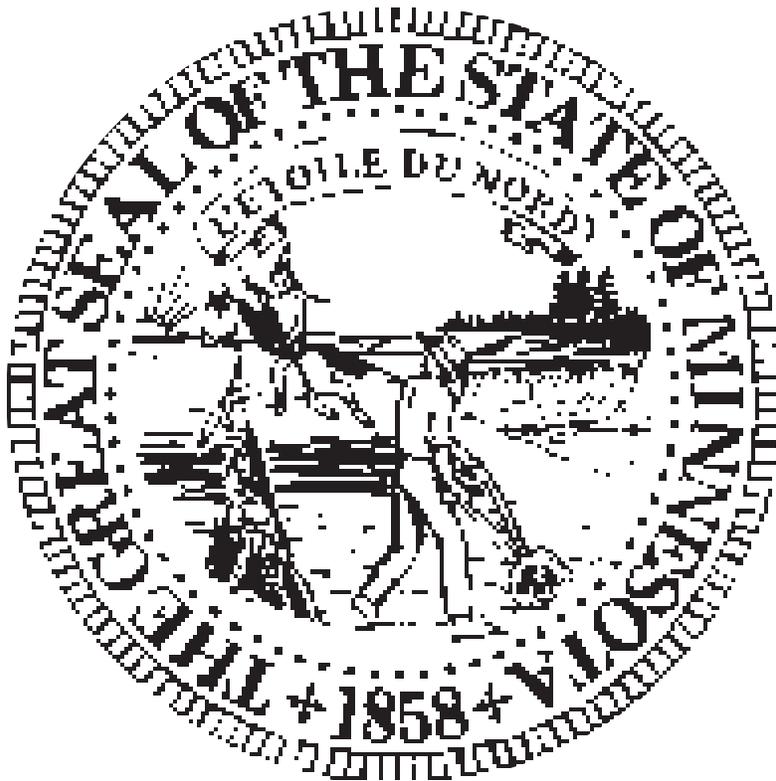


State of Minnesota

State Register

Rules and Official Notices Edition



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Monday 30 August 1999
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Pages 269-294

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- proposed, adopted, exempt, expedited emergency and withdrawn rules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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| Vol. 24 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 |
|----------------------------|---------------------|--|---|
| #9 | Monday 30 August | Noon Wednesday 18 August | Noon Tuesday 24 August |
| #10 | Tuesday 7 September | Noon Wednesday 25 August | Noon Tuesday 31 August |
| #11 | Monday 13 September | Noon Wednesday 1 September | Noon Tuesday 7 September |
| #12 | Monday 20 September | Noon Wednesday 8 September | Noon Tuesday 14 September |

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

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

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1997 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

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

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

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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 Human Rights

Adopted Permanent Rules Relating to Public State Contracts

The rules proposed and published at *State Register*, Volume 23, Number 19, pages 1176-1187, November 9, 1998 (23 SR 1176), are adopted with the following modifications:

5000.3415 COMMISSIONER MAY VOID CONTRACT.

If the commissioner has reason to believe that a state agency has awarded a contract in excess of \$100,000 to a contractor who employs more than 40 full-time employees in Minnesota but ~~does did~~ not ~~currently~~ hold a valid certificate of compliance at the time the contract was awarded, the commissioner must notify the agency and the contractor of this potential violation and of the commissioner's information and reason for believing that a violation has occurred, and request a written response from each within ten days. ~~The~~ Each response should explain why the state agency or contractor believes ~~it is the contract was~~ in compliance with *Minnesota Statutes*, section 363.073, or explain why the contract should not be voided if not in compliance with *Minnesota Statutes*, section 363.073, and include an affirmative action plan in compliance with parts 5000.3400 to 5000.3600. The contracting state agency's response must also include a copy of the contract.

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

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

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

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

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.

Exempt Rules

If, after consideration of both responses, and other evidence available to the commissioner and previously shown to the contracting state agency and contractor, the commissioner determines by a preponderance of the evidence that the contract was legally awarded, the commissioner must notify the contracting state agency and the contractor within ten days that the contract will not be voided. If the commissioner determines that a preponderance of the evidence shows the contract was not legally awarded, the commissioner shall consider whether the benefit of voiding the contract outweighs the potential for adverse impact to the public interest. The commissioner shall void the contract if the potential for adverse impact is outweighed by the benefit to be obtained from voiding the contract. The commissioner must notify the contracting state agency and the contractor within ten days of the commissioner's decision.

The commissioner's decision voiding any contract must be served upon the contracting state agency and contractor by certified mail. The commissioner's decision voiding a contract must be mailed simultaneously by regular mail to the commissioners of administration and finance, to the assistant attorney general representing the contracting state agency, and to any other parties to the contract. The contract is void after ten days from receipt of the commissioner's decision by the contracting state agency or the contractor, whichever is later.

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

Exempt Rules

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

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

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

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

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

Department of Labor and Industry

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

The rules proposed and published at *State Register*, Volume 23, Number 52, pages 2405-2407, June 28, 1999 (23 SR 2405), are adopted as proposed.

Expedited Emergency Rules

Provisions exist for the Commissioners of some state agencies to 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. Specific *Minnesota Statute* citations accompanying these emergency expedited rules detail the agency's rulemaking authority.

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules; Special Provisions for Wildlife Management Areas and State Game Refuges; Controlled Hunting Zones; Camp Ripley Archery Hunt Quotas; Falconry Migratory Bird Regulations; Game Refuges Open for Turkey Hunting; Woodcock Regulations; Early Waterfowl Regulations

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of these rules is *Minnesota Statutes*, sections 97A.091, 97A.092, 97A.137, 97B.105, 97B.305, 97B.311, 97B.731, and 97B.803.

Dated: 19 August 1999

Allen Garber
Commissioner of Natural Resources

6230.0200 SPECIAL PROVISIONS FOR WILDLIFE MANAGEMENT AREAS.

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

Subp. 11. Areas with other restrictions.

A. The Schrafel Wildlife Management Area in Mower county is closed to trapping and firearms hunting. It is open to archery deer hunting.

B. The Hvoslef Wildlife Management Area in Fillmore county is open to archery hunting only from September 1 to October 31 and during the spring wild turkey seasons. Firearms hunting, except the use of centerfire rifles, is allowed from November 1 to December 15.

