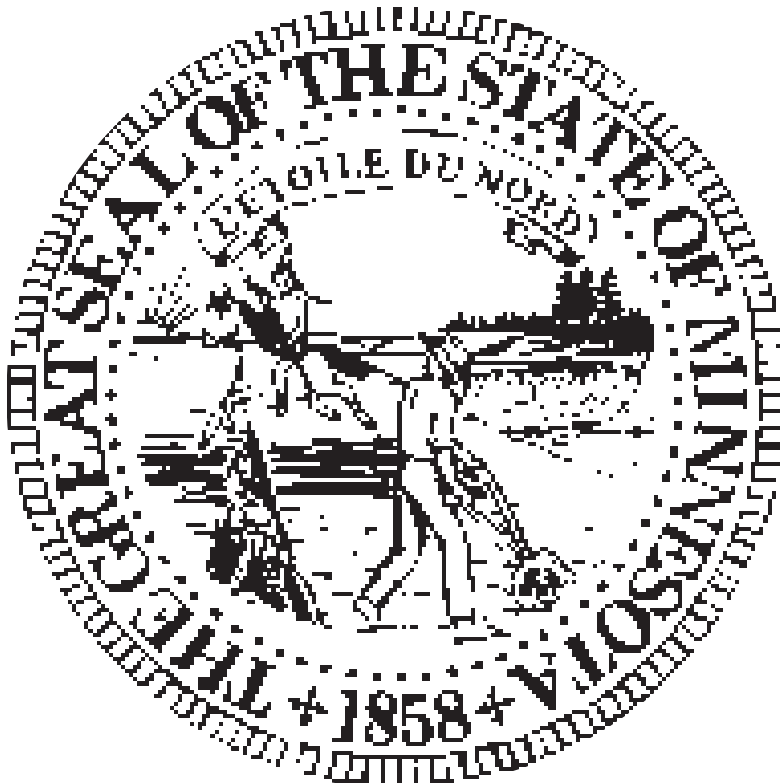


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State Register

Rules and Official Notices Edition



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State Register

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

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

Printing Schedule and Submission Deadlines

Vol. 22 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
# 3	Monday 21 July	Monday 7 July	Monday 14 July
# 4	Monday 28 July	Monday 14 July	Monday 21 July
# 5	Monday 4 August	Monday 21 July	Monday 28 July
# 6	Monday 11 August	Monday 28 July	Monday 4 August

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FOR LEGISLATIVE NEWS

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

Contact: Senate Public Information Office (612) 296-0504
Room 231 State Capitol, St. Paul, MN 55155

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

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		Individual copies and subscriptions for both publications are available through Minnesota's Bookstore, (612) 297-3000 or 1-800-657-3757.

Minnesota Rules: Amendments and Additions

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

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

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

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

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

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Adopted Rules

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

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

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

Exempt Rules

An exempt rule adopted under *Minnesota Statutes* §§ 14.386 or 14.388 is effective upon its publication in the *State Register*.

Emergency Expedited Rules

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

Department of Health

Adopted Permanent Rules Relating to Merit System Changes

The rules proposed and published at *State Register*, Volume 21, Number 40, pages 1378-1383, March 31, 1997 (21 SR 1378), are adopted as proposed.

Department of Human Services

Adopted Permanent Rules Relating to Merit System

The rules proposed and published at *State Register*, Volume 21, Number 40, pages 1383-1390, March 31, 1997 (21 SR 1383), are adopted as proposed.

Department of Public Safety

Adopted Permanent Rules Relating to Merit System Changes

The rules proposed and published at *State Register*, Volume 21, Number 40, pages 1391-1394, March 31, 1997 (21 SR 1391), are adopted as proposed.

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

Public Utilities Commission

Adopted Permanent Rules Relating to Local Telephone Competition

The rules proposed and published at *State Register*, Volume 21, Number 31, pages 1037-1059, January 27, 1997 (21 SR 1037), are adopted with the following modifications:

7812.0050 APPLICABILITY.

This chapter applies to all telecommunications service providers operating under the commission's jurisdiction in Minnesota, except for parts 7812.0100, subpart 51, 7812.2000, and 7812.2100. This chapter does not apply to telephone companies with fewer than 50,000 subscribers, unless specified otherwise in this chapter.

7812.0100 DEFINITIONS.

Subp. 12. **Competitive local exchange carrier or CLEC.** "Competitive local exchange carrier" or "CLEC" means a telecommunications carrier that is certified by the commission to provide local service, or a telephone company to the extent it provides local service in an area other than its initial service ~~territory~~ area. This subpart does not exempt a telephone company under Minnesota Statutes, section 237.01, subdivision 2, from the applicable requirements of Minnesota Statutes, chapter 237, including rate of return regulation or earnings investigations under Minnesota Statutes, section 237.075 or 237.081, and depreciation requirements under Minnesota Statutes, section 237.22.

Subp. 13. **Customer.** "Customer" means a person who has contracted with a local service provider for retail telecommunications service and has been billed by or on behalf of that provider for that service in the person's name or in the name of an agent or representative designated by the customer.

Subp. 44a. **Small local exchange carrier or SLEC.** "Small local exchange carrier" or "SLEC" means a telephone company as defined in Minnesota Statutes, section 237.01, subdivision 2, with fewer than 50,000 subscribers or an independent telephone company as defined in Minnesota Statutes, section 237.01, subdivision 3.

Subp. 44b. **Study area.** "Study area" means the area designated for a particular local exchange carrier by the FCC.

Subp. 51. **Universal service area.** "Universal service area" means:

B. the exchange area, or a ~~smaller different~~ geographic unit identified by the commission under part 7812.1400, subpart 3, of a local exchange carrier serving 50,000 or more subscribers, unless the commission has found the local exchange carrier to be a rural company under section 3(47) of the federal Telecommunications Act of 1996.

7812.0200 GENERAL CERTIFICATION REQUIREMENTS.

Subp. 3a. **Reporting service area status.** Each local service provider (LSP) shall report to the commission within 30 months after the later of the three dates specified in part 7812.0200, subpart 4, items A to C, regarding the extent to which it is offering local service in its service area. The report must identify the portions of the LSP's service area, if any, that remain nonoperational and must provide a projected timetable for offering local service throughout the entire service area as required under subpart 4.

Subp. 4. **Automatic revocation for failure to serve.** The local service provider (LSP) certified under part 7812.0300 or 7812.0350 must offer services, consistent with part 7812.0600, throughout its entire local service area within ~~24~~ 36 months after the later of the following three dates:

C. the effective date of this subpart. Failure to offer basic local service throughout the entire ~~local~~ service area as required in this subpart results in the automatic revocation of the local service provider's certificate with respect to those areas in which the LSP is not offering basic local service, unless the LSP demonstrates to the satisfaction of the commission, under subpart 5, that its failure to offer basic local service throughout the entire ~~local~~ service area results from factors beyond the local service provider's control.

Subp. 5. **Show-cause proceeding to justify failure to serve entire area.** An LSP shall file a petition with the commission to justify anticipated failure to offer basic local service within its entire local service area as required under subpart 4. The petition must be filed at least 90 days before the applicable ~~24-month~~ 36-month deadline under subpart 4. The petition must include the basis for the local service provider's failure to meet the deadline and an alternative date by which the LSP expects to begin offering service in the areas for which it will not meet the ~~24-month~~ 36-month deadline. The local service provider's certification for the portion of its local service area in which it does not offer basic local service does not expire until the commission has issued an order denying the local service provider's request for an extension under this subpart.

7812.0550 911 EMERGENCY SERVICE CAPABILITIES AND REQUIREMENTS.

Subpart 1. **CLEC 911 plan.** Before providing local service in a service area, a competitive local exchange carrier (CLEC) shall submit to the commission a comprehensive plan, detailing how it will provide 911 service to its customers in a manner consistent with applicable law, including chapter 1215, and comparable to the provision of 911 service by the local exchange carrier (LEC) operating in the competitive local exchange carrier's local service area. The CLEC filing the plan shall serve the plan on the department, Office of Attorney General-Residential Utilities Division (OAG-RUD), Department of Administration, and, if the CLEC proposes to serve within the metropolitan area, as defined in Minnesota Statutes, section 403.02, the Executive Director of the Metropolitan 911 Board. The commission shall not permit the CLEC to begin providing local service until the commission has approved the plan.

