is under no obligation to delay award or execution of this contract until a vendor has completed the human rights certification process. It is solely the responsibility of the vendor to apply for, and obtain, a human rights certificate prior to contract award.

Responders 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 with the expiration date included; 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.

## Professional, Technical & Consulting Contracts

---

### 4. 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 3.c 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 3.c above, administering or producing the major elements of the work, including consultants. Identify roles 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.
- e. At least one copy of the proposal must contain an original signature, in ink, by an authorized member of the firm submitting the proposal.

### 5. Eight copies of the proposal should be submitted.

### 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 will be notified when material is ready to be picked up. Design firms will have two weeks to pick up their proposals, after which time the proposals will be discarded; or
- b. Enclose a *self-addressed, stamped* mailing envelope with the proposals. When the Board has completed its selection, proposals will be returned using this envelope.

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

Costs incurred in responding to this RFP shall be borne by the responder. In accordance with existing statutes, the Board shall retain one copy of each proposal submitted. Responses to this RFP become public information under the Freedom of Information Act after the final selection has been made.

### 7. BOARD SELECTION CRITERIA

In making its selection of designers the Board shall consider the criteria listed below:

- a. Qualifications and technical competence in the required field of design;
- b. Ability to deal with aesthetic factors;
- c. Capacity to accomplish the work and services within the required constraints;
- d. Availability of appropriate personnel;
- e. Geographic relationship of the designer's base to the project site; and
- f. Awards previously made to a designer by the state. This is in the interest of equitable distribution of commissions;
- g. Project understanding and approach.

Criteria C - F will equal up to forty percent. Criteria A, B and G will equal up to sixty percent.

The criteria do not necessarily have the same weight, nor are their relative weights necessarily constant from one project to another. The Board may issue statements regarding criteria as they relate to individual projects.

Evaluations of the proposals shall be made independently by the Board members.

*Laws of Minnesota 1997*, require the successful responder to submit acceptable evidence of compliance with workers' compensation insurance coverage requirements prior to execution of the contract.

*Laws of Minnesota 1997*, Chapter 202, Article 1, Section 12, Subdivision 2, require that during the biennium ending June 30, 1999, for an executive agency contract that is subject to *Minnesota Statutes*, Section 363.073 (over \$100,000 and subject to Human Rights Certification requirements), before the agency enters into the contract, should to the extent practical and to the extent consistent with the business needs of the State, ensure that the company to receive the contract attempts to recruit Minnesota welfare recipients to fill vacancies in entry level positions if the company has entry level employees in Minnesota.

**8. PROJECT 32-98**

**University of Minnesota, St. Paul**  
**Plant Growth Facilities Renovation, Replacement and Additions**  
**1936 Commonwealth Avenue**  
**St. Paul, MN 55108**

**a. PROJECT DESCRIPTION:**

The project will upgrade plant growth facilities on the St. Paul Campus to support the teaching and research mission of the University of Minnesota. Physically deteriorated facilities will be demolished and replaced, functionally obsolete facilities will be renovated to current standards, and new facilities will be constructed to serve the programmatic needs of the colleges of Agriculture, Food and Environmental Sciences; Biological Sciences; and Natural Resources. The new and renovated facilities will be designed and managed to maximize efficiency of space utilization and flexibility for multi-disciplinary use.

The project will include renovation of approximately 61,000 gross square feet (GSF) of functionally obsolete greenhouse space and the replacement of approximately 26,000 GSF of physically deteriorated greenhouse space for which renovation is not feasible. New and renovated facilities will provide computer-regulated temperature, lighting and irrigation systems; compartmentalization for temperature, insect and lighting control; and closed drainage systems for capturing runoff containing fertilizers, herbicides and pesticides as required by state statute. Reconfiguration of plant growth benches will result in more efficient space utilization, reducing the total amount of space required.