Subp. 12. Sanctuary areas open to hunting. The following sanctuary areas of wildlife management areas posted with "Wildlife Sanctuary Do Not Trespass" signs are open for hunting as specified:

A. The Talcot Lake Wildlife Management Area sanctuary is open for deer hunting by persons with disabilities at designated stands, by permit, during the established state seasons.

B. The Carlos Avery Wildlife Management Area sanctuaries are open for:

(1) deer hunting by persons with disabilities at designated stands, by permit, during the dates provided by rule; and

(2) taking of wild turkeys during the spring wild turkey season in those portions of the sanctuaries that lie within an open spring wild turkey hunting zone.

6230.0400 SPECIAL PROVISIONS FOR STATE GAME REFUGES.

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

Subp. 4. **Claremont Game Refuge, Dodge county.** The Claremont Game Refuge in Dodge county is open to:

A. small game hunting, except ducks and mergansers;

B. trapping; ~~and~~

C. firearms deer hunting only by muzzleloader special permit; and

D. deer and bear hunting by archery.

[For text of subs 5 to 20, see M.R.]

Subp. 21. **Lac qui Parle Game Refuge, Chippewa and Lac qui Parle counties.** The following special provisions apply to the Lac qui Parle Game Refuge, Chippewa, and Lac qui Parle counties:

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

Expedited Emergency Rules

D. Designated hunting stations within the refuge must be spaced no less than 200 yards apart and must be no more than 125 yards inside the refuge, as measured from the posted boundary.

[For text of subs 22 to 29, see M.R.]

Subp. 30. **Moscow Game Refuge, Freeborn county.** The Moscow Game Refuge in Freeborn county is open to:

- A. small game hunting, except ~~waterfowl~~ ducks and mergansers;
- B. trapping;
- C. deer and bear hunting by firearms; and
- D. deer and bear hunting by archery.

Subp. 31. **Nerstrand Woods Game Refuge, Rice county.** That portion of the Nerstrand Woods Game Refuge in Rice county that is within the Nerstrand Big Woods State Park and the Prairie Creek Woods Scientific and Natural Area is open to deer hunting by muzzleloader special permit only. The remainder of the refuge is open to ~~deer hunting by archery during the archery season and deer hunting by muzzleloader during the muzzleloader season.~~

- A. small game hunting;
- B. trapping;
- C. deer and bear hunting by firearms; and
- D. deer and bear hunting by archery.

[For text of subs 32 to 49, see M.R.]

Subp. 50. **Whitewater Game Refuge, Winona county.** The Whitewater Game Refuge in Winona county is open to:

- A. small game hunting, except waterfowl; ~~by bow and arrow or firearms using No. 4 buckshot or smaller diameter lead or steel shot or .22 caliber rimfire only~~;
- B. trapping by permit; and
- C. firearms deer hunting only by permit.

[For text of subs 51 and 52, see M.R.]

Subp. 53. Austin Game Refuge, Mower county. The Austin Game Refuge in Mower county is open to deer hunting by archery.

Subp. 54. Mud-Bardwell Game Refuge, Martin county. The Mud-Bardwell Game Refuge in Martin county is open to special goose hunts.

Subp. 55. Collegeville Game Refuge, Stearns county. The Collegeville Game Refuge in Stearns county is open to firearms deer hunting during the established season.

Subp. 56. Carleton Refuge, Dakota and Rice counties. The Carleton Game Refuge in Dakota and Rice counties is open for deer hunting by archery from the fourth Thursday in November to December 31.

6230.0600 DESCRIPTIONS OF CONTROLLED HUNTING ZONES.

[For text of subs 1 to 6, see M.R.]

Subp. 7. **Talcot Lake Zone, Cottonwood county.** On the Talcot Lake Game Refuge and Sanctuary in Cottonwood county, the controlled hunting zones include the East Side Zone and the West Side Zone:

A. The East Side Zone is the 200 to 440 yard wide area, as posted, which is outside of the Talcot Lake Game Refuge and Sanctuary and immediately adjacent to the following described boundary ~~as posted~~:

Beginning along County State Aid Highway (CSAH) 7, Cottonwood County at the center of Section 17, Township 105 North, Range 38 West; thence South along CSAH 7 to State Trunk Highway (STH) 62.

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

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

6232.0900 CAMP RIPLEY ARCHERY HUNT.

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

Subp. 3. Antlerless deer and legal bucks. In 1999, Camp Ripley is open for the taking of antlerless deer and legal bucks by archery. Not more than 1,750 permits will be issued for each two-day hunting period, provided the total number of permits issued for both hunting periods does not exceed 3,000.

6234.0800 HUNTING BY FALCONRY.

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

Subp. 4. **Open season and hours for migratory game birds.** Woodcock, sora and Virginia rails, and common snipe; ducks, coots, and moorhens (gallinules) may be taken by falconry from September 1 to December 16. Ducks, coots, and moorhens (gallinules) may be taken by falconry from the Saturday nearest October 1 to the Saturday nearest January 14. Geese may be taken by falconry ~~from the Saturday nearest October 1 to December 16~~ during any open goose season. Crows may be taken by falconry during the open season. Falconry hours are from one-half hour before sunrise to sunset, except during the regular waterfowl season when falconry hours are the same as waterfowl shooting hours.

6236.0900 SPECIAL PROVISIONS FOR TAKING TURKEYS.

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

Subp. 4. **Game refuges open to taking turkeys.** The Lost Lake Refuge in Fillmore county, the Whitewater State Game Refuge in Winona county, the Minnetonka Game Refuge in Carver and Hennepin counties, the Albert Lea and Moscow State Game Refuges in Freeborn county, the Linn Lake State Game Refuge in Chisago county, the Rochester State Game Refuge in Olmsted county, the Stearns County State Game Refuge in Stearns county, the Claremont State Game Refuge in Dodge county, the Nerstrand State Game Refuge in Dodge county, and the St. Croix River and Stillwater Game Refuges in Washington county are open for the taking of turkeys during ~~the~~ open wild turkey seasons in the zones in which they are located.

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

6240.0300 TAKING OF WOODCOCK.

Subpart 1. **Open season.** Woodcock may be taken ~~from September 1 to November 4~~ during the 45-day period beginning the Saturday on or nearest September 22.

Subp. 2. **Daily limit.** A person may not take more than ~~five~~ three woodcock per day during the open season.

