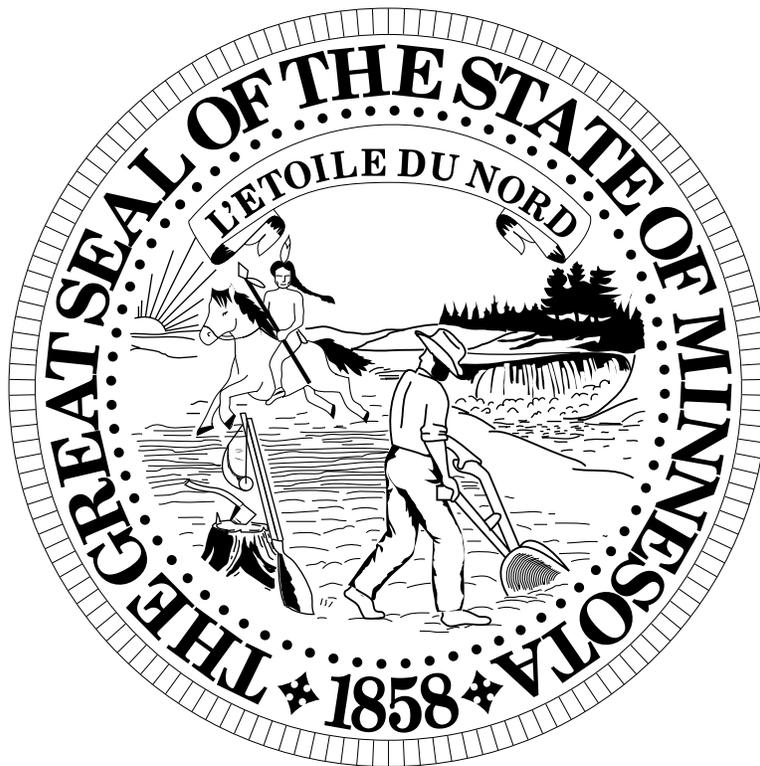


State of Minnesota

# State Register

Rules and Official Notices Edition



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**Volume 24, Number 23**  
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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, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes* § 14.46. The *State Register* contains:

- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
- certificates of assumed name, registration of insignia and marks

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#23	Monday 6 December	<b>NOON TUESDAY 23 NOVEMBER</b>	Noon Tuesday 30 November
#24	Monday 13 December	Noon Wednesday 1 December	Noon Tuesday 7 December
#25	Monday 20 December	Noon Wednesday 8 December	Noon Tuesday 14 December
#26	Monday 27 December	Noon Wednesday 15 December	Noon Tuesday 21 December

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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 (651) 296-0504  
Room 231 State Capitol, St. Paul, MN 55155

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

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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 1997 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

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

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issue 52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (651) 297-3000, or toll-free 1-800-657-3757.

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# Proposed Rules

## Comments on Planned Rules or Rule Amendments

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

## Rules to be Adopted After a Hearing

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

## Rules to be Adopted Without a Hearing

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

## Board of Water and Soil Resources

### Proposed Expedited Permanent Rules Relating to Eligibility For Cost-Sharing

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

#### Proposed Amendment to Rules Governing the State Cost-Share Program, *Minnesota Rules*, 8400.0300 and 8400.1300

**Introduction.** The Minnesota Board of Water and Soil Resources intends to adopt amendments to the rules governing the State Cost-Share Program without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You have 30 days to submit written comments on the proposed rule amendments. The Board of Water and Soil Resources must add farmstead windbreaks as a practice eligible for cost-sharing to the rules adopted under *Minnesota Statutes*, section 103C.501.

**Agency Contact Person.** Comments or questions on the rule amendments must be submitted to the agency contact person. The agency contact person is: Marybeth Block at the Minnesota Board of Water and Soil Resources, One West Water Street, Suite 200, St. Paul, MN 55107, phone (651) 297-7965, FAX (651) 297-5615, and e-mail: [marybeth.block@bwsr.state.mn.us](mailto:marybeth.block@bwsr.state.mn.us) TTY users may call 800-627-3592 and ask for the Minnesota Board of Water and Soil Resources.

**Subject of Rules and Statutory Authority.** The proposed rule amendments make farmstead windbreaks eligible for state cost-share funds. The statutory authority to amend the rules pertaining to practice eligibility is *Minnesota Session Laws 1999*, Chapter 231 section 203. A copy of the proposed rule amendments is published in the *State Register*.

**Comments.** You have until 4:30 p.m. on Friday, January 7, 2000, to submit written comment in support of or in opposition to the proposed rule amendments. Your comment must be in writing and received by the agency contact person by the due date. Your comment should identify the section being amended and the reason for the comment. Any comments that you would like to make on the legality of the proposed rule amendments must also be made during this comment period.

**Modifications.** The proposed rule amendments may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the board, and the adopted rule amendments may not be substantially different than these proposed rule amendments.

**Adoption and Review of the Amended Rule.** The agency may adopt the amended rule after the end of the comment period and upon publishing a notice of adoption in the *State Register*. The rule amendments and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the amended rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

**8400.0300 APPROVED PRACTICES.**

Subpart 1. **Approved practices.** The state board, in consultation with the conservation districts, shall maintain a list of practices that are eligible for cost-share funds, along with guidelines pertaining to the components of the practices that are eligible or ineligible for cost-share funds. The list includes farmstead windbreaks and is contained in the Administrative Guidelines.