A new Quarantine and Containment Facility to support the teaching and research activities of both the University and the Minnesota Department of Agriculture is also included in the project. This bio-containment facility will be designed to meet the federal licensing requirement for research on genetically-altered plants, exotic insects and pathogens that must be carefully controlled.

A detailed predesign for the project was completed in the winter of 1998. A legislative appropriation has been provided for design and preparation of construction drawings which will allow the project to be ready for bidding by the spring of 2000. The project is scheduled for implementation in the 2000-2002 biennium, assuming funding by the Legislature in the 2000 session.

The project will include:

- Demolition of NW greenhouses, 24,973 GSF (includes headhouse)
- Renovation of existing teaching and research greenhouses, 60,951 GSF
- Addition of a bio-containment greenhouse, 800 GSF
- Addition of the NW greenhouse replacement, 16,200 GSF and headhouse, 10,044 GSF

**b. REQUIRED CONSULTANT SERVICES:**

The consultant will provide architectural, mechanical, electrical, structural, civil, landscape architectural, independent scheduling and cost estimating services as well as level 1, 2 and 3 bio-containment and computer controlled environments.

**c. SERVICES PROVIDED BY OTHERS:**

The University will require the selected firm to engage the services of AGRITECH NOVE, Five Morin Street, St-Anselme, QC, Canada, phone 418.885.9595 as agricultural consulting engineers with expertise in biological and agricultural research facilities. This firm participated in the predesign document.

**d. SPECIAL CONSIDERATIONS:**

In selecting the firm for the design of this project it is mandatory that the firm be highly experienced with the many aspects of state of the art greenhouse design. The firm must have recent experience working with controlled environments, bio-containment for research, computer controlled HVAC greenhouse systems, understanding of the differing needs of teaching and research spaces, state regulatory requirements for pesticides and fertilizer use, federal regulations for containment of transgenic or exotic organisms. Recent project experience should include several biotechnical research and instruction facilities renovation projects.



## Professional, Technical & Consulting Contracts

**e. PROJECT BUDGET/FEES:**

The current construction budget is estimated to be approximately \$11,500,000. The total project costs, including all fees, permits and certain departmental equipment purchases, escalated to the mid-point of construction, have been fixed at a maximum of \$18,000,000. The maximum designer fees available for all phases of the project, including all basic services, programming, additional construction phase services, travel and other reimbursables is approximately \$1,200,000.

**f. PROJECT SCHEDULE:**

Development of an overall project schedule for planning and phasing of the project is essential to ensure delivery of the contract documents by March 2000.

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

An information meeting will be held on November 16 at 9 A.M. at 1534 Gortner Avenue, St. Paul, MN 55108. For further information contact Fred Clayton at (612) 624-4940.

Copies of an executive summary with drawings from a comprehensive pre-program/predesign study, *Predesign Study for Plant Growth Facilities Renovation, Replacement & Additions Project, Project #300-95-1507*, are available to all interested parties by contacting Ms. Sue Ward, University Architects' Office at (612) 624-5758.

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

<b><u>Project Information Meeting and/or Site Visit:</u></b>	November 16, 1998, 9 A.M.
<b><u>Project Proposals Due:</u></b>	November 30, 1998, by 12.P.M.
<b><u>Project Shortlist:</u></b>	December 15, 1998
<b><u>Project Information Meeting for Shortlisted firms:</u></b>	December 17, 1998
<b><u>Project Interviews and Award:</u></b>	December 29, 1998

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

Questions concerning the project should be referred to:

Fred Clayton, University's Owners Representative  
1936 Commonwealth Avenue  
St. Paul, MN 55108  
Phone: (612) 624-4940  
FAX: (612) 625-1753  
Internet: [clayton@fm.facm.umn.edu](mailto:clayton@fm.facm.umn.edu)

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

### **Eleanor Ostman**, St. Paul Pioneer Press food columnist

Eleanor's writing style:

*"Erma Bombeck meets the Reader's Digest".*

*...favorite recipes from among nearly 4,000 tested for the column*

#### **Always on Sunday**

*Eleanor Ostman's Best Tested Recipes*

Take advantage of Eleanor Ostman's 30 years experience in testing, tasting and judging recipes for her *St. Paul Pioneer Press* Food column. This cookbook comes with a bonus! It is seasoned with anecdotes of her meeting with such celebrities as James Beard, Paul Newman, Julia Childs, and others. Softcover, 360pp. **Stock No. 19-69 \$19.95 + tax & shipping**



**Meet Eleanor Ostman at  
our Holiday Booksigning  
Friday, Dec. 4  
11am-1pm**



**Minnesota's  
Bookstore**

117 University Ave. St. Paul  
651.297.3000 / 800.657.3757

## **Department of Children, Families and Learning**

### **Notice of Request for Proposals for the Lifework Planning Tool**

#### **Overview**

The Minnesota Department of Children, Families and Learning is seeking proposals for the creation of a Lifework Planning Tool for high school students. The Lifework Planning Tool will be an electronic portfolio which will allow learners to record their learning and career exploration experiences, make connections with and record progress toward meeting the Minnesota Graduation Standards, discover things about themselves, and set goals and make plans for their lives during and after high school.

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

#### **Consultant**

CFL is seeking the professional and technical services of a consultant to develop the High School Lifework Planning Tool. This project will be completed by April 30, 1999. The consultant or contractor will work with the CFL project manager and collaborating agencies.

#### **Lifework Planning Tool Purpose and Objectives**

The primary goal of the Lifework Planning Tool is to provide a computer-based tool to help learners plan their careers and make educational and training choices based upon knowledge of their interests, skills, and abilities. The data will be "owned" by the user, that is, the information entered into the portfolio is private to the user and is not for school record keeping.

The High School Lifework Planning Tool will:

- a) Keep track of career exploration and other learning experiences that contribute to learners' knowledge of their talents, skills, interests and abilities.
- b) Assist learners to relate their experiences to the Minnesota High Standards (Profile of Learning) and keep track of their progress in meeting the Standards:
- c) Assist learners to develop plans for high school course work and other learning experiences which may occur outside of school
- d) Assist learners to develop goals and plans for post-secondary education, training, and/ or employment.
- e) Create reports which will allow the data to be organized, printed, and presented in different ways.

#### **Product Description**

The Lifework Planning Tool for High School students must be able to read and import data from the Minnesota Career Information System's (MCIS) middle-level portfolio. The middle-level portfolio contains data elements relating to subjects such as personal information, learning experiences, assessments, achievements, career exploration activities, interests, skills and goals. It also contains a complete reference to the Minnesota High Standards

The product will include an interface with the Minnesota Career Information System (MCIS), a software program which provides information on occupations, postsecondary schools, programs of study, financial aid options, and other useful career planning information. The product will also include a take-home version so that learners may work on their portfolio on their home computer.

The product will also exist as a stand-alone software product for use by schools and other organizations, and another for use by families and individuals.

#### **Project Tasks and Timetable.**

Contractors are expected to:

- Become knowledgeable of the purpose of the project and the mission of School - to - Work.
- Interview key persons assigned by CFL to assist in developing the Lifework Planning Tool.
- Work with MCIS staff to design the project including a project plan.
- Meet on a regular basis with the project manager.
- Develop the project according to the functional specifications and the project plan.
- Provide graphic design based on the name and theme of the program.

Proposers may propose additional tasks or activities beyond those listed in the functional specifications if they will substantially improve the results of the project.

The anticipated timeline is December 1998 through April 30, 1999

## Professional, Technical & Consulting Contracts

### Proposal Submission

Proposals should document experience with similar computer data base development and projects and applicant ability to effectively carry out all aspects of the project. Resumes of principal consultants who will be assigned to the project should accompany the proposal, as well as the names and contact information for three current references. Fax copies will not be considered.