Subp. 2. **LEC cooperation.** ~~An~~ A LEC shall provide a CLEC with the access to facilities and information necessary to enable the CLEC to meet its 911 service obligations. With respect to resale service, the LEC shall provide a CLEC customer's name, address, and telephone number information to the automatic location identification (ALI) database provider within 24 hours of the daily close of service order activity.

Subp. 3. **Factors to apply in reviewing CLEC plan.** In determining whether to approve a competitive local exchange carrier's 911 plan under subpart 1, the commission shall consider, at a minimum, the competitive local exchange carrier's ability and intent to:

B. integrate into the 911 tandem network as specified in the relevant county plan to achieve appropriate tandem-based choking, if the county is served by a tandem network;

J. ensure that the competitive local exchange carrier's identity is shown on the ALI record and displayed at the PSAP to the extent required by the county; and

Subp. 4. Use of decision criteria. The factors identified in subpart 3, items A to K, must be considered as criteria to assist the commission in its evaluation of the adequacy of 911 plans. No one factor may be considered dispositive.

7812.0600 BASIC SERVICE REQUIREMENTS.

Subpart 1. **Required services.** A local service provider (LSP) shall provide, as part of its local service offering, the following to all customers within its service area:

E. toll and information service-blocking capability without recurring monthly charges as provided in the commission's ORDER REGARDING LOCAL DISCONNECTION AND TOLL BLOCKING CHARGES, Docket No. P-999/CI-96-38 (June 4, 1996), and its ORDER GRANTING TIME EXTENSIONS AND CLARIFYING ONE PORTION OF PREVIOUS ORDER, Docket No. P-999/CI-96-38 (September 16, 1996), which is ~~is~~ are incorporated by reference, ~~is~~ are not subject to frequent change, and ~~is~~ are available through the statewide interlibrary loan system;

Subp. 4. **Service area obligations: ETCs.** An LSP designated an ETC by the commission must provide local service, including, if necessary, facilities-based service, to all requesting customers within the carrier's service area on a nondiscriminatory basis, regardless of a customer's proximity to the carrier's facilities. An LSP may assess special construction charges approved by the commission if existing facilities are not available to serve the customer.

7812.1400 ETC DESIGNATION

Subpart 1. **Automatic designation of LECs.** On and after the effective date of this part, each local exchange carrier (LEC) operating in Minnesota shall be designated an eligible telecommunication carrier (ETC), eligible to receive universal service support throughout its service ~~territory~~ area existing on the effective date of this part, under both the federal support mechanism established pursuant to section 254 of the act and any state fund established pursuant to *Minnesota Statutes*, section 237.16, subdivision 9.

Subp. 2. **Designation of CLECs upon petition.** Upon request and consistent with the public interest, convenience, and necessity, the commission shall designate a competitive local exchange carrier (CLEC) as an ETC and eligible to receive universal service support from the federal universal service support mechanisms under section 254 of the federal act and any state universal service fund established under Minnesota Statutes, section 237.16, subdivision 9, if the CLEC qualifies as an ETC under part 7812.0100, subpart ~~42~~ 15. A request for designation as an ETC eligible to receive universal service support must be filed and decided according to the requirements of subparts 3 to 13.

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

Adopted Rules

7812.2000 RURAL CARRIER EXEMPTION FROM NEGOTIATION AND INTERCONNECTION REQUIREMENTS.

Subpart 1. **Notice of claim to rural exemption.** A local exchange carrier (LEC), or small local exchange carrier (SLEC), seeking to retain or establish a rural company exemption under *United States Code*, title 47, section 251, subsection (f), paragraph (1), shall, no later than 20 days after receiving a competitive local exchange carrier's (CLEC's) bona fide request for interconnection, services, or network elements under *United States Code*, title 47, section 251, notify the requesting company, the commission, the department, and the Office of Attorney General-Residential Utilities Division (OAG-RUD), of its claim to the exemption. ~~A~~ A LEC or SLEC failing to assert its exemption claim as provided in this subpart is deemed to have waived any right it may have to the exemption for purposes of the specific bona fide request for which it has failed to assert the exemption. The notice must state the basis upon which the LEC or SLEC considers itself to be a rural company under section 3(47) of the act.

Subp. 2. **CLEC response to exemption claim.** An affected competitive local exchange carrier (CLEC) shall file any challenge to a ~~local exchange carrier's LEC's or SLEC's~~ exemption claim under subpart 1, including a request to terminate the exemption, within 20 days after receiving the ~~local exchange carrier's LEC's or SLEC's~~ notice under subpart 1.

Subp. 3. **Commission decision.** The commission shall determine a ~~local exchange carrier's LEC's or SLEC's~~ eligibility for an exemption asserted under subpart 1, including whether the exemption should be terminated, as provided in *United States Code*, title 47, section 251, subsection (f), paragraph (1), and applicable FCC regulations. A commission decision to deny or terminate an exemption must include a schedule for implementing the negotiation, arbitration, and agreement approval requirements of *United States Code*, title 47, section 252.

7812.2100 SUSPENSIONS OR MODIFICATIONS OF INTERCONNECTION REQUIREMENTS.

Subpart 1. **Petition for suspension or modification.** A local exchange carrier (LEC) or small local exchange carrier (SLEC) seeking suspension or modification of the requirements of *United States Code*, title 47, section 251, subsection (b) or (c), pursuant to *United States Code*, title 47, section 251, subsection (f), paragraph (2), shall file a petition with the commission. The petition must include:

- A. the legal name, address, and telephone number of the LEC or SLEC and its designated contact person;
- B. the name, address, and telephone number of the attorney if the LEC or SLEC will be represented by an attorney;
- C. the date of the filing, which is the date the commission receives the ~~local exchange carrier's LEC's or SLEC's~~ filing or the date designated by the LEC or SLEC, whichever is later;
- D. the proposed effective date of the suspension or modification sought by the LEC or SLEC;
- E. the signature and title of the LEC or SLEC officer or representative authorizing the petition;
- F. a description of the obligations the LEC or SLEC seeks to suspend or modify, including specific references to the relevant provisions of section 251, subsection (b) or (c), of the act;
- G. a detailed description of the modifications or suspensions the LEC or SLEC is seeking, including the proposed duration of each suspension or modification;
- H. the number of subscriber lines the LEC or SLEC has nationwide, at the holding company level, and the ~~local exchange carrier's LEC's or SLEC's~~ estimate of the total number of all LEC or SLEC subscriber lines nationwide;
- J. a statement as to whether the LEC or SLEC requests the commission to grant a temporary stay under subpart 9 of the obligations the LEC or SLEC seeks to modify or suspend.

Subp. 3. **Challenges to form and completeness.** A challenge to the form or completeness of a petition filed under subpart 1 must be received by the commission and served on the LEC or SLEC within ten days after the ~~local exchange carrier's LEC's or SLEC's~~ petition is filed. The LEC or SLEC shall reply to the challenge within five days of the date it receives the filing challenging its petition.

Subp. 9. **Stay of LEC obligations pending final disposition of petition.** The commission may suspend enforcement of any of the obligations which the ~~local exchange carrier's LEC's or SLEC's~~ petition seeks to modify or suspend pending final disposition of the petition if, based on the standards applied by Minnesota courts for granting temporary injunctions, the commission determines that a suspension would be appropriate.

7812.2200 REGULATORY TREATMENT OF CLECS.

Unless provided otherwise in this chapter, the local services provided by a competitive local exchange carrier (CLEC) are subject to *Minnesota Statutes*, chapter 237, and the commission's rules in the same manner as the local services provided by a local exchange carrier (LEC), except that the CLEC is not subject to *Minnesota Statutes*, section 237.22, and is not subject to rate-of-return regulation or earnings investigations under *Minnesota Statutes*, section 237.075 or 237.081. A competitive local exchange carrier's local services are also subject to *Minnesota Statutes*, section ~~325.692~~ 325F.692.