6240.0700 TAKING GEESE IN WEST CENTRAL GOOSE ZONE.

The West Central Goose Zone is the area lying within the following boundary:

Beginning at the intersection of State Trunk Highway (STH) 29 and U.S. Highway 212; thence West along U.S. Highway 212 to U.S. Highway 59; thence South along U.S. Highway 59 to STH 67; thence West along STH 67 to U.S. Highway 75; thence North along U.S. Highway 75 to County State Aid Highway (CSAH) 30, Lac qui Parle county; thence West along CSAH 30 ~~to County Road 70, Lac qui Parle county;~~ thence West along County Road 70 to the west boundary of the state; thence North along the west boundary of the state to the point due south of the intersection of STH 7 and CSAH 7, Big Stone county; thence due North to said intersection; thence North along CSAH 7 to CSAH 6, Big Stone county; thence East along CSAH 6 to CSAH 21, Big Stone county; thence South along CSAH 21 to CSAH 10, Big Stone county; thence East along CSAH 10 to CSAH 22, Swift county; thence East along CSAH 22 to CSAH 5, Swift county; thence South along CSAH 5 to U.S. Highway 12; thence East along U.S. Highway 12 to CSAH 17, Swift county; thence South along CSAH 17 to CSAH 9, Chippewa county; thence South along CSAH 9 to STH 40; thence East along STH 40 to STH 29; thence South along STH 29 to the point of beginning.

6240.1200 SPECIAL PROVISIONS ON TAKING GEESE DURING EARLY SEASONS.

Subpart 1. **Taking near water.** Taking Canada geese during the early seasons is prohibited on or within 100 yards of all surface waters, except:

A. in the West Goose Zone, including the West-Central and Lac qui Parle Goose Zones, beginning the second Saturday in September; or

B. on those waters described or shown on a map provided by the commissioner.

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

6240.1500 TAKING GEESE IN TWIN CITIES METRO CANADA GOOSE ZONE.

Subpart 1. **Open season.** Canada geese may be taken in the Twin Cities Metro Canada Goose Zone beginning the first Saturday in September to September ~~15~~ 22.

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

Expedited Emergency Rules

6240.1600 TAKING GEESE IN ~~FOUR~~ FIVE GOOSE ZONE.

Subpart 1. **Open season.** Canada geese may be taken in the ~~Four~~ Five Goose Zone beginning the first Saturday in September to September ~~15~~ 22.

Subp. 2. **Daily limits.** A person may not take more than ~~four~~ five Canada geese per day during the early season.

Subp. 3. **Zone description.** The ~~Four~~ Five Goose Zone is described as follows:

~~That portion of the state lying west of Interstate Highway 35 (I-35) and south of I-94, except that area included in the Twin Cities Metro Canada Goose Zone described in part 6240.1500, subpart 3; Those areas of the state not included in the Northwest Goose Zone described in part 6240.0860; the Twin Cities Metro Canada Goose Zone described in part 6240.1500, subpart 3; or the Two Goose Zone described in part 6240.1700, subpart 3.~~

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

6240.1700 TAKING GEESE IN TWO GOOSE ZONE.

Subpart 1. **Open season.** Canada geese may be taken in the Two Goose Zone beginning the first Saturday in September to September ~~15~~ 22.

Subp. 2. **Daily limit.** A person may not take more than two Canada geese per day during the early season.

Subp. 3. **Zone description.** The Two Goose Zone is described as follows:

~~Beginning at the intersection of the southern border of the state and Interstate Highway 35 (I-35); thence north on I-35 to I-35W; thence north on I-35W to I-94; thence west on I-94 to the western boundary of the state; thence following the west, north, east, and south boundaries of the state to the point of beginning, excluding the Twin Cities Metro Canada Goose Zone as described in part 6240.1500, subpart 3; and excluding the Northwest Goose Zone as described in part 6240.0860. That part of the state lying east of Interstate Highway 35 and south of the Twin Cities Metro Canada Goose Zone described in part 6240.1500, subpart 3.~~

6240.1750 TAKING GEESE IN NORTHWEST GOOSE ZONE.

Subpart 1. **Open season.** ~~Canada geese may be taken in the Northwest Goose Zone described in part 6240.0860 beginning the first Saturday in September to September 15.~~

Subp. 2. **Daily limits.** ~~A person may not take more than two Canada geese per day during the early season.~~

6240.1850 GAME REFUGES OPEN TO THE TAKING OF GEESE.

The following refuges are open to the taking of geese, as specified:

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

B. The Fox Lake Game Refuge in Martin county and the Saint James Game Refuge in Watonwan county are open to goose hunting during the first three days of the regular goose season in the ~~remainder of the state as described in part 6240.1100~~ respective zones in which they are located. The Fox Lake Game Refuge is also open to goose hunting ~~for the last 14 days from the Saturday on or nearest November 20 to the end of the goose season in the remainder of the state as described in part 6240.1100 zone in which it is located~~, except there is no goose hunting within 100 yards of Fox and Temperence Lakes.

C. ~~The Harstad Slough Waterfowl Refuge in Stevens county is open to Canada goose hunting during the early September Canada goose season.~~

EFFECTIVE PERIOD. ~~The emergency amendments to Minnesota Rules, parts 6232.0900, 6240.1200, 6240.1500, 6240.1600, and 6240.1700, expire December 31, 1999. The emergency amendments to Minnesota Rules, parts 6230.0200, 6230.0400, 6230.0600, 6234.0800, 6236.0900, 6240.0300, 6240.0700, and 6240.1850, expire 18 months after adoption. After the emergency amendments expire, the permanent rules as they read prior to the amendments again take effect, except as they may be amended by permanent rule. Minnesota Rules, part 6240.1750, expires December 31, 1999.~~

Withdrawn Rules

An agency may choose to withdraw rules it has proposed, thus cancelling any time-sensitive schedule for public comment, hearing, or further movement toward the rules' adoption. These rules will be listed as withdrawn by their individual rules numbers in the *State Register's* index to rulemaking activity, **Minnesota Rules: Amendments and Additions**. An agency that chooses to withdraw proposed rules, may reintroduce those same rules at a later date.

Office of the Secretary of State

NOTICE OF WITHDRAWAL OF PROPOSED RULES

Withdrawal of Proposed Rule Amendments Related to the Minnesota Electronic Authentication Act, *Minnesota Rules*, Chapter 8275.