Schedule for the proposal process:

Announcement of the Request for Proposal	November 9, 1998
• Proposal Conference	November 20, 1998
• Notice of Intent to Respond	November 25 1998
• Proposal submission date	December 4, 1998
• Estimated Selection date	December 18, 1998
• Estimated Contract Execution	January 11, 1998
• Project completion date	April 30, 1999

Proposals must be received by 3:00 p.m. on December 4, 1998. Late proposals will not be considered

To receive a copy of the complete Request for Proposal or if you have any questions regarding this request for proposal, you may contact:

Kathleen Gragert  
Office of Lifework Development  
Minnesota Department of Children, Families and Learning  
1500 W. Highway 36  
Roseville, MN. 55113  
FAX: (651) 582-8492 phone: (651) 582-8360  
Email: [Kathleen.gragert@state.mn.us](mailto:Kathleen.gragert@state.mn.us)

Other state personnel are not allowed to discuss this RFP with prospective responders.

### Project Costs


The department will only consider fixed price proposals not to exceed \$45,000.00.

### Proposal Evaluation Criteria

Applications will be reviewed and evaluated through a review process. Selected applicants may be invited to interview with the selection committee.


In compliance with *Minnesota Statutes* 16C.07, the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state employee along with other responses to this request for proposal.

**Carrol Henderson**, DNR Non-Game Wildlife Specialist  
Best-Selling author of:  
*Traveler's Guide to Wildlife in Minnesota*  
*Wild About Birds*    *Landscaping for Wildlife*  
*Woodworking for Wildlife*




**Traveler's Guide to Wildlife in Minnesota**  
Locate 120 wildlife sites throughout Minnesota to enjoy during all 4 seasons. Spiral-bound, 320pp. **Stock No. 9-40 \$19.95 + tax & shipping**

<b>Wild About Birds</b>	<b>#9-24 \$19.95</b>	} <i>Special Discounts available for set purchases. Call for info.</i>
<b>Woodworking for Wildlife</b>	<b>#9-14 \$ 9.95</b>	
<b>Landscaping for Wildlife</b>	<b>#9-15 \$10.95</b>	



**Meet Carrol Henderson at our Holiday Booksigning**  
**Friday, Dec. 4**  
**11am-1pm**



**Minnesota's Bookstore**  
117 University Ave. St. Paul  
**651.297.3000 / 800.657.3757**

## **Department of Employee Relations**

### **Request for Proposals (RFP) for Care System Administrators**

The Minnesota Department of Employee Relations is seeking responses to a Request for Proposals (RFP) for Care System Administrators.

The Minnesota Department of Employee Relations (DOER) administers the State Employee Group Insurance Program (SEGIP), which arranges health care benefits on behalf of State and University of Minnesota eligibles — a total of more than 150,000 covered lives. We are currently exploring possible modifications to our current health plan-based managed competition health care purchasing model, as well as an alternative model of health care delivery through primary care-centered health systems known as care systems.

As part of our planning process, we are seeking responses from potential vendors to provide administrative services to the care systems health care delivery model. We define a care system as a primary-care centered health system with its affiliated specialty, hospital, and allied professional arrangements. It is organized to provide (or contract for) the full continuum of medically necessary services for an enrolled population. Care systems may be organized by physicians, physician-hospital organizations (PHOs), health plans or any other entity. Under the care systems-based managed competition model, care systems would compete for individual consumer market share based on quality, consumer satisfaction, and cost for a standard set of covered services.

We are seeking vendors to provide the full range of administrative services for the care systems health care delivery model, including, but not limited to: claims processing, member services, data collection and reporting, care system and other health care service vendor contracts, and other related services. Vendors may submit proposals independently, or may suggest partnerships, subcontracts or other means to provide the services described in this RFP. Vendors who feel that they can provide the full range of services listed in this RFP (either independently or in partnerships), but who feel that they cannot service our entire population should not be deterred from submitting a response. We are open to possibly contracting with more than one “full-service” administrator or administrative entity.

