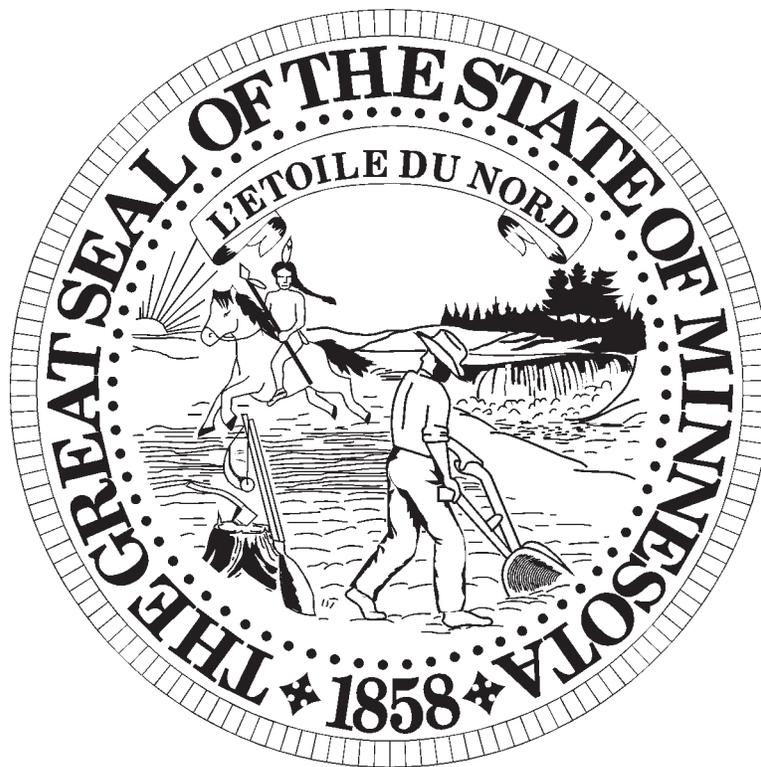


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State Register

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# 24	Monday 12 December	Noon Tuesday 6 December	Noon Wednesday 30 November
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Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 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 Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*.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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Exempt Rules

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

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

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

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only. The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Department of Human Services Licensing Division

Adopted Exempt Permanent Rules Relating to Technical Amendments to Licensing Rules

Adopted Exempt Permanent Rules Relating to Technical Amendments to Licensing Rules, *Minnesota Rules*, parts 9502.0315; 9502.0335; 9502.0341; 9502.0345; 9502.0425; 9503.0005; 9503.0015; 9503.0065; 9503.0075; 9543.0010; 9543.0020; 9543.0050; 9543.0070; 9543.0090; 9543.0100; 9543.0110; 9543.0140; 9543.0150; 9545.0775; 9555.5105; 9555.5505; 9555.5515; 9555.6125; 9555.6145; 9555.6165; 9555.6175; 9555.6195; 9555.9600; and 9555.9730.

ORDER ADOPTING RULES

WHEREAS:

1. *Minnesota Statutes*, section 14.388, subdivision 1, states, "If an agency for good cause finds that the rulemaking provisions of [chapter 14] are unnecessary, impracticable, or contrary to the public interest when adopting, amending, or repealing a rules to...incorporate specific changes set forth in applicable statutes when no interpretation of law is required; or . . . make changes that do not alter the sense, meaning, or effect of a rules, the agency may adopt, amend, or repeal the rule after satisfying the requirements of subdivision 2 and section 14.386, paragraph (a), clauses (1) to (4)."

2. The Department of Human Services for good cause finds that the rulemaking provisions of *Minnesota Statutes*, chapter 14, are

Exempt Rules

unnecessary, impracticable, and contrary to the public interest when adopting the following technical amendments to the above-mentioned rules because the changes listed below either incorporate specific changes set forth in applicable statutes when no interpretation of law is required or do not alter the sense, meaning, or effect of the rules.

3. The Department has complied with all notice and procedural requirements in the exempt rulemaking process, including *Minnesota Statutes*, sections 14.386, paragraph (a), clauses (1) to (4), and 14.388, subdivision 2. The notice and supporting documents can be found at the Department's website.

4. The agency received no written comments and submissions on the rules.

5. The rules are needed and reasonable because they either incorporate specific legislative changes, thereby bringing the rules into conformity with statute, or they clarify the rules without changing their sense, meaning, or effect.

IT IS ORDERED that the abovecaptioned rules, in the form set out in the Revisor's draft, file number RD3467, dated 09/21/05, are adopted pursuant to authority vested in me by *Minnesota Statutes*, section 245A.09, subdivision 1.

Dated: November 15, 2005

Kevin Goodno, Commissioner
Department of Human Services

9502.0315 DEFINITIONS.

[For text of subs 1 to 14, see M.R.]

Subp. 15. **Agent of a board of health.** "Agent of a board of health" as authorized under *Minnesota Statutes*, section 145A.04, means the designated representative of the state or board of health ~~as defined in *Minnesota Statutes*, section 145.02, subdivision 2;~~ authorized to enforce state and local health codes.

[For text of subp 16, see M.R.]

Subp. 17. **License.** "License" means a certificate issued by the commissioner authorizing the provider to give specified services for a specified period of time in accordance with the terms in parts 9502.0315 to 9502.0445; *Minnesota Statutes*, ~~sections 245A.01 to 245A.16, and 252.28, subdivision 2~~ chapter 245A; and the rules of the department.

[For text of subs 18 to 19a, see M.R.]

Subp. 19b. **Minnesota Uniform Fire Code.** "Minnesota Uniform Fire Code" means those codes and regulations adopted by the state fire marshal in accordance with *Minnesota Statutes*, section 299F.011 and contained in ~~parts 7510.0200 to 7510.3000~~ chapter 7510.

[For text of subs 20 and 21, see M.R.]

Subp. 22. **Preschooler.** "Preschooler" ~~means a child at least 30 months of age up to enrollment in the first day of school in the local school district~~ has the meaning given in *Minnesota Statutes*, section 245A.02, subdivision 19, paragraph (e).

[For text of subs 24 to 27, see M.R.]

Subp. 28. **School age.** "School age" ~~means a child ten years of age or younger and enrolled in the first day of kindergarten in the local school district~~ has the meaning given in *Minnesota Statutes*, section 245A.02, subdivision 19, paragraph (f).

[For text of subs 28a to 29a, see M.R.]

Subp. 30. **Toddler.** "Toddler" ~~means a child at least 12 months of age but less than 30 months of age~~ has the meaning given in *Minnesota Statutes*, section 245A.02, subdivision 19, paragraph (d).

[For text of subp 31, see M.R.]

9502.0335 LICENSING PROCESS.

Subpart 1. **License application.** A license to operate a family or group family day care residence must be obtained from the department.

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

C. An application for licensure is complete when the applicant completes, signs, and submits all department forms and documentation needed for licensure to the agency and the agency receives all inspection, zoning, evaluation, and investigative reports, documentation, and information required to verify compliance with parts ~~9545.0315~~ 9502.0315 to 9545.0445 ~~9502.0445~~ and *Minnesota Statutes*.

Subp. 2. **Licensing study.** The applicant shall give the agency access to the residence for a licensing study to determine compliance with parts 9502.0315 to 9502.0445.

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

D. The commissioner or agency may require, prior to licensure, or anytime during the licensed term of day care, a physical, mental illness, or chemical dependency or abuse evaluation of any caregiver or person living in the residence or present during the hours children are in care if the agency has reasonable cause to believe that any of the disqualification factors in subpart 6, item A ~~or B~~, exist, or that the

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provider is not physically able to care for the children. These evaluations, conducted by a licensed physician, psychiatrist, psychologist, consulting psychologist, or certified chemical dependency practitioner or counselor may be used to verify physical or mental illness, chemical dependency or chemical abuse, or behavior that would reflect on the ability of the provider to give day care.

Subp. 4. **Period of licensure; nontransfer.** A license must be issued by the department for up to one year when the provider fully complies with parts 9502.0315 to 9502.0445. The period of licensure may be up to two years. The license must not be transferred to another provider.

Subp. 5. **Provisional Initial license.** An applicant for initial licensure may be granted a provisional license by the department for up to one year two years if all laws and rules cannot be met immediately, the deviations from parts 9502.0315 to 9502.0445 do not threaten the health, rights, or safety of the children, and which will be corrected within the time specified by the commissioner but not to exceed one year two years. Failure to correct deviations within the stated time shall be cause for revocation, suspension, or nonrenewal.

Subp. 6. **Disqualification factors.** An applicant or provider shall not be issued a license or the license shall be revoked, not renewed, or suspended if the applicant, provider, or any other person living in the day care residence or present during the hours children are in care, or working with children:

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

B. [Repealed, L 91 c 38 s 2]

C. Refuses to give written consent for the disclosure of criminal history records as specified in *Minnesota Statutes*, section ~~245A.04, subdivision 3~~ 245C.09.

D. Has a disqualification under *Minnesota Statutes*, section ~~245A.04, subdivision 3~~ 245C.15, that is not set aside under *Minnesota Statutes*, section 245C.22, or for which a variance has not been granted under *Minnesota Statutes*, section 245C.30.

[For text of items E and F, see M.R.]

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

Subp. 8b. [See repealer.]

Subp. 9. **License terms.** The license, ~~whether regular or provisional~~, must indicate:

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

Subp. 10. **Posting license.** The provider shall post the license in the residence in a prominent place.

Subp. 11. **Change in license terms.** The following shall apply to changes in the terms of a license.

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

C. A licensing background study pursuant to *Minnesota Statutes*, section ~~245A.04, subdivision 3~~ shall be completed when there is an addition of any adult or child over the age of ten years who is or will be regularly present in the residence must be initiated and completed as required under *Minnesota Statutes*, chapter 245C.

[For text of subs 12 to 15, see M.R.]