RULES WITHDRAWN; WILL NOT BE RE-PROPOSED. In the February 22, 1999 *State Register*, on page 1744, the Office of the Secretary of State published a Request for Comments on Rule Amendments Related to the Minnesota Electronic Authentication Act. During the 1999 Legislative Session, the Legislature amended *Minnesota Statutes*, section 325K.04 and authorized the secretary to adopt fees without using the rulemaking process until July 1, 2001. See *1999 Minnesota Session Laws*, chapter 250, article 1, section 95. The Secretary hereby withdraws the Request for Comments on the proposed rule amendments published in the February 22, 1999, *State Register*.

Dated: 23 August 1999

Mary Kiffmeyer
Secretary of State

Revenue Notices

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

Department of Revenue

Revenue Notice # 99-09: Petroleum Tax - Power Take-off Unit (PTO) Refunds

Tax paid on gasoline or special fuel used to operate a power take-off unit (PTO) or auxiliary engine fueled from the same supply tank as the highway vehicle is refundable. (See: *Minnesota Statutes* § 296A.16, subd. 2(2)(ii); and *Minnesota Rules*, part 8125.1301). The Commissioner of Revenue has determined percentage amounts that represent the fuel used by the PTO. These percentages are based on the type of PTO and are applied against all the fuel in the supply tank of the motor vehicle to which the PTO is attached. The PTO refund worksheet available from the Department (form PDR1-PTO) is based on the rules and details these percentages.

For purposes of the PTO refund worksheet, the equipment listed as "Self loaders and chip hauling vans (timber and logging)" is not limited to the timber and logging industries. The parenthetical information was provided as an example of the type of equipment. The term "self loader" is a generic term and not an industry-specific term. The same type of equipment may be used in other industries but may be named and/or described differently. For example, the concrete block industry uses the term "boom truck" and the retail lumber industry uses the term "lift truck." In both examples, the type of equipment would be allowed the same refund percentage as that listed under "self loaders" on the worksheet.

Dated: 30 August 1999

Jennifer L. Engh
Assistant Commissioner for Tax Policy

Official Notices

Department of Revenue

Revenue Notice # 99-10: Special Taxes - Unfair Cigarette Sales Act Issue

What is meant by “same article” and “ordinary channels of business or trade” in relation to the sale of re-imported cigarettes?

Re-imported cigarettes generally are domestic brand cigarettes manufactured in the United States and intended to be sold in international commerce. They may be offered for sale in domestic commerce if their re-importation satisfies federal requirements. In response to the increasing number of re-imported cigarettes on the domestic market in Minnesota, the Department of Revenue issues the following policy statement:

The Minnesota Unfair Cigarette Sales Act allows wholesalers and retailers to meet the lawful price of a competitor selling the same article. Wholesalers and retailers may not match a competitor’s lawful price on an article that is not the same as the article they offer for sale. “Same article” means an identical item. Gray-market or re-imported cigarette brands may not be identical to the same brand offered for sale in domestic commerce. It is permissible to use the invoice cost or the actual cost of re-imported cigarettes purchased to determine their basic cost if the manufacturer has attested in writing that the products intended for domestic consumption differ from the products intended for export.

Until January 1, 2000, cigarettes intended for sale in international commerce may be re-imported into the United States and offered for sale if federal requirements are satisfied. The Department of Revenue will consider a distributor’s acquisition of those cigarettes to be within the ordinary channels of trade, as that term is used in the Unfair Cigarette Sales Act, if the distributor does not also acquire cigarettes directly from the manufacturer. That position applies regardless of whether the manufacturer has stated that its export cigarettes differ from those intended for the domestic market. As of January 1, 2000, federal law will require that re-imported cigarettes either be sent to an export warehouse or returned to the manufacturer. Re-imported cigarettes offered for sale in Minnesota after December 31, 1999, contrary to federal law and applicable regulations, will be considered to be outside the ordinary channels of business or trade.

Dated: 30 August 1999

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 rule-making proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

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

Department of Administration State Designer Selection Board (SDSB)

Meeting Schedule for September, 1999

Pursuant to SDSB *Minnesota Rule* 3200.0400, below is the schedule of State Designer Selection Board meeting dates, times and agenda items as of August 20, 1999:

- September 7, 9:00 a.m.
 1. Shortlisting: Project 6-99 North Hennepin Community College, Renovation and Expansion of the Science Building into a General Education Building
- September 21, 9:00 a.m.
 1. Interviews/Selection: Project 6- North Hennepin Community College, Renovation and Expansion of the Science Building into a General Education Building

Unless otherwise stated, all meetings are held in the Administration Building, 50 Sherburne Avenue, St. Paul, Room G-10/Conference Room A. Other matters may come before the Board and be added to the agenda as needed. For additional information, contact Lisa Blue at 651-297-5526.

Department of Agriculture

Agronomy and Plant Protection Division

Notice of Cancellation of Minnesota Agricultural Chemical Response Compensation Board (ACRRA Board) Meeting

NOTICE IS HEREBY GIVEN that the scheduled ACRRA Board meeting set for **September 15, 1999** has been **canceled**. The next regularly scheduled meeting will be October 20, 1999. This meeting will be held at the Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, Minnesota, first floor Conference Room A at 9:00 a.m.

Please call ACRRA Program staff at 651-297-3490 or 651-296-3349 if you have questions or require additional information.

Department of Agriculture

Agronomy and Plant Protection Services Division

Notice of Public Hearing on Future ACRRA Surcharges

Annually, and pursuant to *Minnesota Statutes* 18E.03, Subd.3. (1998), the Commissioner of Agriculture determines the amount of Agricultural Chemical Response and Reimbursement Account (ACRRA) surcharges to be paid by various persons to adequately fund the ACRRA Program.

- For pesticides registered under *Minnesota Statutes* 18B.26 (1998): a surcharge equal to 0.2 percent of sales of the pesticide in the state and sales of pesticides for use in the state during the period January 1, 2000 through December 31, 2000.
- For fertilizer, soil amendment, and plant amendment inspection fees, under *Minnesota Statutes* 18C.425 (1998): twenty cents (\$0.20) per ton.
- For sites licensed under *Minnesota Statutes* 18B.31 (1998) - Pesticide Dealers; and for sites licensed under *Minnesota Statutes* 18C.415 and 18C.425 (1998) — Agricultural Fertilizer Dealers and Fertilizer Lawn Services: one hundred and fifty dollars (\$150) per license.
- For Structural Pest Control Applicator business license, under *Minnesota Statutes* 18B.32 (1998): one hundred dollars (\$100) per license.
- For Commercial Pesticide Applicator license, under *Minnesota Statutes* 18B.33 (1998): forty dollars (\$40) per license.
- For Non-Commercial Pesticide Applicator license, under *Minnesota Statutes* 18B.34 (1998): forty dollars (\$40) per license.
- For each site where pesticides are stored and sold for use outside the state, under *Minnesota Statutes* 18E.03, Subd. 4. (e) (1998): two thousand dollars (\$2000); unless,
 - (1) the distributor properly documents that it has less than two million dollars (\$2,000,000) per year in wholesale value of pesticides stored and transferred through the site; or
 - (2) the registrant pays the registration surcharge (see above) and the registration fee under section 18B.26, subdivision 3, for all of the pesticides stored at the site and sold for use outside of the state.