Note: We plan to contract for administrative services under the care systems model only with entities which hold and maintain a license under *Minnesota Statutes* (M.S.) Chapters 62A, 62C, or 62D for the duration of the contract. We will accept responses to this RFP from entities which are not currently licensed under *Minnesota Statutes* 62A, 62C, or 62D, so long as the response to the RFP includes a plan and timetable to obtain an appropriate license or to partner with an entity which is appropriately licensed by the start of the contract period.

A conference for prospective respondents to the RFP will be held 1:00 P.M. - 4:00 P.M. on Friday, November 20, 1998 at:

State Office Building  
Room 300 South (Hearing Room)  
100 Constitution Avenue  
St. Paul, MN 55155

The conference is voluntary, but we would appreciate it if you could please contact us in advance to reserve space if you plan to attend.

Copies of the RFP will be available beginning Thursday, November 12, 1998. To request a copy of the RFP, please contact:

Donna M. Olson  
Department of Employee Relations  
200 Centennial Office Building  
658 Cedar Street  
St. Paul, MN 55155  
Tel.: (651) 282-6822  
FAX: (651) 296-5445  
E-mail: [donna.olson@doer.state.mn.us](mailto:donna.olson@doer.state.mn.us)

Responses to the RFP, reservations for the responders' conference, and any other questions should be directed to:

David K. Haugen  
Minnesota Department of Employee Relations  
200 Centennial Office Building  
658 Cedar Street  
St. Paul, MN 55155  
Tel.: (651) 296-3159  
FAX: (651) 296-5445  
E-mail: [David.Haugen@state.mn.us](mailto:David.Haugen@state.mn.us)

Responses to the RFP are due to Mr. Haugen at the above address by 4:00 P.M., Monday, January 11, 1998.

## Professional, Technical & Consulting Contracts

---

### Department of Human Services

#### Notice of Request for Proposals for MinnesotaCare Outreach

The Department of Human Services is seeking proposals to provide information about the MinnesotaCare program and the importance of maintaining health insurance coverage to uninsured Minnesotans. The goal of this program is to substantially reduce the number of Minnesotans without health care insurance by successfully enrolling eligible individuals in the MinnesotaCare program. The Department welcomes proposals that are both regional and statewide in nature, as well as those targeting specific populations.

Grant monies totaling \$750,000 for each of state fiscal years 2000 and 2001 are available for this program. There may be additional funds available through federal match. The Department anticipates awarding grants for a variety of projects, with funded projects beginning on July 1, 1999. This request for proposals does not obligate the State to complete the proposed project, and the State reserves the right to cancel the solicitation if it is considered in its best interest.

The complete request for proposals, which contains detailed specifications, will be available for mailing on November 9, 1998. For a copy of this request, contact:

Diane Mueller  
Health Care for Families and Children  
Minnesota Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3848  
Telephone: (651) 296-4034 FAX: (651) 282-3800  
E-mail: [diane.mueller@state.mn.us](mailto:diane.mueller@state.mn.us)

You may also download a copy of the request at the following web site: [www.dhs.state.mn.us/healthcare/mncare](http://www.dhs.state.mn.us/healthcare/mncare)

Mrs. Mueller is the only person at the Department of Human Services who is authorized to respond to inquiries regarding this document.

A letter of intent to submit a proposal must be received by fax or mail at DHS by Monday, November 30, 1998. All proposals must be received at the above address by Friday, January 15, 1999 (late proposals and facsimiles will not be accepted).

### Department of Human Services

#### Notice of Request for Proposals to Acquire and Implement Integrated Cost Accounting and General Ledger Systems for All State Operated Health Care Services

##### Purpose

The purpose of this Request for Proposal (RFP) is to acquire and implement integrated Cost Accounting and General Ledger systems for all state operated health care services for the State of Minnesota, Department of Human Services (DHS).