9502.0341 NEGATIVE LICENSING ACTIONS.

Subp. 2. **Definitions.** For the purposes of this subpart, negative licensing actions shall mean denial of application for licensure, issuance of a fine, revocation, ~~nonrenewal~~, ~~probation~~, suspension, or temporary immediate suspension of an existing license.

Subp. 3. **Procedures.** In accordance with *Minnesota Statutes*, section ~~245A.08~~ 245A.06 or 245A.07, failure to comply with parts 9502.0315 to 9502.0445 or the terms of licensure is grounds for a negative licensing action. If the agency recommends a negative licensing action, the agency shall notify the department and the department shall determine if the standards in parts 9502.0315 to 9502.0445 or the terms of licensure have been violated. If the grounds are sufficient, the commissioner shall notify the applicant or provider by certified mail unless personal service is required by subpart 9. The notice must be addressed to the name and location shown on the application or license and contain a statement of, and the reasons for, the proposed action. The notice must inform the applicant or provider of the right to appeal the decision within the specified time period. The applicant or provider shall ~~have an opportunity for a hearing in accordance with *Minnesota Statutes*, sections 14.57 to 14.69~~ be notified of the specific appeal rights provided under chapter 245A.

Subp. 3a. **Fine.** If the commissioner issues a fine, the provider must be informed of the reason for the fine and the right to a contested case hearing under *Minnesota Statutes*, chapter 14, and parts 1400.8505 to 1400.8612 as provided in *Minnesota Statutes*, section 245A.07, subdivision 3.

Subp. 4. **Denial.** If the commissioner denies an application for licensure, the applicant must be informed of the reason the application was denied and the right to appeal the decision within 20 days a contested case hearing under *Minnesota Statutes*, chapter 14, and parts 1400.8505 to 1400.8612 as provided in *Minnesota Statutes*, section 245A.05.

Subp. 5. **Revocation.** If the commissioner ~~proposes to revoke~~ revokes a license, the provider must be informed of the reason for the revocation and the right to appeal the decision within ten days a contested case hearing under *Minnesota Statutes*, chapter 14, and parts 1400.8505 to 1400.8612 as provided in *Minnesota Statutes*, section 245A.07, subdivision 3.

Subp. 6. **See repealer.**

Subp. 7. **See repealer.**

Exempt Rules

Subp. 8. **Suspension.** If the commissioner ~~proposes to suspend~~ suspends a license, the provider must be informed of the reason for the suspension and the right to appeal the decision within ten days a contested case hearing under Minnesota Statutes, chapter 14, and parts 1400.8505 to 1400.8612 as provided in Minnesota Statutes, section 245A.07, subdivision 3.

Subp. 9. **Temporary immediate suspension.** If the commissioner ~~finds that provider's actions or failure to comply with applicable law or rule poses an imminent risk of harm to~~ the health, safety, or rights of the children in care ~~are in imminent danger,~~ the commissioner shall act immediately to temporarily suspend the license. The provider shall be informed by personal service and informed of the right to ~~appeal the decision within five days. The appeal does not stay the decision of the commissioner to immediately suspend the license an expedited hearing under Minnesota Statutes, chapter 14, and parts 1400.8505 to 1400.8612 as provided in Minnesota Statutes, section 245A.07, subdivisions 2 and 2a.~~

Subp. 10. **Notice to parents of negative recommended action.** As soon as the county recommends revocation, suspension, ~~probation, a conditional license, or temporary immediate suspension action,~~ a notice of the circumstances for the action, but not the identity of a child, other than the parent's own, shall be sent by the agency to the parents of children in care. ~~If a license is not immediately suspended and the provider remains in operation and appeals the decision of the commissioner exercises a right to a hearing,~~ the provider must give a copy of the Notice of and Order for Hearing on the appeal to the parents of any child currently enrolled or seeking admission to the residence.

Subp. 11. **Reapplication after revocation or nonrenewal denial.** A provider whose license has been revoked ~~or not renewed~~ because of noncompliance with applicable laws or rules, shall not be granted a new license for five years following revocation ~~or nonrenewal.~~ ~~The department may grant a variance to this provision and issue a license after two years following revocation or nonrenewal if the applicant then substantially meets all provisions of parts 9502.0315 to 9502.0445.~~ When the commissioner initiates ~~a negative licensing an~~ action against a provider for any of the grounds specified in part 9502.0335, subpart 6 ~~to revoke a license,~~ the provider may not voluntarily withdraw his or her license without written assurance from the provider that he or she is voluntarily accepting revocation and will not reapply for ~~two five~~ years. An applicant whose application was denied shall not be granted a new license for two years following a denial, unless the applicant's subsequent application contains new information which constitutes a substantial change in the condition that caused the previous denial.

9502.0345 AGENCY RECORDS.

Subpart 1. **Agency records.** The agency shall maintain the following records for each provider:

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

H. Arrest, conviction, or criminal history records ~~from the Minnesota Bureau of Criminal Apprehension, county attorney, sheriff, local police department, national criminal history record repositories, other public and private social service agencies, and juvenile, municipal, and district courts on any person living or working in the day care residence~~ information and substantiated maltreatment information used to disqualify an individual required to have a background study under Minnesota Statutes, chapter 245C.

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

9502.0425 PHYSICAL ENVIRONMENT.

[For text of subs 1 to 18, see M.R.]

Subp. 19. **Smoking prohibited in group family child care home.** Pursuant to Minnesota Statutes, section 144.414, subdivision 2, smoking is prohibited in a group family child care provider's home during hours of operation.

9503.0005 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 9503.0005 to 9503.0170.

Subp. 2. **Age category.** "Age category" means the designation given a child according to the child's age. The age categories are as follows:

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

D. "School age child" ~~means a child who has at least attended the first day of kindergarten but is less than 13 years old~~ has the meaning given in Minnesota Statutes, section 245A.02, subdivision 16.

The age designation given a child may be further modified in accordance with part 9503.0040, subpart 4.

Subp. 3. **Applicant.** "Applicant" means a person, corporation, partnership, voluntary association, or other organization that has applied for licensure under Minnesota Statutes, chapter 245A, section 252.28, subdivision 2; and parts 9503.0005 to 9503.0170. The term includes license holders that have applied for a new license to continue operating a child care program after the expiration date of their current license.

[For text of subs 4 to 14, see M.R.]

Subp. 15. **License.** "License" means a certificate issued by the commissioner authorizing the license holder to operate a child care program in a center for a specified period of time in accordance with the terms of the license, rules of the commissioner, and provisions of Minnesota Statutes, chapter 245A, and section 252.28, subdivision 2.

Subp. 16. **License holder.** “License holder” means the individual, corporation, partnership, voluntary association, or other organization legally responsible for the operation of the child care program in a center that has been granted a license by the commissioner under *Minnesota Statutes*, chapter 245A; ~~section 252.28, subdivision 2,~~ and parts 9503.0005 to 9503.0170.

[For text of subs 17 to 21, see M.R.]

Subp. 21a. **School age child care program.** “School age child care program” has the meaning given in *Minnesota Statutes*, section 245A.02, subdivision 17.

[For text of subs 22 to 24, see M.R.]

Subp. 25. **Supervision.** “Supervision” occurs when a program staff person is within sight and hearing of a child at all times so that the program staff person can intervene to protect the health and safety of the child has the meaning given in *Minnesota Statutes*, section 245A.02, subdivision 18.

[For text of subp 26, see M.R.]

9503.0015 OPTIONS FOR CHILD CARE PROGRAMS.

A license holder must provide one or more of the following child care programs:

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

B. A “drop-in child care program” means a child care program that operates for more than 30 days in any 12-month period and is not excluded by *Minnesota Statutes*, section 245A.03, subdivision 2. The program is not a day program and does not provide care to any child for more than five hours in any one day and 40 hours in any one calendar month. The center where the program operates is licensed exclusively to provide a drop-in child care program and does not have a regularly scheduled, ongoing child care program with a stable enrollment has the meaning given in *Minnesota Statutes*, section 245A.02, subdivision 6a.

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

E. A “school age child care program” has the meaning given in *Minnesota Statutes*, section 245A.02, subdivision 17.

9503.0065 CHILD CARE FOR CHILDREN WITH SPECIAL NEEDS.

Subpart 1. **Definition.** “Child with special needs” for purposes of this part means a child at least six weeks old but younger than 13 years old who:

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

B. has been identified by the local school district as a handicapped child as specified in *Minnesota Statutes*, section 125A.02, subdivision 1, and has an individual education plan specifying child care to be provided by the center according to *Minnesota Statutes*, sections section 125A.05 and 125A.06; or

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

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

Subp. 3. **Individual child care program plan.** When a license holder admits a child with special needs, the license holder must ensure that an individual child care program plan is developed to meet the child’s individual needs. The individual child care program plan must be in writing and specify methods of implementation and be reviewed and followed by all staff who interact with the child.

If the child has mental retardation or a related condition or is otherwise eligible for case management as specified in subpart 1, item A, then the individual child care plan must be coordinated with the child’s individual service plan developed under parts 9525.0004 to 9525.0036.

If the child has a handicap as specified in subpart 1, item B, then the individual child care plan must be coordinated with the child’s individual education plan developed under *Minnesota Statutes*, ~~sections 125A.03 to 125A.24~~ chapter 125A.

If the child has a special need determined under subpart 1, item C, the individual child care plan must be coordinated with reports from the licensed physician, licensed psychiatrist, licensed psychologist, or licensed consulting psychologist. The individual child care plan must be evaluated at least annually by the licensed physician, licensed psychiatrist, licensed psychologist, or licensed consulting psychologist and with the child’s parent to determine if the needs of the child are being met.

Subp. 4. **Service contracts.** The license holder must have copies of all service contracts with the center for care or services provided under parts 9525.0004 to 9525.0036 and *Minnesota Statutes*, ~~sections 125A.03 to 125A.24~~ chapter 125A, when the care or service is provided to a child while at the center.