Subp. 2. **Criteria for approved practices.** Practices approved by the state board must meet the criteria in items A to D.

A. The primary purpose of all practices must be the control of soil erosion, sedimentation, or chemical or nutrient runoff or infiltration that impairs water quality. Farmstead windbreaks are exempt from this requirement.

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

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

**8400.1300 CRITERIA FOR CONSERVATION DISTRICT BOARD REVIEW.**

Criteria for conservation district board review:

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

B. The primary purpose of the requested practice must be to treat a high priority erosion problem or high priority water quality problem, except for farmstead windbreaks.

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

## 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 Auto Theft Prevention Program

### Notice of Meeting of the Board of Directors

The Minnesota Auto Theft Prevention Program, will be holding its Board of Directors meeting on the following dates: Thursday, December 14, 1999 and Thursday, January 13, 2000. Meetings will begin at 9:00 a.m. and will be held at the Minnesota Auto Theft Prevention Program (MATPP) office located at 1110 Centre Pointe Curve, Suite 405, Mendota Heights, MN (Hwy. 110 and Lexington Avenue, west of Hwy. 35W (South on the south side of the GNB Technologies Bldg.) Meetings are open to the public. For more information you may contact the MATPP office at (651) 405-6155.

## Minnesota Comprehensive Health Association

### Notice of Meeting of the Board of Directors

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association's (MCHA) Board of Directors will be held on Wednesday, December 8, 1999, at Allina Health Systems, 5601 Smetana Drive, Minnetonka, MN at 1:00 p.m.

For additional information, please call Lynn Gruber at (612) 593-9606.

**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.

## Official Notices

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### Environmental Quality Board

#### Decisions on Lakefield Junction Project

At a meeting on November 18, 1999, the Minnesota Environmental Quality Board determined that the Environmental Assessment for the Lakefield Junction Generating Station was adequate. The Board also designated a site and issued a Certificate of Site Compatibility for the proposed 550-megawatt natural gas peaking plant. The site is in the NE 1/4 of section 19, as excepted, in Cedar Township in Martin County, Minnesota. The Board also ordered that a portion of the alternate site in the SW 1/4 of section 20 in Cedar Township may be used for a wastewater irrigation system.

The Board issued an order exempting from the Power Plant Act the construction of a 345 kV transmission line to interconnect the Lakefield Junction Generating Station with NSP's Lakefield-Wilmarth 345 kV transmission line in Cedar Township, Martin County, Minnesota.

The final action taken by the Board on this project was the granting of a partial exemption from pipeline route selection procedures and the issuance of a pipeline routing permit to Lakefield Junction for the construction of up to one mile of 12.75-inch natural gas pipeline and associated facilities to deliver natural gas from the Northern Border pipeline to the Lakefield Junction Generating Station.

If you have any questions about this project or would like more information, please contact the MEQB project leader: Larry B. Hartman, 300 Centennial Bldg., 658 Cedar St., St. Paul, MN 55155. Tel: 651-296-5089 or 1-800-657-3794; e-mail: [larry.hartman@mnplan.state.mn.us](mailto:larry.hartman@mnplan.state.mn.us)

### Department of Labor and Industry

#### Labor Standards Unit

#### Notice of Prevailing Wage Determinations for Commercial Projects

On December 6, 1999, the commissioner determined a certified prevailing wage rates for Commercial construction projects in each of 87 counties statewide.

Copies may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road North, St. Paul, Minnesota 55155-4306 or by calling (651) 296-6452. The charges for the cost of copying and mailing are \$.65 per page. Make check or money order payable to the State of Minnesota.

Gretchen Maglich  
Commissioner

### Board of Nursing

#### Notice of Meeting of the Minnesota Board of Nursing

**NOTICE IS HEREBY GIVEN** that the 2000 meetings of the Minnesota Board of Nursing have been scheduled at 9:00 a.m., at 2829 University Avenue SE., Suite 500, Minneapolis, Minnesota on the following dates:

February 3-4, 2000  
April 6-7, 2000  
June 1-2, 2000  
August 3-4, 2000  
October 5-6, 2000  
December 7-8, 2000

A portion of each meeting is review of disciplinary cases and is closed to the public.

For details about time of the open meeting, the agenda or other information, please call 612-617-2297.

## **Minnesota Partnership for Action Against Tobacco**

### **Board Vacancy Announcement**

#### **Board Vacancy**

The Minnesota Partnership for Action Against Tobacco (MPAAT) is seeking qualified candidates to submit applications to serve on its 21-member board of directors.

#### **Organization**

MPAAT is a unique organization in the United States. Born out of Minnesota's tobacco trial, it is an independent non-profit organization entrusted with \$202 million over a 25-year period to help reduce the harm tobacco causes Minnesotans. MPAAT will offer grant programs beginning in January 2000 in the areas of tobacco cessation and tobacco research.

#### **Accountability**

MPAAT is a private, non-profit, 501(c)(3) corporation with a unique public health mission. MPAAT is governed by its Board of Directors, ten of whom are either appointed by elected officials or are themselves local government employees. Because of its origin in the Tobacco Litigation, the organization remains under the jurisdiction of the Ramsey County District Court, reports periodically to both the Court and the Legislature, and is subject to audit by the Legislative Auditor.

#### **Board Member: Terms and Qualifications**

Under the terms prescribed by the Ramsey District Court, the appointee will serve on the board until the term expires on September 29, 2002. Board service is completely voluntary. Candidates will be chosen by the full MPAAT Board of Directors.

