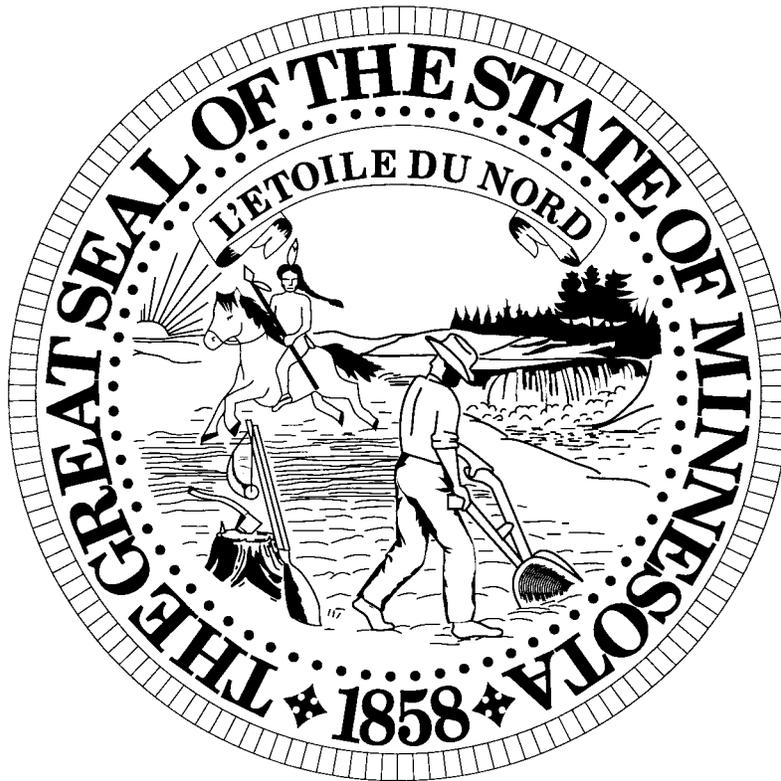


State of Minnesota

State Register

Rules and Official Notices Edition



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State Register

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- proclamations and commendations
- commissioners' orders
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Vol. 27 Issue Number	PUBLISH DATE	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	Deadline for Both Adopted and Proposed RULES
#49	Monday 2 June	Noon Tuesday 27 May	Noon Wednesday 21 May
#50	Monday 9 June	Noon Tuesday 3 June	Noon Wednesday 28 May
#51	Monday 16 June	Noon Tuesday 10 June	Noon Wednesday 4 June
#52	Monday 23 June	Noon Tuesday 17 June	Noon Wednesday 11 June

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

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

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

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Proposed Rules

Comments on Planned Rules or Amendments

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rules 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 rules. 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 is then 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 Rules 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 Chiropractic Examiners

Proposed Permanent Rules Relating to License Transfer

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Rules Governing Approval of Licensing Examination from Another Jurisdiction, *Minnesota Rules*, 2500.0800

Introduction. The Board of Chiropractic Examiners intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until July 2, 2003.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Karen Dorff at The Minnesota Board of Chiropractic Examiners, 2829 University Ave SE, #300, Minneapolis MN 55414, (612) 617-2226, **fax** (612) 617-2224, karen.dorff@state.mn.us. **TTY** users may call the Board of Chiropractic at [TTY 1-800-627-3529].

Subject of Rules and Statutory Authority. The proposed rules establish the criteria by which a chiropractor may obtain licensure in Minnesota by license transfer without having to pass the National Board Examination currently required, which may not have been available at the time of the doctor's original licensure examination. The statutory authority to adopt the rules is *Minnesota Statutes*, section 14.23 and 148.08 (1998). A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Wednesday, July 2, 2003, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Wednesday, July 2, 2003. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Proposed Rules

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

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. Copies of the statement may be obtained at the cost of reproduction from the agency or downloaded directly from the Board **web page** at www.mn-chiroboard.state.mn.us.

Adoption and Review of Rules. If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules 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 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.

Dated: May 19, 2002

Larry A. Spicer, DC
Executive Director

2500.0800 APPROVAL OF EXAMINATION FROM ANOTHER STATE OR JURISDICTION.

A practitioner who ~~is licensed~~ can demonstrate a cumulative active practice record in another state or jurisdiction for at least five years prior to this application may request that the examination resulting in the practitioner's licensure in that state or jurisdiction be approved for Minnesota licensure. The board shall consider requests according to the requirements in items A to M.

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

H. If the licensing examination of the other state or jurisdiction is inadequate to meet the requirements of the Minnesota board, or if the applicant has failed a licensing examination administered by any chiropractic licensing board, the applicant may be required to take other exams, including the National Board of Chiropractic Examiners Practical Examination or the National Board of Chiropractic Examiners Special Purposes Examination in Chiropractic.

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

M. An applicant whose application is denied may, within 30 days of receipt of the denial, request a contested case hearing. In accordance with *Minnesota Statutes*, section 148.06, subdivision 1, the burden of proof is on the applicant to demonstrate eligibility for licensure. An applicant whose application is denied under this item may not reapply for a period of one year from the date of the denial.

Department of Natural Resources

Division of Fisheries

Proposed Permanent Rules Relating to Fish and Aquatic Wildlife

DUAL NOTICE: Notice of Intent to Adopt Rules Without A Public Hearing Unless 25 or More Persons Request a Public Hearing, and Notice of Hearing if 25 or More Requests for Hearing are Received

Proposed Amendments to Rules Governing Fish and Aquatic Wildlife; *Minnesota Rules*, chapters 6216, 6254, 6256, 6260, 6262, 6264, and 6266; and Proposed Repeal of Rules Governing Fish and Aquatic Wildlife; *Minnesota Rules*, chapters 6212, 6256, 6262, 6264, and 6266

Introduction. The Minnesota Department of Natural Resources (DNR) intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on July 2, 2003, a public hearing will be held on July 15, 2003, at Kelly Inn, 100 4th Ave. South, St. Cloud, Minnesota, starting at 2:00 p.m. and reconvening at 6:30 p.m. and continuing until those present have been heard. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after July 2, 2003 and before July 15, 2003.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Linda Erickson-Eastwood at DNR, 500 Lafayette Road, St. Paul, MN 55155-4012, **phone:** (651) 296-0791, **fax:** (651) 297-4916, **email:** linda.erickson-eastwood@state.mn.us. **TTY** users may call the DNR at 1-800-657-3929.

Proposed Rules

Subject of Rules and Statutory Authority. The proposed amendments to existing rules cover a variety of areas pertaining to fish and harmful exotic species including:

- Designation of various aquatic plants as prohibited or regulated exotic species, including the aquatic plants on the federal noxious weed list;
- Changes in commercial minnow regulations including closing waters to commercial and recreational harvest to protect the endangered Topeka Shiner and clarifying trap use and design specifications;
- Changes in commercial turtle regulations including trap use, numbers, checking, tagging, recording, and design specifications; establishing turtle seasons and size limits; and establishing guidelines for possessing turtle eggs, the protection of turtle nests, and propagation;
- Changes in commercial fishing regulations including net design and notification of lost or stolen nets;
- Addition of Friday to the days listed for Take a Kid Fishing Weekend;
- Clarification that it is illegal to fish for a species during its closed season and to sort fish;
- Clarification of fish possession and transportation language;
- Technical corrections in dates for fishing seasons;
- Establishment of a seasonal fishing closure on Lake Superior, Gull River in Cass County, and add Red Wing and Alma dams (Goodhue and Wabasha counties) on the Mississippi River to the list of dams with 300 ft fishing closures;
- Technical corrections for the existing fishing restrictions for Little Rock Creek in Morrison County and Red Lake in Beltrami County;
- Establishment of a daily and possession limit of 50 cisco on waters within the Leech Lake Reservation in Cass, Itasca, and Beltrami counties;
- Allowing the use of live leeches in designated stream trout lakes;
- Changes to commercial fishing regulations on Minnesota -Wisconsin border waters including the closing of mussel harvest, modifying the turtle language so that it is consistent with other turtle rule changes, and splitting the catfish title in the general fishing regulations into channel and flathead catfish; and
- Changes in the Minnesota - Canadian border waters to make the current sturgeon and walleye harvest restrictions permanent, modify fishing equipment that is allowed on the Rainy River.

The proposed rules also repeal *Minnesota Rules*, parts 6212.2600, subpart 2; 6256.0500, subpart 3; 6262.3200, subpart 5; 6264.0300, subpart 1; 6264.0400, subpart 1; 6266.0400, subpart 14; 6266.0500, subpart 9; 6266.0600, subpart 9; and expedited emergency amendments to *Minnesota Rules*, parts 6264.0300, subpart 32 and 6266.0700, subpart 2.

The statutory authority to adopt the rules is *Minnesota Statutes*, sections 17.4997; 84D.12, subdivision 1; 97A.045, subdivisions 2, 3 and 4; 97A.445, subdivision 1; 97A.501, subdivisions 1 and 2; 97C.001, subdivision 3; 97C.005, subdivision 3; 97C.345, subdivision 5; 97C.395, subdivisions 1 and 2; 97C.401, subdivision 1; 97C.415, subdivision 1; 97C.505, subdivisions 1, 3 and 6; 97C.605, subdivision 3; 97C.811, subdivision 3.

A copy of the proposed rules is published in the *State Register*, and may be accessed at <http://www.comm.media.state.mn.us/bookstore/stateregister.asp>. A free copy of the proposed rules is available upon request from the DNR contact person.