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

9503.0075 DROP-IN AND SCHOOLAGE CHILD CARE PROGRAM PROGRAMS.

Subpart 1. **Exemptions for drop-in and school age child care programs.** A license holder operating a drop-in or school age child care program as defined in part 9503.0015 must comply with parts 9503.0005 to 9503.0170 with the following exceptions:

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

Subp. 2. **Supervision.** A drop-in and school age child care program must:

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

Exempt Rules

Subp. 3. **Staff ratios; drop-in programs.** The minimum ratio of staff persons to children that a license holder may maintain in a drop-in program is:

- A. for infants ages six weeks through 16 months, one staff person for every four infants;
- B. for children ages 17 months through 29 months, one staff person for every seven children; and
- C. for children ages 30 months through 12 years, one staff person for every ten children.

Subp. 3a. **Staff ratios; school age programs.** A school age program must maintain a minimum staff ratio as provided in Minnesota Statutes, section 245A.14, subdivision 6, paragraph (f).

Subp. 4. **Exception to staff ratio for ages 30 months through 12 years in a drop-in program.** The number of children per staff person specified in subpart 3 for a drop-in program may be increased only with children ages 30 months through 12 years, only by a maximum of four children, and only for a time period, not to exceed 20 minutes, required for additional staff to arrive at the center. A center that exceeds the ratio in subpart 3, item C, must be able to document having staff persons who, as a condition of their employment, are on call to come to the center as needed and arrive at the center within 20 minutes after receiving notification to report.

Subp. 5. **Age category grouping; drop-in programs.**

Whenever the total number of children present to be cared for at a drop-in child care center is more than 20, ~~children younger than 30 months must be cared for in an area that is physically separated from older children. All children 30 months old and older may be cared for in the same group in the same area~~ the center shall comply with Minnesota Statutes, section 245A.14, subdivision 6, paragraph (e).

Subp. 5a. **Care provided to siblings.** A drop-in child care program may group siblings together as provided in Minnesota Statutes, section 245A.14, subdivision 6, paragraph (k).

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

9543.0010 PURPOSE AND APPLICABILITY.

Subpart 1. **Purpose.** The purpose of parts 9543.0010 to 9543.0150, is to promote uniform enforcement of rules governing licensure of family day care, adult foster care, family adult day services, and child foster care programs and to establish minimum standards for performing licensing functions related to those rules.

[For text of subs 2 and 3, see M.R.]

9543.0020 DEFINITIONS.

[For text of subs 1 to 10, see M.R.]

Subp. 10a. **Family adult day services.** “Family adult day services” means the services defined in Minnesota Statutes, section 245A.143, subdivision 1.

[For text of subs 11 to 14, see M.R.]

Subp. 15. **Negative licensing action.** “Negative licensing action” means denial of a license application ~~or probation~~, issuance of a fine, or suspension, revocation, or temporary immediate suspension of an existing license.

[For text of subs 16 to 17, see M.R.]

Subp. 18. **Program.** “Program” means family day care, child foster care, ~~or adult foster care~~ or family adult day services programs.

[For text of subs 19 to 21, see M.R.]

9543.0050 VARIANCE REQUESTS.

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

Subp. 2. **Variance procedures.** Except as provided in subpart 3, a request for a variance must be submitted in writing by the applicant or license holder.

~~Except for variance authority granted to a county agency under part 9502.0335, subpart 8b~~ For variances excluded from the delegation authority under Minnesota Statutes, section 245A.16, subdivision 1, the agency shall forward to the commissioner within ten working days of receipt of the request the information in subpart 1 and the agency’s recommendation to approve or deny the request.

The commissioner shall send a written decision to grant or deny the variance request to the applicant or license holder and to the agency.

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

9543.0070 INVESTIGATIONS OF LICENSED PROGRAMS.

[For text of subs 1 to 3, see M.R.]

Subp. 4. **Reports of death.** The agency shall ensure that the death of a person served by a program is reported to the medical examiner or coroner and ombudsman as required in Minnesota Statutes, sections 626.556, subdivision 9, and 626.577 626.557, subdivision 9 9a.

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

9543.0090 CORRECTION ORDERS AND CONDITIONAL LICENSE.

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

Subp. 5. **Conditional license.** The agency may recommend a conditional license if:

A. on the basis of factors in part 9543.0100, subpart 1, the agency demonstrates that revocation or suspension of the license is not warranted;

B. the agency demonstrates that continued operation of the program:

(1) is in the best interests of persons served by the program; and

(2) would not pose a risk of harm to persons served by the program; and

C. the agency submits to the commissioner a plan for monitoring the program to ensure the safety of persons served during the conditional license.

9543.0100 RECOMMENDING NEGATIVE LICENSING ACTIONS.

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

Subp. 2. **Temporary immediate suspension of license.** ~~If the agency has reasonable cause to believe that license holder's actions or failure to comply with applicable law or rule poses an imminent risk of harm to the health, safety, or rights of persons served by a program are in imminent danger,~~ the agency must take actions described in items A to C:

A. The agency shall notify the commissioner immediately.

B. ~~If the commissioner orders an a temporary immediate suspension,~~ the agency shall arrange for delivery, by personal service, of written notice of temporary immediate suspension to the license holder. The notice shall state:

(1) the reason for the temporary immediate suspension;

(2) that the program must discontinue operation immediately;

(3) the license holder's right to appeal and a contested case an expedited hearing; and

(4) that the commissioner has taken the action.

C. The agency shall make a recommendation for further action to the commissioner.

Subp. 3. **Revocation or denial of license.** Violations that are grounds for recommending license revocation or denial include, but are not limited to:

A. immediate suspension of a license under subpart 2;

B. ~~a disqualification disqualifying crime or conduct listed in Minnesota Statutes, section 245A.04, subdivision 3d 245C.15 that has not been set aside under Minnesota Statutes, section 245C.22, or for which a variance has not been granted under Minnesota Statutes, section 245C.30,~~ or in rules governing the program;

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

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

Subp. 5. [See repealer.]

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

9543.0110 ENFORCING ORDERS OF COMMISSIONER.

[For text of subs 1 and 2, see M.R.]

Subp. 3. **Programs on probation conditional status.** ~~The agency shall monitor programs on probation a program whose license is on conditional status~~ for compliance with the plan developed under part ~~9543.0100~~ 9543.0090, subpart 5. If a the program fails to comply with the terms of its probation conditional license, the agency shall immediately report the noncompliance to the commissioner.

9543.0140 COUNTY CERTIFICATION.

Subpart 1. **County agency certification.** The commissioner shall ~~biennially~~ determine whether a county agency is in compliance with parts 9543.0040 to 9543.0130 at least once every four years. When the county agency is in compliance with parts 9543.0040 to 9543.0130, the commissioner shall certify the county agency for ~~two~~ four years.

[For text of subs 2 to 9, see M.R.]

9543.0150 PRIVATE AGENCY AUTHORIZATION.

Subpart 1. **Private agency authorization.** The commissioner shall ~~at least biennially~~ determine private agencies' compliance with parts 9543.0040 to 9543.0070, 9543.0090 to 9543.0110, and 9543.0130. When a private agency is in compliance with parts 9543.0040 to 9543.0070, 9543.0090 to 9543.0110, and 9543.0130, the commissioner shall authorize the private agency to perform licensing functions delegated under part 9543.0030, subpart 2, for a period up to ~~two~~ four years. The authorization shall specify the effective and expiration dates of the authorization.

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

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9545.0775 LICENSURE.

Subpart 1. **License required.** An agency that provides a service or performs an activity described in subpart 2 must be licensed under parts 9545.0755 to 9545.0845. In addition to other requirements, an individual, corporation, partnership, voluntary association, other organization, or controlling individual applying for a license to place children for adoption must comply with *Minnesota Statutes*, section 245A.04, subdivision 10.

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

9555.5105 DEFINITIONS.

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

Subp. 5. **Adult foster home.** “Adult foster home” means a residence operated by an operator who, for financial gain or otherwise, provides 24 hour foster care to no more than four functionally impaired residents and a residence with five or six residents as authorized under *Minnesota Statutes*, section 245A.11, subdivision 2a.

Subp. 6. **Applicant.** ~~“Applicant” means the operator seeking a license to operate an adult foster home~~ has the meaning given in *Minnesota Statutes*, section 245A.02, subdivision 3.

[For text of subs 7 to 19, see M.R.]

Subp. 20. **Legal representative.** “Legal representative” means a person appointed by the court as a guardian or conservator of an adult under *Minnesota Statutes*, sections 525.539 to 525.6198 or chapter 252A, or a health care agent appointed by a principal in a health care power of attorney to make health care decisions as provided in *Minnesota Statutes*, chapter 145C.

[For text of subs 21 to 25, see M.R.]

Subp. 26. **Minnesota Uniform Fire Code.** “Minnesota Uniform Fire Code” means those codes and regulations adopted by the fire marshal under *Minnesota Statutes*, section 299F.011 and ~~parts 7510.3100 to 7510.3280~~ chapter 7510.

[For text of subs 27 to 29, see M.R.]

Subp. 30. **Related.** “Related” ~~means any of the following relationships by marriage, blood, or adoption: spouse, parent, grandparent, brother, sister, stepparent, stepsister, stepbrother, uncle, aunt, grandchild, child, niece, and nephew~~ has the meaning given to “individual who is related” in *Minnesota Statutes*, section 245A.02, subdivision 13.

[For text of subs 31 to 38, see M.R.]

Subp. 39. **Vulnerable Adults Act.** “Vulnerable Adults Act” means *Minnesota Statutes*, ~~section~~ sections 626.557 and 626.5572.

