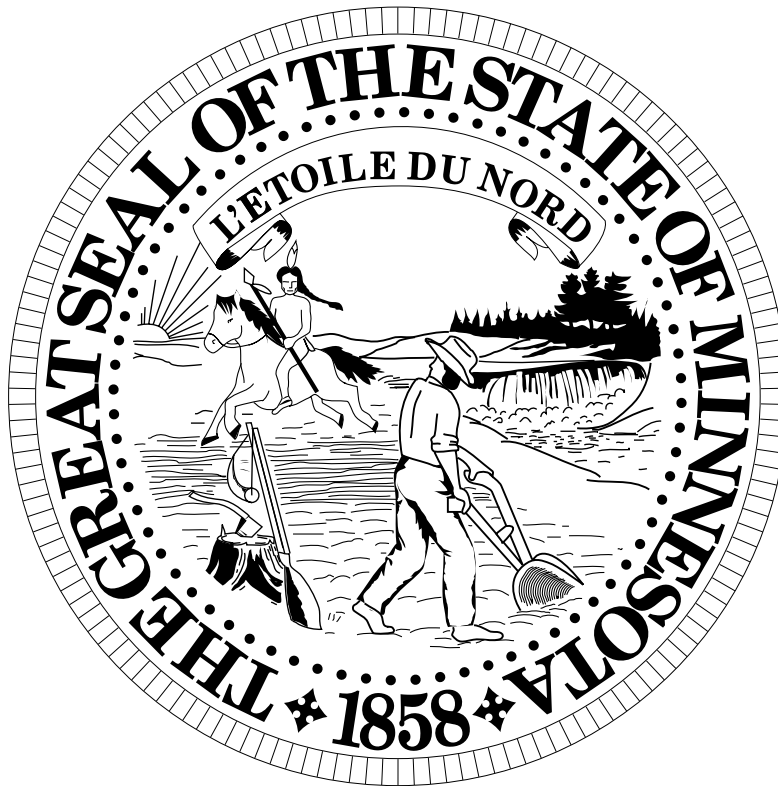


State of Minnesota

# State Register

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# State Register

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- proclamations and commendations
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## 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 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

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 Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*.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

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

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# Proposed Rules

## Comments on Planned Rules or Rule Amendments

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

## Rules to be Adopted After a Hearing

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

## Rules to be Adopted Without a Hearing

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

## Department of Children, Families, and Learning

### Proposed Expedited Permanent Rules Relating to Variances

#### NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

#### Proposed Expedited Rule Governing Rule Variances

**Introduction.** The Department of Children, Families, and Learning intends to adopt a rule governing rule variance process following the expedited rulemaking procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, section 14.389, and *Minnesota Rules*, part 1400.2410. You may submit written comments on the proposed rule and may also submit a written request that a hearing be held on the rule until July 24, 2002.

**Contact Person.** Comments and written requests for a public hearing must be submitted to: Kristin Asche, Rulemaking Coordinator, Department of Children, Families, and Learning, 1500 Highway 36 West, Roseville, MN 55113; **phone:** (651) 582-8248; **fax:** (651) 582-8725; **email:** [cfl.rulemaking@state.mn.us](mailto:cfl.rulemaking@state.mn.us). **TTY** users may call (651) 582-8201.

**Subject of Rule and Statutory Authority.** The proposed rule will govern the rule variance process for the Department as required by *Minnesota Statutes*, sections 14.055 and 14.056, and will include a description of the application process, criteria, notice, and fee requirements that must be met by a petitioner before the Department may consider a variance from any of its rules. The statutory authority to adopt the rule is *Minnesota Statutes*, section 14.055, subdivision 5. A copy of the proposed rule is published in the *State Register* and may be made available upon request to the contact person listed above.

**Comments.** You have until 4:30 p.m. on Wednesday, July 24, 2002, to submit written comment in support of or in opposition to the proposed rule. Your comment must be in writing and received by Kristin Asche by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rule must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by Kristin Asche by 4:30 p.m. on July 24, 2002, at the address listed above. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rule to which you object or state that you oppose the entire rule. Any request that does not comply with these requirements is not valid and cannot be counted by the Department when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rule.

**Withdrawal of Requests.** Pursuant to *Minnesota Statutes*, section 14.389, subdivision 5, if 100 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 100, the Department must give written notice of this to all persons who requested a hearing, explain the actions the Department took to affect the withdrawal, and ask for written comments on this action. If a public hearing is required, the Department will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.



**Alternative Format.** 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, contact Kristin Asche at the telephone number listed above.

**Modifications.** The proposed rule may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the Department, and the adopted rule may not be substantially different than these proposed rules. If the proposed rule affects you, you are encouraged to participate in the rulemaking process.

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

Dated: 6 June 2002

Christine Jax, Ph.D.  
Commissioner  
Minnesota Department of Children, Families, and Learning

### **3500.0400 VARIANCE.**

**Subpart 1. Scope.** Pursuant to *Minnesota Statutes*, section 14.055, a person or entity may apply for a variance from any rule or portion of a rule under the jurisdiction of the commissioner of children, families, and learning. The commissioner may not consider a request for a variance from a statute or court order.

**Subp. 2. Application.** The applicant must file an application for a variance in writing on a form provided by the commissioner. The application form must comply with *Minnesota Statutes*, section 14.056, subdivision 1, and must include a description of the variance process.

**Subp. 3. Criteria.** In reviewing a variance request, the commissioner must consider the following:

- A. whether application of the rule to the individual circumstances of the applicant would serve the purpose of the rule;
- B. whether application of the rule to the individual circumstances of the applicant would result in hardship or injustice;
- C. whether variance from the rule would be consistent with the public interest and, if applicable, the educational interests of students, school districts, and the profession;
- D. whether variance from the rule would positively serve an educational need or opportunity;
- E. whether variance from the rule would compromise the purpose of the rule; and
- F. whether variance from the rule would prejudice the substantial legal or economic rights of any person or entity.

Pursuant to *Minnesota Statutes*, section 14.055, subdivision 3, the commissioner must grant a variance from a rule if the applicant can provide evidence that application of the rule to the individual circumstances of the applicant would not serve the purpose of the rule. The commissioner may not grant a variance under any circumstances if the variance would compromise the purpose of the rule or it would prejudice the substantial legal or economic right of any person or entity.

**Subp. 4. Notice.** Upon submitting a variance application, the applicant must send written notice of the application to any individual or entity that may be affected by the variance. The notice must include a description of the variance request and a statement indicating that if the individual or entity opposes the variance, it may submit written arguments to the commissioner.

**Subp. 5. Order; timing.** Within 60 days of receipt of a completed variance application, the commissioner must issue a written order granting or denying a variance and specifying the scope and period of the variance. The order must include a statement of relevant facts and the reasons for the commissioner's action.

**Subp. 6. Limitations.** A variance may be granted to the applicant only for the specific circumstances for which the request is made. The applicant may not apply the variance to other circumstances without specific approval from the commissioner, and a variance is not transferable to other individuals or entities in similar situations without specific approval from the commissioner.

<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>
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## Proposed Rules

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Subp. 7. Fees. The application must include a nonrefundable fee of \$25. An application is not complete until the commissioner receives the processing fee. The applicant may be charged additional fees if the cost for the department to process the variance application exceeds \$25.

Subp. 8. Final decision. Except as provided in subpart 3, the commissioner may grant a requested variance, deny a requested variance, or grant a requested variance based on specified conditions. Unless otherwise provided by law a decision of the commissioner to grant or deny a variance is final unless the decision is reversed by subsequent commissioner action.

Subp. 9. Record. The commissioner must maintain a record of all orders granting and denying variances under this part. The record must comply with *Minnesota Statutes*, section 14.056, subdivision 7.

## Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

### **Expedited and Emergency Expedited Rules**

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

## Board of Electricity

### Adopted Permanent Rules Relating to Inspection Certificates

The rules proposed and published at *State Register*, Volume 26, Number 42, pages 1331-1332, April 8, 2002 (26 SR 1331), are adopted as proposed.

## 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 # 02-08: Sales and Use Tax - Massage Services

**Introduction:** This revenue notice clarifies and supplements Revenue Notice # 94-11. Under *Minnesota Statutes*, section 297A.61, subdivision 3(g)(5)(vii), massage services are subject to Minnesota sales and use tax unless they are provided for treatment of illness, injury, or disease by or upon written referral of a licensed health care facility or a licensed health care professional.

#### What is a Massage?

Massage means any method of applying pressure, friction, rubbing, stroking, tapping, kneading or rolling of the external parts of the human body by manual, electrical, or mechanical means, with or without appliances and with or without lubricants such as salts, powders, liquids, creams or other similar preparation. Massage includes energy therapy if it involves manipulation of the body (*e.g.*, Reiki and Therapeutic Touch).

**Examples of Massage Services:** Reflexology, Shiatsu, Acupressure, Rolfing, Trager, Neuromuscular Therapy, Polarity Therapy, Sports Massage, Myofascial Release, and Ohashiatsu.

Massage does not include treatment provided by health-related professionals regulated by the State of Minnesota if the treatment is within the scope of the regulated practice. Under *Minnesota Statutes*, section 297A.61, subdivision. 3(g)(5)(vii), massage services that are provided for treatment of illness, injury, or disease by licensed health care professionals are not subject to tax. Some of the services that are not subject to tax under this provision include the practice of medicine, acupuncture, homeopathy, osteopathy, chiropractic, physical therapy, podiatry and athletic training. The practice of massage does not include services provided by cosmetologists or estheticians required to be licensed under *Minnesota Statutes*, chapter 155A and barbers required to be registered under *Minnesota Statutes*, chapter 154 if they do not give, or hold themselves out to give massages other than massages that are incidental to their general occupations, where no separate compensation is received for giving massages.

**Effective Date:** To the extent this revenue notice reflects a change in policy, it is prospective in nature and becomes effective August 1, 2002.

Jennifer L. Engh  
Assistant Commissioner

## 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

### Minnesota Rural Finance Authority

#### Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes*, Chapter 41C

**NOTICE IS HEREBY GIVEN** that a public hearing will be held on July 12, 2002, at 9:00 a.m., in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, St. Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the construction of 1.5 - 1,000 head finishing barns located 5 miles west of Trimont on County State Aid Highway 44, then North 3 miles on gravel road; Section 17,

## Official Notices

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Cedar Township; Martin County, Minnesota on behalf of Jeffrey Scholl, (the Borrower/s). The maximum aggregate face amount of the proposed bond issue is \$249,000.00.

The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof.

Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: June 5, 2002

Jim Boerboom  
RFA Director

## Minnesota Comprehensive Health Association

### Notice of Meeting of the Enrollee Appeal Committee

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Enrollee Appeal Committee will be held at 1:30 p.m., on Monday, July 1, 2002. The meeting will take place at the MCHA executive office located at 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

This meeting may be closed to the public, if so requested by the appellant, pursuant to *Minnesota Statutes* 62E. 10, subd. 4.

For additional information, please call Lynn Gruber at (952) 593-9609.

## 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 9:00 a.m., on Thursday, June 27, 2002. The meeting will take place at the MCHA executive office located at 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

For additional information, please call Lynn Gruber at (952) 593-9609.

## Minnesota Board of Electricity

### REQUEST FOR COMMENTS on Possible Amendment to Rules Governing License Requirements for Persons and Companies Licensed by the Minnesota Board of Electricity, *Minnesota Rules*, Chapter 3800

**Subject of Rules.** The Minnesota Board of Electricity requests comments on its possible amendment to *Minnesota Rules*, Chapter 3800. The Board is considering rules and rule amendments as required by, or necessary to correlate with, *Minnesota Session Laws, 2002*, Chapter 328 (Senate File 2150). The following rules are included in this request for comments:

- 3800.3500 Definitions. Amend Subpart 11 to coordinate with section 326.242, subdivision 5.
- 3800.3520 Examination; Minimum Experience Requirements for Licensure; Experience Acceptable to the Board.
- Amend Subpart 3D to allow experience credit when approved technical training is earned when programs are offered as night school or part-time days, or during weekends.

- Adopt rules related to experience requirements for power limited technician license applicants.
- Amend Subpart 5A through H related to experience requirements for other license types to coordinate with power limited technician requirements.
- 3800.3530 Requirements for Securing and Maintaining an Electrical Contractor's License. Amend rules to be consistent with current terms and more properly address intent.
- 3800.3540 Designation of Responsible Master Electrician on Contractor's License Application. Amend to include power limited technician. Amend to address situation when master or power limited technician is terminated or terminates employment.
- 3800.3550 Designation of Responsible Master Electrician, Licensed Maintenance Electrician, or Electrical Engineer by an Employer. Amend to include power limited technician. Amend to require resubmittal of certificate of employment on regular interval.
- 3800.3560 Advertising Restrictions. Amend to allow either name or contractor license number.
- 3800.3570 Marking Electrical Contractor's Vehicles. Amend to allow either name or contractor license number.
- 3800.3580 Revocation of License. Amend to include technology system contractor.
- 3800.3590 Licenses; Expiration and Fees. Amend to include technology system contractor with license expiring August 1 of even-numbered years. Amend to include power limited technician. Amend to require the reinstatement fee for licenses that are not renewed by the expiration date.
- 3800.3601 Definitions. Amend by adding power limited technician.
- 3800.3602 Requirements for Renewal of Electrician License. Amend by adding power limited technician.
- 3800.3603 Credit for Instruction. Amend by adding expiration of approval for programs.
- 3800.383x Power Limited Technician Program. Adopt general description of power limited technician program.
- 3800.38xx Power Limited Technical Program Content. Adopt requirements for power limited technical program content.
- 3800.38xx Qualifications of Instructors for Power Limited Technical Program. Adopt qualifications for instructors for power limited technical programs.

**Persons Affected.** The amendment of the rules would likely affect persons and companies licensed by the Board, companies registered with the Board, and entities providing technical training.