#### **Applicants must:**

- **By education, training or experience, have demonstrated special skills in community organizing.**
- Have a demonstrated history of activities directed at, or expertise related to, reducing the human and economic consequences of tobacco use.
- Have had no affiliation with the tobacco industry or related trade associations within the last ten years.
- Candidates from Greater Minnesota preferred.

Interested candidates should submit a resume and brief statement of interest and qualifications to: Christine Rice, Chair Nominating Committee, MPAAT, 590 Park Street, Suite 400, Saint Paul, MN 55103, postmarked no later than January 6, 1999.

## **Minnesota Board of Peace Officer Standards and Training**

### **Notice of Request for Comments on Planned Revision to Rules, Removing Obsolete, Unnecessary, and Duplicative Rules Governing Training and Licensing, *Minnesota Rules* Chapter 6700**

**NOTICE IS HEREBY GIVEN** that the POST Board requests comments on its planned revision of rules governing training and licensing. The board is considering a revision that amends Chapter 6700 by removing obsolete, unnecessary, and duplicative rules.

**Persons Affected.** Removal of rule language would have no effect on those within the law enforcement community whether in educational, administrative, or community groups.

**Statutory Authority.** *Minnesota Statutes*, Sections 626.8462 to 626.863, authorizes the Minnesota Board of Peace Officer Standards and Training to adopt and repeal rules with respect to the regulation and implementation of law enforcement by peace officers and part-time peace officers in the State of Minnesota. *Minnesota Statutes*, section 14.05, subdivision 5, specifically requires each agency to review and repeal obsolete, unnecessary, or duplicative rules.

**Public Comment.** Interested persons or groups may submit comments or information on these planned rules in writing or orally until January 15, 2000 or until further notice is published in the *State Register* that the POST Board intends to adopt or withdraw the rules. The POST Board does not contemplate appointing an advisory committee to comment on the planned rules.

**Rules Draft.** The POST Board has prepared a draft of the planned rules amendments which can be found on its web site located at: [www.dps.state.mn.us/post/index.html](http://www.dps.state.mn.us/post/index.html)

**Agency Contact Person.** Written or oral comments, questions, requests to receive a draft of the rules, and requests for more information on these planned rules should be directed to: Nancy Haas at the Minnesota POST Board, 1600 University Avenue, Suite 200, St. Paul, MN 55104-3825, (651) 643-3064 phone, (651) 643-3072 fax, and [nhaas@mail1.dps.state.mn.us](mailto:nhaas@mail1.dps.state.mn.us) TTY users may call the POST Board at (651) 297-2100.

**Alternate Format.** Upon request, this Request for Comments can be made available in an alternative format, such as large print,

## Official Notices

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Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

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

Dated: 29 November 1999

Neil Melton, Executive Director  
Minnesota POST Board

## Minnesota Board of Peace Officer Standards and Training Notice of Request for Comments on Planned Revision to Rules Governing Training and Licensing, *Minnesota Rules Chapter 6700*

**NOTICE IS HEREBY GIVEN** that the POST Board requests comments on its planned revision of rules governing training and licensing. The board is considering a revision that amends minimum selection standards prior to appointment to the position of peace officer that include the additions of misdemeanor convictions in violation of *Minnesota Statutes* 609.2242, 609.324, and a conviction of a state or federal narcotics or controlled substance law irrespective of any proceeding under *Minnesota Statutes*, Section 152.18, or any similar law of another state or federal law; and removes misdemeanor convictions in violation of *Minnesota Statutes* 609.234 and 609.466, while providing for an opportunity for a redemption period for those convicted of misdemeanor theft under \$200 in certain cases.

**Persons Affected.** Amendments to these rules would likely affect individuals having been convicted of the above violations of cited statutes, and those within the law enforcement community whether in educational, administrative, or community groups.

**Statutory Authority.** *Minnesota Statutes*, Sections 626.8462 to 626.863, authorizes the Minnesota Board of Peace Officer Standards and Training to adopt rules with respect to the regulation and implementation of law enforcement by peace officers and part-time peace officers in the State of Minnesota.

**Public Comment.** Interested persons or groups may submit comments or information on these planned rules in writing or orally until January 15, 2000 or until further notice is published in the *State Register* that the POST Board intends to adopt or withdraw the rules. The POST Board does not contemplate appointing an advisory committee to comment on the planned rules.

**Rules Draft.** The POST Board has prepared a draft of the planned rules amendments which can be found on its web site located at: [www.dps.state.mn.us/post/index.html](http://www.dps.state.mn.us/post/index.html)

**Agency Contact Person.** Written or oral comments, questions, requests to receive a draft of the rules, and requests for more information on these planned rules should be directed to: Nancy Haas at the Minnesota POST Board, 1600 University Avenue, Suite 200, St. Paul, MN 55104-3825, (651) 643-3064 phone, (651) 643-3072 fax, and [nhaas@mail1.dps.state.mn.us](mailto:nhaas@mail1.dps.state.mn.us). TTY users may call the POST Board at (651) 297-2100.