9555.5505 LOCAL AGENCY ORIENTATION AND TRAINING ROLE.

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

Subp. 2. **Orientation.** The local agency shall provide three hours of orientation to a foster home operator and caregivers prior to the placement of the first resident following initial licensure. The orientation training must include training on requirements of the Vulnerable Adults Act contained in *Minnesota Statutes*, ~~section~~ sections 626.557 and 626.5572; parts 9555.8000 to 9555.8500; and the general provisions of parts 9555.5105, and 9555.6105 to 9555.6265.

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

9555.5515 RECORD ON THE RESIDENCE.

A record for the residence licensed as an adult foster home shall be maintained by the commissioner and contain:

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

N. a record of any substantiated complaints of ~~abuse and neglect~~ maltreatment as defined in *Minnesota Statutes*, section ~~626.557~~ 626.5572, subdivision 15, and any corrective action taken under parts 9555.7100 to 9555.7700; and

O. a copy of the facility abuse prevention plan required under the Vulnerable Adults Act.

9555.6125 LICENSING STUDY.

[For text of subs 1 and 2, see M.R.]

Subp. 3. **Study of applicant.** A study of the applicant shall be conducted by the commissioner under items A to D.

A. The applicant shall provide the commissioner with a completed, signed form as required by *Minnesota Statutes*, ~~section 245A.04, subdivision 7~~ chapter 245C, for the disclosure of ~~arrest, conviction, and criminal history records~~ for each caregiver, household member ~~over the age of 13 and over~~, and each owner, partner, board member, and employee who will be involved in the operation of the adult foster home. The form must disclose the person’s full name and all previous or additional names, date of birth, the specific nature of information to be disclosed, who will receive the information, and who will disclose it. The commissioner shall seek the assistance of the Minnesota Bureau of Criminal Apprehension, the county attorney, and sheriff or chief of police in the locality where the person resides in determining the person’s arrest, conviction, or criminal history record. If the person has not resided in the state for five years, the form shall also be sent to a national criminal history repository. In the case of a household member who is nine years of age but under the age of 14, the

Exempt Rules

commissioner shall ascertain from the local court of jurisdiction whether the juvenile has been adjudicated as a delinquent for any of the acts specified in subpart 4, ~~items item D and E.~~

B. The applicant who is an individual shall provide social history information to the commissioner about each household member. "Social history information" means information on education; employment; financial condition; military service; marital history; strengths and weaknesses of household relationships; mental illness; chemical dependency; hospitalizations; involuntary terminations of parental rights; the use of mental retardation services; felony, gross misdemeanor or misdemeanor convictions, arrests or admissions; and substantiated reports of ~~neglect or abuse~~ maltreatment.

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

Subp. 4. **Qualifications.** Operators, caregivers, and household members must meet the qualifications in items A to G.

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

D. Operators, caregivers, and household members must not have a disqualification under *Minnesota Statutes*, section ~~245A.04, subdivision 3d 245C.15, that is not set aside under *Minnesota Statutes*, section 245C.22, or for which a variance has not been granted under *Minnesota Statutes*, section 245C.30.~~

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

[For text of subs 5 and 6, see M.R.]

Subp. 7. **Period of licensure; nontransfer.** A license shall be issued by the commissioner for up to ~~one year~~ two years when the applicant complies with parts 9555.6105 to 9555.6265. A license is not transferable to another operator or residence.

Subp. 8. **Provisional Initial license.** An applicant for initial licensure may be granted ~~a provisional~~ an initial license by the commissioner for up to ~~one year~~ two years if the laws and rules cannot be complied with immediately, and if the deviations from parts 9555.6105 to 9555.6265 do not threaten the health, rights, or safety of a resident. All deviations must be corrected within the time specified by the commissioner but not exceeding one year. Failure to correct deviations within the stated time shall be cause for revocation of a license or a fine or both.

Subp. 9. **Variance procedure.** An applicant or operator may request a variance from compliance with parts 9555.5105 and 9555.6105 to 9555.6265. A request for a variance must comply with and be handled according to the following procedures:

A. An applicant or operator must submit a written request for a variance to the commissioner. The request must include:

[For text of subitems (1) and (2), see M.R.]

(3) the period for which the applicant or operator requests a variance; ~~and~~

(4) the specific equivalent alternative measures that the applicant or operator will provide so the health, rights, and safety of residents are ensured if the variance is granted; ~~and~~

(5) if applicable, any items specified in *Minnesota Statutes*, section 245A.11, subdivision 2a or 7.

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

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

Subp. 11. **License terms.** A license, ~~whether regular or provisional,~~ must show:

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

[For text of subp 12, see M.R.]

Subp. 13. **License renewal review.** Before the expiration of a license, the commissioner must conduct a study of the operator and an inspection of the residence to determine compliance with parts 9555.5105 and 9555.6105 to 9555.6265 at least once every ~~12~~ 24 months to determine whether a new license shall be issued.

9555.6145 NEGATIVE LICENSING ACTIONS.

Subpart 1. **Definition.** For the purposes of this part, "negative licensing action" means denial of ~~application for licensure~~ a license, revocation, ~~probation~~, suspension, or ~~temporary~~ immediate suspension of an existing license, ~~or issuance of a fine.~~

Subp. 2. **Procedures.** In accordance with *Minnesota Statutes*, section ~~245A.08~~ 245A.07, failure to comply with parts 9555.5105 and 9555.6105 to 9555.6265 or the terms of licensure is grounds for a negative licensing action. If the local agency recommends a negative licensing action, the local agency shall notify the department and the department shall determine if the standards in parts 9555.5105 and 9555.6105 to 9555.6265 or the terms of licensure have been violated. If the grounds are sufficient, the commissioner shall follow the procedures in *Minnesota Statutes*, ~~section~~ sections 245A.07 and 245A.08, and notify the applicant or operator by certified mail, unless personal service is required by ~~subpart 7.~~ The notice of negative licensing action must be addressed to the name and location shown on the application or license and contain a statement of, and the reasons for, the proposed negative licensing action. The notice of negative licensing action must inform the applicant or operator of the right to appeal the decision. The applicant or operator shall have an opportunity for a hearing under *Minnesota Statutes*, ~~sections 14.57 to 14.69~~ chapter 14, and parts 1400.8505 to 1400.8612.

Subp. 3. **Denial.** If the commissioner denies ~~an application for licensure~~ a license, the ~~commissioner must give the applicant~~ applicant must tell the commissioner of the applicant's appeal of the decision within 20 days after receipt of the notice of the license denial and right to appeal as provided in *Minnesota Statutes*, section 245A.05.

Exempt Rules

Subp. 4. ~~**Fine, revocation, probation, or suspension.**~~ If the commissioner revokes a license, makes a license probationary, or suspends a license ~~or issues a fine, the commissioner must give the operator must tell the commissioner of the operator's appeal of the decision within ten days after receipt of the notice of revocation, probation, or suspension notice of the licensing action and the right to appeal as provided in *Minnesota Statutes*, section 245A.07.~~

Subp. 5. ~~**Temporary immediate suspension.**~~ If the commissioner finds that operator's actions or failure to comply with applicable law or rule poses an imminent risk of harm to the health, safety, or rights of the residents in care ~~are in imminent danger,~~ the commissioner shall ~~act~~ immediately to temporarily suspend the license and notify the local agency to remove the residents. The operator shall be notified ~~informed~~ by personal service and ~~must tell the commissioner of the operator's appeal of the decision within five days after receipt of the notice of immediate suspension informed of the right to an expedited hearing under *Minnesota Statutes*, chapter 14, and parts 1400.8505 to 1400.8612 as provided in *Minnesota Statutes*, section 245A.07, subdivisions 2 and 2a.~~ The appeal does not stay the decision of the commissioner to temporarily immediately suspend the license.

Subp. 7. ~~**Notice of negative licensing action.**~~ At the time the commissioner notifies the operator of a proposed negative licensing action, the commissioner shall notify residents and residents' legal representatives of the proposed negative licensing action and of the operator's right to appeal. The notification procedures in *Minnesota Statutes*, section 626.557, subdivision 10, paragraph (a), shall be followed in situations alleging ~~abuse or neglect maltreatment~~ of residents.

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

9555.6165 CAPACITY.

Subpart 1. ~~**Licensed capacity.**~~ Except as provided in *Minnesota Statutes*, section 245A.11, a maximum of four residents may live in the adult foster home at one time.

Subp. 2. ~~**Capacity of roomers and residents.**~~ Except as provided in *Minnesota Statutes*, section 245A.11, the total number of roomers and residents in the adult foster home at one time shall not exceed four.

9555.6175 COOPERATE AND REPORT TO AGENCIES.

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

Subp. 2. ~~**Abuse and neglect Maltreatment reporting.**~~ Caregivers shall immediately report any suspected ~~abuse or neglect maltreatment~~ of a resident to the commissioner, local agency, local police, or county sheriff as required by *Minnesota Statutes*, sections 626.557 and 626.5572, the Vulnerable Adults Act.

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

9555.6195 PROHIBITIONS AGAINST ABUSE, NEGLECT, MALTREATMENT AND DISCRIMINATION.

Subpart 1. ~~**Protection from neglect and abuse maltreatment.**~~ The operator shall ensure that residents are protected from ~~abuse and neglect maltreatment~~ through compliance with the Vulnerable Adults Act and parts 9555.8000 to 9555.8500.

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

9555.9600 DEFINITIONS.

[For text of subs 1 and 2, see M.R.]

Subp. 3. ~~**Adult day care.**~~ "Adult day care" means a program of services provided to functionally impaired adults for a period of less than 24 hours during the day. Adult day care is intended to maintain functionally impaired adults in the community and to prevent or delay institutionalization ~~has the meaning given in *Minnesota Statutes*, section 245A.02, subdivision 2a.~~

[For text of subs 4 to 31, see M.R.]

9555.9730 PHYSICAL PLANT AND SPACE REQUIREMENTS.

Subp. 2. ~~**Determination of occupancy code.**~~ The occupancy code requirements for a center shall be determined according to items A to D the Minnesota State Fire Code adopted under chapter 7510.