Office of the Governor

Emergency Executive Order #97-17: Providing for Assistance to Officials in Wright and Sherburne Counties

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

WHEREAS, on July 1, 1997, a system of powerful thunderstorms with damaging winds, heavy rain and hail struck Wright and Sherburne counties; and

WHEREAS, the storms caused power outages, local flooding, property damage, and blocked streets with debris in the cities of Monticello and Big Lake; and

WHEREAS, the cities and counties do not have adequate local resources for clearing the debris to restore power and reopen the streets; and

WHEREAS, the Wright and Sherburne county sheriffs request assistance in clearing debris;

NOW, THEREFORE, I hereby order that:

1. The Adjutant General of Minnesota order to active duty on July 2, 1997, 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 the removal of storm debris from city streets and county roads to ensure the safety of our citizens.
2. 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* 1996, sections 192.49, subd. 1; 192.51, and 192.52.

Pursuant to *Minnesota Statutes* 1996, section 4.035, subd. 2, this Order shall be 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 third day of July, 1997.

Joanne E. Benson
Lieutenant Governor

Filed According to Law:
Joan Anderson Growe
Secretary of State

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

Department of Revenue

Revenue Notice # 97-09 - Estate Tax Filing Requirements

The 1997 legislature made a change to *Minnesota Statutes* § 289A.10, subd.1, which specified the Minnesota statutory required contents of a Minnesota estate tax filing (See *Laws of Minnesota 1997*, Chapter 31, art. 1, sec. 5). The change deleted the statutory requirements that the estate tax filing include a copy of the federal estate tax return and a schedule of the assets in the estate. This leaves the contents of the Minnesota estate tax return to the discretion of the Commissioner of Revenue effective for descendants dying after April 15, 1997 (See: *Minnesota Statutes* § 289A.10, subd.2).

Pursuant to this discretion, the Commissioner will continue to require the filing of the federal estate tax return, along with the supporting federal schedules, and the death certificate. Wills, trust agreements, appraisals and gift tax returns will no longer be required to be filed as part of a valid initial Minnesota estate tax filing. The Commissioner retains the right to require these, as well as other documents, should the need arise.

Dated: 21 July 1997

Jennifer L. Engh
Assistant Commissioner for Tax Policy

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 mat-

Benton County

Judicial Branch - Law Library

Notice of Benton County Law Library Fees

Pursuant to *Minnesota Statutes* 134A.10, the following law library fees are effective July 1, 1997. Civil fees include probate, civil and family court matters. Criminal convictions include felonies, gross misdemeanors and misdemeanors.

Civil	Conciliation	Criminal Conviction	Petty Misdemeanor
\$10	\$10	\$10	\$5

Minnesota Comprehensive Health Association

Notice of Meeting of the Enrollee Appeal Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA) Enrollee Appeal Committee will be held on Thursday, July 24, 1997, at Minnesota Comprehensive Health Association Executive Office, Suite 910, 5775 Wayzata Blvd., St. Louis Park, at 3:00 P.M.

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

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

Minnesota Comprehensive Health Association

Notice of Meeting of the Ad Hoc Committee for RFP/Writing Carrier on Review of Contract Proposals

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Writing Carrier RFP/Contract Committee will be held at 1:00 p.m. on Tuesday, July 29, 1997 to review contract proposals submitted by bidders. The meeting will be held at the Minnesota Comprehensive Health Association executive office, 5775 Wayzata Boulevard, St. Louis Park, in suite 910.

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

Minnesota Comprehensive Health Association

Notice of Meeting of the Actuarial Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Actuarial Committee will be held at 1:00 p.m. on Thursday, July 31, 1997. The meeting will take place at Blue Cross Blue Shield of Minnesota, Main Building, 6th floor meeting room, 3535 Blue Cross Road, Eagan, MN.

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

Department of Health

Notice of Solicitation of Comments on Plan for the Use of Administrative Penalty Orders and Cease and Desist Orders

The Minnesota Department of Health, Division of Environmental Health, is seeking comment from interested parties on its plan for the use of administrative penalty orders and cease and desist orders.

The Health Enforcement Consolidation Act (*Minnesota Statutes*, sections 144.989 to 144.993) applies to all regulatory programs of the Environmental Health Division and provides authority to issue administrative penalty orders and cease and desist orders. The regulatory programs administered by the Environmental Health Division are:

- public pools
- wells and borings
- food and beverage establishments
- lodging establishments, hotels and motels
- resorts, tourist camps, recreational camping areas, children's camps
- public water supplies
- public water supply treatment operator certification
- water haulers
- sources of ionizing radiation, x-ray machines, facilities using radium
- enclosed sports arenas
- clean indoor air, smoking in public places and places of work
- asbestos abatement
- lead abatement
- plumbing and licensure of plumbers, water conditioning contractors and installers

The administrative penalty order authority allows for the assessment of a penalty by the commissioner of health for violations. The maximum penalty is \$10,000. The penalty may be forgiven for violations that are not serious or repeated. The cease and desist order authority allows the department to stop an activity for up to 72 hours if the activity is posing an immediate risk to public health.

The plan for the use the administrative penalty order authority and cease and desist order authority was initially adopted by the department November 8, 1993, and subsequently amended on December 1, 1995.

The department at this time is requesting comment on the existing plan and on modifications to the plan under consideration by the department. The department is considering modifications to the existing plan to implement changes in the law adopted this year in *Laws of Minnesota 1997*, Chapter 205, sections 29 and 30. Modifications are also being considered to clarify the deadlines for penalty appeal and adjust violations that may be considered serious or warrant cease and desist action by a regulatory program. Comment on other areas of the plan's content are welcome.

Parties who are interested in a copy of the existing plan or modifications to the plan under consideration by the department may receive copies from:

David Wulff
Minnesota Department of Health
Division of Environmental Health
121 East Seventh Place, Suite 220
P.O. Box 64975
St. Paul, Minnesota 55164-0975
Phone: (612) 215-0849 FAX (612) 215-0979
E-mail: david.wulff@health.state.mn.us

Official Notices

Parties are invited to submit written comment to Mr. Wulff on the existing plan or the modifications under consideration by 4:30 p.m. on August 20, 1997. Following department review of the comments, a public information meeting on the proposed revisions to the plan for the use of administrative penalty orders and cease and desist orders will be held:

Tuesday, September 9, 1997
9 - 11 a.m.
Minnesota Department of Health
Division of Environmental Health
121 East Seventh Place
Conference Room LL56
St. Paul, Minnesota

Patricia A. Bloomgren, Director
Division of Environmental Health

Department of Health

Health Policy and Systems Compliance Division

Notices Related to Essential Community Provider Designation Applicants

NOTICE IS HEREBY GIVEN that applications for Essential Community Provider designation have been received from the applicants listed below. Pursuant to *Minnesota Statutes* section 62Q.19, subdivision 1, the public has 30 days from the date of this publication to submit written comments regarding this application. Written comments should be submitted to: Tom Johnson, Minnesota Department of Health, Health Policy and Systems Compliance Division, 121 East Seventh Place, P.O. Box 64975, St. Paul, Minnesota 55164-0975. Telephone inquiries may be directed to Mr. Johnson at (612) 282-6333.