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

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

Dated: 29 November 1999

Neil Melton, Executive Director  
Minnesota POST Board

# State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

## Minnesota Housing Finance Agency

### Consolidated Request for Proposals for • Single Family RFP, • Multifamily RFP, and • Housing Tax Credit Program

The Minnesota Housing Finance Agency (MHFA), the Greater Minnesota Housing Fund, the Metropolitan Council, the Family Housing Fund, Minnesota Department of Corrections, the Saint Paul Public Housing Authority, and the Minneapolis Public Housing Authority announce the availability of funds through a Consolidated Request for Proposals. Funds are available to assist in the development, construction, acquisition or rehabilitation of affordable homeownership, home improvement, or rental housing activities for low and moderate income residents of Minnesota.

The Consolidated RFP represents an effort to coordinate the availability of resources agency-wide, and to address communities' comprehensive housing efforts.

Eligible applicants are invited to submit proposals for one or more of the Single Family RFP, the Multifamily RFP and the Housing Tax Credit Program. Separate applications are required for each of the referenced RFPs.

In the event that a comprehensive housing proposal is submitted which includes proposals for more than one of the RFP types, MHFA staff will review and process those funding applications simultaneously.

#### Amount of Funds Available:

Fund availability is listed individually under each specific RFP section below.

#### Eligible Locations:

The MHFA funds are generally available statewide. The RFP partner's funds are available only in the Metro area or Greater Minnesota depending on the specific funding source.

#### Eligible Applicants:

In general, eligible applicants for the majority of resources include Minnesota Cities, Minnesota units of government, Community Housing Development Organizations (CHDOs), community based organizations, Housing and Redevelopment Authorities, Community Action Agencies, limited profit and nonprofit entities, private individuals and tribal organizations.

Eligible applicants for multifamily and tax credit proposals include corporations and partnerships.

Economic Development Authorities, for profits, and approved lenders are also eligible applicants for some single family resources.

*Habitat for Humanity organizations are not eligible to apply for funding from the Community Revitalization Fund as the primary applicant under the "traditional Habitat model", but are eligible to be secondary partners with those applicants previously mentioned.*

## NEW RESOURCES

### AGENCY-WIDE RESOURCES:

- **Economic Development and Housing Challenge Program (EDHC):** The program shall provide loans or grants for the purpose of construction, acquisition, rehabilitation, construction financing, permanent financing, interest rate reduction, refinancing, and gap financing of both single family and multifamily housing to support economic development activities or job creation/retention within a community or region by meeting locally identified housing needs.
  - Income Limit - 115% of the greater of state or area median income.
  - In order for proposals to be funded from this specific pool of funds, they must include a financial or in-kind contribution from an area employer (the purchase of housing tax credits by a local employer is considered an employer contribution), **AND** a contribution from, *at a minimum*, one of the following:
    - local unit of government,
    - private philanthropic organization,
    - religious organization, or

## State Grants & Loans

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- charitable organization.

The proposal must also:

- Address the housing needs of the local work force. (Example: The proposal must demonstrate the link between jobs and housing, define the target area, describe how employees will access jobs and services, and demonstrate that the housing being provided (owner occupied or rental) is affordable based on the wage level of the jobs being created/retained.)

For proposals comparable in nature, *preference* shall be given to proposals that:

- Include regulatory changes that result in identifiable cost avoidance or cost reductions. Examples include, but are not limited to, increased density, flexibility in site development standards, or zoning code requirements, etc.
- Include a financial or in-kind contribution from an area employer, a local unit of government, **AND** a private philanthropic, religious, or charitable organization.
- **Innovative and Inclusionary Housing Program (IIH):** The MHFA's Innovative and Inclusionary Housing Program is available to support *new construction* development for single family or multifamily housing, or a combination of the two, in Greater Minnesota, with a variety of prices and designs which serve families with a range of incomes and housing needs.

These resources are targeted to developments in which process and regulatory improvements that reduce the cost of housing are implemented.

In order for proposals to be funded from this specific pool of funds, they must *at a minimum*, meet the following:

- Include identifiable cost savings from regulatory incentives by the local governing body which would normally not be offered in a typical housing project. Examples of this could include, but are not limited to: density bonuses, reduced setbacks and parking requirements, decreased roadwidths, flexibility in site development standards and zoning code requirements, waiver of permit or impact fees, fast-track permitting and approvals, or any other regulatory incentives that will result in cost avoidance or reductions.
- Include a variety of prices and designs which serve households with a range of incomes and housing needs **OR** include innovative building techniques or materials which lower the costs while maintaining high quality construction and livability.
- Include units affordable to households with incomes at or below 80% of the greater of state or area median income.

As part of the application, the applicant must be able to provide a quantified breakdown of the cost savings due to regulatory incentives or innovative building techniques or materials.

- **Inclusionary Housing Account (IHA):** This program is similar to the MHFA's Innovative and Inclusionary Housing Program and is available through the Metropolitan Council for proposals in the seven-county metro area. The Council may award grants to municipalities which may in turn make grants or loans to their development partners to fund the production of inclusionary housing developments in the municipality.

The Council will emphasize its support of economic integration in its funding selections, particularly in regard to how proposals serve the housing needs for households at 30 and 60 percent of median income.

IHA funds may assist developments in which the municipality offers incentives to assist in the production of inclusionary housing. The incentives that may be provided by municipalities include but are not limited to: density bonuses, reduced setbacks and parking requirements, decreased roadwidths, flexibility in site development standards and zoning code requirements, waiver of permit or impact fees, fast-track permitting and approvals, or any other regulatory incentives that will result in identifiable cost avoidance or reductions that contribute to the economic feasibility of inclusionary housing.