A. Centers serving only participants who are capable of taking appropriate action for self-preservation under emergency conditions shall meet all applicable building and fire code requirements relative to either group E3 occupancies or group I occupancies as specified in the State Building Code. When one or more participants enrolled are nonambulatory but mobile, the center meeting group E3 occupancy code requirements must be located on a floor level with an exit directly to grade without any intervening stairs.

B. Centers serving a population that includes both participants who are capable and participants who are not capable of taking appropriate action for self-preservation under emergency conditions shall meet occupancy code requirements specified either under subitem (1) or (2):

(1) all applicable building and fire code requirements relative to group I occupancies as specified in the State Building Code; or

(2) all applicable building and fire code requirements relative to group E3 occupancies as specified in the State Building Code; and

Exempt Rules

- (a) the center shall meet the staff ratio requirements in part 9555.9690;
 - (b) not more than 50 percent of the center's licensed capacity shall be made up of participants who are not capable of taking appropriate action for self-preservation under emergency conditions;
 - (c) the center shall be located on a floor level with all exits directly to grade without any intervening stairs;
 - (d) the center shall be protected with a complete automatic detection system consisting of:
 - i. automatic smoke detectors in all corridors and at the top of all stairways, and
 - ii. automatic detectors in boiler and furnace rooms, kitchens, storage rooms, janitor closets, laundries, and other hazardous areas.This system shall be inspected and approved by a fire marshal. In buildings equipped with manual fire alarm systems, the manual fire alarm and automatic detection systems shall be electrically interconnected; and
 - (e) the center shall demonstrate to the commissioner the ability to evacuate the entire center population within three minutes.
- C. Centers serving only participants who are not capable of taking appropriate action for self-preservation under emergency conditions shall meet all applicable building and fire code requirements relative to group I occupancies as specified in the State Building Code.
- D. The center shall provide the commissioner, the building official, and the fire marshal with the documentation required in part 9555.9660, subpart 1, item K, if the center is to meet the occupancy code requirements under item A or B, subitem (2).
- [For text of subs 3 to 8, see M.R.]

REPEALER. Minnesota Rules, parts 9502.0335, subpart 8b; 9502.0341, subparts 6 and 7; and 9543.0100, subpart 5, are repealed.

Department of Labor and Industry

Occupational Safety and Health Division

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

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

NOTICE IS HEREBY GIVEN that the Department of Labor and Industry, Occupational Safety and Health Division (Minnesota OSHA) proposes to adopt the following revisions to the Department of Labor and Industry, Occupational Safety and Health Rules, as authorized under *Minnesota Statutes* § 182.655 (2004). This notice proposes the adoption by reference of amendments to Occupational Safety and Health Standards that have already been proposed and adopted by the Federal Occupational Safety and Health Administration (Federal OSHA).

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

Any person may file with the Commissioner written objections to the proposed amendments stating the grounds for those objections and may request a public hearing. A public hearing will be held if 25 or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period. Requests for hearing must include the name and address of the person submitting the request, define the reasons for the request, and discuss any proposed changes. If a public hearing is required, the Department will proceed according to the provisions of *Minnesota Statutes* § 182.655 and *Minnesota Rules* 5210.0020 to 5210.0100.

Written comments or requests for a public hearing should be sent to: Occupational Safety and Health Division, Department of Labor and Industry, 443 Lafayette Road, St. Paul, Minnesota 55155-4307.

M. Scott Brener, Commissioner

SUMMARY OF CHANGES

The following is a brief summary of the proposed amendments. The list of federal standards being proposed for adoption follow this summary. To review the complete *Federal Register* notices referenced below, visit www.osha.gov.

(A) “Updating OSHA Standards Based on National Consensus Standards; General, Incorporation by Reference; Hazardous Materials, Flammable and Combustible Liquids; General Environmental Controls, Temporary Labor Camps; Hand and Portable Powered Tools and Other Hand-Held Equipment, Guarding of Portable Powered Tools; Welding, Cutting and Brazing, Arc

Exempt Rules

Welding and Cutting; Special Industries, Sawmills; final rule.” Federal OSHA published a final rule in the September 13, 2005, *Federal Register*, revoking references to outdated industry and national consensus standards.

OSHA is revoking references found in its standards on Temporary Labor Camps, Guarding of Portable Power Tools, Sawmills, Flammable and Combustible Liquids, and Arc Welding and Cutting, all of which reference outdated consensus or industry standards.

Eliminating these outdated references clarifies employer obligations and reduces administrative burdens for employers and OSHA. OSHA intends to continue updating standards that reference consensus standards issued over 30 years ago so that they reflect the advances in technology and work processes. The standards revisions became effective at the federal level on November 14, 2005.

By this notice, Minnesota OSHA proposes to adopt the final rule as published in the *Federal Register* on September 13, 2005.

Rules as Proposed

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

Subpart 1. **Title 29.** The Minnesota Department of Labor and Industry Occupational Safety and Health Codes and rules are amended by incorporating and adopting by reference, and thereby making a part thereof, Title 29 of the *Code of Federal Regulations* as listed in subparts 1a to 7.

[For text of subp 1a, see M.R.]

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

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

BB. *Federal Register*, Volume 70:

(1) *Federal Register*, Vol. 70, No. 3, pages 11121144, dated January 5, 2005: “Standards Improvement Project Phase II; final rule.”

(2) *Federal Register*, Vol. 70, No. 176, pages 53925-53929, dated September 13, 2005: “Updating OSHA Standards Based on National Consensus Standards; General, Incorporation by Reference; Hazardous Materials, Flammable and Combustible Liquids; General Environmental Controls, Temporary Labor Camps; Hand and Portable Powered Tools and Other Hand-Held Equipment, Guarding of Portable Powered Tools; Welding, Cutting and Brazing, Arc Welding and Cutting; Special Industries, Sawmills; final rule.”

[For text of subs 3 to 7, see M.R.]

Expedited Emergency Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited emergency rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Expedited emergency rules are effective upon publication in the State Register, and may be effective up to seven days before publication under certain emergency conditions.

Expedited emergency rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these expedited emergency rules detail the agency's rulemaking authority.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules: Spring Wild Turkey Hunting

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of the rules is *Minnesota Statutes*, sections 97A.137, 97A.435, 97B.711, and 97B.723.

The emergency conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, are that annual turkey population and harvest data needed for setting quotas and areas are not available until August.

Dated: November 10, 2005

Gene Merriam, Commissioner
Department of Natural Resources

Expedited Emergency Rules

6236.0811 WILD TURKEY PERMIT AREA DESCRIPTIONS.

This part supersedes part 6236.0810 from January 2, 2006, to July 1, 2006. Wild turkey permit areas are comprised of registration blocks with the same numbers, as established in part 6232.4700, except as follows:

- A. wild turkey permit area 425 consists of registration blocks 425 and 435;
- B. wild turkey permit area 451 consists of registration blocks 451, 452, and 453; and
- C. wild turkey permit area 454 consists of registration blocks 454 and 455.

6236.1060 TURKEY HUNT QUOTAS.

Subpart 1. **Open wild turkey permit areas and permit quotas by time period.** The following wild turkey permit areas are open for the 2006 spring wild turkey season with the quotas on numbers of permits per time period established below:

2006 Spring Wild Turkey Permit Area Quotas

Wild Turkey Permit Area Number	Time Period							
	A	B	C	D	E	F	G	H
	April 12 - 16	April 17 - 21	April 22-26	April 27 - May 1	May 2 - 6	May 7 - 11	May 12 - 18	May 19 - 25
157	5	5	5	5	5	5	5	5
159	5	5	5	5	5	5	5	5
221	20	20	20	20	20	20	20	20
222	5	5	5	5	5	5	5	5
223	80	80	80	80	80	80	80	80
225	100	100	100	100	100	100	100	100
227	60	60	60	60	60	60	60	60
228	50	50	50	50	50	50	50	50
235	15	15	15	15	15	15	15	15
236	105	105	105	105	105	105	105	105
244	35	35	35	35	35	35	35	35
248	5	5	5	5	5	5	5	5
249	20	20	20	20	20	20	20	20
337	55	55	55	55	55	55	55	55
338	85	85	85	85	85	85	85	85
339	80	80	80	80	80	80	80	80
341	225	225	225	225	225	225	225	225
342	225	225	225	225	225	225	225	225
343	160	160	160	160	160	160	160	160
344	140	140	140	140	140	140	140	140
345	200	200	200	200	200	200	200	200
346	325	325	325	325	325	325	325	325
347	150	150	150	150	150	150	150	150
348	175	175	175	175	175	175	175	175
349	450	450	450	450	450	450	450	450
410	75	75	75	75	75	75	75	75
411	60	60	60	60	60	60	60	60
412	45	45	45	45	45	45	45	45
413	10	10	10	10	10	10	10	10
414	20	20	20	20	20	20	20	20
415	70	70	70	70	70	70	70	70
416	10	10	10	10	10	10	10	10
417	40	40	40	40	40	40	40	40

Expedited Emergency Rules

Wild Turkey Permit Area Number	Time Period							
	A	B	C	D	E	F	G	H
	April 12 - 16	April 17 - 21	April 22-26	April 27 - May 1	May 2 - 6	May 7 - 11	May 12 - 18	May 19 - 25
418	65	65	65	65	65	65	65	65
419	40	40	40	40	40	40	40	40
420	7	7	7	7	7	7	7	7
422	5	5	5	5	5	5	5	5
424	5	5	5	5	5	5	5	5
425	60	60	60	60	60	60	60	60
426	5	5	5	5	5	5	5	5
427	10	10	10	10	10	10	10	10
428	15	15	15	15	15	15	15	15
429	30	30	30	30	30	30	30	30
431	5	5	5	5	5	5	5	5
433	5	5	5	5	5	5	5	5
440	75	75	75	75	75	75	75	75
442	160	160	160	160	160	160	160	160
443	70	70	70	70	70	70	70	70
446	5	5	5	5	5	5	5	5
447	5	5	5	5	5	5	5	5
448	7	7	7	7	7	7	7	7
449	7	7	7	7	7	7	7	7
450	7	7	7	7	7	7	7	7
451	5	5	5	5	5	5	5	5
454	5	5	5	5	5	5	5	5
456	5	5	5	5	5	5	5	5
457	5	5	5	5	5	5	5	5
458	5	5	5	5	5	5	5	5
459	25	25	25	25	25	25	25	25
461	84	84	84	84	84	84	84	84
462	95	95	95	95	95	95	95	95
463	20	20	20	20	20	20	20	20
464	27	27	27	27	27	27	27	27
465	33	33	33	33	33	33	33	33
466	60	60	60	60	60	60	60	60
467	45	45	45	45	45	45	45	45

Subp. 2. Permits for disability hunts.