**Statutory Authority.** *Minnesota Session Laws, 2002*, Chapter 328 requires the Board to adopt rules related to experience requirements for power limited technicians. *Minnesota Statutes*, section 326.241, authorizes the Board to adopt rules to carry out its duties under sections 326.241 to 326.248.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing until further notice is published in the *State Register* that the Board intends to adopt or to withdraw the rules. The Board does contemplate appointing an advisory committee to comment on the possible rules. The advisory committee is anticipated to meet approximately 6 times over a 3-month period. Persons interested in serving on this advisory committee should express their interest and a summary of their background in writing to the agency contact person not later than 4:30 p.m., August 27, 2002.

**Rules Drafts.** The Board has not yet prepared a draft of the possible rules amendments.

**Agency Contact Person.** Written comments, questions, and requests for more information on these possible rules should be directed to: John A. Schultz at Minnesota Board of Electricity, Griggs-Midway Building, Suite S-128, 1821 University Avenue, St. Paul, MN 55104-2993, **phone:** (651) 642-0800, **fax:** (651) 642-0441 and **email:** [john.schultz@state.mn.us](mailto:john.schultz@state.mn.us). **TTY** users may contact the Board through the Minnesota Relay Service at 1-800-627-3529.

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

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

Dated: 24 June 2002

John A. Schultz, Executive Secretary  
Minnesota Board of Electricity



# Official Notices

## Department of Human Services

### Decrease in Number of Cases Requiring Inpatient Hospital Authorization

MHCP will decrease the number of cases requiring Inpatient Hospital Authorization (IHA), previously called Inpatient Certification, effective for claims submitted after July 24, 2002. Even though certain admissions are exempt from Inpatient Hospital Authorization, the hospitalization must require the level of care provided to inpatients and is subject to retrospective medical record review. Current admission criteria are available by contacting the DHS Provider Help Desk.

*Minnesota Rules* 9505.0520 for certification exclusions remain in effect. *Minnesota Rules* Chapter 9505.0520, Subpart 2 Exclusions from admission certification include:

- A. The admission of a pregnant woman that results in the delivery of a newborn or a stillbirth, and the admission of a newborn resulting from birth. (A delivery that groups to any DRG other than 370-375 will require Inpatient Hospital Authorization. Payment for neonates shall be paid in DRG 385-391.)
- B. The admission is for Medicare Part A covered inpatient hospital services which are provided to a recipient who is also eligible for medical assistance and for which medical assistance payment is requested for the coinsurance and deductible payments only.
- C. An admission to a hospital that is not located in Minnesota or the local trade area for which a prior authorization has been obtained according to parts 9505.5000 to 9505.5030.

### Patient Populations Newly Excluded From Inpatient Hospital Authorization (IHA):

- A. Neonates transferred after birth from the hospital where the birth occurred to another acute care hospital.
- B. Children and adolescents (age less than 18 years at the time of admission) admitted to a psychiatric unit.
- C. Procedures on the Medicare published list of procedures that will not be paid on an outpatient basis (ambulatory surgery).

The list below identifies admissions by Diagnostic Related Groups (DRG) determined at discharge. The DRGs are taken from *DRG, Diagnostic Related Groups, Definitions Manual Version 17* published by 3M, the DRG grouper currently used for MHCP. The DRGs listed are grouped in order of the federal Medicare MDCs (Major Diagnostic Categories) and in DRG order, therefore, a DRG may be listed twice. An "S" after the DRG descriptor indicates that a surgical procedure drives the final DRG. An "M" after the DRG descriptor indicates the DRG is not determined by a surgical procedure. In accordance to the *Federal Code of Regulations*, all hospitalizations must be certified for continued need after 59 days of continuous inpatient care.

### DRG'S EXCLUDED FROM INPATIENT HOSPITAL AUTHORIZATION (IHA) REQUIREMENT

DRG	DRG Descriptor (DRG excluded from IHA)	Surgical (S) or Medical (M) DRG
<b>MDC 1: DISEASES AND DISORDERS OF THE NERVOUS SYSTEM</b>		
1	Craniotomy, Age >17 Except for Trauma	S
2	Craniotomy for Trauma, Age >17	S
3	Craniotomy, Age 0-17	S
4	Spinal Procedures	S
5	Extracranial Vascular Procedures	S
7	Peripheral, Cranial Nerve, and Other Nervous System Procedures with CC	S
8	Peripheral, Cranial Nerve, and Other Nervous System Procedures Without CC	S
9	Spinal Disorders and Injuries (specific diagnosis codes only: ICD-9-CM codes in 806.** and 952.**)	M
10	Nervous System Neoplasms with CC	M
11	Nervous System Neoplasms Without CC	M
14	Specific Cerebrovascular Disorders Except TIA	M
15	Transient Ischemic Attack and Precerebral Occlusions	M
21	Viral Meningitis	M
22	Hypertensive Encephalopathy	M
23	Nontraumatic Stupor and Coma	M
27	Traumatic Stupor and Coma, Coma >1 Hour	M
28	Traumatic Stupor, Coma <1 Hour, Age >17 with CC	M
29	Traumatic Stupor, Coma < 1 Hour, Age >17, Without CC	M
30	Traumatic Stupor, Coma < 1 Hour, Age 0-17	M

**MDC 3: DISEASES AND DISORDERS OF THE EAR, NOSE, MOUTH AND THROAT**

53	Sinus and Mastoid Procedures, Age >17	S
55	Miscellaneous Ear, Nose, Mouth and Throat Procedure	S
57	Tonsillectomy and Adenoidectomy Procedures, Except Tonsillectomy and Adenoidectomy Only, Age >17	S
59	Tonsillectomy and/or Adenoidectomy Only, Age >17	S
71	Laryngotracheitis	M

**MDC 4: DISEASES AND DISORDERS OF THE RESPIRATORY SYSTEM**

75	Major Chest Procedures	S
76	Other Respiratory System O.R. Procedures with CC	S
77	Other Respiratory System O.R. Procedures Without CC	S
78	Pulmonary Embolism	M
83	Major Chest Trauma with CC	M
84	Major Chest Trauma Without CC	M
87	Pulmonary Edema and Respiratory Failure	M
94	Pneumothorax with CC	M
95	Pneumothorax Without CC	M
475	Respiratory System Diagnosis with Ventilator Support	M
482	Tracheostomy for Face, Mouth and Neck Diagnoses	S (Pre-MDC)
483	Tracheostomy Except for Face, Mouth and Neck Diagnoses	S (Pre-MDC)
495	Lung Transplant	S (Pre-MDC)

**MDC 5: DISEASES AND DISORDERS OF THE CIRCULATORY SYSTEM**

103	Heart Transplant	S (Pre-MDC)
104	Cardiac Valve Procedure with Cardiac Catheterization	S
105	Cardiac Valve Procedure Without Cardiac Catheterization	S
106	Coronary Bypass with PTCA	S
107	Coronary Bypass with Cardiac Catheterization	S
108	Other Cardiothoracic Procedures	S
109	Coronary Bypass Without Cardiac Catheterization	S
110	Major Cardiovascular Procedure with CC	S
111	Major Cardiovascular Procedure Without CC	S
112	Percutaneous Cardiovascular Procedures	S
113	Amputation for Circulatory Disorders Except Upper Limb, Toe	M
114	Upper Limb, Toe Amputation for Circulatory Disorders	M
115	Permanent Cardiac Pacemaker Implantation with AMI, Heart Failure or Shock, or AICD Lead or Generator Procedure	S
116	Other Permanent Cardiac Pacemaker Implant	S
117	Cardiac Pacemaker Revision Except Device Replacement	S
118	Cardiac Pacemaker Device Replacement	S
121	Circulatory Disorders with AMI and Major Complications, Discharged Alive	M
122	Circulatory Disorders with AMI Without Major Complications, Discharged Alive	M
123	Circulatory Disorders with AMI, Expired	M
126	Acute and Subacute Endocarditis	M
127	Heart Failure and Shock	M
128	Deep Vein Thrombophlebitis	M
129	Cardiac Arrest, Unexplained	M
138	Cardiac Arrhythmia and Conduction Disorder with CC	M
139	Cardiac Arrhythmia and Conduction Disorder Without CC	M

**MDC 6: DISEASES AND DISORDERS OF THE DIGESTIVE SYSTEM**

146	Rectal Resection with CC	S
147	Rectal Resection Without CC	S
148	Major Small and Large Bowel Procedure with CC	S
149	Major Small, Large Bowel Procedure Without CC	S

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159	Hernia Procedures Except Inguinal and Femoral, Age >17 with CC	S
160	Hernia Procedures Except Inguinal and Femoral, Age >17, Without CC	S
164	Appendectomy with Complicated Principal Diagnosis with CC	S
165	Appendectomy with Complicated Principal Diagnosis Without CC	S
174	G.I. Hemorrhage with CC	M
175	G.I. Hemorrhage Without CC	M
176	Complicated Peptic Ulcer	M
180	G.I. Obstruction with CC	M
181	G.I. Obstruction Without CC	M

### MDC 7: DISEASES AND DISORDERS OF THE HEPATOBILIARY SYSTEM AND PANCREAS

191	Pancreas, Liver and Shunt Procedure with CC	S
193	Biliary Tract Procedure Except Only Cholecystectomy with or Without C.D.E. with CC	S
194	Biliary Tract Procedure Except Only Cholecystectomy with or Without C.D.E. Without CC	S
195	Cholecystectomy with C.D.E. with CC	S
196	Cholecystectomy with C.D.E. Without CC	S
197	Cholecystectomy Without C.D.E. with CC	S
198	Cholecystectomy Without C.D.E. Without CC	S
199	Hepatobiliary Diagnostic Procedure for Malignancy	M
200	Hepatobiliary Diagnostic Procedure for Non-malignancy	M
201	Other Hepatobiliary or Pancreas O.R. Procedures	S
493	Laparoscopic Cholecystectomy Without C.D.E. with CC	S
494	Laparoscopic Cholecystectomy Without C.D.E. Without CC	S

### MDC 8: DISEASES AND DISORDERS OF THE MUSCULOSKELETAL SYSTEM AND CONNECTIVE TISSUE

209	Major Joint and Limb Reattachment Procedures of Lower Extremity	S
210	Hip and Femur Procedures Except Major Joint, Age >17 with CC	S
211	Hip and Femur Procedures Except Major Joint, Age >17 Without CC	S
212	Hip and Femur Procedures Except Major Joint, Age 0-17	S
213	Amputation for Musculoskeletal System and Connective Tissue Disorders	S
218	Lower Extremity Procedure, Age >17 with CC	S
219	Lower Extremity Procedure, Age >17 Without CC	S
220	Lower Extremity Procedure, Age 0-17	S
223	Major Shoulder and Elbow Procedure, or Other Upper Extremity Procedure with CC	S
224	Shoulder, Elbow, or Forearm Procedure, Except Major Joint Procedure Without CC	S
230	Local Excision and Removal of Internal Fixation Devices of Hip and Femur	S
231	Local Excision and Removal of Internal Fixation Devices Except Hip and Femur	S
233	Other Musculoskeletal System and Connective Tissue O.R. Procedure with CC	S
234	Other Musculoskeletal System and Connective Tissue O.R. Procedure Without CC	S
235	Fractures of Femur	M
236	Fractures of Hip and Pelvis	M
237	Sprain, Strain, Dislocations of Hip, Pelvis, Thigh	M
238	Osteomyelitis	M
471	Bilateral/ Multiple Major Joint Procedure of Lower Extremity	S
491	Major Joint and Limb Reattachment of Upper Extremity	S
496	Combined Anterior/ Posterior Spinal Fusion	S
497	Spinal Fusion with CC	S
498	Spinal Fusion Without CC	S
499	Back and Neck Procedures Except Fusion with CC	S
500	Back and Neck Procedures Except Fusion Without CC	S

### MDC 9: DISEASES AND DISORDERS OF THE SKIN, SUBCUTANEOUS TISSUE AND BREAST

257	Total Mastectomy for Malignancy with CC	S
258	Total Mastectomy for Malignancy Without CC	S

259	Subtotal Mastectomy for Malignancy with CC	S
260	Subtotal Mastectomy for Malignancy Without CC	S
261	Breast Procedure for Non-malignancy, Except Biopsy	S
263	Skin Graft And/or Debridement for Skin Ulcer or Cellulitis with CC	S
264	Skin Graft And/or Debridement for Skin Ulcer or Cellulitis Without CC	S
265	Skin Graft And/or Debridement Except for Skin Ulcer and Cellulitis with CC	S
266	Skin Graft And/or Debridement Except for Skin Ulcer and Cellulitis Without CC	S

**MDC 10: ENDOCRINE, NUTRITIONAL, AND METABOLIC DISEASES AND DISORDERS**

285	Amputation of Lower Limb for Endocrine, Nutritional, and Metabolic Disorders	S
286	Adrenal and Pituitary Procedures	S
288	O.R. Procedures for Obesity	S
289	Parathyroid Procedures	S
290	Thyroid Procedures	S
292	Other Endocrine, Nutritional, Metabolic O.R. Procedure with CC	S

**MDC 11: DISEASES AND DISORDERS OF THE KIDNEY AND URINARY TRACT**

512	Simultaneous Pancreas/ Kidney Transplant	S (Pre-MDC)
302	Kidney Transplant	S
303	Kidney, Ureter, Major Bladder Procedures for Neoplasm	S
304	Kidney, Ureter, Major Bladder Procedures for Non-neoplasm with CC	S
305	Kidney, Ureter, Major Bladder Procedures for Neoplasm Without CC	S
306	Prostatectomy with CC	S
307	Prostatectomy Without CC	S
310	Transurethral Procedures with CC	S
311	Transurethral Procedures Without CC	S
315	Other Kidney and Urinary Tract O.R. Procedure	S
317	Admission for Renal Dialysis	M
323	Urinary Stones with CC, and/or ESW Lithotripsy	S
324	Urinary Stones Without CC	S

