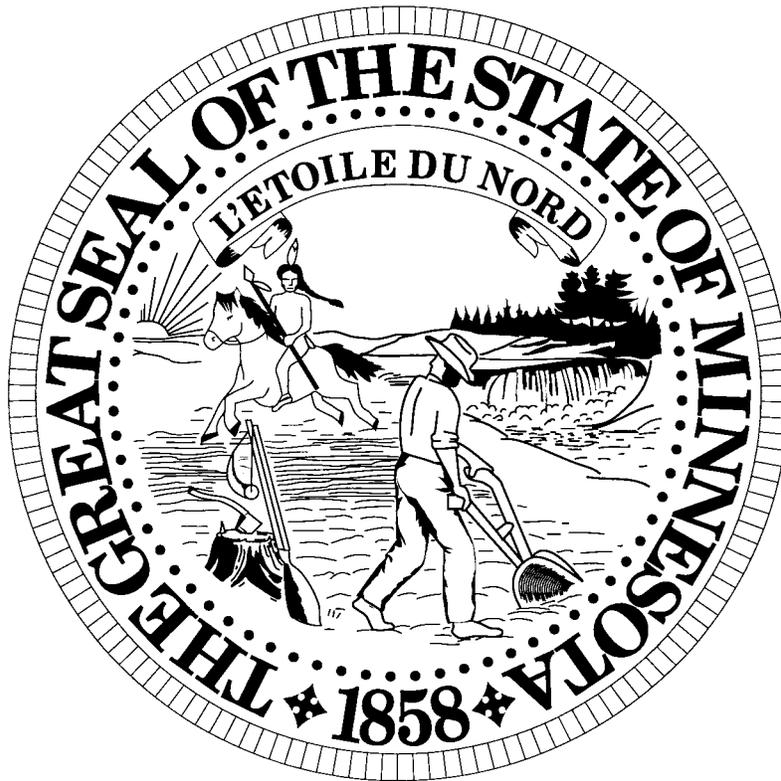


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State Register

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- commissioners' orders
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#53	Monday 30 June	Noon Tuesday 24 June	Noon Wednesday 18 June
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Vol.28 #2	Monday 14 July	Noon Tuesday 8 July	Noon Wednesday 2 July
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Minnesota Rules: Amendments and Additions

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

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

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

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 Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*.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

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

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6240.0610; .1000; .1500; .1600; .1700; .1750 (adopted		.1400; .1500; .1600; .1700; .1800; .1900; .2100; .2200	
expedited emergency)	290	(adopted)	637
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(repealed)	290	.1400; .1500; .1600; .1700; .1800; .1900; .2100; .2200; .2300;	
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repealed).....	348	.6260; .6280; .6290; .6300; .6320; .6340; .6360; .6380; .6400; .6420;	
6236.0300; .0700; .0810 (adopted expedited emergency)	111	.6440; .6460; .6480; .6500; .6510; .6520; .6540 (proposed)	806
6236.0300 s. 6; .0810 (repealed expedited emergency)	111	7410.6000; .6100; .6120; .6140; .6160; .6180; .6200; .6220; .6240;	
6240.0200; .0650; .0950; .1100; .1150; .1900 (adopted expedited		.6260; .6280; .6290; .6300; .6320; .6340; .6360; .6380; .6400; .6420;	
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6264.0050 (adopted exempt)	816	7503.0100; .0200; .0300; .0500; .0600; .0700; .0800; .0900; .1000;	