A. For wild turkey permit area 223, one additional permit per time period is available for individuals with disabilities participating in a special hunt on the Sand Prairie Wildlife Management Area. Capable Partners is the sponsoring nonprofit organization.

B. For wild turkey permit area 225, two additional permits per time period are available for individuals with disabilities participating in a special hunt on the Becklin Homestead Park Wildlife Management Area. Capable Partners, the Isanti County Sportsman’s Club, and the National Wildlife Turkey Federation Triple Gobble Chapter are the sponsoring nonprofit organizations.

C. For Camp Ripley Military Reservation, within wild turkey permit area 248, up to an additional 40 permits shall be issued for individuals with disabilities for May 3 and 4 for taking bearded turkey using legal shotguns, muzzle loading shotguns, or archery equipment. One nonhunting mentor shall accompany each disabled hunter. The St. Cloud Veterans Administration is the sponsoring organization.

D. For wild turkey permit area 337, two additional permits per time period are available for individuals with disabilities participating in a special hunt on the Minnesota Valley National Wildlife Refuge. Capable Partners is the sponsoring nonprofit organization.

Expedited Emergency Rules

REPEALER. *Minnesota Rules*, part 6236.1060, subparts 1 and 2, published in the *State Register*, volume 29, page 597, November 22, 2004, are repealed.

EFFECTIVE PERIOD. *Minnesota Rules*, part 6236.0811, is effective January 2, 2006, and expires July 1, 2006. *Minnesota Rules*, part 6236.1060, subparts 1 and 2, expire July 1, 2006.

Executive Orders

The governor has the authority to issue written statements or orders, called Executive Orders, as well as Emergency Executive Orders. The governor's authority is specified in the *Constitution of the State of Minnesota*, Article V, and in *Minnesota Statutes* § 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

Office of the Governor

Emergency Executive Order # 05-18: Providing for Assistance to Western Minnesota Local Civil Authorities

I, **TIM PAWLENTY, GOVERNOR OF THE STATE OF MINNESOTA**, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this emergency executive order:

WHEREAS, on the evening of November 28, 2005, severe weather lashed through the western half of Minnesota; and
WHEREAS, the fast moving winter storm included heavy rains, snow, and high winds and resulted in icing, blizzard conditions, closed roads and power outages; and

WHEREAS, the local authorities do not have adequate local resources for providing necessary power generation, mobility and humanitarian relief; and

WHEREAS, local civil authorities have requested emergency power generation assets and personnel from the Minnesota National Guard;

NOW, THEREFORE, I hereby order that:

1. The Adjutant General of Minnesota order to state active duty on or about November 29, 2005, in the service of the State, such personnel and equipment of the military forces of the State as required and for such period of time as necessary to assist and support of emergency power generation and related humanitarian services in Western Minnesota.
2. The Adjutant General is authorized to purchase, lease or contract goods or services necessary to accomplish the mission.
3. The cost of subsistence, transportation, fuel, pay and allowances of said individuals shall be defrayed from the general fund of the State, as provided for in *Minnesota Statutes* 2002, Sections 192.49, 192.52 and 192.54.

Pursuant to *Minnesota Statutes* 2004, Section 4.035, Subdivision 2, this Order is effective immediately and shall remain in effect until such date as elements of the military forces of the State are no longer required.

IN TESTIMONY WHEREOF, I have set my hand this 30th day of November, 2005.

Signed: **TIM PAWLENTY, Governor**

Filed According to Law:

Signed: **MARY KIFFMEYER, Secretary of State**

Executive Orders

Office of the Governor

Emergency Executive Order # 05-19: Providing for Emergency Assistance to South Dakota; Relief for Motor Carriers Operating in Minnesota

I, **TIM PAWLENTY, GOVERNOR OF THE STATE OF MINNESOTA**, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this emergency executive order:

WHEREAS, the recent winter storm in South Dakota has resulted in widespread power outages which threaten life and property within that state; and

WHEREAS, emergency assistance of motor carriers is needed to transport utility service vehicles and utility service materials from other states across Minnesota into communities in South Dakota; and

WHEREAS, to further relief efforts in South Dakota, that state has requested that Minnesota waive application of certain federal and state registration, permit and tax requirements related to motor carriers during the period of emergency;

NOW, THEREFORE, I hereby order that:

1. A state of emergency exists in South Dakota that requires relief from the motor carrier registration and fuel trip permit fee requirements incorporated in *Minnesota Statutes*, 2004, Sections 168.187 subd. 17 and 168D.12, and the *Code of Federal Regulations* Parts 390 through 395, for those carriers that are assisting with the transportation of utility supplies and material required during relief efforts.

2. Nothing herein shall be construed to relieve motor carriers and drivers from other applicable laws or regulations except where relief is provided by proper authority.

3. Utility service companies while operating under this order, may not operate vehicles deemed to be unsafe upon the highways of Minnesota.

4. The Commissioner of the Department of Public Safety is directed to coordinate with the appropriate state agencies and officials in South Dakota in relation to the administration of this order and to address with South Dakota officials any needed amendments to inter-state compacts and agreements relating to interstate registration and reciprocity for motor carriers providing emergency assistance.

Pursuant to *Minnesota Statutes* 2004, Section 4.035, Subdivision 2, this executive order is effective immediately for those carriers providing direct assistance to the emergency relief effort and shall remain in effect until the conclusion of the emergency, but no later than 11:59 p.m. Central Standard Time on December 5 2005. Direct assistance to the emergency relief effort terminates when a motor vehicle is used for a purposes not dedicated to the relief effort or the return of the motor vehicle to its home state.

IN TESTIMONY WHEREOF, I have set my hand this 30th day of November 2005.

Signed: **TIM PAWLENTY, Governor**

Filed According to Law:

Signed: **MARY KIFFMEYER, Secretary of State**

Office of the Governor

Emergency Executive Order # 05-20: Providing for Relief for Motor Carriers Operating in Minnesota

I, **TIM PAWLENTY, GOVERNOR OF THE STATE OF MINNESOTA**, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this emergency executive order:

WHEREAS, the recent winter storm in Western Minnesota, North Dakota and South Dakota has resulted in widespread power outages which threaten life and property; and

WHEREAS, emergency assistance of motor carriers is needed to transport utility service materials including utility poles to communities in Western Minnesota, North Dakota and South Dakota; and

WHEREAS, to further relief efforts in Minnesota and the other states, local authorities and officials from South Dakota have requested that Minnesota waive application of certain weight and size limits in relation to motor carriers assisting in relief efforts;

NOW, THEREFORE, I hereby order that:

1. Divisible loads consisting of power poles, utility poles or communications poles will be allowed to exceed the legal weight limits defined in *Minnesota Statutes*, 2004, Sections 169.822 and 169.824 by up to ten percent (10%) for gross vehicle weight, single and axle group weights during the course of providing direct relief to affected communities in Western Minnesota, South Dakota and North Dakota that are without electric power.

2. Non-divisible loads up to 10 feet wide and 14 feet high are exempt from obtaining permits required under *Minnesota Statutes*, 2004, Section 169.86.

3. Nothing herein shall be construed to relieve motor carriers and drivers from other applicable laws or regulations except where relief is provided by proper authority.

4. Utility service companies while operating under this order may not operate vehicles deemed to be unsafe upon the highways of Minnesota.

Pursuant to *Minnesota Statutes* 2004, Section 4.035, Subdivision 2, this executive order is effective immediately for those carriers providing direct assistance to the emergency relief effort and shall remain in effect until the conclusion of the emergency, but no later than 11:59 p.m. Central Standard Time on December 14, 2005. Direct assistance to the emergency relief effort terminates when a motor vehicle is used for a purposes not dedicated to the relief effort.

IN TESTIMONY WHEREOF, I have set my hand this 30th day of November 2005.

Signed: **TIM PAWLENTY, Governor**

Filed According to Law:

Signed: **MARY KIFFMEYER, Secretary of State**

Official Notices

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

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

Minnesota Board of Dentistry

REQUEST FOR COMMENTS on Proposed Amendments to Rules Governing Licensure of Internationally Educated Dentists, Terms and Renewal of Licensure and Registration, Administration of General Anesthesia, Conscious Sedation, and Nitrous Oxide Inhalation Analgesia, Professional Development, Audit Process of Portfolio, Registered Dental Assistants, and Dental Hygienists, *Minnesota Rules*, 3100.0100, 3100.1400, 3100.1450, 3100.1700, 3100.3600, 3100.5100, 3100.5300, 3100.8100, 3100.8500, and 3100.8700

Subject of Rules. The Minnesota Board of Dentistry requests comments on its proposed amendments to rules governing definitions; licensure by credentials; licensure of internationally educated dentists; renewal procedures; administration of general anesthesia, conscious sedation, and nitrous oxide; professional development; auditing of professional development portfolios; duties and levels of supervision relating to dental hygienists, registered dental assistants, and dental assistants with a limited registration; and other minor technical corrections in certain rules. The board is considering changes to these various rules which range from minor technical changes to necessary comprehensive changes. See Rules Draft below.