Comments. You have until 4:30 p.m. on July 2, 2003, to submit written comment in support or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on July 2, 2003. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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Alternative Format/Accommodation. Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified, either as a result of public comment or a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for July 15, 2003, will be cancelled if the agency does not receive valid requests from 25 or more persons that a hearing be held on the rules. If you requested a hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person after July 2, 2003, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on these rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.141 to 14.20. The hearing will be held on the date and at the time and place listed above. Judge Steve Mihalchick can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, MN 55401-2138, **phone:** (612) 349-2544 and **fax:** (612) 349-2665.

Hearing Procedure. If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed and copies obtained at the cost of publication from the agency.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, MN 55155, phone: (651) 296-5148 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review of legality. You may ask to be notified of the date the 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.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rules and on which they are filed with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: May 7, 2003

Gene Merriam
Commissioner of Natural Resources

6216.0250 PROHIBITED EXOTIC SPECIES.

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

Subp. 2a. Federal noxious weed list. For purposes of this part, the aquatic plants listed in *Code of Federal Regulations*, title 7, section 360.200, are also designated as prohibited exotic species.

[For text of subs 3 to 5, see M.R.]

6216.0260 REGULATED EXOTIC SPECIES.

Subpart 1. **Designation.** The species in subparts 2 to 5 are designated as regulated exotic species.

Subp. 2. **Aquatic plants.** The following aquatic plants are designated as regulated exotic species:

- A. Carolina fanwort or fanwort (*Cabomba caroliniana*) A. Gray;
- B. parrot's feather (*Myriophyllum aquaticum*) (da Conceicao Vellozo) Verdcourt; ~~and~~
- C. nonnative waterlilies (*Nymphaea* spp.) Linnaeus, or any variety, hybrid, or cultivar thereof. Native Minnesota waterlilies are: *Nymphaea odorata* Aiton subsp. *odorata* Aiton, *N. leibergeii* Morong, and *N. odorata* Aiton subsp. *tuberosa* (Paine) Wiersema & Hellquist; ~~and~~
- D. yellow iris or yellow flag (*Iris pseudacoris*) Linnaeus.

[For text of subs 3 to 5, see M.R.]

6254.0300 WATERS CLOSED TO COMMERCIAL TAKING OF MINNOWS.

Subpart 1. Closed waters. The waters described in this part are closed to commercial taking of minnows:

Lake	Location	County
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[For text of items A to Q, see M.R.]

Subp. 2. Waters in southwestern counties. All streams, stream tributaries, sidechannels, oxbows, backwaters, or other seasonally or permanently connected waters of the Missouri river watershed that are in Lincoln, Pipestone, Murray, Rock, or Nobles counties and that lie south of U.S. Highway 14 to the Iowa border and west of U.S. Highway 59 to the South Dakota border are closed to commercial taking of minnows, except that a licensed minnow dealer, aquatic farm licensee, private fish hatchery licensee, or commercial crayfish permittee who is in possession of a federal endangered species incidental take permit allowing the taking of Topeka shiners (*Notropis topeka*) as authorized under *United States Code*, title 16, section 1539, may take minnows in that area. These waters include, but are not limited to, Medary Creek, Flandreau Creek, Beaver Creek, Little Beaver Creek, Springwater Creek, Rock River, East Branch Rock River, Ask Creek, Little Rock River, Little Rock Creek, Kanaranzi Creek, Norwegian Creek, East Branch Kanaranzi Creek, Elk Creek, Champepadan Creek, Mound Creek, Poplar Creek, Chanarambie Creek, North Branch Chanarambie Creek, and Mud Creek.

6254.0510 USE OF MINNOW TRAPS, HOOP NETS, AND TRAP NETS.

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

Subp. 2. **Tending minnow traps, hoop nets, and trap nets.** Minnow traps, hoop nets, and trap nets must be lifted and emptied of fish as frequently as necessary to prevent the loss of minnows or other fish, provided that under no circumstances may they be emptied less frequently than once every 72 hours from April 1 ~~through to~~ October 31, and once every seven days from November 1 ~~through to~~ March 31. All minnow traps, hoop nets, and trap nets, and any associated gear, must be removed from the water ~~and shoreline~~ immediately upon ceasing operations. A licensee may not leave traps on public or private land without permission from the managing body or owner. The openings of traps that are left on the shore must be blocked to prevent nontarget animals from entering or must allow escapement of nontarget animals.

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

Subp. 4. **Minnow trap, hoop net, and trap net specifications for licensed minnow dealers.**

A. Licensed minnow dealers may take minnows using minnow traps not exceeding four feet in width, four feet in height, and eight feet in length. The traps may have no more than two throats. The diameter or width of the innermost throat opening may not exceed 1-1/2 inches and mesh size may not exceed one-half inch bar mesh. The top of the outermost throat must allow escapement of nontarget species. Leads used in conjunction with minnow traps may not exceed 50 feet in length.

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

6256.0500 ~~COMMERCIAL TAKING OF~~ TURTLES.

Subpart 1. **Scope.** ~~The language of~~ This part applies to individuals possessing a turtle ~~seller license~~ seller's, turtle seller's apprentice, or recreational turtle license or an angling license. The following turtle species may be taken: western painted turtle (*Chrysemys picta bellii*), snapping turtle (*Chelydra serpentina*), and spiny softshell (*Apalone spinifera*). A person possessing or

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selling turtles or turtle eggs under this part must also comply with other state and federal laws that regulate these activities.

Subp. 2. **Equipment.** Turtles may be taken by a person possessing a turtle seller's, turtle seller's apprentice, or recreational turtle license by means of floating or submerged turtle traps, turtle hooks, and other authorized commercial fishing gear authorized by the commissioner. Traps may not exceed four feet in width, four feet in height, and eight feet in length.

Subp. 2a. **Submerged turtle traps.** Submerged traps may be constructed of either flexible webbing or wire. Flexible webbing turtle traps must be of mesh size not less than 3-1/2 inches bar measure or seven inches stretch measure. Wire turtle traps must be of mesh size not less than ~~3-1/2~~ two inches by four inches bar measure and must have at least one square opening in the top panel measuring at least four inches on a side and ~~one~~ two of the same dimension ~~near the bottom in each of the side panels on each of the side panels~~ near the top of the trap. A trap must be set in water shallow enough so that the top of the trap is at least three inches above the water surface.

Subp. 2b. **Floating turtle traps.** Floating traps must have: (1) one or more openings above the water surface that measure at least ten inches by four inches; and (2) a mesh size of not less than one-half inch bar measure.

Subp. 3. [See repealer.]

Subp. 4. **Operation of turtle trap.** ~~A turtle trap must be set in water shallow enough to place the top no deeper than one inch below the water surface.~~ Each trap must be checked and serviced emptied at intervals not exceeding 48 hours. A turtle seller licensee or turtle seller's apprentice operating under a turtle seller's license may not operate more than 40 submerged turtle traps and 40 floating turtle traps. A turtle seller's apprentice is not entitled to any traps in addition to those of the turtle seller. A recreational turtle licensee may not operate more than three turtle traps.

Subp. 5. **Required marking of turtle trap traps.**

A. When in use, each turtle trap must have affixed on it a tag of permanent material visible from above, legibly bearing the name, address, and license number of the operator. This information must be recorded in an indelible manner on the tag. The tag must be of dimensions not less than 2-1/2 inches in length by five-eighths inch in width.

B. The commissioner shall issue 40 floating and 40 submerged turtle trap identification tags to a turtle seller licensee and three recreational turtle trap identification tags to a recreational turtle licensee. Tags must be attached to submerged and floating traps at all times. Lost tags must be reported within 48 hours to the local conservation officer or the commercial fisheries program consultant. The commissioner may reissue tags upon request.

Subp. 6. **Turtles taken incidental to other operations.** Turtles listed in subpart 1 that are taken incidental to other commercial fishing operations may be possessed, transported, and sold, provided the operator is a holder of a turtle seller's license.

Subp. 7. **Required reporting by turtle seller; record keeping.**

A. ~~A holder of a turtle seller's license must submit reports for the previous calendar year, on forms provided by the commissioner, so that they are received at the address identified on the form at the time of license renewal or March 1, whichever comes first. The forms must record the numbers and pounds of turtles taken, species of turtles taken, and other information as specified, on forms provided by the commissioner, to the address identified on the form by the tenth day of each month for the preceding month, whether or not any equipment was used to take turtles.~~

B. In the report required in item A, the licensee must record daily operations, including separate entries for each water body. The records must include water body location, equipment used, numbers and pounds of each species of turtles taken, numbers of each species of turtles released at that water body, and other information about the operation as specified on the form provided by the commissioner. The records must be kept current within 48 hours of the last daily operation.

C. A license shall not be renewed until all of the licensee's monthly reports for the previous calendar year are submitted and received at the address identified on the form.

Subp. 8. **Report on buying turtles for resale.** A licensee who buys turtles for resale or for processing and resale must keep a correct and complete book record of all transactions and activities covered in the license, not inconsistent with *Minnesota Statutes*, section 97A.425. Copies of the shipping documents for turtles being sent out of state must be part of and included with the monthly reports required under subpart 7.

Subp. 9. **Size limits.** A turtle seller, turtle seller's apprentice, or recreational turtle licensee or a person harvesting turtles under an angling license is restricted to taking and possessing sizes of turtles as specified in items A and B. The turtle size is determined by measuring the top shell length (carapace, not including the curvature) from above the neck to above the tail.