Cedar Riverside People's Center
2000 South Fifth Street
Minneapolis, Minnesota 55454

Human Services, Inc.
7066 Stillwater Boulevard North
Oakdale, Minnesota 55128

Dawson Clinic
1272 Walnut Street
Dawson, Minnesota 56232

Northern Pines Mental Health Center
520 Fifth Street Northwest
Brainerd, Minnesota 56401

Ramsey Clinic — Baldwin
750 Tenth Avenue, Box 167
Baldwin, Wisconsin 54002

University Affiliated Family Physicians
2550 University Avenue West, Suite 201S
St. Paul, Minnesota 55114

The following applications for designation as Essential Community Providers have been found to be in compliance with *Minnesota Statutes* and rules and have been approved:

Albany Medical Center
Albany, Minnesota

Cook Area Health Services
Cook, Minnesota

Hamm Memorial Psychiatric Clinic
St. Paul, Minnesota

Jackson Medical Center
Jackson, Minnesota

Lakeland Mental Health Center, Inc.
Fergus Falls, Minnesota

Mille Lacs Health System
Onamia, Minnesota

Model Cities Health Center
St. Paul, Minnesota

Northland Medical Clinic
Big Falls, Minnesota

Bertha Medical Clinic
Bertha, Minnesota

Fond du Lac Reservation Business Committee
Cloquet, Minnesota

Henning Medical Center
Henning, Minnesota

Lakefield Medical Clinic
Lakefield, Minnesota

Leech Lake Tribal Health Division
Cass Lake, Minnesota

Model Cities Abrams Clinic
St. Paul, Minnesota

Mountain Lake Clinic
Mountain Lake, Minnesota

Northland Medical Clinic
Bigfork, Minnesota

Northland Medical Clinic
Northome, Minnesota

Sebeka Medical Clinic
Sebeka, Minnesota

Sawtooth Mountain Clinic
Grand Marais, Minnesota

The following applications for designation as Essential Community Providers have been found to be inconsistent with *Minnesota Statutes* and rules and have been denied:

Adams Area Medical Clinic
Adams, Minnesota

Harmony Community Hospital Association
Harmony, Minnesota

Pembina Clinic Association
Pembina, North Dakota

Bon Homme Family Practice
Tyndall, North Dakota

Hendricks Clinic
Hendricks, Minnesota

Ripple River Medical Center
Aitkin, Minnesota

Dated: 8 July 1997

Anne M. Barry, Commissioner
Minnesota Department of Health

Department of Health

Interagency Long Term Care Planning Committee

Request for Proposals for Exceptions to the Nursing Home Moratorium

Purposes

The Interagency Long Term Care Planning Committee (INTERCOM) is accepting proposals from nursing homes and boarding care homes requesting an exception to the nursing home moratorium. The Commissioner of Health, in coordination with the Commissioner of Human Services, may approve such requests under conditions listed in *Minnesota Statutes*, §144A.073. These conditions refer to four categories of exceptions which are defined as follows:

- (a) "Conversion" means the relocation of a nursing home bed from a nursing home to an attached hospital.
- (b) "Relocation" means the movement of licensed nursing home beds or certified boarding care beds as permitted by state statute to promote equitable access across the state or to move the beds to another site.
- (c) "Renovation" means extensive remodeling of, or construction of an addition to, a facility on an existing site with a total cost exceeding ten percent of the appraised value of the facility or \$200,000, whichever is less.

(NOTE: *Minnesota Statutes*, § 144A.071 allows projects with costs less than \$750,000 to proceed without applying for an exception under this process.)

- (d) "Replacement" means the demolition, delicensure, reconstruction, or construction of an addition to all or part of an existing facility.
- (e) "Upgrading" means a change in the level of licensure of a bed from a boarding care bed to a nursing home bed in a certified boarding care facility.

Appropriation Available

The amount of the legislative appropriation available for the total additional costs to the medical assistance program for this Request for Proposals (RFP) is \$500,000.

Eligibility

A proposal for an exception to the moratorium may be submitted by an organization or individual authorized by a facility's governing board or management to prepare and submit a proposal to INTERCOM.

Method for estimating proposal cost

The method that INTERCOM will use in evaluating proposals for approval or disapproval for estimating the cost of a proposal is detailed in the application materials.

Official Notices

Criteria for Review

The following criteria shall be used in a consistent manner, equally weighed, to compare, evaluate, and rank all proposals submitted:

- 1) the extent to which the proposal furthers state long-term care goals designed to maximize independence of the older adult population, and to ensure cost-effective use of financial and human resources;
- 2) the cost effectiveness of the proposal;
- 3) the extent to which the proposal promotes equitable access to long term care services in nursing homes across the state;
- 4) the extent to which the proposal improves the health and safety of residents;
- 5) the extent to which the proposal promotes the comfort or quality of life of residents;
- 6) the extent to which the applicant demonstrates a history of quality care provided in the facility; and
- 7) the extent to which the project reduces the need for waivers from regulations.

Procedure for Receiving Application Materials

The complete request for proposals, including instructions, format and necessary forms, is available upon written or facsimile request to:

Pat Robertson
Minnesota Department of Health
Facility and Provider Compliance Division
P.O. Box 64900
393 North Dunlap Street
St. Paul, MN 55164-0900
Fax # (612) 643-2593

Review and approval of proposals

INTERCOM has appointed an advisory review panel composed of representatives of consumers and providers to review proposals and provide comments and recommendations to INTERCOM. INTERCOM must submit recommendations for approval or disapproval of projects to the commissioner of health no later than December 18, 1997. The commissioner of health must approve or disapprove a project within 30 days after receiving the committee's recommendations, or no later than January 17, 1998. The commissioner of health must send a written notice of approval or disapproval to the proposer no later than January 27, 1998.

Questions Concerning the RFP

Any questions relating to the RFP process may be submitted by prospective applicants in writing to Linda Sutherland (see address below). **NO ANSWERS WILL BE PROVIDED IN RESPONSE TO PHONE CALLS.** Each question must cite the particular RFP page to which it refers. Copies of all questions and their answers will be provided to all prospective applicants who have requested Application materials. Only responses in writing by Linda Sutherland will be considered official. Responses to questions will be mailed August 12, September 11, and October 10, 1997. The closing date for the receipt of questions will be 4:00 p.m., October 7, 1997.

Technical assistance in completing the application forms is available from Care Providers of Minnesota at 612/854-2844 or Duane Elg at Minnesota Association of Homes for the Aging at 612/331-5571.

Procedures for Submitting Proposals

No proposals submitted by facsimile machine will be accepted. Five written copies of the completed proposal must be received no later than 4:00 p.m. on Friday, October 17, 1997 by:

Linda Sutherland
Minnesota Department of Health
Facility and Provider Compliance Division
P.O. Box 64900
393 North Dunlap Street
St. Paul, MN 55164-0900

Department of Human Services

Notice of the Disproportionate Population Adjustment for State Regional Treatment Centers

The purpose of this notice is to provide information concerning the Disproportionate Population Adjustment (DPA) under the Medical Assistance (MA) Program. The following DPA factors are effective for admissions occurring from July 1, 1997 through June 30, 1998. The inpatient cost of care rate of each hospital is increased by the indicated percentage.

Facility	DPA %
Anoka-Metro	60.98%
Brainerd	60.80%
Eveleth	62.60%
Fergus Falls	52.35%
St. Peter	59.31%
Willmar	55.19%

Questions and comments may be directed to:

Larry Houff
 Department of Human Services
 Reimbursement Division
 444 Lafayette Road
 St. Paul, MN 55155-3824
 (612) 296-4889

Department of Human Services

Notice of Availability of the Minnesota Health Care Programs Provider Participation List (DHS Rule 101 Provider Compliance List)

NOTICE IS HEREBY GIVEN that the Minnesota health care programs provider participation list for July 1, 1997, is now available. The provider participation list is a compilation of health care providers who are in compliance with DHS Rule 101. This list is distributed on a quarterly basis to the Department of Employee Relations, the Department of Labor and Industry, and the Department of Commerce. To obtain a copy of the list, contact Jodey Klein, Rule 101 Specialist, at (612) 296-0766 or 1-800-657-3974, or mail your request to Customer Service Division, Department of Human Services, 444 Lafayette Road, St. Paul MN 55155-3856. You may FAX your request to (612) 296-5690, Attention: Jodey Klein.

Department of Human Services

Purchasing and Service Delivery

Notice of Request for Statement of Interest from Prepaid Health Plans

The Department of Human Services (Department) is seeking statements of interest from prepaid health plans to provide health care services to the Medical Assistance (MA) and General Assistance Medical Care (GAMC) populations in Chisago County eligible for enrollment in the Department's managed care program. The MA/GAMC populations required to enroll in the managed care program include the Aid to Families with Dependent Children (AFDC), AFDC-related, needy children, aged, and General Assistance (GA) eligibility groups. The enrollment process will begin on January 2, 1998 and will occur gradually over several months.