Persons Affected. The proposed rules would likely affect dentists, dental hygienists, registered dental assistants, and dental assistants with a limited registration; also impacted by the rule changes would be internationally educated dentists.

Statutory Authority. *Minnesota Statutes*, section 150A.04, subdivision 5, authorizes the board to adopt rules to carry out and make effective the provisions and purposes of sections 150A.01 to 150A.12, in accordance with Chapter 14.

Public Comment. Interested persons or groups may submit comments or information to the agency contact person listed below on these proposed rules in writing or verbally until 4:30 p.m. on February 3, 2006. The board shall direct all comments to the board's Executive Committee for review. The board's Executive Committee will schedule a public meeting during the comment period.

Rules Draft. The Minnesota Board of Dentistry has prepared and posted a draft of the proposed rule changes on the board's official website. The website address is www.dentalboard.state.mn.us. Persons interested in a paper copy of the draft of rule changes should contact the agency directly.

Agency Contact Person. Written comments, questions, or requests to receive a draft of the rules and requests for more information on these proposed rules should be directed to: Kathy Johnson at Minnesota Board of Dentistry, University Park Plaza, 2829 University Avenue SE, Suite 450, Minneapolis, Minnesota 55414-3249, **Phone:** (612) 617-2554 or (888) 240-4762 (outside metro), **Fax:** (612) 617-2260, or directed by **E-mail:** kathy.t.johnson@state.mn.us. Minnesota Relay Service for hearing impaired: (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 if and 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. If you submit comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Department of Human Services Vacancies on Medicaid Citizens' Advisory Committee

Pursuant to title 42, part 431, section 12 (42 CFR §431.12) of the *Code of Federal Regulations* governing the Medicaid Program, the Minnesota Department of Human Services seeks applications from Medicaid (Medical Assistance) clients and others interested in serving on the Medicaid Citizens' Advisory Committee. The purpose of the committee is to ensure that continued high quality health and medical services are provided to low-income persons. The committee, representing Medicaid clients, advises the Department and helps define what the Medicaid Program should be in relationship to future technological needs. Specifically, the committee explores designated problem areas, evaluates Department programs, makes specific recommendations and resolutions, and contributes to the formulations of Department policy and standards.

In the past two years, the committee heard presentations about and advised the Department on: the Department's health care proposals, including a proposed new payment system for nursing facilities, health care legislation, and the Health Care Services Study; Medicaid mental health services; the Department's health care transportation contracting initiative; policies governing estate claims and liens, and recovery of Alternative Care payments; marketing materials of the Department's health plan contractors; the Minnesota Disability Health Options (MnDHO) and Minnesota Senior Health Options (MSHO) Medicaid waivers; the Department's 2005 draft Quality Assessment and Performance Improvement Strategy ensuring the delivery of quality managed care health care; and the new Medicare pharmacy benefit's impact on Medicare beneficiaries and clients eligible for both Medicare and Medicaid.

New members will be appointed for the years 2006-2007. Committee meetings are typically held quarterly at the Department of Human Services, 444 Lafayette Road North, St. Paul, Minnesota. Employees of the State of Minnesota (except for employees of the Department of Health) and private persons or organizations under contract to the Department of Human Services for administrative services will not be appointed to the committee.

For further information, contact Stephanie Schwartz, Minnesota Department of Human Services at (651) 431-2187. TTY/TDD users can call the Minnesota Relay Service at 711 or 1-800-627-3529. Letters of interest should be sent to: Stephanie Schwartz, Federal Relations, Health Care Administration, Minnesota Department of Human Services, P.O. Box 64983, St. Paul, Minnesota 55164-0983. Letters of interest will be accepted until Monday, January 9, 2006.

Public Employees Retirement Association (PERA)

Notice of Meeting of the Board of Trustees

A meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) will be held on Thursday, December 8, 2005, at 9:30 a.m., in the PERA offices, 60 Empire Drive, Room 117, Saint Paul, Minnesota.

Office of Secretary of State

Notice of Publication of 2005 Open Appointments Annual Compilation and Statistical Report

The Office of the Secretary of State has published the Fiscal Year 2005 Open Appointments Annual Compilation and Statistical Report. The full publication is available on the OSS website at: <http://www.sos.state.mn.us/home/index.asp?page=360>

Vacancies are published one time per month. Current vacancies can be found on the OSS website at:

<http://www.sos.state.mn.us/home/index.asp?page=308>.

You may join our e-mail list-serve by submitting your e-mail address to Majordomo@state.mn.us. Leave the Subject line blank. In the body of the e-mail please type: **Subscribe open-appointments-press-release \ (your e-mail address)**. Please remove any automatic signature.

If you are unable to subscribe, please send your e-mail address to: Open.appointments@state.mn.us.

For further information please contact Nancy Breems at (651) 297-5845.

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 Human Services

Request for Proposals to Fund Transition to Adulthood-Homeless Prevention for Youth who are currently in Out-of-Home Placement Age 16 or Older and Youth Ages 18 to 21 Who Have Been in an Out-of-Home Placement Since the Age of 16

The Minnesota Department of Human Services, through its Child Safety and Permanency Division (“State”), is seeking Proposals from qualified non-profit service providers (“Responders” or Applicants”) to fund support services that promote healthy transition to adulthood and prevent homelessness for youth who are currently in out-of-home placement (foster care, group home or correctional facility) and are age 16 or older and youth ages 18 to 21 who have experienced an out-of-home placement since the age of 16. This legislation is part of the strategy to improve the outcomes for youth transitioning from an out-of-home placement.

Minnesota non-profit agencies are eligible for funding under this legislation. \$2,170,240 has been appropriated for the biennium (July 1, 2005 - June 30, 2007). To be eligible for funding applicants must have the capacity and a realistic plan to deliver supportive services that promote a healthy transition to adulthood and prevent homelessness for youth currently in, or who have experienced an out-of-home placement.

The nature of this funding requires partnerships between non-profit agencies and county social services to integrate housing and support services for youth who are currently in out-of-home placement or who are homeless or precariously housed and have experienced an out-of-home placement since the age of 16.

The objective of this RFP is to contract with qualified Responder(s) to perform the tasks and services set forth in this RFP. The term of any resulting contract is anticipated to be from early 2006 until June 30, 2007, when funds must be expended.

Proposals will be accepted until 4:00 p.m. on January 13, 2006. 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. All costs incurred in responding to this RFP will be borne by the Responder.

A Responders’ Conference will be held on December 16, 2005, at 10:30 a.m. Central Standard Time at the Minnesota Department of Human Services in Rooms 1A & B, 444 Lafayette Rd. N in St. Paul, Minnesota. The conference will serve as an opportunity for Responders to ask specific questions of State staff concerning the RFP. Attendance at the Responders’ Conference is not mandatory but is recommended. Oral answers given at the conference will be non-binding. Written responses to questions asked at the conference will be sent to all identified prospective Responders after the conference.

A complete version of the RFP can be found on the Minnesota Department of Human Services Web Site at http://www.dhs.state.mn.us/RFP_GRANTS/default.htm.

All submissions, questions, concerns or communications regarding this RFP must be addressed to:

Attention: Beth Holger
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-1216
Phone: (651) 297-3634
Fax: (651) 297-1949
Questions may also be **e-mailed** to: beth.holger@state.mn.us

State Contracts

Informal Solicitations: Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) Web site. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD Web site at www.mmd.admin.state.mn.us for informal solicitation announcements.

Formal Solicitations: Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements

Department of Administration

Notice of Intent to Obtain Bids for Flood Damage at the Centennial Office Building

The state intends to obtain bids in the near future for flood damage at the Centennial Office Building at 658 Cedar Street in St. Paul. Repairs will include drywall, wallpaper, painting, carpet and other trades common to water damage losses. The agency contact is Gordy Specht, (651) 201-2328, **Fax:** (651) 297-5158, **E-mail:** gordy.specht@state.mn.us.

Department of Administration

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About \$3 billion a year - that's what the *State Register* brings you state government business and contracts. Subscriptions cost about \$3.50 per issue or \$180 a year. Here's what you receive:

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Colleges and Universities, Minnesota State (MnSCU)

Lake Superior College

REBID: Sealed Bids Sought for Academic & Student Services Addition

Reference Number: C2312

RESPONSE TO THIS SOLICITATION IS DUE NO LATER THAN: 3:00 PM, Tuesday, December 20, 2005 CDT.

PRE-BID MEETING DATE: Wednesday 14 December 2005 at 1:30 PM CDT - Not Mandatory.

MEETING DETAILS: Pre-bid meeting will be held in Room W-1658 at Lake Superior College. The Architect/Engineer and Owner Representatives will review the bidding procedures, Bidding Documents and other conditions with interested Bidders and answer questions.

CONTACT PERSON: Kevin Holm

CONTACT PHONE: (218) 727-8446

LOCATION OF WORK: Lake Superior College Campus

DEPOSIT: \$250 refundable in 14 days if returned

DESCRIPTION: Project Scope: Addition of a 45,000 SF, 2-story cast-in-place building with masonry exterior. Complete sets only of bid forms and Drawings and Spec's for use by Bidders in submitting a bid may be obtained at: LHB Architects, 21 W. Superior

State Contracts

Str., Suite 500, Duluth, MN 55802. A deposit of \$250 is required for each set refundable if returned within 14 days. Prospective bidders requesting complete sets of bid documents to be mailed to them, may send a separate non-refundable payment of \$25 per set for shipping and handling in addition to the deposit of \$250 to the Architect (LHB).