**MDC 12: DISEASES & DISORDERS OF THE MALE REPRODUCTIVE SYSTEM**

334	Major Male Pelvic Procedures with CC	S
335	Major Male Pelvic Procedures Without CC	S
336	Transurethral Prostatectomy with CC	S
337	Transurethral Prostatectomy Without CC	S
338	Testes Procedures for Malignancy	S
344	Other Male Reproductive System O.R. Procedures for Malignancy	S

**MDC 13: DISEASES & DISORDERS OF THE FEMALE REPRODUCTIVE SYSTEM**

353	Pelvic Evisceration, Radical Hysterectomy, and Radical Vulvectomy	S
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**MDC 14: PREGNANCY, CHILDBIRTH AND THE PUERPERIUM**

370	Cesarean Section with CC	Delivery
371	Cesarean Section Without CC	Delivery
372	Vaginal Delivery with Complicating Diagnoses	Delivery
373	Vaginal Delivery Without Complicating Diagnoses	Delivery
374	Vaginal Delivery with Sterilization And/or D & C	Delivery
375	Vaginal Delivery with O.R. Procedure Except Sterilization and/or D & C	Delivery
377	Postpartum and Postabortion Diagnoses with O.R. Procedure	S
378	Ectopic Pregnancy	M

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### MDC 15: NEWBORNS AND OTHER NEONATES WITH CONDITIONS ORIGINATING IN THE PERINATAL PERIOD

385	Neonates, Died or Transferred to Another Acute Care Facility	Neonate
386	Extreme Immaturity or Respiratory Distress Syndrome, Neonate	Neonate
387	Prematurity with Major Problems	Neonate
388	Prematurity Without Major Problems	Neonate
390	Full Term Neonate with Other Significant Problems	Neonate
391	Normal Newborn	Neonate

### MDC 16: DISEASES AND DISORDERS OF THE BLOOD AND BLOOD FORMING ORGANS AND IMMUNOLOGICAL DISORDERS

392	Splenectomy, Age >17	S
393	Splenectomy, Age 0-17	S
394	Other O.R. Procedure of Blood and Blood Forming Organs	S
397	Coagulation Disorders	M

### MDC 17: MYELOPROLIFERATIVE DISEASES AND DISORDERS, AND POORLY DIFFERENTIATED NEOPLASMS

400	Lymphoma and Leukemia with Major O.R. Procedure	S
401	Lymphoma and Non-acute Leukemia with O.R. Procedure with CC	S
402	Kidney, Ureter, Major Bladder Procedures for Neoplasm Without CC	S
405	Acute Leukemia Without Major O.R. Procedure, Age 0-17	M
406	Myeloproliferative Disease with Major O.R. Procedure with CC	S
407	Myeloproliferative Disease with Major O.R. Procedure Without CC	S
408	Myeloproliferative Disease with Other O.R. Procedure	S
410	Chemotherapy Without Acute Leukemia as Secondary Diagnosis	M
473	Acute Leukemia Without Major O.R. Procedure, Age >17	M

### MDC 18: INFECTIOUS AND PARASITIC DISEASES

415	O.R. Procedure for Infectious and Parasitic Diseases	S
416	Septicemia, Age >17	M
417	Septicemia, Age 0-17	M

### MDC 19: MENTAL DISEASES AND DISORDERS

424 (Age < 18)	O.R. Procedure with Principal Diagnosis of Mental Illness	S
425 (Age < 18)	Acute Adjustment Reaction and Disturbances of Psychological Dysfunction	M
426 (Age < 18)	Depressive Neuroses	M
427 (Age < 18)	Neuroses Except Depressive	M
428 (Age < 18)	Disorders of Personality and Impulse Control	M
429 (Age < 18)	Organic Disturbances and Mental Retardation	M
430 (All Ages)	Psychoses	M
431 (Age < 18)	Childhood Mental Disorders	M
432 (Age < 18)	Other Mental Disorder Diagnoses	M

### MDC 21: INJURIES, POISONINGS AND TOXIC EFFECTS OF DRUGS

440	Wound Debridement for Injuries	S
442	Other O.R. Procedures for Injuries with CC	S
443	Other O.R. Procedures for Injuries Without CC	S
444	Traumatic Injury Age >17 with CC	M
445	Traumatic Injury Age >17 Without CC	M
446	Traumatic Injury Age 0-17	M



**MDC 8: DISEASES AND DISORDERS OF THE MUSCULOSKELETAL SYSTEM AND CONNECTIVE TISSUE**

471 Bilateral/ Multiple Major Joint Procedure of Lower Extremity S

**MDC 17: MYELOPROLIFERATIVE DISEASES AND DISORDERS, AND POORLY DIFFERENTIATED NEOPLASMS**

473 Acute Leukemia Without Major O.R. Procedure, Age >17 M

**MDC 4: DISEASES AND DISORDERS OF THE RESPIRATORY SYSTEM**

475 Respiratory System Diagnosis with Ventilator Support M

**PRE-MDC**

480 Liver Transplant S

481 Bone Marrow Transplant S

482 Tracheostomy for Face, Mouth and Neck Diagnoses S

483 Tracheostomy Except for Face, Mouth and Neck Diagnoses S

**MDC 24: MULTIPLE SIGNIFICANT TRAUMA**

484 Craniotomy for Multiple Significant Trauma S

485 Limb Reattachment, Hip and Femur Procedures for Multiple Significant Trauma S

486 Other O.R. Procedures for Multiple Significant Trauma S

487 Other O.R. Procedures for Multiple Significant Trauma S

**MDC 25: HUMAN IMMUNODEFICIENCY VIRUS INFECTIONS**

488 HIV with Extensive O.R. Procedure S

489 HIV with Major Related Condition S

**MDC 8: DISEASES AND DISORDERS OF THE MUSCULOSKELETAL SYSTEM AND CONNECTIVE TISSUE**

491 Major Joint and Limb Reattachment of Upper Extremity S

**MDC 17: MYELOPROLIFERATIVE DISEASES AND DISORDERS, AND POORLY DIFFERENTIATED NEOPLASMS**

492 Chemotherapy with Acute Leukemia as Secondary Diagnosis M

**MDC 7: DISEASES AND DISORDERS OF THE HEPATOBILIARY SYSTEM AND PANCREAS**

493 Laparoscopic Cholecystectomy Without C.D.E. with CC S

494 Laparoscopic Cholecystectomy Without C.D.E. Without CC S

**PRE-MDC**

495 Lung Transplant S

**MDC 8: DISEASES AND DISORDERS OF THE MUSCULOSKELETAL SYSTEM AND CONNECTIVE TISSUE**

496 Combined Anterior/ Posterior Spinal Fusion S

497 Spinal Fusion with CC S

498 Spinal Fusion Without CC S

499 Back and Neck Procedures Except Fusion with CC S

500 Back and Neck Procedures Except Fusion Without CC S

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### MDC 22: BURNS

504	Extensive 3rd Degree Burns with Skin Graft	S
505	Extensive 3rd Degree Burns Without Skin Graft	M
506	Full Thick Burn, Graft, Inhalation Injury Without CC	M
507	Full Thick Burn, Graft, Inhalation Injury Without CC	M
508	Full Thick Burn, Inhalation Injury with CC and Trauma	M
509	Full Thick Burn, Inhalation Injury Without CC	M
510	Non-extensive Burns with CC or Significant Trauma	M

### PRE-MDC

512	Simultaneous Pancreas/ Kidney Transplant	S
513	Pancreas Transplant	S

## Department of Human Services: Dental Authorization List Deletes and Changes

The following is a listing of deletes and changes to the current Dental authorization list. The newly deleted and changed codes will require authorization on or after July 24, 2002.

### AUTHORIZATION LIST

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

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

### I. DENTAL SERVICES

#### DELETED CODES (No longer require authorization)

1. Surgical services, (except D7210, D7220, D7230, D7240, X7216 surgical extractions). For emergencies follow the after-the-fact authorization procedures.
2. Removable Resin base and Cast Metal Partial.

**DIAGNOSTIC****CHANGED CODES (These services no longer have frequency limits)**

<u>Code</u>	<u>Description</u>
D0120	Oral Examination
D0130	Emergency Oral Examination
D0140	Limited Oral Eval - Problem Focused
D0150	Comprehensive Oral Evaluation
D0160	Detailed and Extensive Oral Evaluation
D0170	Re-evaluation-limited

**RADIOGRAPHS****DELETED CODES (No longer require authorization)**

D0210	Intraoral series (including bitewing)
D0330	Panoramic film
D0335	Panorex, includes bitewing and additional peripheral films
D0230	Intraoral, periapical, each additional film
D0240	Intraoral, occlusal film
D0250	Extraoral, first film
D0260	Extraoral, each additional film
D0270	Bitewing, single film
D0272	Bitewing, two films
D0274	Bitewing, four films
D0277	Vertical bitewings, seven or 8 films

**DENTAL PROPHYLAXIS****DELETED CODES (No longer require authorization)**

D1110	Prophylaxis adults
D1120	Prophylaxis, children
D1204	Topical application of fluoride (excluding prophylaxis), adult
D1205	Topical application of fluoride (including prophylaxis), adult
D1330	Oral Hygiene
D1351	Sealants
D4355	Full Mouth Debridement
D9920	Behavior Management

**CHANGED CODES (Benefit limits have changed for these codes)**

**PROSTHODONTICS, REMOVABLE DENTURES** (Authorization required if provided more often than once in a three year period)

D5110	Complete upper
D5120	Complete lower

**PARTIAL DENTURES** (Authorization required if provided more often than once in a three year period.)

D5211	Upper partial - resin base (including any conventional clasps, rests and teeth)
D5212	Lower partial - resin base (including any conventional clasps, rests and teeth)
D5213	Upper partial - cast metal base with resin saddles (including any conventional clasps, rests and teeth)
D5214	Lower partial - cast metal base with resin saddles (including any conventional clasps, rests and teeth)

## Official Notices

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### Department of Human Services State Operated Services Division

#### Public Notices of the Disproportionate Population Adjustment for State Regional Treatment Centers and the Payment Rates for the State Regional Treatment Centers

**NOTICE IS HEREBY GIVEN** to recipients, providers of services under the Medical Assistance (MA) Program, and to the public, of final disproportionate population adjustment (DPA) factors and payment rates for Regional Treatment Centers under the MA Program. This notice is published pursuant to 42 *United States Code* §1396a(a)(13)(A) (§1902(a)(13)(A) of the Social Security Act), which requires the Department to publish final payment rates for institutional providers, the methodologies underlying the establishment of such rates, and the justification of such rates.

In conjunction with the State Fiscal Year 2003 (July 1, 2002 through June 30, 2003) budget for Regional Treatment Centers, as appropriated by the legislature, payment rates are determined in accordance with *Minnesota Statutes*, §246.50, subdivision 5.

The DPA factors for admissions occurring during State Fiscal Year 2003 and the proposed payment rates for State Fiscal Year 2003, both published on May 28, 2002 at 26 SR 1651-1652, are final and effective July 1, 2002.

Questions and comments may be directed to:

Lynn Glancey  
Department of Human Services  
State Operated Services Division  
444 Lafayette Road North  
St. Paul, MN 55155-3826  
**Phone:** (651) 582-1875  
**Email:** [Lynn.Glancey@state.mn.us](mailto:Lynn.Glancey@state.mn.us)

### Department of Human Services Health Care Administration

#### Public Notice Regarding Payment Rate and Methodology Changes, and Services Under the Medical Assistance Program, the General Assistance Medical Care Program, the Prescription Drug Program (PDP), and the MinnesotaCare Program

**NOTICE IS HEREBY GIVEN** to recipients, providers of services, and the public of certain statutory changes made to the Medical Assistance (MA) Program, the General Assistance Medical Care (GAMC) Program, the Prescription Drug Program (PDP), and the MinnesotaCare Program that the 2002 Minnesota Legislature enacted during the 2002 legislative session. This notice is published pursuant to the *Code of Federal Regulations*, Title 42, section 447.205, which requires public notice of any significant proposed change in the methods and standards for setting payment rates for non-institutional MA services. This notice is also published pursuant to 42 *United States Code*, section 1396a (a) (13) (A), which requires the Department to publish changes in MA institutional payment rates, the methodologies underlying the establishment of such rates, and the justification for such rates. The changes to the MA Program are estimated to result in a net decrease in MA Program expenditures of \$12.4 million for State Fiscal Year 2003 (July 1, 2002 through June 30, 2003).

The actual text of these changes is contained in *Laws of Minnesota 2002*, Chapters 220, 240, 275, 277, 362, 374, 375, and 399. These are available by calling the House Public Information office at (651) 296-2146 (or 1-800-657-3550) or the Senate Index at (651) 296-2887. They are also available at: [www.leg.state.mn.us/leg/statutes.htm](http://www.leg.state.mn.us/leg/statutes.htm) (under the Minnesota Session Laws heading, click on "2002 Regular Session").

It is important to note that not all changes made to these programs by the 2002 legislature are mentioned in this notice.

Information relating to implementation of these provisions will be sent to local human service agencies through bulletins and manual updates. Provider information is found on the Department's **website** at: [www.dhs.state.mn.us/provider/lupd/default.htm](http://www.dhs.state.mn.us/provider/lupd/default.htm). This information will also be provided to MA and PDP enrollees through written notice and to health care providers through newsletters and updates to the *Minnesota Health Care Programs Provider Manual* (available at: [www.dhs.state.mn.us/provider/manual/](http://www.dhs.state.mn.us/provider/manual/)).

If you have questions about this notice, contact Clarissa Suárez-Russell at the Minnesota Department of Human Services, Health Care Administration, 444 Lafayette Road North, St. Paul, Minnesota 55155-3852; **phone:** (651) 296-3090.