The ACRRA, by statute, must maintain an unencumbered balance between one million dollars (\$1,000,000) and five million dollars (\$5,000,000). The balance, after the addition of 1999 surcharges collected mostly from November, 1999 to March, 2000 is projected to be between one million (\$1,000,000) and two million dollars (\$2,000,000). Reimbursements or payments expected to be ordered by the ACRRA Board during the next year (2000) are estimated to be two million one hundred thousand dollars (\$2,100,000).

Consequently, the MDA has determined that increasing the surcharge is necessary because, according to current projections, the minimum account balance can not be maintained as required by statute. The ACRRA Board by resolution at its August 18, 1999 meeting, concurs with the MDA's determination.

The MDA Commissioner and the ACRRA Board believe that notification of the determination of surcharge amounts to persons required by statute to pay surcharges is best accomplished if disclosure of such determination is done as early as possible, prior to new surcharge imposition. The majority of ACRRA surcharges for 2000, as detailed above, will not be collected until the November, 2000 to March, 2001 surcharge period.

Official Notices

NOTICE IS HEREBY GIVEN that a public hearing to disclose these necessary changes in ACRRRA surcharges will be held on October 20, 1999 at 10:30 a.m. or immediately following the regular ACRRRA Board Meeting, whichever is later. The Board meeting and hearing will be held at the MDA offices in Conference Room A, 90 West Plato Boulevard, St. Paul, Minnesota.

Persons desiring further information may contact the ACRRRA Board Staff at the Minnesota Department of Agriculture at 651-297-4872 or 651-296-3349.

Department of Children, Families and Learning Division of Special Education

REQUEST FOR COMMENTS on Planned Amendments to Rules Relating to Special Education, *Minnesota Rules*, Chapter 3525

Subject of Rules. The Minnesota Department of Children, Families & Learning requests comments on its planned amendments to rules governing special education. The department is considering rule amendments and rule repeals as authorized under 1999 *Minnesota Laws*, ch. 123, sec. 20. The legislation requires the commissioner to adopt rules to update *Minnesota Rules*, chapter 3525, for special education. The rule amendments will include technical amendments, corrections, clarifications and revisions to chapter 3525. Rule amendments will be made to the eligibility criteria for emotional or behavior disorders and to revise outdated standards for students placed for care and treatment. Additional rules will be developed to make the responsibilities of the IEP team for assessment, IEP development, and placement decisions consistent with federal requirements. Other rule amendments and repeal of rules will be made to Chapter 3525 as required by chapter 123, section 20 or as necessary to update and revise the rules.

Persons Affected. The amendments to the rules would likely affect directors of special education, special education teachers and staff, school and correctional facilities administrators, students, parents, higher education special education departments, special education attorneys and advocate organizations.

Statutory Authority. 1999 *Minnesota Laws*, ch. 123, sec. 20, requires the department to update *Minnesota Rules*, chapter 3525, for special education. In addition to making technical changes, corrections, clarifications, and similarly needed revisions the legislature requires the department to modify or repeal specific rules as listed in section 20 of chapter 123.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing until further notice is published in the *State Register* that the department intends to adopt or to withdraw the rules. The department contemplates appointing one or more work groups to comment on the planned rules.

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

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

Laura Nehl-Trueeman
Children, Families & Learning
1500 Highway 36 West
Roseville, MN 55113-4266
Phone: 651-582-8628
FAX: 651-582-8725
e-mail: laura.nehl-trueeman@state.mn.us
TTY users may call the department at 651-582-8201

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

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

Dated: August 1999

Christine Jax, Commissioner
Department of Children, Families and Learning

**Executive Council
State Board of Investment
Land Exchange Board
Investment Advisory Council**

Notice of Meetings of the Executive Council, the State Board of Investment, the Land Exchange Board, and the Investment Advisory Council

The Executive Council, State Board of Investment and the Land Exchange Board will meet on Wednesday, September 8, 1999 at 9:00 A.M. in Room 125, State Capitol, Saint Paul, MN.

The Investment Advisory Council will meet on Tuesday, September 7, 1999 at 2:00 P.M. in the SBI Conference Room, Capitol Professional Office Building, Suite 10 (Main Floor), 590 Park Street, St. Paul, MN.

Housing Finance Agency

Notice of Hearing on Bond Issuance

The Minnesota Housing Finance Agency will hold a public hearing at 10:00 a.m. on Tuesday, September 28, 1999, at the Minnesota Housing Finance Agency, 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101, for the purpose of taking public testimony regarding the issuance of its Rental Housing Bonds in the maximum principal amounts set forth below. The Bonds may be issued in one or more series and will be issued to fund mortgage loans to pay for all or a portion of the costs of acquisition, rehabilitation and construction of the following developments, including facilities related and subordinate thereto, for residential rental housing as defined in the Agency's Rental Housing Bond Resolution. The developments proposed to be assisted are:

| <u>Initial Owner Or Operator</u> | <u>Facility</u> | <u>Address</u> | <u>Maximum Bond Amount</u> |
|---|--|------------------------------------|--------------------------------|
| Brooklyn Park Leased Housing Associates III Limited Partnership | 176 unit apartment and townhouse complex | 7026 76th Avenue Brooklyn Park | \$5,000,000 |
| 7th Place Associates. LLC | 130 unit apartment building | 9 West 7th Place St. Paul | \$3,500,000 |
| North Mankato Leased Housing Associates Limited Partnership | 120 unit apartment building | 1621 Colony Court North Mankato | \$2,700,000 |
| St. Peter Leased Housing Associates Limited Partnership | 48 unit apartment building | 706 & 720 Ronell St. St. Peter | \$1,100,000 |
| Mankato Leased Housing Associates II Limited Partnership | 120 unit apartment building | 140 Homestead Drive Mankato | \$2,700,000 |
| Old City Hall Limited Partnership | 13 unit apartment building | 9 West 1st St. Waconia | \$700,000 |

Additional information may be obtained from the Minnesota Housing Finance Agency, Attn: Sharon Strelow. Parties wishing to comment on the issuance of the Bonds may appear in person at the hearing or may submit written comments to the undersigned prior to the hearing.