FURTHER DESCRIPTION: Bid forms, Contract Documents, Drawings and Specifications as prepared by the Project Architect, LHB are on file at the offices of the following: above named Project Architect; Builders Exchanges: Duluth Builders Exchange, 802 Garfield Ave., Duluth, MN 55802; St. Paul Builders Exchange, 445 Farrington Street, St. Paul, MN 55103; Minneapolis Builders Exchange, 1123 Glenwood Ave., Minneapolis, MN 55405; St. Cloud Builders Exchange, 110 - 6th Ave. S., St. Cloud, MN 56301; Mid-Minn Builders Exchange, 2104 E. Hwy 12, Willmar, MN 56201. Offices of: McGraw Hill Construction/Dodge Plan Center, 4530 W. 77th St., Edina, MN 55435; Nat Assoc of Minority Cont of Upper Midwest, 2781 Freeway Blvd., Brooklyn Center, MN 55430.

Date this Solicitation Was Posted: October 11, 2005 - 10:18:47 A.M.

Colleges and Universities, Minnesota State (MnSCU)

Minneapolis Community & Technical College

NOTICE OF INTENT to issue Request for Proposals for Owners Representative Services for Design/Construction of the Science/Allied Health Renovation Project on the Campus of Minneapolis Community & Technical College

Description: The project anticipates approx. 86,000 gross square feet of remodeling and 5,500 gross square feet of new construction at the Main Campus in downtown Minneapolis. Total project budget will be approx. \$19,000,000.

Pre-bid meeting: Optional pre-bid meeting will be held Monday December 12, 2005 in Room T.0600 in T Building at 1415 Hennepin Ave.

Deadline for proposals: 3:00 p.m. Monday December 19, 2005

Contact for Proposal copies: Jean Alaspa
Phone: (651) 793-1700
Email: jean.alaspa@metrostate.edu

Deliver proposals to: Attn: Michael Noble-Olson/Purchasing Manager
Minneapolis Community & Technical College
Business Office – T Building Room T2700
1415 Hennepin Avenue
Minneapolis, MN 55403
Phone: (612) 659-6866

Colleges and Universities, Minnesota State (MnSCU)

Winona State University

Request for Proposals for Feasibility Study and Capital Campaign Consulting Services

NOTICE IS HEREBY GIVEN that Winona State University will receive sealed proposals for Feasibility Study and Capital Campaign Consulting Services.

Proposal specifications will be available December 5, 2005 by contacting the Purchasing Department at PO Box 5838, 205 Somsen Hall, Winona, MN 55987, e-mail: sschmitt@winona.edu or by calling (507) 457-5067.

There will be a mandatory vendor meeting at 1:00 P.M. CST on December 19, 2005.

Responders may attend via conference call or in person.

Sealed proposals must be received by Sandra Schmitt at PO Box 5838, or at 175 W. Mark St., Somsen 205G, Business Office, Winona

State University, Winona, MN 55987 by 3:00 P.M. Friday, January 6, 2006.

Winona State University reserves the right to reject any or all proposals and to waive any irregularities or informalities in proposals received.

Colleges and Universities, Minnesota State (MnSCU) Winona State University Request for Proposals for Organizational Transformation and Development Consulting Services

NOTICE IS HEREBY GIVEN that Winona State University is seeking organizational transformation and development consulting services to successfully launch the newly created Center for Integrated Health Care Education and Practice and see that it is sustainable and achieves its goal of working and learning together differently. The Center will operate as a collaborative integrated network of people from education, the health care industry and the community. The vision is to redesign health-care education, research and practice to create an agile and innovative health care environment that transforms how health-care is practiced in Minnesota. Services needed fall into three main categories: 1) Design- process and organizational, 2) Facilitation and 3) Coaching.

These services may include: implementation of a strategic change plan, facilitation of small and large group cross functional teams, input into organizational design, development of change implementation and planning tools for early implementation and expansion phases of the project, neutral eye to guide implementation process and to identify culture issues

Proposal specifications will be available December 5, 2005 by contacting the Purchasing Department at PO Box 5838, 205 Somsen Hall, Winona, MN 55987, e-mail: sschmitt@winona.edu or by calling (507) 457-5067.

There will be a vendor Q & A meeting at 12:30 P.M. CST on December 13, 2005.

Responders may attend via conference call or in person.

Sealed proposals must be received by Sandra Schmitt at PO Box 5838, or at 175 W. Mark St., Somsen 205G, Business Office, Winona State University, Winona, MN 55987 by 3:00 P.M. Wednesday, December 28, 2005.

Winona State University reserves the right to reject any or all proposals and to waive any irregularities or informalities in proposals received.

Department of Human Services Notice of Availability of Contract for the Child Care Workforce Study

The Minnesota Department of Human Services, through its Community Partnerships Division (Department), is seeking Proposals from qualified Responders to gather, analyze and evaluate statewide data on the child care workforce in Minnesota. The research will be used for the development and assessment of policies and programs related to Minnesota's early childhood and school-age care system, specifically those designed to support the school readiness of children and improve the quality and availability of child care for low-income families.

The Department of Human Services has received federal funding for the purposes of this survey. The Department will award one contract to a single organization or a representative of a collaboration of partners with expertise in designing surveys, analyzing and evaluating qualitative and quantitative data, conducting research, publishing reports, conducting focus groups with underserved communities, and extensive knowledge of child care at the state and national levels.

The Minnesota Department of Human Services is charged with ensuring its services are accessible to all. In order to measure success in reaching historically underserved communities, it is critical to understand the size and characteristics of the population served.

Child Development Services (CDS) is the subdivision in the Department that administers the federal Child Care Development Block Grant set-aside for improving child care quality. CDS regularly collects demographic data in order to:

- Identify the specific needs of all consumers, including consumers from underserved communities
- Evaluate service outcomes of all consumers, including consumers from underserved communities
- Track progress toward developing and delivering services that are culturally relevant.

The Department recognizes the need to obtain updated information on the size and characteristics of the child care workforce. One of the primary uses for this information will be to inform the planning process currently underway to create a child care professional development system that is highly coordinated and produces a measurable impact on the quality of child care in Minnesota. A critical component of this new system will be ensuring that professional development opportunities are inclusive of and accessible to all providers, including providers from underserved communities. CDS plans for transition to full implementation of this system by July

State Contracts

2008.

Beyond the Department, there are many organizations throughout the state that will benefit from these statistics. Child care programs and providers will use these statistics to plan business strategies and respond to trends in the marketplace. In addition, community programs that provide support for child care programs and providers will use these statistics in their efforts to understand the population they are serving and reach underserved communities. The information will also be used in training needs assessments, and in efforts to provide targeted recruitment and retention strategies in local communities.

Work is proposed to start after January 13, 2006.

A Request for Proposals will be available by mail from this office through December 20, 2005. **A written request (by direct mail or e-mail) is required to receive the Request for Proposal.** After December 20, 2005, the Request for Proposal may be requested by e-mail or must be picked up in person.

The Request for Proposal can be obtained from:

Attention: Michelle Galvan
Department of Human Services
444 Lafayette Road North, 3rd Floor South
St. Paul, Minnesota 55155-3860
E-mail: *michelle.galvan@state.mn.us*

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than **3:00 p.m. Central Time on December 28, 2005** to be considered]. **Late proposals will not be considered.** Fax or e-mailed proposals will **NOT** be considered.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Department of Transportation (Mn/DOT)

Engineering Services Division

Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (the "Consultant Pre-Qualification Program")

This document is available in alternative formats for persons with disabilities by calling Robin Valento at (651) 284-3622 for persons who are hearing or speech impaired by calling the Minnesota Relay Service at (800) 627-3529.

Mn/DOT, working in conjunction with the Consultant Reform Committee, the Minnesota Consulting Engineers Council, and the Department of Administration, has developed the Consultant Pre-qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT anticipates that most consultant contracts for highway-related technical activities will be awarded using this method, however, Mn/DOT also reserves the right to use RFP or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to complete or use the Consultant Pre-qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT's Consultant Services web site, indicated below, to see which highway related professional/technical services are available at this time. Following the advertisement of particular category of services, applications will be accepted on a continual basis.

All expenses incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program information, application requirements and application forms are available on Mn/DOT's **web site** at: <http://www.dot.state.mn.us/consult>

Send completed application material to:

Robin Valento
Pre-Qualification Administrator
Minnesota Department of Transportation
Consultant Services
395 John Ireland Boulevard, Seventh Floor North, Mail Stop 680
St. Paul, MN 55155

Note: DUE DATE: APPLICATION MATERIAL WILL BE ACCEPTED ON A CONTINUAL BASIS.

Department of Transportation (Mn/DOT)

Engineering Services Division

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.

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 commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

Metropolitan Council - Metro Transit

Drycooler Replacement at Metro Transit's Heywood Office Building

Procurement No. 6969

Metro Transit, a division of the Metropolitan Council, is soliciting sealed bids for replacing a drycooler at its Heywood Office Building, located at 560 - 6th Avenue N., Minneapolis, MN 55411. The contractor will supply all labor and materials for the complete structural, mechanical, and electrical construction of drycooler replacement.

A site visit will be conducted at 10:00 A.M. on December 15, 2005 at the Heywood Office Building.

Sealed bids are due by 2:00 P.M. on December 22, 2005. Bids must be submitted in accordance with the Invitation for Bids document available from:

Metropolitan Council
Metro Transit Purchasing Department
515 N. Cleveland Avenue
St. Paul, MN 55114
(612) 349-5070

University of Minnesota

Subscribe to Bid Information Service (BIS)

The University of Minnesota offers 24 hour/day, 7day/week access to all Request for Bids/Proposals through its web-based Bid Information Service (BIS). Subscriptions to BIS are free. Visit our website at bidinfo.umn.edu or call the BIS Coordinator at (612) 625-5534.

Request for Bids/Proposals are also available to the public each business day from 8:00 a.m. to 4:30 p.m. in the Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Minneapolis, Minnesota 55454.