Changes were made to the following program areas:

- I. MA, GAMC, PDP, and MinnesotaCare Services and Payment Rates
- II. MA Home and Community-Based Waivers and Payment Rates
- III. MA Long-Term Care Services and Payment Rates

#### **I. MA, GAMC, PDP, and MinnesotaCare Services and Payment Rates**

- For MA and GAMC fee-for-service inpatient hospital admissions occurring on or after July 1, 2002, the total payment, before third-party liability and spenddown, made to hospitals for inpatient services is reduced by 0.5 percent. *Laws of Minnesota 2002*, Chapter 220, Article 15, Section 5.
- For MA and GAMC fee-for-service outpatient hospital facility services, including emergency room and clinic visits, provided on or after July 1, 2002, the total payment, before third-party liability and spenddown, made to hospitals is reduced by 0.5 percent. *Laws of Minnesota 2002*, Chapter 220, Article 15, Sections 14 and 20.
- After public notice and a 30-day comment period, the Department may reduce inpatient hospital admissions types that must be certified as medically necessary under MA and GAMC. *Laws of Minnesota 2002*, Chapter 277, Section 7.
- Effective for services provided on or after July 1, 2003, rates that are based on Medicare population demographic data for the outpatient hospital prospective payment system must be replaced by a budget-neutral outpatient prospective payment system that is derived using MA population demographics. The Department is to provide a proposal to the 2003 legislature to define and implement this requirement. *Laws of Minnesota 2002*, Chapters 220, Article 15, Section 20 and 275, Sections 4 and 6.
- For MA or GAMC services provided on or after January 1, 2003, capitation rates for non-metropolitan counties shall on a weighted average be no less than 87 percent of the capitation rates for metropolitan counties, excluding Hennepin County. The Department will make a pro rata adjustment in capitation rates paid to counties other than non-metropolitan counties in order to make this provision budget neutral. *Laws of Minnesota 2002*, Chapter 220, Article 15, Section 16.
- Beginning July 1, 2002, the Prepaid MA capitation rates are increased by \$12,700,000 per year, and this increase is transferred to the Medical Education and Research Fund. *Laws of Minnesota 2002*, Chapter 220, Article 15, Sections 17 and 18.
- Beginning July 1, 2002, the Prepaid MA capitation rates are increased by \$4,700,000 per year, and this increase is transferred to the Medical Education and Research Fund. *Laws of Minnesota 2002*, Chapter 220, Article 15, Sections 17 and 18.
- For MA and GAMC services provided on or after January 1, 2003, the total payment made to managed care plans for providing covered services is reduced by 0.5 percent. This provision excludes payments for nursing home services, home and community-based waivers, and payments to demonstration projects for persons with disabilities. *Laws of Minnesota 2002*, Chapter 220, Article 15, Section 19.
- Managed care plans must not reduce payment rates to providers to reflect the 0.5 percent reduction effective January 1, 2003 to non-metropolitan counties. *Laws of Minnesota 2002*, Chapter 220, Article 17, Section 2, Subd. 3.
- Effective August 1, 2002, MA providers include persons credentialed as health professionals under standards established by the governing body of a federally recognized Indian tribe authorized under an agreement with the federal government to provide health services to its members, and who through an Indian Health Service (IHS) facility or a facility operated by the tribe or a tribal organization provides covered services to American Indian people within a contract health service delivery area of a Minnesota reservation. *Laws of Minnesota 2002*, Chapter 275, Section 2.
- Effective August 1, 2002, an IHS facility or a facility operated by a tribe or tribal organization does not need a county contract or county certification to enroll as a provider of children's mental health family community support services, children's mental health therapeutic support of foster care services, adult mental health community support services, or adult mental health crisis response services. *Laws of Minnesota 2002*, Chapter 275, Section 1.
- Effective for services provided on or after August 1, 2002, MA, GAMC and MinnesotaCare coverage for organ and tissue transplant procedures is limited to those procedures covered by Medicare or approved by the Department's Advisory Committee on Organ and Tissue Transplants. All organ transplants must be performed at transplant centers meeting United Network for Organ Sharing criteria or at Medicare-approved organ transplant centers. Stem cell or bone marrow transplant centers must meet the standards established by the Foundation for the Accreditation of Hematopoietic Cell



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Therapy or be approved by the Department's advisory committee. Transplants performed out-of-state or out of the local trade area must be prior authorized. *Laws of Minnesota 2002*, Chapter 277, Section 14.

- Effective May 23, 2002, enrolled providers of children's mental health family community support services, children's mental health professional home-based services and children's therapeutic support of foster care services may provide new services, and may continue to provide existing services, without securing a provider contract with the new county, if a child is placed in foster care or moves to another county. *Laws of Minnesota 2002*, Chapters 375, Article 2, Section 15 and 399, Section 4.
- Effective for services provided on or after April 1, 2002, MA covered Individualized Education Plan (IEP) nursing services provided to children with IEPs during the school day includes simple medication administration. *Laws of Minnesota 2002*, chapter 375, Article 2, Section 14.
- Currently, MA mental health case managers who are not licensed, registered, or certified by a health-related licensing board must receive 30 hours of continuing education and training in mental illness and mental health services yearly. Effective August 1, 2002, these requirements must be met every two years. *Laws of Minnesota 2002*, Chapter 375, Article 2, Sections 5 and 6.
- Effective August 1, 2002, the Department is authorized to administer a supplemental drug rebate program for drugs purchased under the MA Program and under the Prescription Drug Program. The Department may also enter into supplemental rebate contracts with pharmaceutical manufacturers and may require prior authorization for drugs that are from manufacturers that have not signed a supplemental rebate contract. *Laws of Minnesota 2002*, Chapters 220, Article 15, Section 4 and 375, Article 2, Section 10.
- Effective August 1, 2002, prior authorization is not required for any antipsychotic drug prescribed for the treatment of mental illness where there is no generically equivalent drug available, unless the Department determines that prior authorization is necessary for patient safety. This applies to any supplemental drug rebate program.

In addition, effective August 1, 2002, no prior authorization is required for any antihemophilic factor drug prescribed for the treatment of hemophilia and blood disorders where there is no generically equivalent drug available, unless the Department determines that prior authorization is necessary for patient safety. This applies to any supplemental drug rebate program. This paragraph expires July 1, 2003.

- Effective for services provided on or after August 1, 2002, MA recipients receiving personal care assistant services may elect to receive shared personal care assistant services (shared services) and, if so, must use the same fiscal intermediary. A fiscal intermediary assists recipients to account for covered services. *Laws of Minnesota 2002*, Chapter 375, Article 2, Section 17.

## II. MA Home and Community-Based Waivers and Payment Rates

- Effective for services provided on or after July 1, 2002, provider payment rates will be increased by three percent for the following programs: Home and Community-Based Waiver Services for Persons with Mental Retardation or Related Conditions (MR/RC Waiver) under *Minnesota Statutes*, section 256B.501; Elderly Waiver (EW) services under *Minnesota Statutes*, section 256B.0915; Community Alternatives for Disabled Individuals (CADI) waiver services under *Minnesota Statutes*, section 256B.49; Community Alternative Care (CAC) waiver services under *Minnesota Statutes*, section 256B.49; Traumatic Brain Injury Waiver (TBIW) waiver services under *Minnesota Statutes*, section 256B.49; nursing services and home health services under *Minnesota Statutes*, section 256B.0625, subdivision 6a; personal care services and nursing supervision of personal care services under *Minnesota Statutes*, section 256B.0625, subdivision 19a; private-duty nursing services under *Minnesota Statutes*, section 256B.0625, subdivision 7; Alternative Care (AC) services under *Minnesota Statutes*, section 256B.0913; adult residential program grants under *Minnesota Rules*, parts 9535.2000 to 9535.3000; adult and family community support grants under *Minnesota Rules*, parts 9535.1700 to 9535.1760; semi-independent living services (SILS) under *Minnesota Statutes*, section 252.275, including SILS funding under county social services grants formerly funded under *Minnesota Statutes*, Chapter 256I; community support services for deaf and hard-of-hearing adults with mental illness who use or wish to use sign language as their primary means of communication; living skills and training programs for persons with intractable epilepsy who need assistance in the transition to independent living; and the group residential housing (GRH) supplementary service rate under *Minnesota Statutes*, section 256I.05, subdivision 1a. *Laws of Minnesota, First Special Session 2001*, Chapter 9, Article 5, Section 37.
- Effective for services provided on or after July 1, 2002, payments to providers will be increased by 3.5 percent for day training and habilitation (DT&H) services for adults with mental retardation or related conditions under *Minnesota Statutes*, sections 252.40 to 252.46. Two-thirds of the additional revenue must be used to increase the wages, benefits, and pay associated costs of employees except administrative and central office employees. One-third of the additional revenue will be used for operating costs. *Laws of Minnesota 2001, First Special Session*, Chapter 9, Article 5, Section 37.

- Effective August 1, 2002, home and community-based service or nursing facility rate increases may be applied to elderly waiver limits for recipients who moved from a nursing facility into the community with a conversion rate. *Laws of Minnesota 2002*, Chapter 375, Article 2, Section 26.

### **III. MA Long-Term Care Services and Payment Rates**

#### **Nursing Facilities**

Pursuant to the Governor's budget, the Department proposed changes to the nursing facility rate-setting system. The Minnesota Legislature considered the Department's proposed changes, gathered information, and held public hearings at which nursing facility residents, trade associations, providers, facility employee union representatives, and the general public were invited to attend. The legislature considered the public's input and enacted legislation changing the rate-setting system as follows:

- Effective March 1, 2002, county nursing home payments were increased by \$29.55 per bed, per day. The Department may reduce the payments in order not to exceed the Medicare upper payment limits. *Laws of Minnesota 2002*, Chapters 220, Article 14, Section 9 and 374, Article 10, Section 5.
- Effective August 1, 2002, the costs of new technology and depreciable equipment can, at the written election of a nursing facility, be included in the appraised value of a construction project. A facility that submits a building project to be included in the rental rate calculation without a written election to include technology and depreciable equipment costs in the appraised value will have these costs treated as described in *Minnesota Statutes*, section 256B.431, subdivision 17, paragraph (b). Once made, the election cannot be changed. *Laws of Minnesota 2002*, Chapter 375, Article 2, Section 1.
- Effective August 1, 2002, the changes affecting nursing facility rates for ventilator-dependent individuals are: 1) the requirements for a request for proposal (RFP) and contracting are eliminated, instead allowing the Department to negotiate the rates as requested; 2) the Department may negotiate the rates with facilities for individual residents; and 3) after the transition to the Resource Utilization Groups (RUGs) case mix system has occurred, the upper limit to the rate will be based upon the highest RUGs rate of the facility, rather than the K case mix rate. *Laws of Minnesota 2002*, Chapter 375, Article 2, Section 35.
- Effective August 1, 2002, if they meet certain criteria, planned closure rate adjustments may be assigned by facilities to themselves without going through the planned closure application process. Facilities that have received planned closure rate adjustments may choose to re-assign the rate adjustment to another facility that is under the same ownership, for three years after its effective date. The rate adjustment will be re-computed based on the size of the facilities involved.

Planned closure rate adjustments assigned during the initial period of the program will be increased if the program is extended beyond June 30, 2003, and if the base amount of the adjustments is increased. The application process has been simplified. *Laws of Minnesota 2002*, Chapter 375, Article 2, Sections 39 and 40.

- Effective July 1, 2002, nursing facilities will receive a per diem rate increase of \$1.25. *Laws of Minnesota 2002*, Chapter 374, Article 10, Section 6.
- Effective July 1, 2002, the nursing home surcharge will increase to \$990. *Laws of Minnesota 2002*, Chapters 220, Article 14, Section 5 and 374, Article 10, Section 4.
- Effective August 1, 2002, St. Louis County may change its application for the planned closure of a county-owned nursing facility by transferring 100 beds to two county nursing facilities. *Laws of Minnesota 2002*, Chapter 362.
- The Department's recommendations for a new nursing facility reimbursement system are to be submitted to the legislature by January 15, 2004. The new reimbursement system may not be effective before July 1, 2004. *Laws of Minnesota 2002*, Chapter 220, Article 14, Section 19.

The Department anticipates adding most of these changes to its MA State plan. Individual nursing facility payment rates are available by contacting the Continuing Care for the Elderly Division, Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3836; **phone:** (651) 296-9916.

#### **ICFs/MR**

Pursuant to the Governor's budget, the Department proposed changes to the ICF/MR rate-setting system. The Minnesota Legislature considered the Department's proposed changes, gathered information, and held public hearings at which ICF/MR residents, trade associations, providers, facility employee union representatives, and the general public were invited to attend. The legislature considered the public's input and enacted legislation changing the rate-setting system as follows:

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- An adjustment to a facility's operating payment rate is permitted for increased licensing fees. *Laws of Minnesota 2002*, Chapter 375, Article 2, Section 42. Because of MA requirements, the effective date is April 1, 2002.
- Effective July 1, 2002, counties may recommend to the Department that a variable rate be approved to meet the increased needs of an ICF/MR resident in the following situations: 1) a need for resources due a resident's full or partial retirement from participation in a DT&H program. This is only applicable when the individual has reached the age of 65 or has a change in health condition that makes it difficult for the person to participate in the DT&H program over an extended period of time because it is medically contraindicated and when the individual expresses a desire for change through the mental retardation and related conditions screening process; 2) a need for additional resources for intensive short-term programming that is necessary prior to a resident's discharge to a less restrictive, more integrated setting; or 3) a demonstrated medical or behavioral need that significantly impacts the type or amount of services needed by the resident.

Variable rate adjustments approved solely on the basis of changes on a developmental disabilities screening document end as of July 1, 2002. A variable rate adjustment may exceed one year only when certain individuals fully or partially end participation in a DT&H program. *Laws of Minnesota 2002*, Chapter 220, Article 14, Section 14.