A. Spiny softshells (*A. spinifera*) must be greater than 12 inches in shell length.

B. Snapping turtles (*Chelydra serpentina*) must be greater than 12 inches in shell length.

Subp. 10. **Turtle nests and eggs.**

A. A person may not collect turtle eggs from natural nests, except under a permit issued by the commissioner.

B. A person with a turtle seller's license may not possess or sell turtle eggs, except as provided in item C. A person must have

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an aquatic farm license with a turtle endorsement or a private fish hatchery license with a turtle endorsement to possess or sell turtle eggs, as allowed by federal law, or to keep turtles for propagation.

C. A person with a turtle seller's license may take the eggs from legally harvested gravid turtles and must place the eggs back into man-made nests in the wild within 48 hours of taking the eggs.

6256.0600 CLOSED SEASON FOR SNAPPING TURTLES TURTLE SEASONS.

Subpart 1. **Snapping turtles.** A person may not take snapping turtles during the months of May and June, including persons harvesting turtles for personal use under an angling or recreational turtle license and persons harvesting turtles under a commercial netting, turtle seller's, turtle seller's apprentice, aquatic farm, or private fish hatchery license.

Subp. 2. **Spiny softshells.** A person may not take spiny softshells from June 1 to July 15, including persons harvesting turtles for personal use under an angling or recreational turtle license and persons harvesting turtles under a commercial netting, turtle seller's, turtle seller's apprentice, aquatic farm, or private fish hatchery license.

6256.0900 TURTLE PROPAGATION.

Subpart 1. **Licensee with turtle endorsement.** A person with an aquatic farm license with a turtle endorsement or a private fish hatchery license with a turtle endorsement may sell, obtain, possess, transport, and propagate turtles and turtle eggs according to subparts 2 to 9.

Subp. 2. **Turtle endorsement application.** A licensee who is requesting a turtle endorsement must submit an application, on forms provided by the commissioner, to the address on the form. An application must include the species of turtle, location of rearing and incubation facilities, and site diagram with turtle containment descriptions. The commissioner shall send applications for a turtle endorsement to other state and federal agencies that regulate turtles for review.

Subp. 3. **Application of other law.** A person propagating turtles under this part must meet the requirements in *Minnesota Statutes*, sections 17.46 to 17.4999, and other state and federal laws that regulate the possession, processing, and sale of turtles and turtle eggs.

Subp. 4. **Out-of-state sources.** Turtles and turtle eggs may not be obtained outside of the state unless the commissioner approves the species and source. The commissioner may apply more stringent requirements to turtles and eggs or sources of turtles and eggs from outside the state than are applied to turtles and eggs and sources of turtles and eggs from within the state to protect Minnesota's natural resources.

Subp. 5. **Acquisition of brood stock.** A licensee may apply for a permit to harvest adult turtles from the wild for brood stock. The commissioner shall issue a permit to the licensee to take from the wild, by use of commercial gear, up to 40 turtles of each species requested if:

A. the turtles or gravid turtles are not available for purchase;

B. the licensee does not have a turtle seller's license;

C. the commissioner determines that wild populations of the requested species can sustain the harvest; and

D. a permit to harvest turtle brood stock from the wild has not been issued to the licensee for the species requested in the last three years.

Game and fish laws and rules relating to daily limits, seasons, and methods apply to the taking of turtles pursuant to a permit issued under this subpart.

Subp. 6. **Containment.** The turtle propagation facility must be an artificial pond, or other artificial containment structure, that has a system to prevent the escape of turtles into the wild. The commissioner shall conduct an inspection of the facility prior to licensing to determine compliance with this subpart.

Subp. 7. **Disposal.** Disposal of live turtles, turtle offspring, viable eggs, carcasses, and eggs that did not hatch must be in compliance with other state and federal laws that regulate such disposal.

Subp. 8. **Inspection and enforcement.** Inspection of the facility and enforcement of this part shall be conducted according to *Minnesota Statutes*, section 17.4984, subdivision 6.

Subp. 9. **Record keeping.** Record keeping for the propagation of turtles must comply with *Minnesota Statutes*, section 17.4984, subdivision 7.

6260.0500 REQUIRED NOTIFICATION OF OPERATIONS.

Subpart 1. **Notification of activities.** Licensed commercial operators must notify the area fisheries supervisor of each operation prior to the start of any fishing activity. If contact with the area fisheries supervisor cannot be made, the local conservation officer must be notified.

Subp. 2. **Notification of lost or stolen nets.** Licensed commercial operators must notify the area fisheries supervisor on the same day of discovering any lost or stolen nets. A licensed commercial operator must report where a lost or stolen net was last known

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to be located. If contact with the area fisheries supervisor cannot be made, the local conservation officer must be notified.

6260.2000 COMMERCIAL FISHING ON INLAND WATERS.

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

Subp. 3. **Use of seines.** The mesh in the seine bag and first ~~300~~ 150 feet of each side of the bag used in inland waters may not be larger than three inches, stretch measure. The balance of the seine may not be of mesh size larger than five inches, stretch measure. There is no limit on the depth of the seine measured perpendicularly from cork line to lead line or in the twine size or strength.

Subp. 4. **Use of hoop nets.** Center leads of hoop nets used in inland waters may not exceed 25 feet in length and hoops may not exceed four feet in diameter. The webbing for the entire net may not exceed ~~two~~ 2-3/4 inches, stretch measure, or be of twine size less than 18 gauge or 150 pound strength.

Subp. 5. **Use of crib nets.** Crib net design for inland waters is at the discretion of the operator, except that mesh size in cribs may not be larger than ~~2-1/2~~ 2-3/4 inches, stretch measure for cribbing of bullheads and three inches stretch measure for cribbing of other rough fish species, or be of twine size smaller than 18 gauge or 150 pound strength. Wooden cribs must be constructed so that the sides and bottoms have no openings larger than 1-1/4 inches for bullheads and 1-1/2 inches for other rough fish species.

[For text of subps 6 to 10, see M.R.]

6262.0100 GENERAL RESTRICTIONS ON TAKING FISH.

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

Subp. 3. **Take A Kid Fishing Weekend.** Take A Kid Fishing Weekend is the first Friday, Saturday, and Sunday after the first Monday in June.

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

Subp. 5. Possession of fish while on state waters.

A. Fish that are taken by angling and not immediately released into the water after capture are considered to be in possession. Once a limit of fish has been reduced to possession, no culling or live well sorting (the act of replacing one fish with another one) of that species is allowed.

B. A person may not angle for, including catch-and-release, or reduce to possession any species during its closed season.

C. Once a person or persons fishing as a party as provided in Minnesota Statutes, section 97C.317, retain a daily limit for a species, all fish of that species that are subsequently taken must be immediately released into the water after capture.

D. Length of a fish is determined by measuring from the tip of the nose to the tip of the tail when fully extended. While on or fishing in state waters with size restrictions that differ from statewide regulations, including experimental waters, special management waters, boundary waters, or any other waters with size restrictions, all fish for which the different size restrictions apply must be undressed and measurable when in a person's possession, regardless of where taken, except when a watercraft is docked or moored to shore and a person is in the act of preparing and using the fish for a meal.

E. It is unlawful for a person to have in possession, regardless of where taken, any fish in excess of or outside of the limits for that water body when fishing in that water. A person must immediately return to the water any fish that is taken by angling that is in excess of or outside the limits.

F. A person who is in transit on the water, taking the most direct route back to the person's lodging or docking, and not fishing, may possess fish outside of or in excess of the limits for that water body, if the species were legally taken from connected waters.

6262.0300 FISHING REGULATIONS FOR LAKE SUPERIOR.

[For text of subps 1 to 5, see M.R.]

Subp. 6. **Lake Superior open season, daily and possession limits.** Angling season and daily and possession limits for Lake Superior are as follows:

Species	Open Season	Daily and Possession Limits
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[For text of items A to G, see M.R.]

H. Northern Pike	Saturday two weeks prior to Saturday of Memorial Day weekend through March 1	2
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All other species may be taken as allowed by inland regulations. When the closing date of the season falls on a Saturday, the season extends to the following Sunday.

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6262.0500 WATERS CLOSED TO TAKING FISH.

[For text of subpart 1, see 25 SR 1779]

Subp. 2. **Waters seasonally closed to taking fish.** The following waters in the portions designated are closed to the taking of all fish during the periods specified:

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

B. St. Louis and Carlton counties:

(1) St. Louis River, S.6,7, T.48, R.15, from the State Highway 23 bridge upstream to the Minnesota-Wisconsin boundary cable crossing the river. The dates of closure are from the Saturday closest to March 1 through to May 18; and

(2) Lake Superior from the mainland to a line that runs from the mouth of Chester Creek, S.23, T.50N, R.14W, to the outermost portion of the north/west arm of the Duluth ship canal, S.27, T.50N, R.14W. The dates of closure are from October 1 to November 30. When November 30 falls on a Saturday, the closure extends to the following Sunday. Fishing is allowed only from shore in this area during the dates of closure.

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

H. Cass county: the Gull River from the United States Army Corps of Engineers dam (Government Lot 1, S.20, T.134N, R.29W) downstream 250 feet. The closure is from the Saturday two weeks prior to the Saturday of Memorial Day weekend to the Friday before Memorial Day.

I. Goodhue county: Mississippi River, within 300 feet below Lock and Dam 3 at Red Wing, S.10, T.113, R.15. The closure is from March 1 to April 30.