##### Background

DHS provides an array of services and support to certain individuals with mental illness, chemical dependency, traumatic brain injuries, developmental disabilities, and in need of nursing facility level of care. These individuals are served through State owned and operated campuses, and through a network of community based facilities. A total of eight inpatient campus facilities with over 160 physicians and 2,000 utilized beds serve over 5,000 admissions annually. The dollar volume generated is currently in excess of \$145 million per year. In addition, another 5,000 clients receive outpatient, group home, day training and habilitation (DT&H), crisis, and other services provided by the network annually. Group homes, DT&H, and crisis services produce additional revenue in excess of \$34 million.

##### Objective

DHS plans to enhance its billing practices by moving from an all inclusive per diem rate to an itemized fee for service billing system. To support this move, DHS intends to implement a detailed health care Cost Accounting system.

DHS intends to implement a General Ledger system to enhance its current financial management systems. There is a need to add a system that is capable of recording and tracking revenues and expenses on an accrual basis as DHS moves programs into the enterprise market.



---

---

## Professional, Technical & Consulting Contracts

Both the Cost Accounting and the General Ledger systems will be used to support management reporting requirements. The Cost Accounting system would also need to support the allocation requirements for the Medicare Cost Report. DHS is interested in software programs that can be merged with existing infrastructure, to better position the department for future managed health care trends.

DHS is interested in obtaining systems that best meet the service requirements and that are most competitively priced. DHS prefers to acquire an operationally integrated Cost Accounting system and General Ledger system from a single vendor. DHS will entertain responses from vendors who submit proposals solely for a Cost Accounting or a General Ledger system.

### Inquiries

The complete Integrated Cost Accounting and General Ledger System RFP may be obtained by contacting Rachel Komm at the address or telephone number below. Questions regarding this proposal may be addressed solely and only to:

Ms. Rachel Komm  
Department of Human Services  
State Operated Services  
444 Lafayette Road  
St. Paul, MN 55155-3826  
Voice: (651) 296-4953  
FAX: (651) 297-1539

### Proposals

All proposals must be received by:

Ms. Rachel Komm  
Department of Human Services  
State Operated Services Support  
c/o Information Desk - First Floor  
444 Lafayette Road  
St. Paul, MN 55155-3826

No later than **4:00 P.M. on Monday, November 30, 1998**. Late proposals and faxed proposals will not be considered, and will be returned unopened to the submitter.

## Department of Human Services

### Notice of Request for Proposals to Develop and Implement a Computer Program to Screen for Alcohol and Drug Use Among Adolescents for the Department of Human Services

The Minnesota Department of Human Services (DHS) is requesting proposals for a project expected to last through December 31, 2000. DHS plans to investigate the effect of computerizing a screening instrument for alcohol and drug use by adolescents at health care clinics in Minnesota. The proposer who is awarded the contract will develop the requisite software to administer the screening instrument, score the responses according to specified algorithms, record the responses and scores to disk, and provide a printed report for a subset of adolescents and their physicians. The individual will train staff at DHS to administer the program by July 31, 1999, and will maintain it until December 31, 2000. The software produced will be the property of DHS.

To obtain a copy of the Request for Proposals, please contact:

Lorna Batton  
Performance Measurement and Quality Improvement  
Minnesota Department of Human Services  
444 Lafayette Road  
St. Paul, Minnesota 55155-3865  
FAX #: (651) 215-5754  
PHONE #: (651) 297-8937

Proposals must be received no later than 2:00 P.M. on December 11, 1998. DHS estimates that the cost of this project should not exceed \$60,000.

## Professional, Technical & Consulting Contracts

### Office of the Revisor of Statutes

#### Notice of Request for Systems and Programming Services

**NOTICE IS HEREBY GIVEN** that the Office of the Revisor of Statutes is seeking the following systems and programming services for the period ending February 28, 1999:

System design and programming on an in house text editing and composition system.