Katherine Hadley
Commissioner

Department of Trade and Economic Development

Business and Community Development Division

Office of Professional & Technical Resources

Notice of Intent to Hold Public Hearing in order to Develop Criteria for Awarding Business Subsidies through the Rural Initiative Loan Program

NOTICE IS HEREBY GIVEN that the Department of Trade & Economic Development will conduct a public hearing to develop criteria as required by *Minnesota Statutes* 116J.993, Subd. 2. This hearing will provide interested people and organizations with an opportunity to comment on the criteria which should be used to award business subsidies through the Rural Initiative Program. The hearing will be conducted on September 24, 1999 beginning at 9:00 a.m. on the 5th floor of the Metro East Building, 121 7th Place East, St. Paul, MN.

For more information contact:

Bart Bevins
Department of Trade and Economic Development
121 7th Place East
St. Paul, MN 55101
651-297-1170

Department of Trade and Economic Development

Business and Community Development Division

Urban Initiative Board

Notice of Intent to Hold Public Hearing in order to Develop Criteria for Awarding Business Subsidies through the Urban Initiative Loan Program

NOTICE IS HEREBY GIVEN that the Urban Initiative Board will conduct a public hearing to develop criteria as required by *Minnesota Statutes* 116J.993, Subd. 2. This hearing will provide interested people and organizations with an opportunity to comment on the criteria which should be used to award business subsidies through the Urban Initiative Program. The hearing will be conducted on September 17, 1999 beginning at 9:00 a.m. on the 5th floor of the Metro East Building, 121 7th Place East, St. Paul, MN.

For more information contact:

Bart Bevins
Department of Trade and Economic Development
121 7th Place East
St. Paul, MN 55101
651-297-1170

Department of Transportation

REQUEST FOR COMMENTS on Planned Amendment to Rules Governing State Aid Operations, *Minnesota Rules*, 8820

Subject of Rules. The Minnesota Department of Transportation requests comments on its planned amendment and repeal to rules governing State Aid Operations. The Department is considering rule amendments that will convert all measurements shown in the rules from metric to English units, affect town bridge funding, clarify the definition of reconditioning, allow system exchanges, adjust the participation in low traffic roadways, reduce requirements for off-system roadways, increase vertical clearances under pedestrian and sign bridges, reformat angle parking standards, provide "bridges to remain" standards, and other minor amendments and clarifications.

Persons Affected. The amendment to the rules would likely affect users of state aid funded roadways, counties, towns, municipalities, and contractors.

Statutory Authority. *Minnesota Statutes*, sections 162.02 and 162.09, require the Department to adopt rules for the establishment, location, construction, reconstruction, improvement and maintenance of public highways.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. The Department will appoint an advisory committee to comment on the planned rules. The State Aid Rules Advisory Committee shall be assembled in accordance with *Minnesota Statutes* Chapter 162.02; subd. 2.

Rules Drafts. The Department has not yet prepared a draft of the planned rule amendments and repeal. A free copy of the rules draft will be available from the agency contact person when it has been prepared.

Agency Contact Person. Written comments, questions, and requests for more information on these planned rules should be addressed to: Paul H. Stine, 651-296-9973, FAX 651-282-2727, Mail Stop 500, 395 John Ireland Boulevard, St. Paul, MN 55155. TTY users may call the Department at 612-296-9930.

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

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

Elwyn Tinklenberg, Commissioner
Department of Transportation

Department of Transportation

Petition of the City of Redwood Falls for a Variance from State Aid Requirements for AFTER-THE-FACT PLAN APPROVAL

NOTICE IS HEREBY GIVEN that the Redwood Falls City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a proposed construction project on Municipal State Aid Streets Nos. 105 and 107, (State Aid Project Nos. 207-105-05 and 207-107-01) in the City of Redwood Falls, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.2800 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow award of contract prior to the required plan approval by the State Aid Engineer on the proposed construction project on Municipal State Aid Street Nos. 105 and 107 in the City of Redwood Falls, Minnesota.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 17 August 1999

Julie A. Skallman, Division Director
State Aid for Local Transportation

State Grants & Loans

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

Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Children, Families and Learning

Office of Lifework Development

Notice of Request for Proposal for the W.K. Kellogg and Education Commission of the States Learning In Deed Initiative: Strengthening Service-Learning through Improved Local and State Policy

The Department of Children, Families and Learning has received private foundation funds to support a national initiative through the W.K. Kellogg Foundation and the Education Commission of the States (ECS). Up to five public school districts will be selected. Four of the five school districts will be selected geographically using the MEEP cluster boundaries and a fifth school district will be selected at-large. Eligible applicants must be from a public school that has an existing integrated service-learning program. Applicants must be willing to commit to three years (contingent upon funding). It is anticipated Requests for Proposals will be available by September 10, 1999 and due to the Department of Children, Families and Learning by 4:00 p.m. on October 20, 1999.

For a complete copy of the Request for Proposal, please contact Marlys Bucher, Department of Children, Families and Learning, 1500 Highway 36 West, Roseville, MN 55113. Phone: 651-582-8315, e-mail: marlys.bucher@state.mn.us

Bureau of Mediation Services

Applications Accepted for Funding Under the Minnesota Area Labor-Management Committee Program for Calendar Year 2000 Grants

The Bureau of Mediation Services is accepting applications for funding of new or existing Area Labor-Management Committee programs pursuant to *Minnesota Statutes* § 179.81-.85 and Bureau of Mediation Services Rules, Chapter 5520.

The purpose of the program is to improve labor-management relations and enhance economic development in a geographic area of the state, or within an industry sector, through labor management cooperation.

In addition to funding for the start up or continuing operations of Labor-Management Committee programs, grants may also be available for the provision of technical assistance by existing committees for the development of new committees or for program expansion in existing operations.