J. Wabasha county: Mississippi River, within 300 feet below Lock and Dam 4 at Alma, Wisconsin, S.17,20, T.110, R.9. The closure is from March 1 to April 30.

Subp. 2a. **Waters closed to possession of fish.** The following waters have restrictions on the possession of fish:

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

~~B. Little Rock Creek from the outlet dam at the Sartell Wildlife Management Unit to the bridge crossing at Township Road 438: S.3,4,10,15,22, R.31, T.38 in Benton county, and S.22,27,33,34, R.31, T.39 in Morrison county, and the tributary Bunker Hill Creek in Benton county, S.10,11, R.31, T.38, are closed to the possession of brown trout through April 13, 2001. Only artificial lures may be used during the closed period.~~

~~C. Ida Lake in Blue Earth county, T.105, R.28, S.1,12, and Loon Lake in Waseca county, T.107, R.22, S.7,18, are closed to the possession of largemouth bass and northern pike until March 1, 2000.~~

~~D. The Otter Tail River from the Wilkin County Road 19 crossing in S.26, T.132, R.45 to the Friberg Dam in S.31, T.134, R.42, including the Orwell, Dayton Hollow, Pisgah, Central, and Diversion impoundments, S.25,26,35,36, T.132, R.45, in Wilkin county and S. Various, T.132-134, R.42-44, in Otter Tail county, is closed to the possession of smallmouth bass until March 1, 2008.~~

~~E. C. Annie Battle inlet and outlets in Otter Tail county: The inlet stream (T.133N, R.40W, S.24) beginning at the northeast exit point of Molly Stark Lake to the confluence with Annie Battle Lake and the outlet stream (T.133N, R.40W, S.12) beginning at the northwest exit of Annie Battle to Blanche Lake are closed to the possession of northern pike and largemouth bass. The daily and possession limit for sunfish is five.~~

~~F. D. Eagle Creek in Scott county: S.7,18, T.115N, R.21W, and S.13, T.115N, R.22 (south of State Highway 101 to the source of the east and west branches that are west of State Highway 13) is closed to the possession of trout.~~

~~G. E. Clitherall Lake in Otter Tail county: S.11-15,23, and 24, T.132N, R.40W; S.6,7, T.132N, R.39W, is closed to the possession of smallmouth bass until March 1, 2009.~~

~~H. F. Crawford Lake in Wright county: S.20, T.119N, R.25W, is closed to the possession of largemouth bass. The daily and possession limit for sunfish is five, for crappie is five, for walleye is two, and for yellow perch is ten.~~

~~I. Mountain Lake in Cottonwood county: S.32,33, T.106N; R.34W, is closed to the possession of all fish through May 12, 2000. Effective May 13, 2000, until February 28, 2002, Mountain Lake is closed to the possession of walleye, largemouth bass, black crappie, yellow perch, and northern pike. The daily and possession limit for sunfish is five.~~

~~J. Red Lake and its tributaries listed below are closed to the possession of walleye:~~

Name	Location	County
Upper Red Lake	T.153, R.31,32; T.154, R.30-32; T.155, R.30-32, outside Red Lake Indian Reservation	Beltrami

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Blackduck River	T.151, R.32, S.20,28,29,33; T.150, R.32, S.1; T.150, R.31, S.6-8,15-17, 22,27,34	Beltrami
Darrigan's Creek	T.150, R.32, S.14,15, 22,27,28,33; T.149, R.32, S.4-7	Beltrami
Detling Creek	T.151, R.31, S.31,32; T.150, R.31, S.4,5,9,10	Beltrami
Dumas Creek	T.154, R.30, S.29,31	Beltrami
Hay Creek	T.151, R.32, S.19,20,30,31	Beltrami
Meadow Creek	T.151, R.31, S.1-3; T.151, R.30, S.5,6,8-10	Beltrami
Moose Creek	T.155, R.31, S.25,36	Beltrami
North Branch Battle River	T.152, R.32, S.10-12,15, 22; T.152, R.31, S.1-7	Beltrami
North Branch Cormorant River	T.151, R.32, S.1-3; T.152, R.32, S.35; T.151, R.31, S.1-6,10-12; T.151, R.30, S.7-9,15-18, 22-25,36	Beltrami
O'Brien Creek	T.151, R.32, S.35; T.150, R.32, S.2,11,14, 23,26,35; T.149, R.32, S.2,11	Beltrami
Shotley Brook	T.153, R.31, S.10, 11,13,14,24; T.153, R.30, S.19-23	Beltrami
South Branch Battle River	T.152, R.32, S.13-15,22; T.152, R.31, S.18-22,26, 27,35,36; T.152, R.30, S.31,32; T.151, R.30, S.2-5,11,12	Beltrami
South Branch Cormorant River	T.151, R.32, S.23,25-27, 36; T.151, R.31, S.31-35	Beltrami
Squaw Creek	T.151, R.32, S.10,11,13,14	Beltrami
Tamarack River	T.154, R.30, S.8,9, 11-13,15-17	Beltrami
Unnamed tributary	T.154, R.30, S.1,11,12	Beltrami

~~Anglers must immediately return to the water the fish species noted for each water. It shall be unlawful for anyone to have in possession or under control, regardless of where taken, fish species noted for each water while on or fishing on these waters. Possession includes personal possession and possession in a vehicle.~~

Proposed Rules

6262.0575 WATERS WITH RESTRICTIONS ON TAKING FISH.

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

Subp. 4. Red Lake and tributaries. Red Lake and its tributaries listed below are closed to the taking of or angling for walleye at all times.

<u>Name</u>	<u>Location</u>	<u>County</u>
<u>Upper Red Lake</u>	<u>T.153, R.31,32; T.154, R.30-32; T.155, R.30-32, outside Red Lake Indian Reservation</u>	<u>Beltrami</u>
<u>Blackduck River</u>	<u>T.151, R.32, S.20,28,29,33; T.150, R.32, S.1; T.150, R.31, S.6-8,15-17, 22,27,34</u>	<u>Beltrami</u>
<u>Darrigan's Creek</u>	<u>T.150, R.32, S.14,15, 22,27,28,33; T.149, R.32, S.4-7</u>	<u>Beltrami</u>
<u>Detling Creek</u>	<u>T.151, R.31, S.31,32; T.150, R.31, S.4,5,9,10</u>	<u>Beltrami</u>
<u>Dumas Creek</u>	<u>T.154, R.30, S.29,31</u>	<u>Beltrami</u>
<u>Hay Creek</u>	<u>T.151, R.32, S.19,20,30,31</u>	<u>Beltrami</u>
<u>Meadow Creek</u>	<u>T.151, R.31, S.1-3; T.151, R.30, S.5,6,8-10</u>	<u>Beltrami</u>
<u>Moose Creek</u>	<u>T.155, R.31, S.25,36</u>	<u>Beltrami</u>
<u>North Branch Battle River</u>	<u>T.152, R.32, S.10-12,15, 22; T.152, R.31, S.1-7</u>	<u>Beltrami</u>
<u>North Branch Cormorant River</u>	<u>T.151, R.32, S.1-3; T.152, R.32, S.35; T.151, R.31, S.1-6,10-12; T.151, R.30, S.7-9,15-18, 22-25,36</u>	<u>Beltrami</u>
<u>O'Brien Creek</u>	<u>T.151, R.32, S.35; T.150, R.32, S.2,11,14, 23,26,35; T.149, R.32, S.2,11</u>	<u>Beltrami</u>
<u>Shotley Brook</u>	<u>T.153, R.31, S.10, 11,13,14,24; T.153, R.30, S.19-23</u>	<u>Beltrami</u>
<u>South Branch Battle River</u>	<u>T.152, R.32, S.13-15,22; T.152, R.31, S.18-22,26, 27,35,36; T.152, R.30, S.31,32; T.151, R.30, S.2-5,11,12</u>	<u>Beltrami</u>

Proposed Rules

<u>South Branch Cormorant River</u>	<u>T.151, R.32, S.23,25-27, 36; T.151, R.31, S.31-35</u>	<u>Beltrami</u>
<u>Squaw Creek</u>	<u>T.151, R.32, S.10,11,13,14</u>	<u>Beltrami</u>
<u>Tamarack River</u>	<u>T.154, R.30, S.8,9, 11-13,15-17</u>	<u>Beltrami</u>
<u>Unnamed Tributary</u>	<u>T.154, R.30, S.1,11,12</u>	<u>Beltrami</u>

Subp. 5. Minnows in southwestern counties. A person may not take minnows for personal use from a stream, stream tributary, sidechannel, oxbow, backwater, or other seasonally or permanently connected water of the Missouri river watershed that is in Lincoln, Pipestone, Murray, Rock, or Nobles county and that lies south of U.S. Highway 14 to the Iowa border and west of U.S. Highway 59 to the South Dakota border. These waters include, but are not limited to, Medary Creek, Flandreau Creek, East Branch Flandreau Creek, Willow Creek, Pipestone Creek, North Branch Pipestone Creek, Split Rock Creek, Beaver Creek, Little Beaver Creek, Springwater Creek, Rock River, East Branch Rock River, Ask Creek, Little Rock River, Little Rock Creek, Kanaranzi Creek, Norwegian Creek, East Branch Kanaranzi Creek, Elk Creek, Champepadan Creek, Mound Creek, Poplar Creek, Chanarambie Creek, North Branch Chanarambie Creek, and Mud Creek.