Programming experience in C on Hewlett Packard UNIX operating system is a prerequisite to performing the services. Where experienced contractors have at least equal qualifications, they will be given preference in order to maintain program consistency and stability. Responses must be received by the Office of the Revisor of Statutes by Monday, November 23, 1998.

Direct inquiries and responses to:

Tom Klein  
Office of the Revisor of Statutes  
700 State Office Building  
100 Constitution Avenue  
St. Paul, MN 55155  
(651) 297-2949

TTY: use State Relay Services: Metro MN (651) 297-5353  
Greater MN 1-800-627-3529

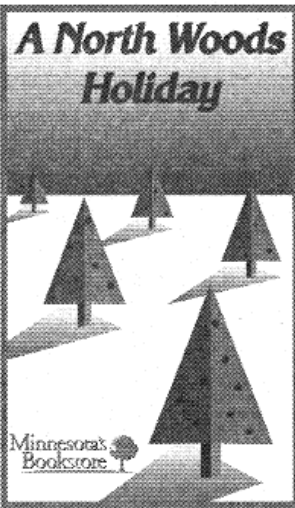
### Veterans Homes Board

#### Notice of Request for Proposals for Professional Services of: Occupational Therapist, Physical Therapist, and Pharmacy Consultant

The Minnesota Veterans Home in Luverne, Minnesota, is now soliciting proposals for the following consultant contracts:

- **Occupational Therapist** - 6 hours per week (maximum);
- **Physical Therapist** - 8 hours per week (maximum);
- **Pharmacy Consultant** - 85 drug regimen reviews monthly, in addition to maximum of 3 hours consulting quarterly.

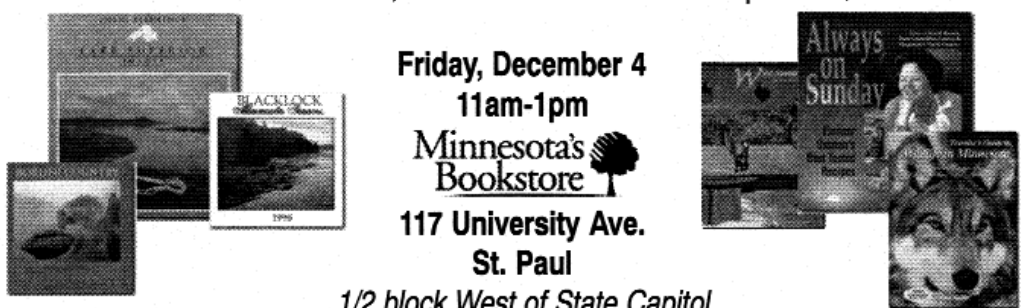
These contracts will be let for 36 months, beginning January 1, 1999. For details and a copy of the Request for Proposals, contact Anne C. Stegenga at (507) 283-1100 x107, or write to Minnesota Veterans Home - Luverne, PO Box 539, Luverne, Minnesota 56156. All proposals must be received no later than 4:00 P.M. on Wednesday, December 2, 1998.



## Celebrate a North Woods Holiday

with Minnesota's Bookstore as we welcome guest authors:  
*Craig Blacklock*, noted nature photographer,  
*Eleanor Ostman*, St. Paul Pioneer Press food columnist  
and *Carrol Henderson*, DNR Non-Game Wildlife Specialist/author

**Friday, December 4**  
**11am-1pm**  
**Minnesota's Bookstore**  
**117 University Ave.**  
**St. Paul**  
*1/2 block West of State Capitol*



---

---

# 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.

---

## University of Minnesota

### 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.

## University of Minnesota

### Facilities Management Department

### Notice of Request for Proposal (RFP) for Territorial Hall Addition and Renovation Project (105-99-1421)

Proposals are being requested by the University of Minnesota, Facilities Management Department, for Design-Build Services for the Territorial Hall Addition and Renovation Project.