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<p>.1200; .1250; .1300; .1500; .1600; .1700; .1800; .2000; .2400; .2500; .2800; .2900; .3000 (adopted)</p>	707	<p>Public Utilities Commission 7826.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200; .1300; .1400; .1500; .1600; .1700; .1800; .1900; .2000 (proposed).....</p>	458
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<p>7506.0140 (adopted exempt)</p>	1688	<p>7848.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200; .1300; .1400; .1500; .1600; .1700; .1800; .1900; .2000 (proposed)</p>	1143
<p>7506.0140 s. 1, 3, 4, 5 (repealed exempt)</p>	1688	<p>7848.0100; .0500; .0700; .0900; .1000; .1200; .1300; .1400; .1600; .1700; .1900 (adopted).....</p>	1820
<p>7510.3510; .3520; .3530; .3534; .3535; .3536; .3538; .3542; .3560; .3580; .3585; .3610; .3611; .3625; .3640; .3650; .3670; .3674; .3675; .3710 (proposed).....</p>	491	<p>Revenue Department 8001.0300; 8002.0300; 8050.0100; 8093.0200; .0400; .0500; .0600 (proposed)</p>	1160
<p>7510.3520 s. 4, 5, 6; .3540; .3550; .3560, s. 1, 6, 7, 11, 16; .3570; .3580 s. 5, 6, 7, 8; .3590; .3600; .3610 s. 1, 2, 3, 6; .3620; .3630; .3640 s. 2, 3; .3650 s. 1; .3660; .3680; .3690; .3700; .3710 s. 2, 3, 4, 5, 6, 7, 8, 9, 10 (proposed repealer).....</p>	491	<p>8001.0300; 8002.0300; 8050.0100; 8093.0200; .0400; .0500; .0600 (adopted)</p>	1664
<p>7510.3510; .3520; .3530; .3534; .3535; .3536; .3538; .3542; .3560; .3580; .3585; .3610; .3611; .3625; .3640; .3650; .3670; .3674; .3675; .3710 (errata)</p>	639	<p>8002.0200 s. 2, 5; 8038.0100 s. 1, 2, 3, 5, 7, 9, 10; .2000; 8093.0100; .0300; .0400 s. 1, 2, 5, 6; .0500 s. 1, 2, 3; 4000 (proposed repealer)</p>	1160
<p>7510.3520 s. 4, 5, 6; .3540; .3550; .3560, s. 1, 6, 7, 11, 16; .3570; .3580 s. 5, 6, 7, 8; .3590; .3600; .3610 s. 1, 2, 3, 6; .3620; .3630; .3640 s. 2, 3; .3650 s. 1; .3660; .3680; .3690; .3700; .3710 s. 2, 3, 4, 5, 6, 7, 8, 9, 10 (errata repealed)</p>	639	<p>8002.0200 s.2, 5; 8038.0100 s. 1, 2, 3, 5, 7, 9, 10; .2000; 8093.0100; .0300; .0400 s. 1, 2, 5, 6; .0500 s. 1, 2, 3; 4000 (repealed)</p>	1664
<p>7510.3560; .3580; .3675 (adopted)</p>	1480	<p>8110.0100; .0200; .0250; .0300; .0500 (proposed).....</p>	1156
<p>7515.0100; .0200; .0210; .0220; .0300; .0310; .0320; .0410; .0420; .0430; .0440; .0450; .0460; .0470; .5000; .0520; .0550; .0560; .0570; .0580; .0590; .0600; .0620; .0630; .0640; .0650; .0720; .0760; .0780; .0800; .0810; .0820; .0840; .0850; .0900; .0920; .0940; .0950; .0960; .1030; .1040; .1050; .1060; .1070; .1090; .1100; .1120; .1200; .1210; .1220; .1300; .1310; .1330; .1340; .1360; .1400; .1410; .1450 (proposed)</p>	8	<p>8110.0100; .0200; .0250; .0300; .0500 (proposed).....</p>	1603
<p>7515.0100; .0200; .0210; .0220; .0300; .0310; .0320; .0410; .0420 .0430; .0440; .0450; .0460; .0470; .5000; .0520; .0550; .0560; .0570; .0580; .0590; .0600; .0620; .0630; .0640; .0650; .0720; .0760; .0780; .0800; .0810; .0820; .0840; .0850; .0900; .0920; .0940; .0950; .0960; .1030; .1040; .1050; .1060; .1070; .1090; .1100; .1120; .1200; .1210; .1220; .1300; .1310; .1330; .1340; .1360; .1400; .1410; .1450 (adopted)</p>	8	<p>8120.0600; .1000; .1200; .1500; .1800; .1900; .3100; .4100; .5200; (proposed)</p>	163
<p>7515.0100 s. 3, 6, 8, 9, 12, 15; .0210 s.1a; .0310 s. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 19; .0320 s. 3; .0430 s. 4; .0710 s. 3; .0760 s. 6; .0900 s. 2; .0930; .1020; .1210 s. 1; .1300 s.1, 2; .1310 s. 2,5; .1320; .1350; .1420 (proposed repealer).....</p>	1580	<p>8120.0600; .1000; .1200; .1500; .1800; .1900; .3100; .4100; .5200; (adopted)</p>	585
<p>7515.0100 s. 3, 6, 8, 9, 12, 15; .0210 s. 1a; .0310 s. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 19; .0320 s. 3; .0430 s. 4; .0710 s. 3; .0760 s. 6; .0900 s. 2; .0930; .1020; .1210 s. 1; .1300 s.1, 2; .1310 s. 2, 5; .1320; .1350; .1420 (repealed)</p>	1580	<p>8120.1000 s. 5; .1100; .2400; .2600; .4200; .4700; .4800; .5200 s. 3 (proposed repealer).....</p>	163
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		<p>9505.0323 s. 14 (proposed repealer)</p>	1353
		<p>9505.0323 s. 14 (repealed)</p>	1714