Applications must include information about the number of affordable units to be produced, the monthly rent or purchase price, the incentives to be provided by the municipality, and the dollar amount of the costs avoided or reduced because of the local waiver or reduction of local regulations.

### MULTIFAMILY RESOURCES:

- **Project-Based Rental Assistance:** This resource is available through the Metropolitan Council HRA via the *Multifamily RFP* for eligible projects located in the counties of Anoka, Carver, Hennepin (excluding the cities of Bloomington, Minneapolis, Plymouth, Richfield and St. Louis Park), and Ramsey (excluding the city of St. Paul). This resource is also available through the Saint Paul Public Housing Authority via the *Multifamily RFP* for eligible projects in the City of St. Paul.

Project based rental assistance is a housing subsidy program that permits a local housing agency to attach Section 8 certificates to newly constructed or rehabilitated units. The rental units are made available to low income families at or below 50% of the metro median family income at rents within the Section 8 existing fair market rent limit or HUD-approved exception rent limits. Eligible families receive rent assistance so long as they reside in the project-based dwelling unit.

Project based assistance is administered by designated housing agencies that administer the federal Section 8 certificate rent assistance programs. The assistance is provided in the form of a per-unit-month subsidy to the owner of a project on behalf of an eligible tenant while they reside in the project.

### SINGLE FAMILY RFP

#### Amount of Funds Available

Approximately \$10 million.

This Single Family RFP includes the following MHFA programs:

- Community Activity Set Aside Program (CASA)
- Community Fix -Up Fund (CFUF)
- Community Revitalization Fund (CRV). Community Revitalization Fund includes the resources Economic Development and Housing Challenge Program and Innovative and Inclusionary Housing Program mentioned previously.
- MN Urban and Rural Homesteading Program (MURL).
- Entry Cost Homeownership Opportunity Program (ECHO)

Minnesota Department of Corrections may provide funds and/or assistance through the Institution Community Work Crew (ICWC) Affordable House Building Program.

GMHF and MHFA will provide funds for the Home At Last Program (HAL).

Metropolitan Council will provide funds for the:

- Housing Assistance Loan Program (HALP);
- Local Housing Initiative Account (LHIA);
- Inclusionary Housing Account (IHA).

MHFA also anticipates receiving some funding support for the Community Revitalization Fund from Metropolitan Council and the Family Housing Fund.

#### Types of Funds Available, Single Family RFP

The Single Family RFP programs fall into the following six categories:

1. **First mortgage loans** provide long term fixed rate financing for the acquisition of a new or existing house for low and moderate income, first time homebuyers.
2. **Interim construction financing** provides either no interest or low interest loans to entities to assist in acquiring, demolishing, rehabilitating and/or constructing homes. The interest rates on these loans vary. Interest free loans are provided to not-for-profit entities who use innovative construction or rehabilitation methods (including innovative materials, financing methods, etc.) to approach housing needs in a specific community. Interim construction loans must be repaid to the funder when the home is completed and sold.
3. **Deferred loans** are interest free loans which require repayment if specific program requirements are not met. A proposal may utilize deferred loans to help bridge financing gaps not covered by a first mortgage and/or other funding resources.
4. **Grants** do not require repayment. Grants can be used for a variety of purposes (i.e. gap financing, construction, demolition, rehabilitation, etc.) Each proposal must specifically identify the type of financing requested.

Gap financing is defined as one of the following:

**Value gap:** Financing required to cover the gap between rehab/new construction costs and the appraised property value, or;

**Affordability gap:** Financing required to cover the gap between the rehab/new construction costs and what the prospective buyer can afford.

5. **Home improvement** loans are available to provide low interest loans to improve or maintain an existing home. These are typically second mortgages.
6. **Entry cost assistance** is an interest-free deferred loan designed to support community lending programs for downpayment and closing costs for first time homebuyers.

**NOTE:** The type of assistance provided by the Community Revitalization Fund will vary, (i.e. grant, loan or deferred loan) depending upon the needs addressed in each application and the availability of funding resources. Representatives from the

## State Grants & Loans

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MHFA will review each individual proposal and determine whether funds will be provided in the form of a grant, 0%, 3%, or 6% interim construction/rehabilitation loan, deferred loan or a combination of the three.

### Eligible Activities

Eligible activities vary by program. Review each program concept carefully.

The contributing partners strongly encourage communities to leverage funds with the resources available through this RFP to address the local housing need(s) identified in their comprehensive housing plan.

All proposals eligible for financing must address housing needs created by recent/ongoing local economic housing vitality initiatives (EVHI).

### Program Limits

All of the programs within this RFP target households with incomes at or below 115% of the greater of state or area median income limits.

See Single Family Program Concepts for current income limits.

## MULTIFAMILY RFP

### Amount of Funds Available

Approximately \$18 million.

### Types of Funding Available, Multifamily RFP

1. **Deferred loan funds** are generally in the form of a zero percent (0%), 20-30 year deferred or subordinate loan or grant. Actual interest rate, term and type of loan or grant will vary depending upon recommended funding source(s) and will be discussed in detail with sponsors upon selection for funding.

For developments using the **Federal Housing Tax Credit Program**, loans may be structured with an interest rate to be eligible for inclusion in qualified basis. More information on the Housing Tax Credit Program follows this section.

2. **Long term fixed rate mortgages** for acquisition, refinance, or new construction of multifamily housing for developments that may generate adequate income to service debt are also available. These mortgages are offered through the Low and Moderate Income Rental Program (LMIR). Separate application materials are not required for the first mortgage programs.