Approximately 24,000 square feet of additional dormitory space will be added to Territorial Hall along with upgrades of the existing facility. The focus will be on adding one hundred forty-four (144) beds, and associated services as well as upgrades to the existing building, including fire sprinkler and alarm systems.

Preliminary Construction Estimate: \$3,200,000.00

#### **Proposals will be received until 2:00 p.m. local time, November 30, 1998.**

Sealed proposals will be received by the Regents of the University of Minnesota at Facilities Management Purchasing Services, 400 Donhowe Building, 319 15th Avenue SE, Minneapolis, Minnesota 55455, until the stated times, when they will be publicly opened and only the names of the responding proposers will be made public. Proposals may be viewed publicly in Purchasing Services after the award has been made and notification given to all respondents.

Copies of the Pre-Design Documents for Territorial Hall are available at the offices of Sebesta Blomberg & Associates, 5075 Wayzata Boulevard, Suite 200, Minneapolis, Minnesota 55416. Any questions before the Pre-Proposal Meeting should be addressed to:

Tom Church  
Owner's Representative  
(612) 512-8668

A Pre-Proposal Meeting has been scheduled on Tuesday, November 17, 1998 (time and place to be determined). While the attendance at the Pre-Proposal Meeting is not mandatory, information presented may be very informative; therefore, all interested parties are encouraged to attend to be better able to prepare acceptable proposals.

#### Tentative Selection Schedule:

RFP Available for distribution:	November 11, 1998
Pre-Proposal Meeting:	November 17, 1998
RFP Responses Due:	November 30, 1998 by 2:00 p.m.
Selection of Shortlisted Finalists:	December 3, 1998
Interviews:	December 9, 1998

Request for Proposal (RFP) information can be obtained from:

Tom Church  
Sebesta Blomberg & Associates, Inc.  
5075 Wayzata Boulevard, Suite 200  
Minneapolis, Minnesota 55416



## Minnesota Living -- A Great Recruitment Tool

*At last-- an up-to-date employee recruitment publication that's affordable and effectively presents the best of Minnesota!*

*This full-color, glossy 24-page magazine highlights our state's many assets:*

- \* excellent education opportunities
- \* affordable, safe communities
- \* unlimited year-round recreational activities
- \* world class arts and entertainment
- \* rural values and urban sophistication
- \* innovative companies
- \* quality jobs

**Individual copies sell for \$1.00 ea.\***

**SAVE! Purchase a complete CASE of 175 copies for \$150.00\***

*\*plus sales tax and shipping fee*

**TO ORDER:**

**Minnesota's  
Bookstore**

**651.297.3000 / 800.657.3757**

**Mon-Fri, 8am-5pm**

**Phone orders  
ONLY please.**

## Winter Fun in Minnesota



### **Ski Minnesota**

90 cross-country ski trails within 60 miles of the metro area. Maps, ratings, tips, directions... **Stock No. 19-30 \$10.95\***

### **North Central GPS Companion**

Navigate your way through Minn., Wisc., and Iowa with 8200 towns & landmarks charted. **Stock No. 12-4 \$13.95\***

### **PRIM Maps, Plat Map Books, Atlases**

If you're a hunter, be sure to check out our selection of PRIM maps (DNR Public Recreation Information Maps), County Plat Map Books & State Atlases.

### **Twin Cities Winter Recreation Guide**

95 parks and trails within the metro area for sledding, skiing, snowmobiling, skating, rental information, etc. **Stock No. 19-68 \$14.95\***

*\*plus sales tax and shipping fee*

**Phone orders  
ONLY please.**

**TO ORDER:**

**Minnesota's  
Bookstore**

**651.297.3000 / 800.657.3757**

**Mon-Fri, 8am-5pm**





Periodicals  
U.S. Postage  
Paid  
Permit No.  
326630  
St. Paul, MN

SR-23