6262.0800 OPEN SEASONS FOR TAKING WHITEFISH AND CISCOES.

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

Subp. 5. **Special restrictions for Leech Lake Reservation.** The seasons, daily, and possession limits for the taking of fish from bodies of water within the Leech Lake Reservation for noncommercial purposes shall be the same as the statewide regulations, except whitefish which shall have a daily and possession limit of 25 ~~each~~ and cisco which shall have a daily and possession limit of 50. These limits do not apply to band or tribal members possessing a valid band fishing identification permit.

6262.3300 EXEMPTION FROM FISH TRANSPORTATION REQUIREMENTS.

A person possessing fish taken under a commercial fishing license, or private aquatic life as defined in *Minnesota Statutes*, section 17.47, subdivision 7, is exempt from the provisions of parts 6262.0100, subpart 5, 6262.3200, and 6262.3250 provided the person can show documentation that the fish were lawfully obtained.

6264.0050 RESTRICTIONS ON DESIGNATED TROUT LAKES AND STREAMS.

Subpart 1. **Restrictions on designated trout lakes.** The lakes described in this part are inhabited by trout other than lake trout. In order to protect and foster the propagation of trout, the following restrictions on fishing in these lakes apply:

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

D. possession or use of minnows as bait, except live leeches and processed minnows in a dried, frozen, or pickled condition, is prohibited.

[For text of subps 2 to 4, see M.R.]

6264.0300 DESIGNATED EXPERIMENTAL WATERS.

[For text of subps 1 to 31, see M.R.]

Subp. 32. **Rainy Lake experimental regulations.** To the extent that this subpart is inconsistent with part 6266.0700, subpart 2, the provisions of this subpart apply. While on or fishing in the waters listed below, all walleye in possession or under control, regardless of where taken, must be less than 17 inches in length or greater than 28 inches in length. All walleye that are 17 to 28 inches in length, inclusive, must be immediately returned to the water. A person's possession limit may not include more than one walleye over 28 inches. Walleye legally taken from Ontario waters of Rainy Lake that are not within the above length limits may be possessed with documented proof of fishing on Ontario waters of Rainy Lake. Proof of fishing must consist of documentation of a residence or property on Ontario waters of Rainy Lake, or a dated receipt from an Ontario resort on Rainy Lake. A person in possession of walleye that were legally taken in Ontario waters of Rainy Lake, but not within the legal sizes for the waters listed below, may not fish on the waters listed below. ~~Effective March 1, 2002, the possession limit for walleye and sauger in any combination taken from the following waters is four fish.~~

Name	Location	County	End Date
Rainy Lake	T.67,68,69,70, 71, R.18,19,20, 21,22,23,24, S. Various, Minnesota		

waters of Rainy
Lake from the dam
in International
Falls to the dam in
Kettle Falls, Black
Bay including Gold
Portage, Rat Root
Lake, and all of
the Rat Root River

Koochiching,
St. Louis

3/1/2006

[For text of subs 33 to 65, see M.R.]

6266.0100 GENERAL REGULATIONS FOR TAKING FISH ON BOUNDARY WATERS WITH ADJACENT STATES.

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

Subp. 2. Possession limits on boundary waters.

A. Licensed anglers, or those exempt from licensing, may possess only one limit of fish while on the adjacent state's boundary waters listed in parts 6266.0200, subpart 1; 6266.0300, subpart 1; 6266.0400, subpart 1; and 6266.0500, subpart 1, regardless of the number of licenses held.

B. Where regulations differ between this state and an adjacent state on such boundary waters, the exercise of the more liberal regulations is limited to persons licensed by the more liberal state and confined to the territorial waters of the more liberal state.

C. Fish that are taken by angling on Minnesota boundary waters with South Dakota, Wisconsin, and North Dakota and not released freely into the water immediately after capture are considered to be in possession and part of the bag limit and may not be released after such possession.

D. Licensed anglers, or those exempt from licensing, must follow the general restrictions on transport, possession, and packing of fish while on a boundary water unless otherwise specified in this chapter or part 6262.0300.

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

6266.0500 TAKING OF FISH ON MINNESOTA-WISCONSIN BOUNDARY WATERS.

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

Subp. 3. Species, seasons, and limits on Minnesota-Wisconsin boundary waters. The following applies to the species, seasons, and limits for taking fish on Minnesota-Wisconsin boundary waters:

Species and Open Season

Daily and Possession Limits

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

D. Channel and flathead
catfish. Continuous.

10 in aggregate

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

[For text of subs 4 to 10, see M.R.]

6266.0600 MINNESOTA-WISCONSIN BOUNDARY WATERS COMMERCIAL REGULATIONS.

[For text of subs 1 to 7, see M.R.]

Subp. 8. Taking of turtles. ~~The following provisions apply to the taking of turtles on Minnesota-Wisconsin boundary waters:~~

~~A. Turtles may be taken incidental to licensed commercial fishing operations or by persons licensed to take turtles as provided by chapter 6256 and Minnesota Statutes, section 97A.475, and may be possessed and sold ~~without limit~~ as provided by Minnesota Statutes, sections 97C.605 and 97C.611.~~

~~B. Turtle traps constructed of webbing must be of mesh size not less than 3 1/2 inches stretch measure or seven inches stretch measure. Turtle traps constructed of wire mesh must be of mesh size not less than 3 1/2 inches, bar measure, and have at least one square opening in the top panel measuring at least four inches on a side and one of the same dimension near the bottom in each of the side panels. Turtle traps must be set in water shallow enough to place the top no deeper than one inch below the water surface. Turtle traps must be checked and serviced at intervals not exceeding 48 hours. Licensees may not operate more than 40 turtle traps. When in use, each turtle trap must have affixed a tag, visible from above, legibly and permanently bearing the name, address, and license number of the operator. Tags must be of dimensions no less than 2 1/2 inches in length by five eighths inch in width.~~

Subp. 9. [See repealer.]

6266.0700 TAKING OF FISH ON MINNESOTA-CANADA BOUNDARY WATERS.

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

Proposed Rules

Subp. 2. **Species, seasons, and limits on Minnesota-Canada boundary waters.** Except as provided in part 6264.0300, subpart 56, the following applies to the species, seasons, and limits for taking fish on Minnesota-Canada boundary waters. When the closing date of the season falls on a Saturday, the season will extend to the following Sunday.

Species	Open Season	Daily and Possession Limits
A. Walleye and sauger		
(1) <u>All border waters not listed in subitems 2 to 5</u>	Saturday two weeks prior to the Saturday of Memorial Day weekend through to April 14.	6 in the aggregate; except (i) Lake of the Woods, 14 in the aggregate, of which not more than 6 may be walleye; (ii) Rainy Lake, 12 in the aggregate, of which not more than 6 may be walleye and not more than 1 over 19.5 inches; (iii) Rainy River, 6 in the aggregate, with not more than 1 walleye over 19.5 inches except from March 1 through April 14 2 in the aggregate and no walleye over 19.5 inches may be taken; and (iv) Saganaga Lake including Sea Gull River and Gull Lake, where the limit is 6 walleye with only 1 walleye over 19.5 inches.
(2) <u>Lake of the Woods</u>	<u>Saturday two weeks prior to the Saturday of Memorial Day weekend to November 30.</u>	<u>8 in the aggregate, of which not more than 6 may be walleye and not more than 1 walleye over 19.5 inches may be taken daily.</u>
	<u>December 1 to April 14.</u>	<u>14 in the aggregate, of which not more than 6 may be walleye and not more than 1 walleye over 19.5 inches may be taken daily.</u>
(3) <u>Rainy Lake, including various Minnesota waters of Rainy</u>	<u>Saturday two weeks prior to the Saturday of Memorial Day Weekend to April 14.</u>	<u>8 in the aggregate, of which not more than 4 may be walleye. See chapter 6264 for additional regulations.</u>

Lake from the dam in International Falls to the dam in Kettle Falls and Black Bay, including Gold Portage

Rat Root River and Rat Root Lake Saturday two weeks prior to the Saturday of Memorial Day Weekend to the third Sunday in February.

8 in the aggregate, of which not more than 4 may be walleye. See chapter 6264 for additional regulations.

(4) Rainy River Saturday two weeks prior to the Saturday of Memorial Day weekend to the last day in February.

6 in the aggregate, with not more than 1 walleye over 19.5 inches.

March 1 to April 14.

2 in the aggregate, and no walleye over 19.5 inches may be taken.

(5) Saganaga Lake Saturday two weeks prior to the Saturday of Memorial Day weekend to April 14.

6 walleye, with only 1 walleye over 19.5 inches.

Sea Gull River and Gull Lake Saturday two weeks prior to the Saturday of Memorial Day weekend to the third Sunday in February.

6 walleye, with only 1 walleye over 19.5 inches.

B. Sturgeon
(~~minimum size 45 inches total length~~)

~~June 30 through May 15~~ July 1 to April 30.

1 per license year. All sturgeon in possession while on or fishing in Minnesota-Canada border waters must be from 45 inches to 55 inches in length, inclusive. All sturgeon that are less than 45 inches or greater than 55 inches in length must be immediately returned to the water.

Proposed Rules

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

[For text of subps 3 to 5, see M.R.]

Subp. 6. Equipment. A person may not possess or use a gaff while fishing on the Rainy River.

REPEALER. *Minnesota Rules*, parts 6212.2600, subpart 2; 6256.0500, subpart 3; 6262.3200, subpart 5; 6264.0300, subpart 1; 6264.0400, subpart 1; 6266.0400, subpart 14; 6266.0500, subpart 9; and 6266.0600, subpart 9, are repealed. The expedited emergency amendments to *Minnesota Rules*, parts 6264.0300, subpart 32, published in the *State Register*, volume 26, page 1141, February 25, 2002, and 6266.0700, subpart 2, published in the *State Register*, volume 26, page 1488, May 6, 2002, are repealed.