**\*\*NOTE:** Staff is currently developing a first mortgage demonstration program for developments with 20% project-based rental assistance and 80% market rate units. This program will be announced soon and may make additional funding available for this type of development.\*\*

3. **Project-Based or Tenant Based Rental Assistance** may be available for eligible properties and eligible tenants. Rental assistance is generally provided in the form of a per-unit-month subsidy to the owner of a project on behalf of an eligible tenant living in the project. Rents must be within the Section 8 existing fair market rent limit or HUD-approved exception rent limits.

### Eligible Projects

Funds may be used for a variety of rental housing types including permanent housing, preservation of federally assisted housing, publicly owned housing, temporary or transitional housing, emergency shelters, supportive housing and HIV/AIDS housing/services.

Permanent rental housing must be "residential housing" or be "generally available to low and moderate income people." The owner of permanent supportive housing shall not also be the provider of services.

- "Residential housing" is housing where the individual units have bathrooms and kitchen facilities.
- Housing that is "generally available to low and moderate income people" is housing for which occupancy is either unrestricted or restricted only on the basis of income.

Some sources of funding may require ownership by a public entity.

A priority may be given to developments which:

- target underserved households which include female-headed, minority, and persons with disabilities.
- demonstrate local government action that helps lower cost, such as regulatory changes or waivers that result in identifiable cost avoidance or reduction.
- demonstrate local government investment pursuant to a housing plan, or housing plus plan.
- demonstrate partnerships with non-housing groups.

- include substantial financial contributions from local employers.
- address housing needs of the local work force.
- incorporate a youth build component.

Developments shall be closely targeted to areas of economic growth, or with sufficient market demand (including household growth, local employment growth, low vacancy rates, and long waiting lists) and with an emphasis on housing for large families and single individuals.

All proposals submitted must meet housing needs identified by local housing vitality initiatives (EVHI), or local continuum of care plans.

Developments which provide for or maintain economic integration are encouraged.

Developments with age restrictions of 55 and older, however, are ineligible under most funding sources.

### **Income Limits**

The overall goal of the Multifamily RFP is to serve lower income households. Funding sources generally allow incomes up to 60% of median income in the seven-county metropolitan area, and up to 80% of statewide median income in Greater Minnesota (adjusted for family size). Funding sources with an objective of addressing needs identified in a continuum of care plan require lower income limits, generally at or below 30% of the seven-county metro area median income.\*

### **Gross Rent Limits**

For permanent rental housing proposals, maximum gross rents shall not exceed the following limits in Greater Minnesota and the Seven County Metro Area. The actual maximum gross rent limit will be dependent upon the recommended source(s) of funding.\*

- **Greater Minnesota:** 30% of 50% of statewide median income;
- **Seven County Metro Area:** The lesser of the Fair Market Rent or 30% of 50% of metro median income.

For transitional housing or permanent supportive housing proposals, maximum gross rents shall generally be equal to or less than 30% of the seven-county metro area median income.

*\*NOTE: Priority will generally be given to those developments serving the lowest income households.*

## **HOUSING TAX CREDIT PROGRAM**

The Minnesota Housing Finance Agency (MHFA) is pleased to announce that it is accepting year 2000 Round 2 competition applications for reservation and allocation of Housing Tax Credits, authorized by the Federal Tax Reform Act of 1986, as revised.

The Housing Tax Credits offer a ten year reduction in tax liability to owners and investors in eligible low income rental housing developments involving new construction, rehabilitation or existing rental housing with rehabilitation. Information on remaining estimated 2000 tax credits will be available and posted to MHFA's internet web site ([www.mhfa.state.mn.us](http://www.mhfa.state.mn.us)) in February or March.

Total estimated year 2000 tax credits available for the State of Minnesota is \$5.9 million. The total estimated portion of tax credits available for Round 2 is \$650,000. MHFA has estimated the housing credit ceiling for Minnesota for calendar year 2000 based upon the amounts of the housing credit ceiling for calendar year 1999. The actual housing credit ceiling for the year 2000 will not be known by MHFA until sometime in February or March of 2000. In early 2000 the IRS will make a final determination of Minnesota's population component used in determining Minnesota's final year 2000 housing credit ceiling. The IRS will publish this population component sometime in February or March of 2000.

As in past competition years, in 2000 Round 2, a priority will be given to proposals which have previously received an allocation of tax credits and are in need of a supplemental allocation. Also, this round will include a \$200,000 set-aside for RDH/small cities developments. MHFA will be establishing a Wait List from the non-selected proposals remaining at the conclusion of the 2000 Round 2 competition. Proposals from this list will be considered to receive returned credits, if any, which become available for allocation prior to October 1, 2000.

In 1999, the MHFA revised its allocation procedure for housing tax credits in two key respects. The tax credit allocation process has been converted from three funding cycles to two funding cycles annually. This change was implemented with the Spring Round of 1999.

Also in 1999, MHFA shifted its primary tax credit selection/allocation round from the spring to the fall of the year. This was implemented to provide tax credit developers a better chance to begin construction the following spring.

As a result, 1999 was a transition year, with most of the calendar year 1999 tax credits allocated in the spring of 1999, and most of the year 2000 credits in the fall of 1999.