- Effective July 1, 2002, when a vacancy occurs, the Department calculates the temporary payment rate adjustment for a facility that has a monthly occupancy rate of licensed beds that is at least 75 percent, for up to 75 days or until the vacancy is filled. Currently, a temporary rate adjustment is permitted for up to 90 days and may be extended. *Laws of Minnesota 2002*, Chapter 220, Article 14, Section 16.
- Effective July 1, 2003, facilities with base rates above the 50th percentile of the statewide average payment rate for Class A or Class B facilities cannot receive variable rate adjustments. *Laws of Minnesota 2002*, Chapter 374, Article 10, Section 7.

The Department anticipates adding these changes to its MA State plan. Facility-specific rates are available by contacting Barbara Nelson, Minnesota Department of Human Services, Community Supports for Minnesotans with Disabilities, 444 Lafayette Road North, St. Paul, Minnesota 55155-3857; **phone:** (651) 582-1969 or **email:** [barbara.nelson@state.mn.us](mailto:barbara.nelson@state.mn.us)

## Metropolitan Airports Commission

### NOTICE OF PUBLIC HEARING on Adoption of Airfield Use and Humphrey Terminal Ordinance

**NOTICE IS HEREBY GIVEN** that on the 10th day of July, 2002 at 1:00 p.m. at the meeting of the Management & Operations Committee at the General Offices of the Metropolitan Airports Commission, 6040 - 28th Avenue South, Minneapolis, Minnesota, the Commission will hold a public hearing to receive testimony relative to the adoption of:

#### AIRFIELD USE AND HUMPHREY TERMINAL ORDINANCE:

An Ordinance to promote and conserve public safety, health, peace, convenience and welfare, to provide regulation on use of the Minneapolis-St. Paul International Airport - Wold - Chamberlain Field and to control the loading and unloading of passengers and freight thereat; to provide for payment of landing fees by aircraft other than signatory airlines and military aircraft; to provide for payment of Facility Use Fees, Aircraft Parking Fees, and Federal Inspections Services Facility Use Fees at the Humphrey Terminal; pre-scripting the penalty for violation thereof; and to repeal Commission Ordinance No. 95.

Copies of the draft Ordinance may be obtained by contacting:

Tammy Rader  
Metropolitan Airports Commission  
6040 - 28th Avenue South  
Minneapolis, MN 55450  
**Phone:** (612) 794-4466  
**Fax:** (612) 726-5306  
**Email:** [trader@mspmac.org](mailto:trader@mspmac.org)

Written comments will also be accepted at the above address until 12:00 noon on Wednesday, July 17, 2002.

Dated this 24th day of June, 2002.

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

## Taconite Harbor Energy Center

### Notice of Acid Rain Program Designated Representative and Alternate Designated Representative

Pursuant to *Code of Federal Regulations* Title 40, Part 72, notice is hereby given that I am the Designated Representative for Taconite Harbor Energy Center, an Acid Rain Program affected source. The Alternate Designated Representative is Dennis L. Niemi, Minnesota Power, 30 West Superior Street, Duluth, Minnesota. If there are any questions, please call Dennis L. Niemi at **phone: (218) 722-2641**.

Warren L. Candy  
 Vice President Generation Operations  
 Minnesota Power

## Minnesota State Law Library

### Notice of County Law Library Filing Fees

Pursuant to *Minnesota Statutes* 134A.09 and 134A.10, the following law library fees are in effect as of July 1, 2002. Civil fees include probate matters except as noted. Criminal conviction includes felonies, gross misdemeanors, and misdemeanors except as noted.

<u>COUNTY</u>	<u>CIVIL CONCILIATION</u>		<u>CRIMINAL CONVICTION</u>	<u>PETTY MISDEMEANORS</u>
Itasca	\$5.00	\$5.00	\$5.00	\$5.00
Mille Lacs	\$10.00	\$5.00	\$5.00 (on misdemeanors)	\$10.00

## Minnesota Pollution Control Agency

### Division of Policy and Planning

#### REQUEST FOR COMMENTS on Possible Amendment to Rules Governing Water Quality Permit Fees, *Minnesota Rules*, pt. 7002.0250

**Subject of Rules.** The Minnesota Pollution Control Agency (MPCA) requests comments on its possible amendment to rules governing fees for water quality permits. The Agency is considering rule amendments to eliminate the requirement to pay the application fee for requests to change names and addresses on water quality permits.

**Persons Affected.** The amendment to the rules would likely impact owners of industry and business, municipalities, and other entities discharging wastewater to the state's lands or waters or conducting an activity, such as construction or material storage, that has the potential to impair state waters. The MPCA currently has issued approximately 3,500 water quality permits.

**Statutory Authority.** *Minnesota Statutes* § 115.03, subd. 1, paragraph (e) provides MPCA general rulemaking authority to adopt and modify rules. *Minnesota Statutes* § 116.07, subd. 4d, authorizes the MPCA to collect permit fees.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing or orally until 4:30 p.m. on Monday, July 24, 2002. The MPCA does not contemplate appointing an advisory committee to comment on the possible rules.

**Rules Drafts.** Currently, requests from water quality permittees for name or address changes are charged the permit application fee. The application fee is \$85, but will be increasing to \$240 beginning July 1, 2002. This increase was approved by the Legislature and authorized under *2002 Minnesota Session Law*, Chapter 220, article 8, section 15. The MPCA is currently charging a fee for name and address changes only for water quality permits. The agency is planning to propose the elimination of the application fee for these permit changes to make agency fee policy uniform. The MPCA is planning to change the rules as follows to address this issue.

## Official Notices

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### 7002.0250 APPLICATION FEE.

“A person who applies for a permit to construct, install, modify, or operate a facility, or applies for a permit modification as described in part 7001.0190, excluding *name and address changes*, and interim and construction short-form permits issued under chapter 7020, shall submit with the application the appropriate application fee. Failure to submit the fee renders the application incomplete and the agency shall suspend processing of the application until the fee is received. Application fees are nonrefundable.”

**Rulemaking Process.** When the MPCA publishes the intent to adopt notice, two other issues will be added to the effort to amend the water quality permit fee rules. The rules are also being amended to incorporate the fee increases approved by the Legislature during the 2002 Session and to eliminate an obsolete fee table. The Agency is not requesting comments on these additional efforts at this time. Additional information about the water quality permit fee increases that will take effect July 1, 2002, is available on the MPCA web site at <http://www.pca.state.mn.us/water/permits/permit-fees.html>

**Agency Contact Person.** Written comments, questions and requests for more information on these possible rules should be directed to:

Deb Olson  
Minnesota Pollution Control Agency  
Policy and Planning Division  
520 Lafayette Road North  
St. Paul, Minnesota 55155  
**Phone:** (651) 297-7572  
**MN Toll Free:** 1-800-657-3864  
**Fax:** (651) 297-8324  
**Email:** [debbie.olson@pca.state.mn.us](mailto:debbie.olson@pca.state.mn.us)  
**TTY** users may call the Agency teletypewriter at (651) 282-5332 or 1-800-657-3864.

**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.

Dated: 12 June 2002

Karen Studders, Commissioner  
Minnesota Pollution Control Agency

## Minnesota Department of Revenue

### REQUEST FOR COMMENTS on Possible Amendment to Rules Governing the Application of the Sales and Use Tax Laws to Veterinarians, *Minnesota Rules*, part 8130.8700

**Subject of Rules.** The Minnesota Department of Revenue requests comments on its possible amendment to rules governing the application of the Sales and Use Tax Laws to veterinarians. The Department is considering rule amendments that update the current rule in light of statutory changes and explain how the sales and use tax applies to various categories of sales and purchases made by veterinarians.

**Persons Affected.** The amendment to the rules would likely affect veterinarians and those who use their services.

**Statutory Authority.** *Minnesota Statutes*, section 270.06 (14) authorizes the commissioner to adopt rules for the administration and enforcement of state tax laws.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. The Department does not contemplate appointing an advisory committee to comment on the possible rules.

**Rules Drafts.** The Department has not yet prepared a draft of the possible rules amendments.

**Agency Contact Person.** Written comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules should be directed to: Joan Tujetsch at Minnesota Department of Revenue, 600 North Robert Street, Mail Station 2220, St. Paul, MN 55146-2220, **phone:** (651) 296-0853, **fax:** (651) 296-8229, and **email:** [joan.tujetsch@state.mn.us](mailto:joan.tujetsch@state.mn.us). **TTY** users may call the Department at TTY 711.



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

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

Dated: 11 June 2002

Matthew G. Smith, Commissioner  
Department of Revenue

## **United States Department of Agriculture Natural Resources Conservation Service (NRCS)**

### **Request for Comments on Conservation Practice Standards**

The USDA Natural Resources Conservation Service (NRCS) is requesting comments on the proposed revision and development of the following NRCS-Field Office Technical Guide Conservation practice standards:

1. **Soil Salinity Management – Nonirrigated - 571**

Interested individuals or groups may submit comments or information on this draft practice standard in writing or by email until 4:30 p.m., July 12th, 2002.

Written comments, questions, and requests for more information should be addressed to:

Paul Flynn, USDA-NRCS  
375 Jackson St., Suite 600  
St. Paul, MN 55101  
**Phone:** (651) 602-7870  
**Email:** [paul.flynn@mn.usda.gov](mailto:paul.flynn@mn.usda.gov)

William Hunt  
State Conservationist

# 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 Health Environmental Health Division

### Request for Proposals for Indoor Radon Grant

The Minnesota Department of Health (MDH) has obtained a grant from the U.S. Environmental Protection Agency (EPA) to work on radon related activities. MDH has the option to distribute some of these monies to local partners through grant contracts. MDH intends to award grants up to a total of \$200,000 for radon-related projects. Grants will be awarded in amounts ranging from \$3,000 to \$15,000. Grants for projects which serve the entire state or serve as the fiscal agent for more than one county may be awarded up to an additional \$7,000.

Applicants must request application packets by contacting David B.W. Jones at the address below. The application is also available via the Internet at: <http://www.health.state.mn.us/divs/eh/indoorair>. The application packet includes a description of application requirements, forms, and checklists. Previous applicants are reminded that each new application must be complete and stand on its own merits.

#### Key Dates

- Proposals must be postmarked by August 8, 2002, or hand delivered or faxed no later than 4:30 p.m. on August 8, 2002.
- Contracts will be executed by October 1, 2002.
- All grant expenditures must be made and all grant related activities must be completed by September 30, 2003.

#### State Indoor Radon Grants

Proposals will be accepted for the following:

- Promoting radon-resistant new construction;
- Encouraging testing and mitigation in conjunction with real estate transactions;
- Planning and/or promotion of school testing and mitigation, where necessary;
- Promoting and/or developing local indoor air coalitions; or
- Working in under-served areas of the state.\*

*\*For the purposes of this grant contract process, an "under-served area of the state" is defined as a county with a population of less than 100,000 according to Census 2000, OR a municipality or county which has been served not more than twice within the last 5 years by grantees funded by SIRG monies. Census data is available at <http://www.mnplan.state.mn.us/demography/Cen2000redistricting/Cen00ctypopr.html>*

In order to fund projects, MDH is required to provide a 50/50 match. One dollar of non-federal money is required for each dollar the EPA gives Minnesota organizations. MDH will contribute a minimum of \$2,500 toward each successful applicants' matching funds. Applicants must demonstrate that they can provide the remainder of the required match. For example, an applicant for a \$15,000 grant would be required to provide \$12,500 in matching funds.

#### Eligible Applicants

Applicants eligible for this funding include county and city governments, boards of health, universities and colleges, and non-profit organizations.

#### Eligible Costs

- Personnel
- Fringe Benefits
- In-State Travel
- Out-of-State Travel
- Equipment
- Supplies
- Contracts

**Contact Person:**

David B.W. Jones  
Indoor Air Program  
Environmental Health  
121 East Seventh Place, Suite 220  
P.O. Box 64975  
St. Paul, Minnesota 55164-0975  
**Phone:** (651) 215-0886  
**Fax:** (651) 215-0975  
**Email:** david.bw.jones@health.state.mn.us

## Minnesota Department of Human Services State Operated Services Support Division

### Notice of Request for Proposals for Placing Cemetery Grave Markers in State Regional Treatment Center Cemeteries

The Minnesota Department of Human Services (hereafter DHS or State) is requesting proposals for the purpose of placing cemetery grave markers or memorial monuments in the State regional treatment center cemeteries. The project is expected to be completed no later than June 30, 2003. Proposals will be accepted from community-based and statewide organizations. In order to be eligible for this grant the community based and/or statewide organization(s) must include members of local service or charitable organizations, members of the business community, persons with mental illness or developmental disabilities, and to the extent possible, family members of deceased residents of the regional treatment center, and present or former employees of the regional treatment center sites. This project is open to more than one grantee. Services can be provided to more than one cemetery.

A complete Request for Proposal may be obtained by calling or writing:

Debbie Rielley  
Department of Human Services  
State Operated Services Support Division  
444 Lafayette Rd  
St. Paul MN 55155-3826  
**Phone:** (651) 582-1882  
**Fax:** (651) 582-1890  
**Email:** debbie.rielley@state.mn.us

Proposals must be received by **3:00 p.m. on July 15, 2002** to be considered. It is anticipated that the selection and evaluation will be completed by July 29, 2002.

This Request for Proposals does not obligate the State to complete the RFP process or to enter into a grant contract. The State reserves the right to cancel this RFP at any time and for any reason.

## Department of Human Services Community Quality Initiatives

### Requests for Proposals for Community Integrated Personal Care Assistance Services Grant

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Human Services: Community Quality Initiatives (DHS) is issuing a Request for Proposals (RFP) to seek qualified community organization(s) to enter into a grant contract. Qualified organizations may be individual organizations or partnerships of public, private, nonprofit groups or organizations, urban American Indians and American Indian Tribes. The federal Centers for Medicare and Medicaid Services have intended that the grants be used for community-integrated Personal Assistance Services (PAS); referred to as Personal Care Assistant (PCA) Services in Minnesota.