Adopted Rules

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

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

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

Expedited and Emergency Rules

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

Peace Officers Standards and Training Board

Adopted Permanent Rules Relating to Peace Officer Licensing and Training

The rules proposed and published at *State Register*, Volume 27, Number 42, pages 1555-1556, April 14, 2003 (27 SR 1555), are adopted as proposed.

Expedited Emergency Rules

Provisions exist for the Commissioners of some state agencies to adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months. Specific *Minnesota Statutes* citations accompanying these emergency expedited rules detail the agency's rulemaking authority.

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules; Fall Wild Turkey Hunting; Prairie Chicken Hunting

NOTICE IS HEREBY given that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of these rules is *Minnesota Statutes*, sections 97A.091, 97A.435, 97B.711, 97B.716, and 97B.723.

The emergency conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, are that evaluation of turkey and prairie chicken population status based on severity of the previous winter is not available before April; and authority for conducting a limited prairie chicken hunt did not become effective until March 1, 2003 (*Laws of Minnesota 2002*, Chapter 351). The fall wild turkey application deadline was temporarily changed two years ago from late June to late July. The department has now decided to make that change permanent and is in the process of promulgating a permanent rule to that effect, but this rule is needed to keep that application deadline in effect until the permanent rule becomes effective. Procedures for license applications and license quotas are needed so that applicants can follow appropriate procedures and evaluate where they want to apply. Applications for fall wild turkey and prairie chicken licenses will be accepted beginning in late June and the application deadline is the last Friday in July.

Dated: June 13, 2003

Gene Merriam
Commissioner of Natural Resources

6230.0400 SPECIAL PROVISIONS FOR STATE GAME REFUGES.

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

[For text of subp 2, see 27 SR 290]

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

Subp. 5. **Clay County Game Refuge, Clay county.** The Clay County Game Refuge in Clay county is open to:

Expedited Emergency Rules

- A. deer and bear hunting by firearms; ~~and~~
- B. deer and bear hunting by archery; and
- C. prairie chicken hunting.

[For text of subps 6 and 7, see M.R.]
[For text of subp 8, see 27 SR 290]
[For text of subps 9 and 10, see M.R.]
[For text of subp 11, see 27 SR 290]
[For text of subps 12 to 20, see M.R.]
[For text of subps 21 and 22, see 27 SR 290]
[For text of subps 23 to 53, see M.R.]
[For text of subps 54 to 58, see 27 SR 290]

6236.0300 TURKEY HUNT DRAWING.

[For text of subpart 1, see 27 SR 111]

Subp. 2. **Participation in application drawings.** Applicants may complete an application form for either the spring or fall turkey hunt or both. Qualifying individuals may apply for the resident landowner-tenant turkey drawing. All of the information in items A to G must be supplied on the application forms.

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

G. Application deadlines are as follows:

- (1) spring season: the first Friday in December; and
- (2) fall season: the last Friday ~~nearest June 29~~ in July.

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

[For text of subp 6, see 27 SR 111]

6236.0700 FALL TURKEY SEASON.

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

Subp. 4. **Open areas.** Wild turkey permit areas are open for the fall turkey season as prescribed by the commissioner. Permit areas shall be identified in application materials and on electronically issued licenses by their three-digit number. The following wild turkey permit areas are open for the 2003 fall season: 228; 236; 337; 338; 339; 341; 342; 343; 344; 345; 346; 347; 348; 349; 442; 443; 448/449; 461; 462; 464; 465; 466; and 467.