ESTIMATED AVERAGE NUMBER OF ELIGIBLE ENROLLEES

MEDICAL

COUNTY	ASSISTANCE	GA/GAMC	TOTAL
CHISAGO	2,265	155	2,420

Prepaid health plans must be able to provide all MA/GAMC-covered services and must be able to accept financial risk.

Official Notices

Capitation rates have been set by the Department in consultation with an independent actuary. Contracts will be awarded based upon: (1) capacity and geographic accessibility of service delivery sites; (2) ability to comply with service delivery standards appropriate to the demographic characteristics of the population to be enrolled; (3) financial and risk capability; and (4) ability to meet quality assurance, complaint, appeal and reporting requirements. The commissioner reserves the right to reject any proposal.

Health plans currently contracting with the Department to provide MA/GAMC services in other counties will be required to submit updated provider network information for Chisago County. Health plans that do not currently have a contract to provide services in any other county will be required to submit detailed specifications.

Interested parties may receive detailed information regarding The updated network requirements for current contractors and detailed specifications for non-contractors by writing or contacting:

Pam Austin
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3854
Phone: (612) 297-2355

Ms. Austin is the only person at the Department of Human Services authorized to answer questions regarding this document.

The deadline for submitting any statement of interest including network information is 4:30 P.M., Monday, August 18, 1997. Responses submitted after this time may be rejected.

Department of Labor and Industry

Request for Comments on Planned Rule Adoption or Amendment Governing Workers' Compensation Rules of Practice, *Minnesota Rules*, Part 5220.2570 to 5220.2865

Subject of Rule: The Department of Labor and Industry requests comments on planned amendments to the Department of Labor and Industry workers' compensation rules of practice. The proposed amendments clarify procedural requirements concerning small claims court, denials of liability, and payment of permanent partial disability to reflect 1995 legislation. The amendments also implement 1995 legislative increases of penalty amounts for frivolous and non-specific denials of liability; improper discontinuance of compensation; the failure to pay or deny compensation; the failure to timely pay certain benefits and medical charges; penalties payable to the employee; the penalty for failure to pay under order, and for delay in making payment; the penalty for failure to release medical data, and to timely report an injury or make other reports; and the penalty for failure to insure.

Persons Affected: The amendments to the rules would likely affect injured employees, employers, workers' compensation insurers, health care providers, certified workers' compensation managed care plans, attorneys, and other persons and groups that provide services within the workers' compensation system.

Statutory Authority: General statutory authority for the department rules of practice is in *Minnesota Statutes*, sections 176.83, subdivision 1, 175.17 and 175.171, which authorize rules governing practice before the workers' compensation division, and rules governing proceedings before the department. Other specific statutory authority is in *Minnesota Statutes* sections 176.129, 176.138, 176.194 and 176.221, subs. 3, 3a and 6, 176.225, 176.231, subd. 10, 176.238, subd. 10 and 176.84.

Public Comment: Interested persons or groups may submit comments or information in writing or orally on the planned rule amendments until further rulemaking notice is published in the *State Register*. To be placed on a list to receive a preliminary draft of the rule amendments contact:

Kathy Hagen
Legal Services Unit
Minnesota Department of Labor and Industry
443 Lafayette Road North
St. Paul, Minnesota 55155
Telephone: (612) 282-5294 or Fax number (612) 282-5405

All other written or oral comments, questions, and requests for more information on the planned rule amendments should be addressed to:

Marie O'Neill, Compensation Attorney
Legal Services Unit
Minnesota Department of Labor and Industry
443 Lafayette Road North
St. Paul, Minnesota 55155
Telephone: (612) 296-2486; or Fax number (612) 296-8899

Comments submitted in response to this request for comment may but will not necessarily be included in the formal rulemaking record when a proceeding to adopt is started.

Dated: 10 July 1997

Gary W. Bastian, Commissioner

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective July 21, 1997 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Cass: Additions and alterations - Pillager School-Pillager

Dakota: MN/DOT Truck Station - Salt Storage Building-Lakeville.

Hennepin: Green Concourse Mechanical System Conversion - MSP International Airport-Minneapolis/St Paul; MN/DOT Building Removal-Crystal/Minneapolis; Hennepin County Juvenile Detention Center-16 Bed/Boys Annex-Golden Valley; Renovation/Addition-Hennepin County Forensic Sciences Bldg-Minneapolis; Minnetonka High School-Phase II-Minnetonka.

Kandiyohi: 1997 Reroofing-Spicer Fisheries Headquarters-Spice; Water Softener Replacement-RTC-Willmar.

Lesueur: LeCenter School District-Addition and Renovation-LeCenter.

Meeker: 1997 Reroofing North Addition-Meeker County Memorial Hospital-Litchfield; Asbestos Abatement-North Elementary-Atwater/Cosmos/Grove City School District-Atwater.

Pope: Reroofing of 6 Fish and Wildlife Buildings-Minnesota Department of Natural Resources-Glenwood.

Ramsey: Four Season Arts Plus Elementary School-St. Paul; ADA Improvements-Beaver Lake and Richardson Elementary Schools-North St. Paul. Asbestos Abatement-Haecker Hall Remodeling Project-St. Paul; Asbestos Removal/First Floor North/Phase 5-Minnesota Department of Transportation Building-St. Paul; City Hall/Court House-20th Floor and Penthouse Reroof-St. Paul.

Rice: Fire Alarm Upgrades-Minnesota Academy for the Deaf and Blind-Faribault.

Rock: Luverne Elementary School-Luverne.

St. Louis: Cement Baseball Dugouts-Clinton Township-Iron; Door and Hardware Replacement-Hibbing High School-Hibbing.

Sherburne: 1997 Big Lake Elementary and Middle Schools-Additions and Alterations-Big Lake.

Steele: Owatonna High School and Willow Creek Ballfields Bid Package CP-2-Owatonna.

Stearns: Melrose Early Childhood Facility-Additions and Alterations-Melrose.

Washington: ADA Improvements-Eagel Point Elementary School-Oakdale.

Copies of the certified wage rate for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

Gary W. Bastian,
Commissioner

Metropolitan Airports Commission

Notice of Public Hearing Concerning Acquisition of Property Near Flying Cloud Airport, Hennepin County, Minnesota

NOTICE IS HEREBY GIVEN that the Metropolitan Airports Commission, a public corporation organized under the laws of the State of Minnesota, will hold a public hearing pursuant to *Minnesota Statutes* § 473.641 to consider the acquisition by the Metropolitan Airports Commission of certain property located near Flying Cloud Airport, more specifically:

Approximately 120 acres located between Spring Road on the East, Eden Prairie Road on the West, the North boundary being approximately 2,100 feet South of Pioneer Trail and the South boundary approximately 3,900 feet South of Pioneer Trail, all in the North half of Sections 28 and 29, Township 116, Range 22, Hennepin County, Minnesota.

Also approximately 2 acres located North of Pioneer Trail at 14150 Pioneer Trail, Eden Prairie, Hennepin County, Minnesota.

The public hearing will be held commencing at 2:00 p.m. on the 5th day of August, 1997 in Room 3040 of the Lindbergh Terminal Building at Minneapolis-St. Paul International Airport.

The hearing will afford interested persons, groups and agencies an opportunity for public consideration of the economic, social and environmental effects of the proposed acquisition. Any person wishing to submit information relating to this matter may appear at the public hearing and make an oral statement or present written material. Persons intending to make oral presentations are requested to notify the Commission by August 4, 1997 in writing or by telephone to Ms. Jenn Unruh, Metropolitan Airports Commission, 6040 28th Avenue South, Minneapolis, MN 55450; telephone 726-8100. Written statements and other exhibits relating to this matter will be incorporated into the transcript of the hearing, provided such statements or exhibits are submitted at the hearing or are presented to the Metropolitan Airports Commission prior to the close of work on August 7, 1997.