## State Grants & Loans

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The grant will sponsor organizations with approximately \$100,000 per organization or partnership over approximately two years to assist in developing at least three local demonstration projects, called Consumer Initiated Partnership and Support (CIPS) Networks to begin on or about October 31, 2002. These networks will support consumers that use PCA services to: increase networking and support opportunities; increase the pool of personal care assistants; learn about and utilize consumer driven options; achieve greater flexibility and utilization of service hours; and build sustainable consumer-driven service and support models which can be replicated.

CIPS networks will offer consumers of PCA services opportunities for support, back-up options, staff sharing options, and a local PCA registry. Training will be provided to consumers and sponsoring organizations of the CIPS networks, which will outline consumer driven options, including how to perform employer-related functions.

DHS is seeking information from organizations that: have basic knowledge of programs and services for people with disabilities or long-term illnesses, especially PCA services, and are willing to become a PCA Choice provider organization. Responding organizations representing (or partnering with organizations representing) traditionally underserved populations will be given priority consideration.

This is a summary of the RFP, to have a full copy of the RFP mailed to you, or if you need the RFP in an alternative format, such as Braille, large print or audiotape, contact Marsha Nadeau at **phone:** (651) 634-5099.

Organizations are responsible for all costs associated with the preparation, delivery and presentation of materials in response to this RFP. Organizations must not communicate with any DHS staff concerning this RFP, except as provided for in this document, as follows. Any questions, concerns, or communications regarding this RFP should be directed to:

Ann Roscoe  
Minnesota Department of Human Services  
Community Quality Initiatives  
Main Reception Desk  
444 Lafayette Road  
St. Paul, MN 55155-3872  
**Phone:** (651) 634-2282  
**Fax:** (651) 582-1808  
**Email:** [ann.roscoe@state.mn.us](mailto:ann.roscoe@state.mn.us)

Responses will be provided to requesting organizations in writing.

Upon request, DHS will provide responding organizations with technical assistance regarding Requests for Proposals.

An RFP does not create or imply an obligation of DHS to enter into a grant contract.

Deadline for delivery of complete responses is at **4:00 p.m. Central Daylight Time on September 30, 2002**. Responses may be mailed, or hand delivered to the above address.

## State Contracts

**Informal Solicitations:** Effective March 1, 2002, informal solicitations for all contracting opportunities for professional/technical (consultant) contracts with values estimated to be over \$5,000 and under \$50,000 must be posted on the Department of Administration, Materials Management Division web page ([www.mmd.admin.state.mn.us](http://www.mmd.admin.state.mn.us)) and access P/T Contracts.

**Formal Requests for Proposals:** Department of Administration procedures require that formal notice of any professional/technical (consultant service) contract which has an estimated value over \$50,000 must be printed in the *State Register*. Certain quasi-state agencies and Minnesota State Colleges and Universities institutions are by law exempt from these requirements.

### Department of Administration State Designer Selection Board

#### Request for Proposals for New Student Services Center - University of Minnesota, Crookston Campus Designer Selection (Project 02-09)

##### To Minnesota Registered Design Professionals:

The State of Minnesota (State) through its State Designer Selection Board has been requested to select a design team for the above project. Proposals from interested firms must be received by, 11:00 a.m. Monday, July 8, 2002 to:

Terry Lewko, Executive Secretary  
State Designer Selection Board  
Department of Administration  
c/o Materials Management Division  
50 Sherburne Avenue, Room 112  
St. Paul, Minnesota 55155-3000  
**Phone:** (651) 297-1545

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

Questions concerning procedures, or schedule are to be referred to the Executive Secretary at (651) 297-1545. Questions relating to the project are to be referred to the project contact(s) in Item 1.i.

##### **1. PROJECT 02-09**

- a. PROJECT DESCRIPTION:** The University of Minnesota intends to enter into a contract with an outside consultant to provide complete design and construction administration services for a new student services center on the Crookston Campus.

The project will focus on improving the quality of campus life for an increasing student enrollment and on serving the outreach needs of the region. It will continue the campus's emphasis on integrating digital technology into all academic and student activities.

The existing 1921 Bede Hall will be demolished as part of the project. The new Student Services Center will be constructed on the same site. The existing 18,412 G.S.F., three-story building will be replaced with a new 37,550 G.S.F. facility connected on one level to the existing atrium connector and on two levels to Sahlstrom Conference Center. The site on the northeast corner of the historic campus mall will require careful planning for a larger building on a small site constrained by Kiser Hall to the north, Sahlstrom Conference Center to the west, the historic formal mall to the south and the atrium to the southeast. The new facility will be a simple two-story, brick structure connected as it is now with the surrounding buildings. It will house offices for student services and student organizations; meeting rooms; a multi-purpose ball room for both student activities and outreach programs; lounges for study, conversation and relaxation; the campus bookstore; recreational facilities, and public exhibition space. The existing primary interior pedestrian corridor for the campus will be replaced and will run through the building, maximizing access to all the activities.

The image of the new student center and its impact on the historic campus mall will be an important aspect of its design. The new structure will not attempt to replicate Bede Hall, but as per the 2000 Campus Master Plan, will integrate key features, such as its arched windows, pitched roof and limestone-trimmed brick exterior, into the design of the new building.

A detailed pre-design for the project was completed in the summer of 2001. It is the University's plan to have the project ready for bidding by the spring of 2003 and occupied by the fall of 2004.



## State Contracts

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- b. **REQUIRED CONSULTANT SERVICES:** The designer shall have applicable prior experience in the design and construction of similar projects, preferably in a comparable small University campus setting. The firm shall provide examples of current university student union experience. The firm shall have proven experience in working with and directing the efforts of a University building committee. The firm shall demonstrate their use of life cycle costing during the design process. Life-cycle items important to the University include, but are not limited to energy efficiency, sustainability and the maintainability of design, material and equipment selected.

A history of constructability, meeting schedule deadlines, accurate cost estimating and designing within a project budget are critical criteria for selection of a designer. Quality control and complete contract documents are an important element of the selected design team's services. A change order history of recent past projects and how the team addresses this issue should be provided as part of the submittal.

The consultant shall provide examples of completed past projects, including innovative solutions. The consultant shall provide a list of clients and involved contractors for similar projects worked on within the last five years along with the names, phone numbers, email addresses and formal addresses of contact persons.

- c. **SERVICES PROVIDED BY OTHERS:** The scope of the project includes full architectural/engineering services including architectural, mechanical, electrical, voice/data design, structural, civil, landscape architecture, interior design, FF&E design, scheduling, cost estimating, program conformation/refinement and construction administration services. The information contained within the pre-design shall be used as a starting point for the selected consultant.
- d. **SPECIAL CONSIDERATIONS:** None
- e. **PROJECT BUDGET/FEES:** The current construction budget is estimated to be approximately \$4,800,000 (escalated costs to midpoint of construction). The total project costs, including all fees, permits and certain departmental equipment purchases, escalated to the midpoint of construction, have been fixed at a maximum of \$7,700,000. The maximum designer fees available for all phases of the project and as noted in the Services Required paragraph are 9% of the estimated construction costs plus reimbursable expenses. Final total fees shall be negotiated with the selected consultant.
- f. **PROJECT SCHEDULE:** Development of an overall project schedule for the planning of the project is essential to ensure delivery of the Contract Documents by March 2003. It is anticipated that demolition and construction will begin in May 2003 and be completed August 2004. The schedule is a critical element of the project.
- g. **PROJECT PRE-DESIGN INFORMATION:** The comprehensive pre-program/pre-design study is available on line at <http://www.facm.umn.edu/facm/Bede/predesign.pdf>. Photos of the site are also posted at this site for reference. If you are unable to access it, contact Sue Ward at (612) 624-5758 or [wards@facm.umn.edu](mailto:wards@facm.umn.edu). An additional source of information is the University web site at <http://www1.umn.edu/urelate/request> to view the 2002 Capital Request information for Bede Hall.
- h. **PROJECT INFORMATIONAL MEETING (S)/SITE VISIT (S):**  
To be scheduled by the user agency after the firms are shortlisted.

- i. **STATE DESIGNER SELECTION BOARD SCHEDULE:**

*Project Information Meeting and/or Site Visit:*

*Project Proposals Due:*

*Project Shortlist:*

*Project Information Meeting for Shortlisted firms:*

*Project Interviews and Award:*

*To be set by user agency*

**Monday, July 8, 2002, by 11:00 a.m.**

**Tuesday, July 23, 2002**

*To be set by user agency*

**Tuesday, August 6, 2002**

- j. **PROJECT CONTACT (S):**

Questions concerning the project should be referred to:

Charles K. Koncker, AIA  
Facilities Management  
University of Minnesota  
400 Donhowe Building  
319 15th Avenue SE  
Minneapolis, MN 55455-0199  
**Phone:** (612) 624-0828  
**Fax:** (612) 625-0770

**k. SAMPLE CONTRACT (if DSBC project) NOT REQUIRED FOR THIS PROJECT**

The successful responder will be required to execute the State's Basic Services Agreement which contains the State's standard contract terms and conditions, include insurance requirements and compliance with Designer Procedures Manual, Design Guidelines and Computer Aided Drafting (CAD) Guidelines. A copy is available on **Website:** <http://www.dsbc.admin.st.mn.us>

**NOTE TO RESPONDERS: CHANGES MAY HAVE BEEN MADE IN THE FOLLOWING AS OF 11 JUNE 2002.**

**2. PROPOSAL REQUIREMENTS**

- a. 12 copies
- b. 8-1/2 X 11, soft bound, portrait format
- c. Maximum 20 faces (excluding front and back covers and blank dividers)
- d. All pages numbered

**3. PROPOSAL CONTENTS****a. COVER**

- Project name and number
- Prime firm name, address, telephone number, fax number
- Contact person, telephone number, fax number, and email address

**b. COVER LETTER**

Single face letter with original signature (on at least one copy) of principal of prime firm, including:

- Brief overview of proposal
- Statement that proposal contents are accurate to the best knowledge of signatory

**c. INFORMATION ON FIRM (S)**

For prime firm and each consultant firm provide brief description including:

- Name and location
- Year established
- Legal status
- Ownership
- Staffing by discipline
- For firms with multiple offices briefly summarize for each office

**d. PROJECT TEAM**

- Brief statement of team's past or present working relationships

For each team member provide:

- Name and position in firm, include name of firm
- Home base (if in multi-office firm)
- Responsibility on this project
- Years of experience
- Relevant recent experience (if in another firm, so note)
- Registration (including specialty if engineer)

**e. TEAM ORGANIZATION**

If planning or design consultants are a part of the team explain how they will be utilized (e.g. major role during design, absent during construction, etc). Matrix or chart *may* be used.

**f. PROJECT EXPERIENCE**

For architectural, planning, and/or landscape architecture firms, provide examples of relevant projects recently completed or in progress including:

- Photographs, sketches and/or plans
- Name and location
- Brief description (e.g. size, cost, relevance)
- Firm of record

## State Contracts

- Involvement of proposed project team members (*may* be separate matrix; if in another firm so note)
- Completion date or current status

For engineering or technical firms provide examples of relevant projects recently completed or in progress including the above except that photographs, sketches and/or plans are to be for only that portion of the work for which firm was responsible.

### g. APPROACH/METHODOLOGY

Describe your understanding of the project, significant issues to be addressed and your *specific* approach to the planning, design and construction process for *this* project.

### h. UNIQUE QUALIFICATIONS

Briefly summarize your team's unique qualifications for this project.

### i. OTHER REQUIREMENTS

- A statement of commitment to enter into the work promptly, if selected, by engaging the consultants and assigning the persons named in the proposal along with adequate staff to meet requirements of the work.
- A statement indicating that consultants listed have been contacted and have agreed to be a part of the team.
- A completed Affirmative Action Data Page regarding compliance with Minnesota Human Rights Requirements. A copy of the form is available on **Website:** <http://www.dsb.admin.state.mn.us>, click on forms.
- 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 gross 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. The prime firm(s) shall subtract consultant fees from gross fees to determine total net fees using the format below.

PROJECT	(A) GROSS FEES	(B) SUBDESIGNERS PORTION	(C) NET TOTAL PROJECT FEE
<b>TOTAL</b>			

(The total shown in column (A) shall equal the sum of those shown in columns (B) and (C).)

## 4. SELECTION CRITERIA

Criteria for selection shall be as stated in the project description. Technical and aesthetic experience and capabilities are paramount. In addition, the Board seeks equitable distribution of fees among qualified firms and gives consideration to geographical location of firms with respect to project site.

### a. AFFIDAVIT OF NONCOLLUSION

Each responder must attach a completed Affidavit of Noncollusion. A copy of the form is available on **Website:** <http://www.dsb.admin.state.mn.us>, click on forms.

### b. CONFLICTS OF INTEREST

Responder must provide a list of all entities with which it has relationships that create, or appear to create, a conflict of interest with the work that is contemplated in this request for proposals. The list should indicate the name of the entity, the relationship, and a discussion of the conflict.

**c. DISPOSITION OF RESPONSES**

All materials submitted in response to this RFP will become property of the State and will become public record after the evaluation process is completed and a contract executed. If the responder submits information in response to this RFP that it believes to be trade secret materials, as defined by the Minnesota Government Data Practices Act, *Minnesota Statutes* § 13.37, the responder must:

- clearly mark all trade secret materials in its response at the time the response is submitted,
- include a statement with its response justifying the trade secret designation for each item, and
- defend any action seeking release of the materials it believes to be trade secret, and indemnify and hold harmless the State, its agents and employees, from any judgments or damages awarded against the State in favor of the party requesting the materials, and any and all costs connected with that defense. This indemnification survives the State's award of a contract. In submitting a response to this RFP, the responder agrees that this indemnification survives as long as the trade secret materials are in possession of the State.