# State Grants & Loans

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## Credit Formula

The Minnesota Legislature designated the MHFA as the primary apportionment agency for housing tax credits for the state and also authorized eligible cities and counties to administer the tax credits in their respective jurisdictions based on the *Minnesota Statutes* Section 462A.222, Subd. 1(a)(2).

## Local Administration of Tax Credit

The following eligible cities and counties have the authority to administer the tax credits locally:

(S) Suballocator		(JPS) Joint Powers Suballocator	
(S) St. Paul	(651) 266-6616	(JPS) Duluth	(218)723-3357
(S) Dakota County	(612) 423-8104	(JPS) St. Cloud	(320) 252-0880
(S) Washington Co.	(651) 458-6556	(JPS) Rochester	(507) 285-8224
(S) Minneapolis	(612) 673-5067		

For 2000, a suballocator was again able to elect to enter into a one year joint powers program with the MHFA (via Joint Powers Agreement) in which the participating suballocator (referenced as Joint Powers Suballocator above) could prioritize the developments within their jurisdiction and then turn the application over to the MHFA to perform certain allocation and compliance functions. If applicable to your proposal, contact the suballocator for your location to determine if they have elected to participate in this joint powers program.

***For Round 2, applicants within Suballocator or Joint Powers Suballocator jurisdiction apply directly to the MHFA.***

## MHFA Administration Tax Credits

In all tax credit rounds, applicants with eligible buildings in the balance of the state, not within the jurisdiction of eligible local credit administrators, may apply to the MHFA for an allocation of housing tax credits.

## APPLICATION PROCESS

To request a Single Family, Multifamily, or Housing Tax Credit Request for Proposal application packet, please contact:

Minnesota Housing Finance Agency  
400 Sibley Street, Suite 300  
St. Paul, MN 55101

***Single Family RFP*** - (651) 296-7975, or Toll Free: 1-800-710-8871

***Housing Tax Credit or Multifamily RFP*** - (651) 297-3294 or Toll Free: 1-800-657-3701

## APPLICATION SUBMISSION DEADLINES:

**One copy of the original application form and all attachments *PLUS* all additional copies as required by the specific RFP** are due by 5:00 p.m. on the specified date:

- **Single Family RFP** applications are due **Friday, February 11, 2000.**
- **Multifamily RFP and Housing Tax Credit** applications are due **Thursday, February 17, 2000.**

**Recommendations for all programs will be made to the MHFA Board on April 27, 2000.**

This request for proposals is subject to all applicable federal, state, and municipal laws, rules, and regulations. MHFA reserves the right to modify or withdraw this RFP at any time and is not able to reimburse any applicant for costs incurred in the preparation or submittal of applications.

It is the policy of the Minnesota Housing Finance Agency (MHFA) to further fair housing opportunity in all Agency programs and to administer its housing programs affirmatively, so that all Minnesotans of similar income levels have equal access to Agency programs regardless of race, color, creed, religion, national origin, sex, marital status, status with regard to receipt of public assistance, disability, or family status.

## Minnesota Job Skills Partnership (MJSP) Board

### MJSP Healthcare and Human Services Training Grant Deadlines

The Minnesota Job Skills Partnership (MJSP) Board solicits grant proposals from educational and training institutions for training programs designed for specific businesses. The MJSP Healthcare and Human Services Training Program is designed to alleviate worker shortages and increase opportunities for current and potential direct care employees to qualify for advanced employment in the healthcare and human services fields.

The deadline for submission of proposals for the MJSP Healthcare and Human Services Training Program is 4:00 P.M. on January 24, 2000. Upon staff approval of technical requirements, 16 final copies must be submitted no later than 4:00 P.M. February 7, 2000 for consideration at the next scheduled MJSP Board meeting on February 28, 2000. No proposals will be accepted after January 24, 2000.

A training workshop regarding the fundamentals of completing the MJSP Healthcare and Human Services grant application will be held on December 17, 1999 at 10:00 A.M. in Conference Room A at the MN Job Skills Partnership offices located within the MN Department of Trade & Economic Development at 500 Metro Square, 121 7th Place East, Downtown St. Paul.

Please contact the Partnership office at (651) 296-0388 for details.

## 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 to 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, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute. In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals are prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (651) 296-2600 or [TTY (651) 297-5353 and ask for 296-2600].

## Minnesota Supreme Court

### The Information Technology Division (ITD)

#### Notice of Request for Proposal for Consultants to Assist in Analysis Phase of Project to Replace the Total Court Information System

The Minnesota Supreme Court is seeking Requests for Proposals (RFPs) for three full-time consultants from January 3 - October, 2000 to augment a State team of 25 in the Analysis Phase of a project to replace the current Minnesota Court System, Total Court Information System, or TCIS.

**Position #1: Re-engineering Specialist** with strong background in process modeling and tool use.

**Position #2: Project Administrator** with IT project background and strong in organization and communication skills and in Microsoft Office tool use.

**Position #3: System Architect** with strong background in mainframe and client server technologies, in standards development and with a wide-range of knowledge in the latest browser-based, imaging and electronic filing technologies.

For a complete copy of the RFP, please link to [www.courts.state.mn.us](http://www.courts.state.mn.us) or contact: Linda Honebrink at (651) 297-7621 or e-mail at [Linda.Honebrink@courts.state.mn.us](mailto:Linda.Honebrink@courts.state.mn.us)

**Deadline for proposal submissions is: Friday, December 10, 1999.**

## 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 *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

### Dakota County

#### Community Services Administration

#### Request for Information: To Develop an Information System to Manage Licensed Juvenile Residential Care, Treatment and Detention Facilities

**Issued:** December 6, 1999.

**Informational Meeting:** January 6, 2000.

**Due:** January 28, 2000.

**Eligible Applicants:** Eligible applicants are software development engineers and/or companies. Experience working with governmental organizations is desirable.