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

Subp. 6. **Turkey hunt quotas.** Permit quotas for the 2003 fall season are as follows:

2003 Wild turkey permit area quotas (fall)
Permit quota by time period

<u>Wild turkey permit area number</u>	<u>A</u> <u>October 15-19, 2003</u>	<u>B</u> <u>October 22-26, 2003</u>
<u>228</u>	<u>25</u>	<u>25</u>
<u>236</u>	<u>35</u>	<u>35</u>
<u>337</u>	<u>40</u>	<u>40</u>
<u>338</u>	<u>60</u>	<u>60</u>
<u>339</u>	<u>50</u>	<u>50</u>
<u>341</u>	<u>200</u>	<u>200</u>
<u>342</u>	<u>200</u>	<u>200</u>
<u>343</u>	<u>60</u>	<u>60</u>
<u>344</u>	<u>100</u>	<u>100</u>
<u>345</u>	<u>125</u>	<u>125</u>
<u>346</u>	<u>195</u>	<u>195</u>
<u>347</u>	<u>75</u>	<u>75</u>
<u>348</u>	<u>150</u>	<u>150</u>
<u>349</u>	<u>280</u>	<u>280</u>

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<u>442</u>	<u>100</u>	<u>100</u>
<u>443</u>	<u>35</u>	<u>35</u>
<u>448/449</u>	<u>5</u>	<u>5</u>
<u>461</u>	<u>50</u>	<u>50</u>
<u>462</u>	<u>50</u>	<u>50</u>
<u>464</u>	<u>20</u>	<u>20</u>
<u>465</u>	<u>20</u>	<u>20</u>
<u>466</u>	<u>30</u>	<u>30</u>
<u>467</u>	<u>30</u>	<u>30</u>
<u>Total</u>	<u>1935</u>	<u>1935</u>

6237.0100 PRAIRIE CHICKEN LICENSE ELIGIBILITY.

To be eligible for a prairie chicken license, a person must not have any small game hunting privileges revoked.

6237.0200 PRAIRIE CHICKEN HUNT DRAWING.

Subpart 1. License application drawings. Applications for all hunts must be made according to this part and according to application instructions provided by the commissioner. Each person must apply at an electronic license system agent or the Department of Natural Resources license center. Drawings shall be conducted by the department to determine persons who are eligible to purchase licenses for the season. The drawings are subject to the quotas established by the commissioner. Preference in the respective drawings is given to applicants based upon the number of times they have correctly applied for a license for the hunt but have been unsuccessful. A person selected by the drawings is eligible to purchase a license to hunt prairie chicken. Upon issuance of a prairie chicken license, all accumulated preference is lost.

Subp. 2. Participation in application drawings.

A. Applicants must complete an application for the prairie chicken hunt. A person may not apply more than once as an individual or as a member of a group. Qualifying individuals may apply for the resident landowner-tenant prairie chicken drawing.

B. A resident applicant must provide the applicant's individual Minnesota driver's license number of 13 characters, a 13-character firearm safety number, or an official Minnesota identification number of 13 characters issued by the Department of Public Safety.

C. An applicant must choose one of the prairie chicken permit areas.

D. Up to four persons desiring to hunt together as a group may apply as a group. Group applications shall either be all selected or none selected. Applications by a group must all be for the same prairie chicken permit area and time period. The preference rating of applicants who apply as a group shall be based on the individual in the group with the lowest preference. Group applications may be made up of either all general or all landowner-tenant applications, but not both.

E. A person who makes a faulty application or who applies as a landowner or tenant but does not meet the definition as provided in this chapter is ineligible for that season's drawing.

F. The application deadline is the last Friday in July.

Subp. 3. Landowner-tenant drawing.

A. For purposes of this chapter, "landowner or tenant" means a person who is an owner or tenant of at least 40 acres of prairie or grassland within the zone being applied for. A landowner-tenant license application drawing shall be held subject to the restrictions in items B to G.

B. An applicant must meet all eligibility requirements and must provide a complete and accurate description of the qualifying land.

C. An applicant must be a landowner or tenant or a member of the landowner's or tenant's immediate family. Family members include those related by blood, marriage, or adoption.

D. For each prairie chicken permit area and time period, no more than 20 percent of the successful participants shall be drawn from the special landowner-tenant applications.

E. An individual participant in the landowner-tenant drawing may submit only one application and only for the prairie chicken permit area in which the applicant's qualifying property is located.

F. Landowners or tenants unsuccessful in the landowner-tenant drawing shall be included in the general drawing.

G. Landowner-tenant licensees must allow public prairie chicken hunting on their land during that prairie chicken season and the commissioner shall provide descriptions of these lands to licensed prairie chicken hunters.

Subp. 4. Modification of quota numbers for group applications. The quota of licenses or permits for a drawing may be

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increased to accommodate group members if the last applicant to be selected is a member of a group.

Subp. 5. **Drawing application fee.** An applicant must pay a fee as prescribed by statute at the time of application at the electronic license system-point of sale (ELS-POS). Refunds of application fees shall not be made for any reason.