EFFECTIVE DATES. *Minnesota Rules*, parts 6254.0300, subpart 2; 6262.0800, subpart 5; and 6266.0100, subpart 2, item C, are effective March 1, 2004.

Commissioner's Orders

Various agency commissioners are authorized to issue "commissioner's orders" on specified activities governed by their agency's enabling laws. See the *Minnesota Statutes* governing each agency to determine the specific applicable statutes. Commissioners' orders are approved by assistant attorneys general as to form and execution and published in the *State Register*. These commissioners' orders are compiled in the year-end subject matter index for each volume of the *State Register*.

Department of Transportation

Amended Uniform Traffic Control Devices Manual Order No. 87127

WHEREAS, the Commissioner of Transportation has adopted a manual (*Minnesota Manual on Uniform Traffic Control Devices*, dated April 15, 2002) establishing a uniform system of traffic control devices for streets and highways of the State of Minnesota as required by *Minnesota Statutes*, Section 169.06, Subdivision 1; and

WHEREAS, said manual is being revised, to be adopted and distributed during calendar year 2003; and

WHEREAS, the Commissioner may authorize and adopt amendments to the *Minnesota Manual on Uniform Traffic Control Devices*.

NOW, THEREFORE, pursuant to authority vested in my office and as provided in *Minnesota Statutes*, Section 169.06, subd. 1 (2002), I do hereby adopt and prescribe the revisions as listed on the Record of Revisions or Additions as an amendment to the 2001 *Minnesota Manual on Uniform Traffic Control Devices*.

This Order amends Order No. 86252, dated April 15, 2002.

RECORD OF REVISIONS OR ADDITIONS

Revision Number	Date Issued	Pages Revised or Added
1	5/2003	TC-8, i, ii, v, vii, 1A-10, 1A-11, 1A-12, 2A-8, 2A-11, 2B-18, 2B-21, 2B-31, 2B-32, 2C-6, 2C-12, 2C-18, 2C-19, 2D-23, 2E-11, 2E-40, 2E-51, 2G-1, 3B-34, 4E-1, 5C-4, 6A-i, 6C-7, 6F-13, 6F-14, 6F-19, 6F-20, 6F-21, 6F-25, 6F-28, 6F-35, 6F-38, 6F-39, 6F-42, 6F-43, 6H-7, 6H-8, 6H-10, 6J-16, 7B-1, 7B-2, 7B-5, 7F-1, 9B-4, Appendix A2 (in its entirety), C-1, C-3, C-6, C-7, C-8, C-24, and INDEX (in its entirety).

Dated at St. Paul, Minnesota, this 22nd day of May, 2003.

Carol Molnau
Lt. Governor/Commissioner

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 # 03-05: Individual Income Tax - K-12 Education Credit

1. In order to qualify for the K-12 Education Credit, there are specific requirements that must be followed if the vendor offers a package of educational services and products.

When a taxpayer purchases a package of goods and/or service for one price and some of the items qualify for the education credit under *Minnesota Statutes*, section 290.0674 and some of the items do not qualify for the credit or are computer hardware or educational software, the department will allow the education tax credit to the extent the vendor allocates the purchase price on the sales receipt to the various items in the package. The allocation must be based on the fair market value of each item received by the taxpayer over the total fair market value of all items received by the taxpayer times the purchase price paid by the taxpayer. The total purchase price must be allocated to all items received including "gift" items given by the vendor, which are conditioned on the purchase of the other items. Individual goods and services with a fair market value of less than 2% of the total purchase price need not be allocated.

Example

A vendor sells 20 hours of math and reading tutoring by qualified instructors, textbooks and workbooks used in this tutoring, a personal computer, access to the internet, and 10 hours of music lessons for a total purchase price of \$2,000. The amount of qualifying expense would need to be computed as reflected in the following table. An itemized account of the items in the educational bundle is required to be given to the buyer of the goods and services. In this example, the taxpayer would receive the education credit for 75% of that \$1,291 qualifying amount, or \$968. Even if the taxpayer had only one child, the entire \$968 would qualify since the credit amount would be under the \$1,000 maximum per child.

Educational Materials or Services	Fair Market Value (FMV) if Purchased Separately	(FMV/Total FMV) times Total Price of Bundled Package	Educational Expense of Each Piece of Bundled Package	Educational Expense Allowed
Math and Reading Instruction	\$800	(800/2200) times 2000	\$727	\$727
Tutoring Materials	\$300	(300/2200) times 2000	\$273	Does not qualify
Music Lessons	\$400	(400/2200) times 2000	\$364	\$364
Computer	\$600	(600/2200) times 2000	\$545	\$200 (limited)
Internet Access	\$100	(100/2200) times 2000	\$91	Does not qualify
Total	\$2,200		\$2,000	\$1,291

2. K-12 Education Credit is allowed only if payment is made for education-related expenses in the tax year.

- A. The vendors must receive payment for their educational goods and/or services during the tax year for which the credit is claimed. Vendors must be paid with cash, check or credit cards. Only amounts actually paid to the vendor during the tax year are included in the qualifying expenses.
- B. If the taxpayer borrows money from the vendor for the purchase of the vendor's product, the expenses are only considered paid to the extent the taxpayer repays the loan.
- C. Taxpayers may borrow the money for the cash payment from any third-party lender other than the vendor of the educational product being purchased. The vendor of the educational services/products will be considered to be paid only when the loan proceeds are given to the vendor. The lender must accept the full risk of lending the money to pay for the educational expense. However, if the lender is a bank or a 501(c)(3) non-profit organization, the risk that the loan might not be repaid can, in some cases, be mitigated by assignment of income tax refunds to repay a portion of the loan. (See assignment guidelines below.)

Revenue Notices

3. If the taxpayers borrow the money for the purchase of a qualified educational product from a 501(c)(3) charitable organization or a financial institution such as a bank, savings association, or credit union, the taxpayers can use their Minnesota income tax refunds to repay the loan by assigning the right to their refund to the lender.

- A. These lenders may ask customers to provide information (grades and number of children, household income, parents' tax filing status) that will help the lenders determine whether the customer will qualify for the education credit.
- B. Lenders may ask taxpayers to complete a release form (REV186) that will authorize the Department of Revenue to provide information about each taxpayer's tax debts, child support debts, hospital debts, restitution amounts, and other claims that might take precedence over the lender's claim to the income tax refund.
- C. Taxpayers may assign their Minnesota income tax refunds (the refund may be more or less than the amount of credit depending upon the taxpayer's tax and other credits) to repay a qualifying loan.
 - Taxpayers must be told in clear and understandable language that they have entered into a loan agreement. The loan agreement must be written.
 - Taxpayers must be told in clear and understandable language that they have given up their right to receive their Minnesota income tax refund to the extent of the assignment. That is, that they are giving their income tax refund to pay for that loan. If the entire purchase price is financed, the education credit, at most, will only generate a refund of 75% of the loan. The remaining 25% of the loan must be repaid by the taxpayers directly or indirectly from their own funds. The amount of the refund that can be assigned is limited to \$1,000 for a single qualifying child and \$2,000 for two or more qualifying children.
 - Lenders must tell the taxpayers in clear and understandable written language that, as the result of the assignment process, their refunds will be paid to the lender up to the assigned amount. Only the amount of their refund over the assigned amount will be sent to them.
 - If the educational product or service does not qualify for the credit, the assignment is invalid, and the department will not honor the assignment.
 - If the educational product or service qualifies for the credit, but the taxpayer does not qualify because of income thresholds, the assignment will still be honored.
 - Assignment forms (M300s) will only be accepted until December 31, 2003 unless the legislature extends the effective date.

Raymond R. Krause
Assistant Commissioner

Official Notices

*Pursuant to Minnesota Statutes § 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking. The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.*

Department of Human Services

Office of Economic Opportunity

Minnesota's Draft Community Services Block Grant and Community Food and Nutrition 2004-2005 Consolidated Plan Available for Public Inspection and Comment

NOTICE IS HEREBY GIVEN that a public hearing will be held on August 6, 2003 in conjunction with the development and submittal of Minnesota's Community Services Block Grant and Community Food and Nutrition 2004-2005 Consolidated Plan by the Department of Human Services/Office of Economic Opportunity. To receive notice of the specific time and location of the hearing, contact Joelle Hoeft at joelle.hoeft@state.mn.us or by calling (651) 284-0570. The purpose of this hearing is to provide the public an opportunity to comment on the proposed use and distribution of funds to be provided through the allotment to the State of Minnesota under 42 *United States Code* 9901, Title II, Section 675B. These funds are used by local agencies, Tribal Governments and the Department of Human Services to combat the causes and effects of poverty. A draft of the plan is available for public inspection and comment and can be accessed by visiting the department's **web site:** <http://cfl.state.mn.us/OEO/> or by contacting Pat DeChaine at (651) 284-4472. Comments should be submitted to the attention of Joelle Hoeft at DHS, 444 LaFayette, St. Paul, MN 55155-3875 or by email no later than July 31, 2003.