The State will not consider the prices submitted by the responder to be proprietary or trade secret materials.

Responses to this RFP will not be open for public review until the State decides to pursue a contract and that contract is awarded.

**d. CONTINGENCY FEES PROHIBITED**

Pursuant to *Minnesota Statutes* Section 10A.06, no person may act as or employ a lobbyist for compensation that is dependent upon the result or outcome of any legislation or administrative action.

**e. ORGANIZATIONAL CONFLICTS OF INTEREST**

The responder warrants that, to the best of its knowledge and belief, and except as otherwise disclosed, there are no relevant facts or circumstances that could give rise to organizational conflicts of interest. An organizational conflict of interest exists when, because of existing or planned activities or because of relationships with other persons, the responder is unable or potentially unable to render impartial assistance or advice to the State, or the responder's objectivity in performing the contract work is or might be otherwise impaired, or the responder has an unfair competitive advantage. The responder agrees that, if after award, an organizational conflict of interest is discovered, an immediate and full disclosure in writing must be made to the Assistant Director of the Department of Administration's Materials Management Division, 112 Administration Building, 50 Sherburne Avenue, St. Paul, MN 55155, which must include a description of the action which the contractor has taken or proposes to take to avoid or mitigate such conflicts. If an organization conflict of interest is determined to exist, the State may, at its discretion, cancel the contract. In the event the responder was aware of an organizational conflict of interest prior to the award of the contract and did not disclose the conflict to the contracting officer, the State may terminate the contract for default. The provisions of this clause must be included in all subcontracts for work to be performed similar to the service provided by the prime contractor (consultant), and the terms "contract," "contractor (consultant)," and "contracting officer" modified appropriately to preserve the State's rights.

**f. STATE EMPLOYEES**

In compliance with *Minnesota Statutes* § 16C.07, the availability of this work is being offered to State employees. The State will evaluate the responses of any State employee, along with other responses to this Request for Proposals.

**g. PREFERENCE TO TARGETED GROUP AND ECONOMICALLY DISADVANTAGED BUSINESS AND INDIVIDUALS**

In accordance with *Minnesota Rules* 1230.1810, subpart B and *Minnesota Rules* 1230.1830, certified Targeted Group Businesses or individuals and certified Economically Disadvantaged Businesses or individuals submitting proposals as prime contractors (consultants) will receive up to six percent preference in the evaluation of their proposals. For information regarding certification, contact the Department of Administration, Materials Management Helpline at (651) 296-2600, TTY: (651) 282-5799.

**h. HUMAN RIGHTS REQUIREMENTS**

For all contracts estimated to be in excess of \$100,000, responders are required to complete the attached Affirmative Action Data page and return it with the response. As required by *Minnesota Rules* 5000.3600, "It is hereby agreed between the parties that *Minnesota Statutes* § 363.073 and *Minnesota Rules* 5000.3400 - 5000.3600 are incorporated into any contract between these parties based upon this specification or any modification of it". A copy of *Minnesota Statutes* § 363.073 and *Minnesota Rules* 5000.3400 - 5000.3600 are available on **Website:** <http://www.dsbcc.admin.state.mn.us>

## State Contracts

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- i. **Any changes** in team members for the project requires approval by the State.
- j. **All costs incurred in responding** to this RFP will be borne by the responder. This RFP does not obligate the State to award a contract or complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

## Perpich Center for Arts Education

### Notice of Request for Proposal for Administration of the Comprehensive Arts Planning Program (CAPP)

The Perpich Center for Arts Education is seeking proposals from qualified organizations or individuals who can utilize their expertise to plan and facilitate the Comprehensive Arts Planning Program (CAPP). The Perpich Center is continuing to expand the statewide network of schools, who through an organized planning process, will impact their arts education curriculum thereby transforming education and improving student achievement in and through the arts. This program will continue to build upon the previous learning of the CAPP program which has been in existence in Minnesota for twenty years. The selected organization or individual will have demonstrated experience in, and commitment to, an organized planning process, the ability to utilize community resources, and a thorough, working knowledge of current arts educational practice for K-12 teachers, students, and arts partners.

The specific services to be provided under this contract are outlined in detail in the Evaluation of Comprehensive Arts Planning Program (CAPP) Request for Proposal (RFP) Statement of Project Scope and Tasks. The formal RFP may be requested from:

Michael Hiatt, Director, Professional Development Institute  
Perpich Center for Arts Education  
6125 Olson Memorial Highway  
Golden Valley, Minnesota 55422  
**Phone:** (763) 591-4726  
**Toll free:** 1-800-657-3515

It is anticipated that the cost of the contracted services, as described in the Request for Proposals, to be provided during the contract period August 15, 2002 to June 30, 2003, is \$25,000.

The deadline for submission of proposals is **4:00 p.m., Monday, July 8, 2002**. Faxed proposals will not be considered. Selections may be made by July 15, 2002. Proposals should be submitted to: Michael Hiatt, Director, Professional Development Institute.

## Department of Children Families and Learning

### Office of Community Services

### Notice of Request for Proposal to Develop and Coordinate Financial Policies and Procedures to be Utilized in Conjunction with the Minnesota Electronic Child Care (MEC2) System

The Department of Children, Families and Learning (CFL) is soliciting proposals from qualified parties to develop and coordinate financial policies and procedures to be utilized in conjunction with the MEC2 System.

The Department of Children, Families and Learning has received federal funding for this purpose. The Department will award one contract to an organization or individual with expertise in developing and coordinating financial policies and procedures. Based on continued funding and the State's satisfaction with the work of the vendor, separate subsequent contracts may be awarded for up to a maximum of five years for conducting this project.

The goal of this project, during the first contract period, is to develop, implement and coordinate financial policies and procedures for the MEC2 system. Subsequent contracts may include on-going assessment of financial policies and procedures to assure that payments are issued in accordance with state and federal laws, rules and regulations.

The Department of Children, Families and Learning has estimated that the costs of this project should not exceed \$400,000 over the five-year project period. The cost of the first contract period shall not exceed \$76,000. Subsequent contracts will be negotiated based on the scope of the work.

The first contract period is anticipated to be September 1, 2002 through August 31, 2003 with continuation based upon continued funding and the state's satisfaction with the vendor's performance. The state reserves the right to issue separate, subsequent, annual contracts for up to a maximum of five years for conducting this project. Each separate subsequent contract shall be negotiated between the state and the vendor.

For a complete copy of the complete Request for Proposal, please contact Julie Nash, Department of Children, Families & Learning, 1500 Highway 36 West, Roseville, Minnesota 55113, **phone:** (651) 582-8562, **fax:** (651) 582-8496, **email:** [child.care@state.mn.us](mailto:child.care@state.mn.us)

Completed proposals are due by **3:00 p.m. on July 23, 2002. Late proposals will not be considered.**

In compliance with *Minnesota Statutes* 16B.167, 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.

## Department of Transportation

### District 6 – Rochester

#### **This Request for Proposal (RFP) is to Provide Professional Engineering Services for the Minnesota Department of Transportation (Mn/DOT) Throughout the Trunk Highway (T.H.) 52 Design Build Project in Rochester**

This document is available in alternative formats for persons with disabilities by calling Craig E. Lenz at **phone:** (507) 285-7353 for persons who are hearing or speech impaired by calling the Minnesota Relay Service at 1-800-627-3529.

Responses to this advertisement become public information under the Freedom of Information Act. This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice, and the Department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

Mn/DOT is seeking assistance for oversight of the design, construction, engineering, inspection and administrative functions of the Trunk Highway (T.H.) 52 Design Build Project in Rochester.

The contractor selected, referred to as the **Design Build Oversight Consultant (D.B.O.C.)**, will oversee the activities of the Design Builder and report directly to the Department.

Activities proposed under this contract will include but are not limited to:

1. Design review of all roadway elements contained in the TH 52 Design Build Project
2. Design review of bridges and structures contained in the TH 52 Design Build Project
3. Construction engineering, inspection and testing contained in the TH 52 Design Build Project
4. Assist the Department in the oversight and administration of the Design Build Contract.

The **Design Build Oversight Consultant** must be under contract and available for services by September 3, 2002.

Request for Proposals (RFP) are available by mail, email or in person. **Please submit in writing, a request for the RFP, Mn/DOT's Design Build Oversight Consultant.**

Request for the **RFP** may be mailed or faxed to:

Craig E. Lenz, District Contract Administrator,  
Minnesota Department of Transportation - District 6  
2900 48th Street NW  
Rochester, MN 55901  
**Fax:** (507) 285-7355

In order to obtain the RFP in time, requests for the RFP must be received on or before July 8, 2002, requests made after that date must be in person.

**Note: PROPOSALS WILL BE DUE ON JULY 22, 2002 AT 2:00 P.M. CENTRAL STANDARD TIME.**



## State Contracts

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### Department of Transportation

#### Program Support Group

#### Notice Concerning Professional/Technical Contract Opportunities

**NOTICE TO ALL:** The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT's Consultant Services **website** at: [www.dot.state.mn.us/consult](http://www.dot.state.mn.us/consult)

New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

### Non-State Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State 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.

### Dakota County

#### Notice of Accepting Consultant Proposals for Transitway Corridor Planning Study

The Dakota County Regional Railroad Authority is accepting proposals from consultants to undertake transitway planning studies in the Cedar Avenue Corridor from the Mall of America to Dakota County CASH 70 and extending from Cedar Avenue in the I-35E/I-35 Corridor to Burnsville/Lakeville at CSAH 46. Included are feasibility studies, alternatives analysis, scoping study, and short, medium, and long term improvements study for the corridor. A total of approximately \$900,000 is available to cover costs of corridor study elements. The Minnesota Legislature has appropriated \$500,000 and the Metropolitan Council has designated \$400,000 of state appropriated planning funds for the study.

The contract period will be 18 months.

All proposals are due by **Noon, July 19, 2002.**

To request a copy of the Request for Proposals, which describes in detail the planning study and consultant requirements, contact:

Gene Franchett, Project Manager  
Dakota County Office of Planning, Western Service Center  
14955 Galaxie Avenue  
Apple Valley, Minnesota 55124  
**Phone:** (952) 891-7035  
**Email:** [gene.franchett@co.dakota.mn.us](mailto:gene.franchett@co.dakota.mn.us)

## Metropolitan Council

### Notice of Request for Proposals (RFP) for Life and Disability Insurance

#### Contract 02P071

The Metropolitan Council is requesting proposals for Life and Disability insurance for all employees and certain retired employees. The term of the contract will be up to five years. A tentative schedule for the project is as follows:

<i>Issue Request for Proposals</i>	<b>June 19, 2002</b>
<i>Receive Proposals</i>	<b>July 23, 2002</b>
<i>Contract negotiated, executed, NTP</i>	<b>October 15, 2002</b>

All firms interested in being considered for this project and desiring to receive a RFP package are invited to submit a Letter of Interest to:

Harriet Simmons, Senior Administrative Assistant  
Metropolitan Council Environmental Services  
230 East Fifth Street  
Mears Park Centre  
St. Paul, MN 55101  
**Phone:** (651) 602-1086  
**Fax:** (651) 602-1138  
**Email:** *harriet.simmons@metc.state.mn.us*

Inquiries regarding technical aspects of the project should be directed to Gordon Backlund at **phone:** (651) 602-1801.

*Minnesota Statutes*, Sections 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Proposal or any modifications to it. If a contract for the project is awarded in excess of \$100,000, the requirements of *Minnesota Rules* 5000.3530 will be applicable.

## Metropolitan Council

### Public Sale of Land by Sealed Bid

#### Uptown Minneapolis – 12,490 Square Feet “Landmark” Building

Sealed bids for the sale of property located at 2901 Hennepin Avenue, Minneapolis, Minnesota, will be received in the Office of the General Counsel, Metropolitan Council, Mears Park Center, 7th Floor, 230 East 5th Street, St. Paul, Minnesota 55101.

Sealed bids will be received until **2:00 p.m., Tuesday, July 9, 2002**, at which time and place the proposals will be publicly opened and read aloud.

Bid Forms may be obtained from the Office of the General Counsel for the Metropolitan Council at the above address or by **phone:** (651) 602-1712.

All proposals to be considered must be on Metropolitan Council’s Bid Form and accompanied by a certified check, cashier’s check or money order in the amount not less than ten percent (10%) of the total bid amount.

The Metropolitan Council reserves the right to accept or reject any or all bids.

## 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 Request for Bids/Proposals through its web based Bid Information Services (BIS). Subscriptions to BIS are \$75/year. Visit our web site at *bidinfo.umn.edu* or call the BIS Coordinator at (612) 625-5534.

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

## Non-State Contracts & Grants

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### University of Minnesota

#### Notice of Request for Bid for Construction of a New Storage Building

The University of Minnesota is interested in the construction of a new storage building at the Arboretum in Chanhassen, Minnesota. The estimated construction cost for this building is \$200,000.00. The intent of this Request for Bid (RFB) is to receive, review, clarify, and evaluate the above referenced bids. Our final objective is to select a firm to do the construction of this project.

Bidding Documents may be examined at the following locations:

- WAI Continuum  
381 E. Kellogg Blvd.  
St. Paul, MN 55101
- Builder's Exchanges in Minneapolis and St. Paul, Minnesota
- Construction Bulletin Plan Room, New Hope, Minnesota.
- F. W. Dodge Plan Room, Minneapolis, Minnesota.

Copies of the Bidding Documents may be obtained from:

Metro Sales, Inc.  
162 West 78th St.  
Minneapolis, MN 55423  
**Phone:** (612) 798-1351

in accordance with the Instructions to Bidders, upon making a deposit by check in the amount of \$100.00 made payable to: WAI Continuum

#### Contact for RFB Inquiries:

Direct communications regarding this project to the Architect's / Engineer's Project Manager, Paul Humiston @ WAI Continuum. **Phone:** (651) 227-0644, **fax:** (651) 223-5092, **email:** paulh@waicontinium.com

#### Tentative Schedule of Events

Be advised that these dates are subject to change, as University officials deem necessary.