**Description:** The Minnesota Juvenile Detention Association (MJDA), a statewide group of juvenile facility staff and superintendents, solicits information and cost estimates from software engineers/companies for the development of an information system to manage the day-to-day activities of youth serving residential facilities and programs. The information system must track client information, daily activities and billing information and produce administrative and outcome-based management reports.

**Contract Period and Payment:** Based upon the information gathered through the Request for Information process, MJDA might develop a formal Request for Proposals. The anticipated RFP time line includes an issue date for early summer 2000. All parties receiving this Request for Information will receive the formal RFP if one is issued. It is anticipated that MJDA will work with a coordinating entity such as the Minnesota Counties Computer Cooperative to facilitate the RFP, contracting and user group involvement processes.

**For a copy of the Request for Information and the system requirements, phone:** Karen Keller, (651) 450-2931 or email: [karen.keller@co.dakota.mn.us](mailto:karen.keller@co.dakota.mn.us)

**For additional information, contact:** Deb Kerschner at 651-438-8263 or Tim Walsh at 651-438-4953.

### University of Minnesota

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

The University of Minnesota offers 24 hour/day, 7 day/week access to all Request for Bids/Proposals through its web based Bid Information Services (BIS). Subscriptions to BIS are \$75/year. Visit our web site at [bidinfo.umn.edu](http://bidinfo.umn.edu) or call the BIS Coordinator at 612-625-5534.

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

# Hot Off the Press-- Nov-Dec '99



Minnesota's Bookstore 117 University Ave. St. Paul, MN 55155

## For the hunter and wildlife explorer..



### Minnesota Trails Reference Guide

Whether you're looking for mountain biking trails or the best foot route to reach your hunting destination, this handy guide will help you find your way. Full-color map notes trail locations and charts designate trail length, effort level, and surface conditions.

Stock No. 12-57 \$2.95

### North Central GPS Companion

This handy pocket-sized book charts the latitude of 8200 cities and landmarks throughout Minnesota, Wisconsin and Iowa. Great for hikers, boaters/canoers, fisherman and aviator.

Softcover, 425pp. Stock No. 12-4 \$13.95

### Hunter's Field Guide

This popular *Outdoor Life* field guide offers practical advice on how to be a safe, successful and responsible hunter. Through easy-to-read illustrations and text, learn tips on: treating common injuries, reloading shot gun shells, the basics of bow hunting, how to hold and carry a muzzle-loader, recommended shot and target range for various game, and much more. Great tool for the beginner as well as the experienced hunter.

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If you'd like to hunt for photo opportunities, this is the book for you. Easy to use, this insightful guide, points the way to 120 sites throughout Minnesota where you can see, enjoy and photograph a wide variety of wildlife in all four seasons. Find great spots for viewing everything from trumpeter swans to grouse, moose to frogs, blue herons to foxes, birds, mammals and reptiles. Spiral-bound with handy pull-out back cover which hosts a map legend and serves as a convenient flap to mark your spot. 220 color photos, 320pp. Stock No. 9-40 \$19.95

## New Laws & Rules Recently Received

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Stock No. 2-12 \$8.00

**Wkrs Comp Laws —due Nov 17**

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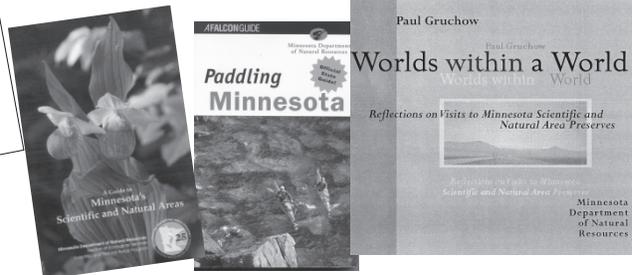
**Real Estate Appraisers Laws/Rules**

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### Guide to Minnesota's Scientific and Natural Areas —Now FULL-COLOR!

This popular guide has just been revised. This book describes the environmental heritage of an area, then introduces specific SNAs (scientific & natural areas) that preserve representative examples. Each of 129 sites are listed and feature a map and a description of geological formations, landscape types, and selected key plant and animal types. Includes township/range/section listing, total number of acres and how to access the site. Spiral-bound, 240pp. Stock No. 9-8 \$14.95

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This elegant hardbound book features beautiful photographs and a collection of reflective essays by renowned author Paul Gruchow on the many wonders experienced at 12 scientific and natural areas. Also includes field notes by Richel Burkey-Harris. These essays, first featured in the *Minnesota Conservation Volunteer* magazine, are sure to please devotees of nature and Paul Gruchow's writing. Hardcover, 144pp. Stock No. 9-33 \$24.95

### Paddling Minnesota

At last, a canoeing/kayaking guide for navigating our many rivers and lakes. This guide charts 125 routes for river and lake trips ranging from easy "floats" for the beginner to the more challenging routes for the experienced paddler. Paddling Minnesota provides detailed maps for finding each site, plus trip information to include: length, scenery, difficulty, location, points of interest, history, fishing, average run time, hazards and more. Softcover, 374pp. Stock No. 9-63 \$14.95