Dated: 11 July 1997

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

Lehan J. Ryan
Oppenheimer Wolff & Donnelly
1700 First Bank Building
St. Paul, MN 55101

Department of Natural Resources

Division of Fish and Wildlife

Request for Comments on Planned Rule Amendment Governing Fishing Contests, *Minnesota Rules*, Chapter 6212

Subject of Rule. The Minnesota Department of Natural Resources requests comments on its planned rule amendment governing fishing contests. The department is considering a rule amendment covering conditions and criteria for permitting fishing contests, including provisions that would give the commissioner of natural resources authority to grant variances to permitted fishing contests for rules governing fishing regulations. The rule amendment would include procedures and standards by which variances could be granted and denied by the commissioner.

Persons Affected. The rules may affect fishing contest organizers, sponsors, and promoters; anglers and businesses related to angling such as resorts, bait shops, guides, and motels; other recreational users of lakes and rivers; and people who own or recreate on lakeshore or riverfront property.

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

Statutory Authority. The adoption of the rule is authorized by *Minnesota Statutes*, sections 14.05, subd. 4 and 97C.081, subds. 3 and 4.

Public Comment. Interest persons or groups are encouraged to submit comments or information on these planned rules by August 20, 1997. However, interested persons or groups may submit comments or information on these planned rules in writing or orally until 4:30 p.m. on September 19, 1997. The department has not yet prepared a draft of the planned rule. Written or oral comments, questions, request to receive a draft of the rule when it has been prepared, and requests for more information on this planned rule should be addressed to:

Steve Hirsch
Department of Natural Resources
500 Lafayette Road
St. Paul, Minnesota 55155-4012
Telephone: (612) 296-0791

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

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

Dated: 11 July 1997

Rodney W. Sando, Commissioner
Department of Natural Resources

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

Department of Revenue

Request for Comments on Planned Amendments to Rules Governing the Administration of Sales and Use Tax, *Minnesota Rules*, Chapter 8130, parts 8130.2300 through 8130.4200; Proposed Rule Relating to the Administration of Local Sales and Use Tax, *Minnesota Rules*, part 8130.3700; and Planned Repeal of Rule Relating to Temporary Storage and Use in Minnesota, *Minnesota Rules*, part 8130.1400

Subject of Rules. The Minnesota Department of Revenue requests comments on its planned amendments to rules governing the Administration of Sales and Use Tax. The proposed amendments being considered by the Department would reflect law changes and would update the various subject matters covered by these rules. The changes proposed are strictly technical in nature and do not reflect policy determinations.

Specifically, the Department is considering rule amendments in the following subject areas: the imposition of sales and use tax, computation of sales and use tax, liability for payment of use tax, use tax registration, application for permit to make retail sales, validity and display of permits, revocation of permits, good faith acceptance of exemption certificates, content and form of exemption certificates, nonexempt use of purchase obtained with exemption certificate, direct pay permit procedures, motor carriers in interstate commerce, and flea market operators. The Department is also considering a new rule relating to the administration of local sales and use taxes and the repeal of a rule relating to temporary storage and use in Minnesota.

Persons Affected. The amendments to the rules, the new rule, and the repeal of the rule would likely affect retailers in the state of Minnesota.

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

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing or orally until 4:30 p.m. on September 19, 1997. The Department does not contemplate appointing an advisory committee to comment on the planned rules.

Rules Drafts. The Department has not yet prepared a draft of the planned rule amendments and repealer.

Official Notices

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these planned rules should be addressed to:

John Streiff, Attorney
Minnesota Department of Revenue
Appeals, Legal & Criminal Investigations Division
10 River Park Plaza
St. Paul, Minnesota 55146
(612) 297-7038
Fax # (612) 296-8229
TDD users may call the Department at 297-2196

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

Dated: 21 July 1997

James L. Girard
Department of Revenue

Minnesota Department of Revenue

Request for Comments on Proposed Rules Relating to Gasoline and Special Fuel Tax and Refunds for Fuel Used in Power Take-off Units, *Minnesota Rules*, part 8125.1301

Subject of Rules. The Minnesota Department of Revenue requests comments on its planned rules governing Gasoline and Special Fuel Tax and Refunds for Fuel Used in Power Take-off Units. The Department is considering rules that will govern the computation and administration of refunds issued under *Minnesota Statutes*, section 296.18, subd.1(b). Refunds issued under this provision are limited to taxes paid on gasoline and special fuel used to operate the power take-off unit powered by the engine of the vehicle, and are not allowable for motor fuel consumed while the vehicle is idling. The gasoline and special fuel used to operate the power take-off unit must be drawn from the same supply tank that provides fuel for operating the vehicle.

Persons Affected. The proposed rules would likely affect any persons or industries which operate motor vehicles with attached power take-off units. These industries may include, but are not limited to: concrete haulers, garbage or waste haulers, well drillers, loggers, petroleum pumpers, feed grinders, milk haulers, and corn shellers.

Statutory Authority. *Minnesota Statutes*, section 270.06, clause (14) authorizes the Department to adopt rules for the administration and enforcement of state tax laws. In addition, *Minnesota Statutes*, section 296.27, authorizes the Department to adopt rules relating to the administration and enforcement of laws regulating the sale, distribution, and use of petroleum products and special fuel.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing until 4:30 p.m. on Friday, September 19, 1997.

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

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

Larry Trimble, Director
Minnesota Department of Revenue
Petroleum Tax Division
10 River Park Plaza
St. Paul, MN 55146
Phone: (612) 296-0889
Fax: (612) 297-2099
TDD users may call the Department at (612) 297-2196

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

Dated: 21 July 1997

James L. Girard
Commissioner of Revenue

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 Children , Families and Learning

Notice of Availability of Funds for a Statewide Citizenship Promotion Program

Purpose

Under *Minnesota Laws* 1997, Chapter 162, Article 2, Sections 29-31, a statewide citizenship promotion program is established to assist legal immigrants eligible to apply for United States citizenship. The program must consist of workshops designed to assist with citizenship application procedures, citizenship and English for citizenship classes, video citizenship instruction, and public education and information.

Eligible Applicants

The commissioner of the Department of Children, Families and Learning shall award grants to public or nonprofit organizations to operate the citizenship promotion program. The organizations may include community-based ethnic or religious groups, school districts, post-secondary institutions, community action agencies, family services collaboratives, workforce development centers, and advocacy groups.

To be eligible to receive a grant, an organization must:

- (1) have documented experience in programs specifically designed for immigrant and refugee populations;
- (2) provide access to legal counseling;
- (3) provide bilingual teaching for preliterate, vulnerable populations and for those eligible for waiver of the English requirements;
- (4) have facilities accessible to physically handicapped learners;
- (5) ensure that no more than five percent of grant funds will be used for administration; and
- (6) have a system for fiscal accounting and reporting.

There will be \$975,000 statewide for grant programs. The Request for Proposals (RFP) will be available after July 28, 1997. Copies of the RFP may be obtained by writing, calling or faxing Annette Hughley, 550 Cedar St., St Paul, MN 55101 Phone: (612) 296-7965 FAX: (612) 297-5695.

Department of Human Services

Family and Children's Services Division

Notice of Request for Proposals for Crisis Nursery Services from Existing and Potential Crisis Nursery Programs in Minnesota

The Minnesota Department of Human Services, Family and Children's Services Division, is seeking proposals from existing and potential crisis nursery programs for the expansion or development of services to culturally diverse communities and underserved geographic communities, and/or to enhance current programs by strengthening existing program components or adding service components.

State funds for this purpose are authorized by the legislature and described in *Minnesota Statutes*, Section 256F.11, subdivision 7, under Crisis Nursery Grants. Effective July 1, 1997, \$400,000 in State funds is available during SFY 1998/99 for Crisis Nursery Expansion/Development and Program Enhancement grants. In order to be considered for funding, respondents must meet the following fiscal criteria:

- 1) They must provide a minimum of a 33% match;
- 2) At least 20% of the match must be in cash; and
- 3) A maximum of 13% of the match can be in-kind.