<b><i>Ad for Request for Bid</i></b>	<b>June 24, 2002, Monday</b>
<b><i>RFB Document Issued</i></b>	<b>June 24, 2002, Monday</b>
<b><i>RFB Response Due at 2p.m.</i></b>	<b>July 2, 2002, Tuesday</b>
<b><i>Work Completion Date</i></b>	<b>120 dates after Notice to Proceed</b>

A visit to the site can be made by appointment only. Contact Jim Miessler, General Maintenance Supervisor at 612-282-3825 at least 24 hours in advance.

Sealed bids will be received by the Regents of the University of Minnesota at:

University of Minnesota  
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 read aloud.

Each prime and subcontract bid shall be accompanied by a bid security of 5% of the maximum amount of the bid in the form of a Surety Bond, certified check, or cashier's check.

The successful prime contract bidder shall furnish Performance and Payment Bonds in the full amount of the contract.

The University reserves the right to reject any and all bids, accept any bid, waive informalities in bids submitted, and waive minor discrepancies in bidding procedures, as it deems to be in its best interest.

Bid result information may be obtained via fax by faxing a request to (612) 624-5796.

The University of Minnesota complies with Equal Employment Opportunity and Affirmative Action Policies for contractors and suppliers.

Questions concerning the Targeted Business and Urban Community Economic Development Programs should be directed to D. Craig Taylor, Director of Community & Economic Development, University of Minnesota, Twin Cities Campus, 110 Morrill Hall, 100 Church Street, Minneapolis, MN 55454, **phone:** (612) 624-0530; **fax:** (612) 625-9056.

The University reserves the right, in its sole discretion, to reject any and all bids, accept any bid, waive informalities in proposals submitted, and waive minor discrepancies between a bid and these bid instructions, as it deems to be in its best interest. Any waiver of the University with respect to the requirements of these bid instructions shall apply only to the particular instance for which it was made or given, and no such waiver shall constitute a permanent or future waiver of such requirements.

## University of Minnesota

### Request for Proposal for Architectural Study

#### I. NOTICE OF REQUEST FOR PROPOSALS

The Minnesota State Legislature has requested that the University of Minnesota prepare a predesign for a joint-use football stadium. This document is to address all issues related to: facility program, site, parking, utilities, transportation, environmental remediation, schedule, design guidelines, project delivery method, mitigation of neighborhood impacts, and project costs. The requested district plan and predesign study will be done under four separate contracts. The University is required by statute to have the final document completed by December 1, 2002.

The University of Minnesota is soliciting proposals for a consultant to work as part of a larger project team and to provide architectural programming, facility planning, urban design, site planning, and predesign document preparation services. The value of this contract is not to exceed \$100,000.

Email or call your request for the full RFP, which will be sent free of charge to interested vendors.

#### II. CONTACT FOR RFP INQUIRIES:

Refer questions to:

##### **PURCHASING SERVICES:**

Chip Foster  
Facilities Management  
400 Donhowe Building  
319 15th Ave. SE  
Minneapolis, MN 55455-1082  
**Phone:** (612) 626-8757  
**Fax:** (612) 624-5796  
**Email:** [fosterc@facm.umn.edu](mailto:fosterc@facm.umn.edu)

#### III. TENTATIVE SCHEDULE OF EVENTS

Be advised that these dates are subject to change, as University officials deem necessary.

<b>State Register Advertisement</b>	<b>June 24, 2002 - Monday</b>
<b>RFP Document Available</b>	<b>June 25, 2002 - Tuesday</b>
<b>Mandatory Pre-Proposal Meeting / Site Visit @ 9 a.m.</b>	<b>July 9, 2002 - Tuesday</b>
<b>All Questions / Inquiries deadline at Noon</b>	<b>July 11, 2002 - Thursday Noon</b>
<b>RFP Response Deadline - Due at Noon</b>	<b>July 16, 2002 - Tuesday Noon</b>
<b>Evaluation &amp; Selection of Short-listed Finalists</b>	<b>July 19, 2002 - Friday</b>
<b>Respondent Presentations &amp; Negotiations</b>	<b>July 30, 2002 - Tuesday 8:00 a.m. - Noon</b>
<b>Contract Award</b>	<b>July 31, 2002 - Wednesday</b>
<b>Conduct Contracted Work</b>	<b>August 1, 2002 - November 4, 2002</b>
<i>Compile Draft Document &amp; Submit to University</i>	<i>October 22, 2002 - Tuesday</i>
<i>Final &amp; Complete Document Due to University</i>	<i>November 4, 2002 - Monday</i>
<b>Final &amp; Complete Document Due to State (by statute)</b>	<b>December 1, 2002 - Sunday</b>

# Non-State Contracts & Grants

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The University reserves the right, in its sole discretion, to reject any and all proposals, accept any proposal, waive informalities in proposals submitted, and waive minor discrepancies between a proposal and these proposal instructions, as it deems to be in its best interest. Any waiver of the University with respect to the requirements of these proposal instructions shall apply only to the particular instance for which it was made or given, and no such waiver shall constitute a permanent or future waiver of such requirements.

## University of Minnesota

### Request for Proposal for Transportation Services

#### I. NOTICE OF REQUEST FOR PROPOSALS

The Minnesota State Legislature has requested that the University of Minnesota prepare a predesign for a joint-use football stadium. This document is to address all issues related to: facility program, site, parking, utilities, transportation, environmental remediation, schedule, design guidelines, project delivery method, mitigation of neighborhood impacts, and project costs. The requested district plan and predesign study will be done under four separate contracts. The University is required by statute to have the final document completed by December 1, 2002.

The University of Minnesota is soliciting proposals for a consultant to work as part of a larger project team and to provide transportation and public works infrastructure planning services. The value of this contract is not to exceed \$100,000.

Email or call your request for the full RFP, which will be sent free of charge to interested vendors.

#### II. CONTACT FOR RFP INQUIRIES:

Refer questions to:

##### **PURCHASING SERVICES:**

Chip Foster  
Facilities Management  
400 Donhowe Building  
319 15th Ave. SE  
Minneapolis, MN 55455-1082  
**Phone:** (612) 626-8757  
**Fax:** (612) 624-5796  
**Email:** [fosterc@facm.umn.edu](mailto:fosterc@facm.umn.edu)

#### III. TENTATIVE SCHEDULE OF EVENTS

Be advised that these dates are subject to change, as University officials deem necessary.

<i>State Register Advertisement</i>	<b>June 24, 2002 - Monday</b>
<i>RFP Document Available</i>	<b>June 25, 2002 - Tuesday</b>
<i>Mandatory Pre-Proposal Meeting / Site Visit @ 9 a.m.</i>	<b>July 8, 2002 - Monday</b>
<i>All Questions / Inquiries deadline at Noon</i>	<b>July 10, 2002 - Wednesday Noon</b>
<i>RFP Response Deadline - Due at Noon</i>	<b>July 16, 2002 - Tuesday Noon</b>
<i>Evaluation &amp; Selection of Short-listed Finalists</i>	<b>July 19, 2002 - Friday</b>
<i>Respondent Presentations &amp; Negotiations</i>	<b>July 29, 2002 - Monday 8:00 a.m. - Noon</b>
<i>Contract Award</i>	<b>July 31, 2002 - Wednesday</b>
<i>Conduct Contracted Work</i>	<b>August 1, 2002 - November 4, 2002</b>
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<i>Final &amp; Complete Document Due to State (by statute)</i>	<b>December 1, 2002 - Sunday</b>

The University reserves the right, in its sole discretion, to reject any and all proposals, accept any proposal, waive informalities in proposals submitted, and waive minor discrepancies between a proposal and these proposal instructions, as it deems to be in its best interest. Any waiver of the University with respect to the requirements of these proposal instructions shall apply only to the particular instance for which it was made or given, and no such waiver shall constitute a permanent or future waiver of such requirements.

# University of Minnesota

## Request for Proposal for Environmental Studies

### I. NOTICE OF REQUEST FOR PROPOSALS

The Minnesota State Legislature has requested that the University of Minnesota prepare a predesign for a joint-use football stadium. This document is to address all issues related to: facility program, site, parking, utilities, transportation, environmental remediation, schedule, design guidelines, project delivery method, mitigation of neighborhood impacts, and project costs. The requested district plan and predesign study will be done under four separate contracts. The University is required by statute to have the final document completed by December 1, 2002.

The University of Minnesota is soliciting proposals for a consultant to work as part of a larger project team and to provide environmental, geotechnical and utility planning services. The value of this contract is not to exceed \$100,000.

Email or call your request for the full RFP, which will be sent free of charge to interested vendors.

### II. CONTACT FOR RFP INQUIRIES:

Refer questions to:

#### **PURCHASING SERVICES:**

Chip Foster  
Facilities Management  
400 Donhowe Building  
319 15th Ave. SE  
Minneapolis, MN 55455-1082  
**Phone:** (612) 626-8757  
**Fax:** (612) 624-5796  
**Email:** [fosterc@facm.umn.edu](mailto:fosterc@facm.umn.edu)

### III. TENTATIVE SCHEDULE OF EVENTS

Be advised that these dates are subject to change, as University officials deem necessary.

<b>State Register Advertisement</b>	<b>June 24, 2002 - Monday</b>
<b>RFP Document Available</b>	<b>June 25, 2002 - Tuesday</b>
<b>Mandatory Pre-Proposal Meeting / Site Visit @ 1 p.m.</b>	<b>July 8, 2002 - Monday</b>
<b>All Questions / Inquiries deadline at Noon</b>	<b>July 10, 2002 - Wednesday Noon</b>
<b>RFP Response Deadline - Due at Noon</b>	<b>July 16, 2002 - Tuesday Noon</b>
<b>Evaluation &amp; Selection of Short-listed Finalists</b>	<b>July 19, 2002 - Friday</b>
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The University reserves the right, in its sole discretion, to reject any and all proposals, accept any proposal, waive informalities in proposals submitted, and waive minor discrepancies between a proposal and these proposal instructions, as it deems to be in its best interest. Any waiver of the University with respect to the requirements of these proposal instructions shall apply only to the particular instance for which it was made or given, and no such waiver shall constitute a permanent or future waiver of such requirements.



# Non-State Contracts & Grants

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## University of Minnesota

### Request for Proposal for Provide Cost Estimating Services

#### I. NOTICE OF REQUEST FOR PROPOSALS

The Minnesota State Legislature has requested that the University of Minnesota prepare a predesign for a joint-use football stadium. This document is to address all issues related to: facility program, site, parking, utilities, transportation, environmental remediation, schedule, design guidelines, project delivery method, mitigation of neighborhood impacts, and project costs. The district plan and predesign study will be done under four separate contracts. The University is required by statute to have the final document completed by December 1, 2002.

The University of Minnesota is soliciting proposals from contractors with recent football stadium construction experience to work as part of a larger project team and to provide cost estimating, schedule development and constructability services. The value of this contract is not to exceed \$25,000.

Email or call your request for the full RFP, which will be sent free of charge to interested vendors.

#### II. CONTACT FOR RFP INQUIRIES:

Refer questions to:

##### **PURCHASING SERVICES:**

Chip Foster  
Facilities Management  
400 Donhowe Building  
319 15th Ave. SE  
Minneapolis, MN 55455-1082  
**Phone:** (612) 626-8757  
**Fax:** (612) 624-5796  
**Email:** [fosterc@facm.umn.edu](mailto:fosterc@facm.umn.edu)

#### III. TENTATIVE SCHEDULE OF EVENTS

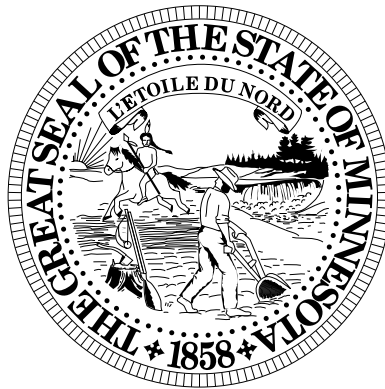
Be advised that these dates are subject to change as University officials deem necessary.

<i>State Register Advertisement</i>	<b>June 24, 2002 - Monday</b>
<i>RFP Document Available</i>	<b>June 25, 2002 - Tuesday</b>
<i>Mandatory Pre-Proposal Meeting / Site Visit @ 1 p.m.</i>	<b>July 9, 2002 - Tuesday</b>
<i>All Questions / Inquiries deadline at Noon</i>	<b>July 11, 2002 - Thursday Noon</b>
<i>RFP Response Deadline - Due at Noon</i>	<b>July 16, 2002 - Tuesday Noon</b>
<i>Evaluation &amp; Selection of Short-listed Finalists</i>	<b>July 19, 2002 - Friday</b>
<i>Respondent Presentations &amp; Negotiations</i>	<b>July 30, 2002 - Tuesday 1:00 p.m. - 5:00 p.m.</b>
<i>Contract Award</i>	<b>July 31, 2002 - Wednesday</b>
<i>Conduct Contracted Work</i>	<b>August 1, 2002 - November 4, 2002</b>
<i>Compile Draft Document &amp; Submit to University</i>	<i>October 22, 2002 - Tuesday</i>
<i>Final &amp; Complete Document Due to University</i>	<i>November 4, 2002 - Monday</i>
<i>Final &amp; Complete Document Due to State (by statute)</i>	<b>December 1, 2002 - Sunday</b>

The University reserves the right, in its sole discretion, to reject any and all proposals, accept any proposal, waive informalities in proposals submitted, and waive minor discrepancies between a proposal and these proposal instructions, as it deems to be in its best interest. Any waiver of the University with respect to the requirements of these proposal instructions shall apply only to the particular instance for which it was made or given, and no such waiver shall constitute a permanent or future waiver of such requirements.

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