Grants will be based to a significant degree on each applicant's ability to demonstrate program goals, objectives and work plans which address specific outcomes. The applicant may address all or a combination of the following points:

1. Increase participation in the labor-management cooperative process.
2. Increase shared decision making between labor and management.
3. Enhance the level of knowledge regarding issues that affect the workplace.
4. Enhance the economic development climate in the area or industry of operation.
5. Maintain or enhance the number of specialized joint labor management programs designed to increase the efficiency of services to the industry or geographic area served.
6. Other evidence of positive labor-management program results attained through joint cooperative methods.

Persons interested in applying for such funds may secure an application form and program policies by requesting them in writing from:

John Kuderka, Program Director
Office of Cooperative Labor-Management Programs
Bureau of Mediation Services
1380 Energy Lane, Suite Two
St. Paul, Minnesota 55108-5253
651-649-5435

Applications for funding for calendar year 2000 will be accepted until October 15, 1999. All grants awarded will be effective January 1, 2000.

Dated: 30 August 1999

Lance Teachworth
Commissioner

Department of Public Safety

Office of Drug Policy and Violence Prevention

Notice of Availability of Funds for Juvenile Assessment Centers

NOTICE OF AVAILABILITY OF FUNDS. The Minnesota Department of Public Safety in coordination with the Department of Health announces the availability of funds to support the planning and implementation of juvenile assessment centers. A total of \$1,300,000 is made available through Minnesota 1997 Session Laws, Chapter 203. Eligible applicants must be the judicial district or the chief judge's designee. The deadline for grant submission is 4:00 p.m. October 29, 1999. To receive an application contact:

Tricia Hummel
Office of Drug Policy & Violence Prevention
Minnesota Department of Public Safety
Suite 100, Town Square
445 Minnesota Street
St. Paul, MN 55101
Telephone: 651-582-8379
TTY: 651-282-6555

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, 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 as 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].

Colleges and Universities, Minnesota State (MnSCU)

St. Cloud Technical College

Request for Proposal (RFP) for Data Video Projectors and Misc. Audio Visual Equipment

CORRECTION:

Vendor proposals are due no later than 2:00 p.m., September 7, 1999.

Colleges and Universities, Minnesota State (MnSCU)

St. Cloud Technical College

Request for Proposal (RFP) for Computer Equipment Lease Purchase

Introduction:

St. Cloud Technical College is soliciting bids for Computer Equipment Lease Purchase, beginning August 30, 1999.

Requests for Proposals are available from:

St. Cloud Technical College
Melinda Begin
1540 Northway Drive
St. Cloud, MN 56303
320-202-6471

Proposal Due Date:

Vendor proposals are due no later than 2:00 p.m., September 13, 1999.

Office of the Legislative Auditor

Request for Proposals for Financial Audit for the Fiscal Year 1998 and Fiscal Year 1999

The Office of the Legislative Auditor is requesting proposals to audit the financial statements of the Office for the fiscal year ending June 30, 1998, and the fiscal year ending June 30, 1999. The audit is to be performed by an independent certified public accounting firm licensed to do business in the State of Minnesota. Additionally, the audit firm may not have contracted to provide an audit opinion on the financial statements of individual state funds or component units included in the comprehensive annual financial report of the State of Minnesota for fiscal year 1998 or 1999.

To obtain a copy of the complete Request for Proposal, contact:

Claudia Gudvangen
Office of the Legislative Auditor
1st Floor, Centennial Building
658 Cedar Street
St. Paul, MN 55155
Phone: 651-296-1727
e-mail: claudia.gudvangen@state.mn.us

Proposals must be received by the Office at the above address no later than 4:00 p.m. on September 17, 1999.

Department of Transportation

Notice of Availability of a Contract to Develop General Specifications for the Construction and Maintenance of Road and Weather Information Systems

The Department of Transportation (Mn/DOT) is requesting proposals to enter into a contract to obtain services for the purpose of providing management support services for the AURORA consortium, a federally funded program for which the Minnesota Department of Transportation (Mn/DOT) is currently serving as the lead state. The services a consultant will provide include program support, technical project support (keeping members informed of state-of-the-art technologies and investigating possible areas for research), administrative support (arranging quarterly meetings, maintaining a web site, recording meetings, telephone conferences, etc. and additional activities as requested by the Technical Advisory Panel for the AURORA program.).

Call or write for the full RFP which will be sent free of charge to interested vendors:

Karen Billiar, M.S. 330
Office of Research Services
Department of Transportation
395 John Ireland Boulevard
St. Paul, MN 55155
Phone: 651-282-2266
FAX: 651-215-0443

All proposals must be sent to and received by reception staff at the above address not later than 2:30 P.M., CDT, September 17, 1999.

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

Department of Transportation

Engineering Services Division

Notice of Availability of Contract for GPS Sign Inventory in Mn/DOT District 6A

The Minnesota Department of Transportation (Mn/DOT) is soliciting the proposals for Mobile Global Positioning System (GPS) Collection for CarteGraph Sign View for approximately 30,000 signs and markers throughout the Rochester Maintenance District 6A.

Work is proposed to start November 1, 1999.

Request for Proposals will be available by mail from this office through September 10, 1999. A written request (direct mail or FAX) is required to receive the Request for Proposal. After September 10, 1999, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from the Agreement Administrator:

Alex Chernyaev, P.E.
Consultant Services Unit - 7th Floor North
Minnesota Department of Transportation
395 John Ireland Boulevard, MailStop 680
St. Paul, MN 55155
Fax: 651-282-5127

Proposals in response to the Request for Proposals in this advertisement must be received at the above address no later than 2:00 P.M. CDT on September 23, 1999. Late proposals will not be considered. 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.

Non-State Public Bids, Contracts & Grants

Veterans Homes Board

Notice of Request for Proposals for Survey of Health Care Needs of Veterans

The Minnesota Veterans Homes Board is soliciting proposals for the services of a vendor to conduct a survey on the health care and related programmatic needs of the veteran population, in order to determine future program development.

It is expected that this contract will be for a period of six (6) months, beginning October 18, 1999. For details and a copy of the Request for Proposal, contact Marcy L. Harris at 651-297-5254, or write to Minnesota Veterans Homes Board, Attn: Marcy L. Harris, 122 Veterans Services Building, 20 W. 12th Street, St. Paul, Minnesota 55155. All proposals must be received no later than 4:00 p.m. on Friday, September 24, 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 *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.