State Grants and Loans

Funding is anticipated to begin September 1, 1997 and programs completed by June 30, 1999.

Proposals will be reviewed and recommended for funding by an advisory committee. Selection of proposals will be made based on the following criteria:

- 1) Project description;
- 2) Program requirements;
- 3) Work plan;
- 4) Cultural competence;
- 5) Project evaluation;
- 6) Budget; and
- 7) Community support and collaboration.

To request a copy of the RFP or to inquire further regarding crisis nursery programs, contact Carla Brown, Crisis Nursery Program Consultant, at (612) 297-3634, Department of Human Services, Family and Children's Services Division, 444 Lafayette Road, St. Paul, Minnesota 55155-3832.

Proposals must arrive in the issuing office no later than 4:00 P.M., Monday, August 11, 1997.

Department of Public Safety

Notice of Availability of Funds for Public Safety Initiatives

The Minnesota Department of Public Safety announces the availability of State Omnibus Crime Prevention Act of 1997 (Chapter 239) funds to pay for police overtime.

A total of \$1,102,000 is available. The estimated size for award vary with the individual programs. This is a one-time appropriation.

Local law enforcement agencies may apply. The deadline for grant submission is Friday, August 8, 1997 at 4:30 P.M. To receive a request for proposal application, contact:

Minnesota Department of Public Safety
445 Minnesota Street
Suite 1000 NCL Tower
St. Paul, MN 55101-2128
Telephone: (612) 297-1697
TDD: (612) 282-6555

Department of Public Safety

Minnesota Auto Theft Prevention Program

Grant Availability for Reduction of Motor Vehicle Theft

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

Professional, Technical & Consulting Contracts

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

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

Department of Corrections

Request for Proposals for Physical Therapy Services

The Minnesota Department of Corrections, Health Care Unit, is requesting proposals for physical therapy services at the Minnesota correctional facility in Faribault. Services to include on-site physical therapy treatments with limited equipment and space available.

For an RFP or additional information, please call or write to:

Mr. Dana Baumgartner
Health Care Administrator
Minnesota Department of Corrections
1450 Energy Park Drive, Suite 200
St. Paul, Minnesota 55108-5219
Telephone: (612) 642-0248

Proposals are due no later than 4:00 p.m. on Friday, August 15, 1997. No late proposals will be accepted.

Department of Corrections

Request for Proposals for Professional / Technical Physician Services

The Minnesota Department of Corrections, Health Care Unit, is requesting proposals for professional / technical physician services at the Minnesota correctional facility in Shakopee. Services to include physical examinations, primary and follow-up services, secondary and tertiary referrals, health maintenance and health education. Physician will also be required to participate in scheduled meetings as directed by the Medical Director or Health Care Administrator. The physician will work with the DOC as it automates the medical system which includes medical records, telemedicine and automated pharmacy services.

For an RFP or additional information, please call or write to:

Mr. Dana Baumgartner
Health Care Administrator
Minnesota Department of Corrections
1450 Energy Park Drive, Suite 200
St. Paul, Minnesota 55108-5219
Telephone: (612) 642-0248

Proposals are due no later than 4:00 p.m. on Friday, August 15, 1997. No late proposals will be accepted.

Professional, Technical & Consulting Contracts

Department of Economic Security

Production Services Branch - Disability Determination Services

Notice for Request for Qualifications and Request for Proposal for Medical and Psychological Doctors

The Minnesota Department of Economic Security (MDES), Production Services Branch (PSB), Disability Determination Services (DDS), is publishing notice that the contracts listed below are available and will be awarded for federal fiscal year 1998 (October 1, 1997 to September 30, 1998).

The MDES/PSB/DDS is seeking to employ individuals under contract who will advise and consult with disability examiner staff and others regarding the medical and psychological aspects of impairments, including the nature and severity of disease processes, appropriate medical development and case documentation for individual claims, proper applications of Social Security Administration (SSA) medical policy and assessment of the claimant's residual level of functioning. The contractor will also be required to certify the claimant's determination of disability as required by the SSA. The DDS will be seeking up to five Minnesota licensed medical doctors and up to two Minnesota licensed psychologists. All services will be utilized in St. Paul. Range of pay is \$50 to \$55 per hour. Contracts will vary from 5 to 35 hours per week and will be for 2 years (10/1/97 through 9/30/99) or 1 year with an option to renew for a 2nd year. Total cost is not expected to exceed \$1,570,000 for FY97 and \$1,610,000 for FY98. In compliance with *Minnesota Statutes* 16b.167, the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state employee along with other responses to this Request for Proposal.

Inquiries should be directed to:

William T. Ruhl
Assistant Director, Medical Services
Department of Economic Security
Production Services Branch
Disability Determination Services
Suite 300 - Metro Square Building
Seventh and Robert Streets
St. Paul, Minnesota 55101
(612) 296-4419

All proposals must be received by 4:30 p.m. 8/8/97.

Department of Health

Notice of Request for an Infectious Disease Specialist

The Minnesota Department of Health Acute Disease Epidemiology Section is seeking a Board Certified infectious disease specialist to serve as a part-time consultant for its Emerging Infections Program which is conducted in cooperation with the U.S. Centers for Disease Control and Prevention (CDC). Primary responsibilities include reviewing medical records, laboratory results, and/or autopsy reports of unexplained illnesses or deaths of possible infectious etiology in person age 1 - 49. Differential diagnoses will be proposed and consultation with primary care physicians, infectious disease consults, and pathologist may be possible. The physician in this position will be expected to participate in conference calls with fellow researchers from three other sites around the U.S. and pathologists and laboratorians at the CDC and elsewhere. The physician will present cases and recommend additional laboratory tests to be conducted on patient specimens. Promoting reporting of cases through networking and professional presentations may be part of the duties. Consulting on other infectious disease research areas is also possible. 12-15 hours/month are needed. Hours flexible but would need to be available for 1-2 conference calls per month. One meeting per Atlanta possible. Payment will be by contract at approximately \$80 per hour. Please contact Dr. Richard Danila at (612) 623-5414 or FAX (612) 623-5743 as soon as possible.

Department of Human Services

Deaf and Hard of Hearing Services Division

Contract Available for Aftercare Accessibility for People Who Are Deaf, Hard of Hearing, Deafblind or Late Deafened

The State of Minnesota, Department of Human Services, Deaf and Hard of Hearing Services Division is soliciting proposals from qualified individuals and organizations interested in improving accessibility to aftercare and support services throughout the state for people who are deaf, hard of hearing, deafblind or late deafened. Outcomes will minimally include: 1) contact 25 aftercare programs and recommend modifications needed to make their services more accessible for people who are deaf, hard of hearing, deafblind or late deafened, 2) develop a best practices manual identifying how to improve communication access for individuals who are deaf, hard of hearing, deafblind or late deafened, 3) develop training curriculum addressing communication accessibility issues and modifications needed to improve services to people who are deaf, hard of hearing, deafblind or late deafened, 4) provide a minimum of four trainings using the developed training curriculum, 5) provide technical assistance to a minimum of ten Alcoholics Anonymous, Cocaine Anonymous and Narcotics Anonymous support groups to develop long-term strategies to provide ongoing interpreting and real-time captioning services for local, regional and statewide events, 6) develop a fact sheet for recovering individuals who are deaf, hard of hearing, deafblind or late deafened informing them about accessible aftercare services throughout Minnesota, and 7) attend ten community events for deaf, hard of hearing, deafblind or late deafened to distribute the fact sheet.

\$15,000 has been allocated to fund this activity. The program is anticipated to begin October 1, 1997 with the completion date of June 30, 1998.

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

For a copy of the full text of the Request For Proposal, including the application packet, contact:

Mary Bauer, Program Planner
Department of Human Services
Deaf and Hard of Hearing Services Division
444 Lafayette Road
St. Paul, Minnesota 55155-3814
612/297-4526 (Voice)
612/297-4528 (TTY)

Minnesota State Colleges and Universities

Notice of Request for Proposals for Courier Service

The Minnesota State Colleges and Universities (MnSCU) is requesting proposals from qualified vendors to provide courier service to 56 locations throughout Minnesota from downtown St. Paul MnSCU System Office. Service to include 15 daily (round trip same day) and 41 next day delivery and pick-up of tubs or pouches. Contract will be awarded for a two year period with two optional annual extensions. Estimated cost not to exceed \$69,600 per year.