Otter Tail County

Notice is Hereby Given of New Otter Tail County Law Library Fees

Pursuant to *Minnesota Statutes* 134A.10, the following law library fees are in effect for Otter Tail County as of July 1, 2003:

<u>County</u>	<u>Civil</u>	<u>Conciliation</u>	<u>Criminal Conviction</u>	<u>Petty Misdemeanors</u>
Otter Tail	\$10.00	\$5.00	\$10.00	\$10.00

Questions and comments should be submitted to:

John M. Huberty, Otter Tail County Courthouse, Ste. 301 Fergus Falls, MN 56537

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 Administration

Request for Proposal for a Grant Contract Relating to Culturally Competent Outreach and Leadership Training Program

The email address published with this notice in the May 27, 2003 issue of the *State Register* was incorrect. Please note the correct email address is admin.dd@state.mn.us.

State Contracts

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

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

Colleges and Universities, Minnesota (MnSCU)

Winona State University

Request for Sealed Proposals to Install, Terminate and Test All Network, Telephone and Fiber Optic Cable

NOTICE IS HEREBY GIVEN that Winona State University will receive sealed proposals to install, terminate and test all network, telephone and fiber optic cable for our new science building.

On site visit to review proposals will be June 9, 2003 at 1:00 in Somsen Hall Room 111, conference room.

Proposal specifications will be available on June 4, 2003 from the Winona State University Purchasing Department, P.O. Box 5838, 205 Somsen Hall, Winona, MN 55987 or by calling (507) 457-5067 or (507) 457-5419.

Sealed proposals must be received by Sandra Schmitt at P.O. Box 5838, or at 175 West Mark Street, Somsen Hall 205G, Business Office, Winona State University, Winona, MN 55987 by 2:00 p.m. June 23, 2003.

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

State Contracts

Department of Commerce

Notice Availability of Contract for Minnesota Workers' Compensation Assigned Risk Plan Administrator

The Minnesota Department of Commerce is requesting proposals for the purpose of contracting with a qualified entity to act as the Plan Administrator and manage the day-to-day operations of the Minnesota Workers Compensation Assigned Risk Plan in accordance with *Minnesota Statutes* §79.251 and chapter 176.

Work is proposed to start after September 15, 2003.

A Request for Proposal will be available by mail from this office through Monday, June 16, 2003. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After June 16, 2003 the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Scott Borchert
Minnesota Department of Commerce
85 Seventh Place East, Suite 500
Saint Paul, Minnesota 55101
(651) 296-9431 voice
(651) 284-4106 fax

Proposals submitted in response to the Request for Proposal in this advertisement must be received at the address above not later than 2:00 p.m. on Tuesday, July 15, 2003. Late proposals will not be considered. No time extensions will be granted.

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

Department of Employee Relations

Notice to Contract for EAP Services for State Employees

NOTICE IS HEREBY GIVEN that the State of Minnesota Department of Employee Relations (DOER) intends to contract with an employee assistance provider organization to provide assessment & referral and short term counseling (1 to 3 sessions) to state employees and their family members. The targeted service area will include all of Minnesota (both the metropolitan area and Greater Minnesota) and the employee population to be served is approximately 50,000.

Contractors must be in compliance with the Americans with Disabilities Act. The contract term would begin on or before January 1, 2004 and would end no later than June 30, 2005.

For further information or to receive a copy of the RFP, contact Kimberley Peck, Director, MN State EAP at (651) 296-9722 or 1-800-657-3719 or kim.peck@state.mn.us. Proposals are due no later than 3:00 PM on Friday, June 20. Late proposals will not be considered.

Department of Human Services

Notice of Availability of Contracts for Services to Help Minnesota General Assistance Clients Appeal Supplemental Security Income Denials

The Department of Human Services seeks responders to help General Assistance clients appeal negative decisions made by the Social Security Administration regarding their application for Supplemental Security Income (SSI) benefits. A responder must be:

- A non-profit legal assistance organization that employs licensed attorneys; or
- A private law firm that employs licensed attorneys; or
- A private attorney-at-law; and
- Able to assist clients through the entire SSI reconsideration, hearing, and/or appeal process; and
- Able to provide services to clients in one or more of the designated areas and can provide services statewide if clients move outside of the area; and
- Capable of providing legal and other supportive services for up to twenty new clients per month.

Proposals must be submitted by 4:20 P.M. on Monday, June 23, 2003.

For copies of the Request for Proposal contact:

James B. Campbell, Project Manager
Office of Management and Budget
444 Lafayette Road
St. Paul, Mn. 55155-3819
Phone: (651) 296-3216

Department of Human Services

Disability Services Division

Request for Proposal for a Telephone Survey Administration, Data Collection, Analysis, and Reporting for Minnesota Personal Care Assistance Program

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services (DHS) requires the services of a Responder to conduct a telephone survey of 450 consumers in DHS's Personal Care Assistance (PCA) program.

The goals of this telephone survey are to: (1) gather baseline program information from a random sample of consumers who are using the PCA program; (2) establish consumer priorities for PCA program improvements through analysis of the consumer survey; and (3) use consumer survey information and results to inform DHS in order to make changes in public policy. This survey is part of DHS's quality assurance plan for the PCA program as required by 2001 state legislation. The total budget for this contract shall not exceed \$50,000.00.

DHS will provide contact information for consumers from its database. Responder must complete a minimum of 450 telephone surveys to ensure a random sample.

DHS has developed a draft survey to be used by the Responder. Responder will work closely with DHS to modify survey to get it in final form to be used for telephone administration. DHS will have final approval of all edits of the survey as well as ownership of the final survey.

The selection process will be based on the following criteria:

- Responder's experience with telephone survey administration to people with disabilities
- Responder's ability to administer telephone survey to people with a wide variety of disabilities and non-English speaking individuals.
- Responder's experience in telephone survey development
- Responder's experience with data collection, analysis and reporting
- Responder's ability to submit a work plan that contains definitive benchmarks for progress and completion of project by October 31, 2003
- Responder's ability to submit a clear and reasonable budget for the project

This is a summary of the RFP. To obtain the full RFP which contains a survey draft, and complete requirements of submission requests, contact Marsha Nadeau at (651) 582-1915 or marsha.nadeau@state.mn.us. The RFP is also available on the DHS public website <http://www.dhs.state.mn.us>.

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

Linda Wolford
Minnesota Department of Human Services
Disability Services Division
Main Reception Desk
444 Lafayette Road
St. Paul, MN 55155-3872
Phone: (651) 582-1152
Fax: (651) 582-1808
Email: linda.wolford@state.mn.us

All substantive questions concerning this RFP must be put in writing and received by Ms. Wolford by June 12, 2003. Written responses for all questions will be mailed to all respective responders no later than June 19, 2003.

State Contracts

To be considered, applications must be delivered in person or by US Mail to the address listed above at the Department of Human Services no later than 4:20 p.m. Central Daylight time on June 27, 2003.

While it is the DHS's intent to enter into a contract with a qualified responder for the provision of the professional and technical services set forth herein, this RFP does not obligate DHS to complete the RFP process or to enter into a contract. DHS reserves the right to cancel this RFP at any time and for any reason.

Department of Transportation

Program Support Group

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

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

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

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

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

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

Send completed application material to:

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

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

Department of Transportation

Engineering Services Division

Notice Concerning Professional/Technical Contract Opportunities

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

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

Non-State Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of 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 editor for further details.

Anoka County and Dakota County

Anoka County Attorney's Office and Dakota County Attorney's Office

Notice of Request for Proposals for the Provision of Software and Professional Services for an Integrated Case Management System to Handle Criminal and Civil Cases for the County Attorney's Offices for Anoka and Dakota Counties

NOTICE IS HEREBY GIVEN for the provision of software and professional services to provide the County Attorney Offices of Anoka County and Dakota County with a computerized case management system that will assist in the performance of its duties.

Proposals shall be submitted in exact accordance with the Request for Proposals (RFP) Package (including General Information and General Contract Provisions).

The Request for Proposals Package may be obtained at the Dakota County **web site**:
http://www.co.dakota.mn.us/e_government/bids/bids_rfps.htm.

Proposal due date: July 3, 2003 at 4 p.m. CDT.

If you need an accommodation, such as an interpreter or printed material in an alternate format (i.e. Braille, large print or audio), because of a disability, email your request to attorney.rfp@co.dakota.mn.us.

Dakota County Sheriff's Office

Request for Proposals for Professional Services for Business, Software, and Gap Analysis Services for a Countywide Jail Management System in Dakota County

The Dakota County Sheriff's Office is seeking to contract with a consultant to complete a business, software and gap analysis of their current systems and business processes and to complete detailed system requirements. These system requirements will be used in a gap analysis to evaluate the selection of a jail management software package.

Proposals shall be submitted in exact accordance with the Request for Proposals (RFP) Package (including General Contract Provisions).

The complete Request for Proposal document may be obtained at the Dakota County **web site**:
http://www.co.dakota.mn.us/e_government/bids/bids_rfps.htm

Proposal due date: July 1, 2003 at 4:00 pm CDT.

Metropolitan Council

Notice of Invitation for Bids (IFB) for the Procurement of Disk Filter Equipment for the Rosemount Wastewater Treatment Plant

Reference Number 03P051

The Metropolitan Council is requesting bids for the Procurement of Disk Filter Equipment for the purpose of filtering aerated pond effluent containing Aluminum Sulfate solids.