City of Saint Paul

Notice of Request for Proposals to Interested Proposers in the Human Resource Area

The City of Saint Paul is soliciting proposals from qualified businesses and agencies for Civil Service Employment Testing Services. The City's Office of Human Resources is issuing this proposal to explore the option of outsourcing the testing function. The contract is expected to commence on or about July 1, 2000 and will be for a period of two years.

Timeline:

Written questions: Monday, September 13, 1999.

Proposals due: Wednesday, November 2, 1999 on or before 2:00 p.m.

Copies of the RFP are available by faxing a written request for RFP-20900-1 to:

Contract and Analysis Services
Room 280 City Hall/Court House
15 W. Kellogg Boulevard
Saint Paul, MN 55102
Phone: 651-266-8900
FAX: 651-266-8919

Metropolitan Airports Commission

Notice of Call for Proposals for Snow/Ice Removal from Canopies and Other Roof Tops at Minneapolis-St. Paul International Airport

Sealed proposals will be received by the Metropolitan Airports Commission at its office at 6040 28th Avenue South, Minneapolis, MN 55450-2799, until 2:00 P.M. Local Time, WEDNESDAY, SEPTEMBER 15, 1999, for the procurement of **SNOW/ICE REMOVAL FROM CANOPIES AND OTHER ROOF TOPS AT MINNEAPOLIS-ST. PAUL INTERNATIONAL AIRPORT.**

At that time and place the proposals will be publicly opened and the names and address of those responding read aloud. If mailed the Commission's mailing address is 6040 28th Avenue South, Minneapolis, MN 55450-2799, *and proposals to be considered must be received by the Commission by the date and hour set for opening of proposals.*

Non-State Public Bids, Contracts & Grants

A mandatory site visit will be conducted on WEDNESDAY, September 8, 1999, at 9:30 a.m. Prospective bidders will meet at the following location:

MAC AIRPORT DIRECTORS OFFICE
MEZZINE LEVEL, STE. 3000, LINDBERGH TERMINAL
ST. PAUL, MN

Bidders not attending this site visit WILL BE disqualified from the process.

Bidders should bring their parking stub with them to the meeting and MAC will arrange to have them validated for no charge parking.

Proposals shall be according to the specifications. The Commission reserves the right to reject any or all proposals or portions thereof, and to waive any minor irregularities or informalities therein. Copies of the Specifications may be obtained at the office of the Commission, 6040 28th Avenue South, Minneapolis, Minnesota 55450. Phone: 612-726-8146.

Dated: 24 August 1999

Metropolitan Airports Commission
JoAnn Brown

Metropolitan Council

Invitation for Bid for Janitorial Service

Sealed bids for janitorial services to be performed at two (2) Metropolitan Council Environmental Services locations, will be received at the offices of the Metropolitan Council, Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota 55101, on September 13, 1999, at 2:00 P.M., at which time and place they will be publicly read.

A **MANDATORY** project walk through of both locations will be held on September 8, 1999, at 9:00 a.m. Bids will only be accepted from contractors that attend the site visits. Copies of specifications and bid instructions may be obtained from the offices of the Metropolitan Council or by calling 651-602-1499 or via FAX request at 651-602-1083. All bids must be submitted on Metropolitan Council approved forms.

The Metropolitan Council shall consider all bids received and intends to award a contract(s) to the responsive and responsible bidder submitting the lowest total cost to the Council, by the due date and time. The Metropolitan Council reserves the right to reject all bids, to investigate the qualifications and experience of any bidder, to reject any provisions in any bid, to obtain new bids, or to proceed to do the work otherwise.

Metropolitan Council

Notice of Request for Proposals (RFP) for Metro Transit Bus Driver Uniforms

The Metropolitan Council is requesting proposals for a Bus Driver Uniform vendor to supply driver uniforms.

A tentative schedule for consultant selection is:

| | |
|-------------------------------------|----------------|
| Receive letters of interest: | August 1999 |
| Issue Request for Proposals: | September 1999 |
| Receive Proposals: | September 1999 |
| Evaluate and Rank Proposals | October 1999 |
| Metropolitan Council authorization: | November 1999 |
| Contract negotiated, executed, NTP: | November 1999 |

Non-State Public Bids, Contracts & Grants

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

Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council Environmental Services
230 East Fifth Street
Mears Park Centre
St. Paul, MN 55101

Inquiries regarding this project should be directed to Rick Biddle at 651-602-1812.

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

Metropolitan Council

Notice of Request for Proposals (RFP) for Planning Analyst for the Metropolitan Housing Opportunity Program

The Metropolitan Council is requesting proposals for a Planning Analyst to assist the Council in staffing a long term temporary position to plan, coordinate and implement Metropolitan Council public housing development activities through the Metropolitan Housing Opportunity Program.

A tentative schedule for consultant selection is:

| | |
|------------------------------|----------------|
| Issue Request for Proposals: | August 1999 |
| Receive Proposals: | September 1999 |
| Evaluate and Rank Proposals: | September 1999 |

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

Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council Environmental Services
230 East Fifth Street
Mears Park Centre
St. Paul, MN 55101

Inquiries regarding this project should be directed to Gordon Backlund at 651-602-1801.

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

University of Minnesota

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

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

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

Clearance Sale!!!

Up to 50% off - While Supplies Last

NOTE: Please place your order by phone or fax to confirm availability.



Cutting Board: FISH
Stock No. 15-45 ~~\$48.95~~ \$14.95



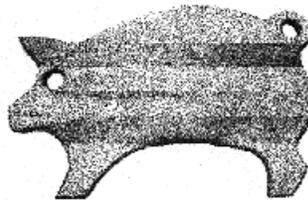
Cutting Board: WOLF
Stock No. 15-48 ~~\$48.95~~ \$14.95



Decal-Fall Lake Scene
Stock No. 15-36 ~~\$4.25~~ \$.75



Poster: MN Poem
Stock No. 15-4 ~~\$3.00~~ \$1.99



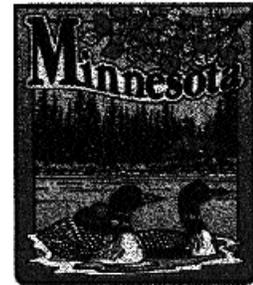
Cutting Board: PIG
Stock No. 15-44 ~~\$48.95~~ \$14.95



Cutting Board: MOOSE
Stock No. 15-49 ~~\$48.95~~ \$14.95



Cutting Board: WHALE
Stock No. 15-48 ~~\$48.95~~ \$14.95



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