In accordance with the provisions of *Minnesota Statutes*, Section 363.073, for all contracts estimated to be in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted. Your proposal will be rejected unless it includes one of the following:

1. A copy of your firm's current certificate of compliance issued by the Commissioner of Human rights; or
2. A letter from Human Rights certifying that your firm has a current certificate of compliance; or
3. A notarized letter certifying that your firm has not had more than 20 full-time employees at any time during the previous 12 months.

Professional, Technical & Consulting Contracts

For further information contact:

Mary Fields
Minnesota State Colleges and Universities
Lower Level Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
Telephone: (612) 282-2548

Proposals must be submitted to Mary Fields at the above address and must be received not later than 4:00 PM on August 4, 1997. Late proposals will not be accepted.

The Minnesota State Colleges and Universities reserve the right to reject any and all bids, or any part of any bid, and to waive minor defects or technicalities.

Office of the Revisor of Statutes

Notice of Request for Computer Services

The office of the revisor of statutes intends to contract for the following computer services for the period ending June 30, 1998:

The continued development of UNIX based data processing programs for drafting, editing, engrossing and publishing laws and administrative rules.

The programs must be designed to work in coordination with existing mainframe based programs until the existing programs are fully replaced. For this work, experience with the prior development of the legislature's data processing needs is of the highest value to the Revisor. Responses must be received by the Revisor by Monday, August 11, 1997. Inquiries and responses may be directed to:

Harry M. Walsh
Revisor of Statutes
Office of the Revisor of Statutes
700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155
(612) 296-2868
TTY use State Relay Services: 1-800-627-3529

Department of Transportation

Engineering Services Division

Notice of Availability of Contract for Asbestos Detection and Abatement

The Minnesota Department of Transportation (Mn/DOT) is soliciting expressions of interest and statements of qualifications for asbestos detection and abatement.

This program seeks individuals and/or firms for work order agreements (T-Contracts) for asbestos assessment, abatement planning, air monitoring, and abatement.

Mn/DOT anticipates about three individuals/firms for on-call work assignments (within three day notice). Program is for a three year duration.

Interested parties may receive a Request for Qualification and Interest Statements (RFQI), detailing requirements by written request to:

Joseph Tummers, Associate Agreements Administrator
Consultant Services Unit
Minnesota Department of Transportation
395 John Ireland Blvd., Mail Stop 680
St. Paul, MN 55155

or fax request to: (612) 282-5127

Professional, Technical & Consulting Contracts

Those consultants who wish to be considered for this project, must furnish the following information:

Affirmative Action. Indicate if your firm is certified by the Department of Human Rights for Affirmative Action as stated in *Minnesota Statute* 363.073. Any questions, call (612) 296-5683. Send:

- A copy of your firm's current Certificate of Compliance issued by the Commissioner of Human Rights or;
- A letter from Human Rights certifying that your firm has or has applied for a current Certification of Compliance or;
- A notarized letter certifying that your firm has not had more than twenty-full-time employees residing or working in Minnesota at any time during the previous twelve months.

Indicate if your firm is certified by the Department of Transportation as a Disadvantaged Business Enterprise (DBE). Any questions, call the EEO Contract Management at (612) 297-1376. Indicate if your firm is certified by the Department of Administration as a Small Targeted Business, *Minnesota Statute* 16B.19. Any questions, call (612) 296-2600.

Provide company name, business address, contact person's name, telephone number, fax number, federal tax I.D. number, and Minnesota tax I.D. number (if applicable).

Interested individuals/firms may send five copies of expression of interest statement and qualifications to:

Mr. Gabriel S. Bodoczy, P.E.
Consultant Services Unit
Minnesota Department of Transportation
395 John Ireland Boulevard, Mail Stop 680
St. Paul, Minnesota 55155
Attention: Joseph Tummers

Qualification and Interest Statements must be received at the above address no later than 2:00 P.M. on Thursday, September 4, 1997. No time extensions will be granted.

This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice, and the Department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

Minnesota Veterans Homes Board

Silver Bay Veterans Home

Notice of Request for Proposals for Providing Physical Therapy, Occupational Therapy and Speech Therapy Services to Residents

The Minnesota Veterans' Home in Silver Bay is requesting proposals for the provision of physical therapy, occupational therapy and speech therapy services to a geriatric population. The contract period is October 1, 1997 to September 30, 1999. The estimated contract is \$80,000.00.

Specific details on the purpose and scope of this service and/or a copy of the "Request for Proposal" may be obtained by calling Christopher Dodge, Business Manger, at 218-226-6330. The proposal must be submitted by 4:30 p.m. on Friday, August 22, 1997 and should be addressed to: Minnesota Veterans' Home - Silver Bay, ATTN: Christopher Dodge, Business Manager, 45 Banks Blvd., Silver Bay, MN 55614.

Non-State Public Bids, Contracts & Grants

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

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

Metropolitan Council

Notice of Request for Proposals for Economic Consulting Services

The Metropolitan Council is requesting proposals for technical and professional services to prepare an Airport/Community Economic Study for the Minneapolis-St. Paul Regional Aviation System. The purpose of the Airport/Community Economic Study is to:

- determine the economic impact of the region's general aviation system,
- develop economic profiles for regional system airports, and
- relate the Regional Blueprint economic strategy to air-transportation service.

The project will utilize relevant information from the current State Airport System Plan update, the major airport dual-track planning process, and other recent local economic studies. An inter-agency and local advisory group will be established for project review and coordination. Results of the study will be used as input to the State Airport System Plan and the 1998-99 update of the Regional Aviation System Plan.

It is anticipated that the project will be funded primarily by a Federal Aviation Administration planning grant. Consultant selection would occur about mid-August. The project would commence in mid-September 1997, and be completed about May 1998. A disadvantaged business enterprise (DBE) goal has been approved for the project.

Five copies of the proposal should be submitted to the Metropolitan Council, Mears Park Centre, 230 East Fifth Street, St. Paul, MN 55101 by August 19, 1997 - to the attention of Chauncey Case. For information about the project or a copy of the RFP, please call 612/602-1724 or 612/291-0904 (TTY).

Metropolitan Council

Request for Proposals for Service Availability Charge Study

Request for Proposals will be accepted at the offices of the Metropolitan Council, Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota, 55101, until 4:00 P.M., on Friday, August 15, 1997, for consultant services to assess, evaluate and develop Service Availability Charges (SAC) fees, develop alternative funding structures and propose alternative uses of SAC funds.

Information packets are available and can be obtained by calling 612-602-1032 or via fax request at 612-602-1083.

A contract will be awarded to the consultant(s) that meet the specifications and is in compliance with all terms and conditions contained in the information packet.

The Metropolitan Council reserves the right to reject any and all proposals, or any part of any proposal, to waive minor defects or technicalities or to advertise for new offers as it deems in its best interest.

Northeast Suburban Transit (NEST)

Notice of Request for Proposals for Dial-a-Ride Service

The Northeast Suburban Transit (NEST) Commission announces the availability of a Request for Proposal (RFP) for its dial-a-ride service. The service operates two 15-passenger vehicles, lift-equipped, in Maplewood, North St. Paul and Oakdale.

Details of the NEST service are included in the RFP. Interested bidders may request an RFP by sending a letter of request, along with \$30.00, to NEST Commission, 2561 Crestline Drive, White Bear Lake, MN 55110. Interested bidders may also purchase an RFP for \$30.00 at the North St. Paul Community Center, 2290 1st Street, North St. Paul, MN 55109. There will be a prebid information meeting on Thursday, July 10, 8:45 a.m., at the North St. Paul Community Center. Deadline for submittal of the proposal is Friday, August 1, 1997, 4 p.m., North St. Paul Community Center.