<i>Issue Invitation for Bids</i>	May 30, 2003
<i>Bids Due</i>	June 13, 2003
<i>Award Contract</i>	June 2003

All firms interested in submitting bids for this contract and desiring to receive an IFB package are invited to make a written request either by e-mail, fax or mail or phone request to:

Non-State Contracts & Grants

Sunny Jo Emerson
Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council
230 East Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1499
Fax: (651) 602-1083
E-mail: sunnyjo.emerson@metc.state.mn.us

Minnesota Statutes, Section 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 \$100,00, the requirements of *Minnesota Rules* 5000.3530 will be applicable

Metropolitan Council

Notice of Request for Projects Under the MetroEnvironment Partnership Grant Program

Purpose: The MetroEnvironment Partnership Grant Program was established to provide grants to address nonpoint source pollution to Metropolitan Area lakes, streams and rivers. Projects must be directed toward the abatement, control, or prevention of nonpoint source pollution. Applicants are encouraged to work cooperatively with other local government and non-government organizations to develop joint, multi-purpose projects. **Only grants for implementation projects will be accepted; no educational projects will be funded.** This is the final year of this five-year grant program.

Eligible Project Sponsors: Public entities including state, federal, county, and city government; soil and water conservation districts; watershed management organizations; public schools; nonprofit organizations, or trade and professional organizations are eligible. The project must be located in whole or in part within the seven-county metropolitan area. The sponsor of a project located only partly in the metro area must be a state agency or a governmental entity with jurisdiction in the metro area.

Proposal Submission Dates: Completed grant applications must be received by 4 p.m., Friday July 18, 2003, at the offices of the Metropolitan Council.

Grant Matching Funds: A match of 25 percent cash or in-kind funds is required for the grants.

To Receive an Application: Call the Metropolitan Council Data Center at (612) 602-1140 or TTY (612) 291-0904. Applications are also available on the Council's **web site** at www.metrocouncil.org.

For More Information: Call Joe Mulcahy, (651) 602-1104, or TTY (651) 291-0904.

Metropolitan Council

Notice of Request for Proposals (RFP) for Employment and Human Resources Legal Services Contract 03P050

The Metropolitan Council is requesting proposals for the performance of legal services related to employment and human resources legal services. The legal services will involve representing the Metropolitan Council on an organization-wide basis and providing legal advice on employment and human resources matters. In addition to performing its historical regional planning and coordinating activities, the Metropolitan Council operates and maintains regional transit systems and the metropolitan sewer disposal system. The term of the contract will be up to three years with a possible fourth year.

A tentative schedule for the project is as follows:

<i>Issue Request for Proposals</i>	May 27, 2003
<i>Receive Proposals</i>	June 17, 2003
<i>Contract Negotiated, Executed, Notice Proceed</i>	July, 2003

All firms interested in being considered for this project and desiring to receive an RFP package are invited to submit a written request for the RFP to:

Amanda Houston
Metropolitan Council
Mears Park Centre
230 E. Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1585
Fax: (651) 602-1138
E-mail: amanda.houston@metc.state.mn.us

Non-State Contracts & Grants

Metropolitan Council

Notice of Request for Proposals (RFP) for Workers Compensation Legal Services

Contract 03P049

The Metropolitan Council is requesting proposals for the performance of legal services related to workers compensation. The legal services will involve representing the Metropolitan Council on an organization-wide basis and providing legal advice on workers compensation matters. In addition to performing its historical regional planning and coordinating activities, the Metropolitan Council operates and maintains regional transit systems and the metropolitan sewer disposal system. The term of the contract will be up to three years with a possible fourth year.

A tentative schedule for the project is as follows:

<i>Issue Request for Proposals</i>	May 27, 2003
<i>Receive Proposals</i>	June 17, 2003
<i>Contract Negotiated, Executed, Notice Proceed</i>	July, 2003

All firms interested in being considered for this project and desiring to receive an RFP package are invited to submit a written request for the RFP to:

Amanda Houston
Metropolitan Council
Mears Park Centre
230 E. Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1585
Fax: (651) 602-1138
E-mail: amanda.houston@metc.state.mn.us

NorthStar Corridor Development Authority

Notice of Request for Proposals for Technical Consultant for Advanced Preliminary Engineering Services

The Northstar Corridor Development Authority requests proposals to provide updated data to the FTA New Starts Program for the Northstar Corridor commuter rail project. The work will include bringing the travel demand forecast up to date and evaluating two potential additional stations. The Northstar Corridor is an 82-mile transportation corridor that follows Trunk Highway 10, the primary direct link between the northern Twin Cities region and St. Cloud/Rice, Minnesota.

A pre-proposal conference is scheduled for June 16, 2003. Proposals must be received by 4:00 p.m. CDT on June 23, 2003. The budget proposed by the consultant must not exceed \$350,000.00.

An RFP Package may be obtained by submitting an e-mail or written request to:

Tim Yantos, Project Director
Anoka County Administration
2100 3rd Avenue
Anoka, MN 55303
Phone: (763) 323-5692
Fax: (763) 323-5682
E-mail: Tim.yantos@co.anoka.mn.us

NOTE: The RFP is not available in electronic form.

ServeMinnesota

Notice of Availability of Funds for Planning Grants

SUMMARY: ServeMinnesota announces the availability of approximately \$300,000 in fiscal year 2003 funds for eligible nonprofit and government organizations for AmeriCorps planning grants. The purpose of these planning grants is to assist communities in the planning necessary for the utilization of AmeriCorps and community volunteers as a strategy to address critical needs in specific issue areas. Organizations receiving funds under this notice must be committed to developing AmeriCorps programs. The funds are available for these planning grants through the Corporation for National and Community Service's formula allocation to Minnesota.

Non-State Contracts & Grants

ServeMinnesota anticipates making between 10 and 20 grants under this announcement, with the minimum grant level of \$5,000 and the maximum grant level of \$50,000. Applicants must provide 33% as matching funds (cash or in-kind) from non-federal sources. ServeMinnesota will make awards covering a period not to exceed twelve (12) months. ServeMinnesota encourages all interested faith-based and community based organizations to apply.

DATES: The deadline for applications to be received is 5 p.m., Central Daylight Saving Time on July 9, 2003. We anticipate announcing selections under this Notice no later than August 1, 2003. Grants will be awarded effective September 1, 2003 to conclude August 31, 2004.

ADDRESSES: Applications are to be submitted to the following address: ServeMinnesota, 431 South Seventh Street, Suite 2540, Minneapolis, MN 55415

FOR FURTHER INFORMATION CONTACT: For complete details and to download the application go to the ServeMinnesota **website:** www.serveminnesota.org and click on "Funding." Upon request, this information will be made available in alternate formats for people with disabilities.

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 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 the Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls., MN 55454.

University of Minnesota

Request for Proposal for Construction Management Services

I. NOTICE OF REQUEST FOR PROPOSAL

The University of Minnesota is interested in Construction Management Services where the Construction Manager is also the Constructor for the Minnesota Landscape Arboretum Visitors Center

Project Summary

The 44,000 SF Visitor Center, to be located adjacent to the existing Snyder Building, will include visitor information areas, an orientation space, a gift shop, auditorium space, classrooms, office space, and a new food service area for the Arboretum. The new Visitor Center, with expanded exhibits and a well designed information center, will allow the Arboretum to better serve the 200,000+ people that participate each year in its programs. This project will return the Snyder Building to its original use, resolving problems of overcrowding and limited space.

The new Visitor Center will be the heart of the Arboretum. The Great Hall, a soaring, light filled "family room," will both welcome and educate visitors of all ages. It will offer orientation services and classes for children and adults, as well as models, art, sculpture, displays, and interpretive exhibits for young and old.

In addition to serving as a formal entry point to the Arboretum gardens and collections, the Visitor Center will house conference and meeting facilities, and amenities such as a large restaurant with a 'kid friendly' menu and Tea Room favorites. The Center will also feature a gift shop with books, garden supplies and nature-related merchandise for all ages.

Joined to the Snyder Building by a covered walkway, the Visitor Center will echo the character and spirit of that historic Edwin Lundie structure, with classic lines and native materials.

This project is Phase II of the "University of Minnesota Landscape Arboretum Visitor Center and Site Infrastructure" project initially planned in November 2001. Following completion of the pre-design, the project was broken into two phases for construction.

Phase I of the project, which included infrastructure improvements, site development, and grading for the core area of the Minnesota Landscape Arboretum campus, was begun in the spring of 2002 has been completed. Phase II will design and construct the Visitor Center. The selection of the design is currently in process. The successful design team will participate in the selection of the Construction Manager at Risk (CMAR).

Phase II will employ a Construction Manager where the Construction Manager is the Constructor. This Construction Manager (CM) will be selected by an RFP and interview process shortly after the design team is under contract. There will be multiple construction phases and at a minimum one for footings, foundations and site work to begin late summer or early fall 2003 and another for the balance of the building.

Non-State Contracts & Grants

E-mail Chip Foster for your request for the full RFP, which will be sent free of charge to interested vendors.

II. CONTACT FOR RFP INQUIRIES:

Refer questions to:

PURCHASING SERVICES:

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

III. TENTATIVE SCHEDULE OF EVENTS

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

- RFP Document Issued Wednesday, May 28, 2003
- Optional Pre-Proposal Meeting/Site visit at 1:00 p.m. at the Arboretum Snyder Building Auditorium Tuesday, June 3, 2003
- All Questions/Inquiries deadline at 4:00 p.m. CSDT Wednesday, June 4, 2003
- RFP Response Due at 2:00 p.m. CSDT Monday, June 9, 2003
- Tentative Evaluation and Selection of Short-listed Finalists Friday, June 13, 2003
- Tentative Interview/Presentations date Thursday, June 19, 2003
- Tentative Award Decision/Notification to Proposers Friday, June 20, 2003

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