Subp. 6. **Undersubscribed prairie chicken permit areas.** In permit areas with fewer applicants than available licenses, the remaining available licenses may be first offered to unsuccessful applicants for other permit areas on a first-come, first-served basis. Any remaining available licenses not purchased by unsuccessful applicants may then be issued as prescribed by the commissioner to any eligible person on a first-come, first-served basis. An eligible person must apply individually and in person at an ELS-POS agent location or individually through the ELS-Internet or ELS-Telephone system to obtain a remaining available license. Individuals who purchase these remaining available licenses retain their accumulated preference.

6237.0300 OBTAINING LICENSE.

Subpart 1. **Notification.** Only successful applicants shall be notified.

Subp. 2. **Obtaining licenses.** Successful applicants shall receive instructions from the commissioner on how to obtain their license through the electronic license system.

6237.0400 TAKING PRAIRIE CHICKENS.

Subpart 1. **Open season and methods.** Prairie chickens may be taken during the five-day period beginning on the Saturday nearest October 20.

Subp. 2. **Arms restrictions.** Prairie chickens may be taken by shotgun or bow and arrow. A person may not take prairie chickens with a rifle or handgun.

Subp. 3. **Bag limit.** A person may not take more than two prairie chickens per season or possess more than two prairie chickens.

Subp. 4. **Open areas.** Prairie chicken permit areas are open for the prairie chicken season as prescribed by the commissioner. Permit areas shall be identified in application materials and on electronically issued licenses by a three-digit number plus letter. The following prairie chicken areas are open with prescribed quotas for the 2003 season:

<u>Permit Area</u>	<u>Quota</u>
<u>405A</u>	<u>12</u>
<u>407A</u>	<u>13</u>
<u>407B</u>	<u>15</u>
<u>407C</u>	<u>13</u>
<u>420A</u>	<u>14</u>
<u>420B</u>	<u>18</u>
<u>421A</u>	<u>15</u>
<u>Total</u>	<u>100</u>

Subp. 5. **Game refuges open to taking prairie chickens.** The Clay county game refuge in Clay county is open for the taking of prairie chickens during open prairie chicken seasons in the zone in which it is located.

6237.0500 PRAIRIE CHICKEN PERMIT AREA DESCRIPTION.

Subpart 1. **Generally.** Prairie chicken permit areas are comprised of partial, single, or grouped deer and bear registration blocks, as established in part 6232.4700, and are described according to this part.

Subp. 2. **Area 405A.** Prairie chicken permit area 405A consists of those portions of registration block 405 described as follows: Beginning at the intersection of U. S. Highway 2 and State Trunk Highway (STH) 9; thence along U. S. Highway 2 to STH 32; thence along STH 32 to STH 102; thence along STH 102 to STH 9; thence along STH 9 to point of beginning.

Subp. 3. **Area 407A.** Prairie chicken permit area 407A consists of those portions of registration block 407 described as follows: Beginning at the intersection of State Trunk Highway (STH) 9 and STH 102; thence along STH 102 to STH 32; thence along STH 32 to STH 200; thence along STH 200 to STH 9; thence along STH 9 to point of beginning.

Subp. 4. **Area 407B.** Prairie chicken permit area 407B consists of those portions of registration block 407 described as follows: Beginning at the intersection of State Trunk Highway (STH) 9 and STH 200; thence along STH 200 to STH 32; thence along STH 32 to County State-Aid Highway (CSAH) 34, Clay county; thence along CSAH 34 to STH 9; thence along STH 9 to point of beginning.

Subp. 5. **Area 407C.** Prairie chicken permit area 407C consists of those portions of registration block 407 described as follows: Beginning at the intersection of State Trunk Highway (STH) 9 and County State-Aid Highway (CSAH) 34, Clay county; thence along CSAH 34 to STH 32; thence along STH 32 to U. S. Highway 10; thence along U. S. Highway 10 to STH 9; thence along STH 9 to point of beginning.

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Subp. 6. Area 420A. Prairie chicken permit area 420A consists of those portions of registration block 420 described as follows: Beginning at the intersection of State Trunk Highway (STH) 9 and U. S. Highway 10; thence along U. S. Highway 10 to STH 32; thence along STH 32 to STH 34; thence along STH 34 to Interstate Highway 94 (I-94); thence along I-94 to STH 9; thence along STH 9 to point of beginning.

Subp. 7. Area 420B. Prairie chicken permit area 420B consists of those portions of registration block 420 described as follows: Beginning at the intersection of State Trunk Highway (STH) 9 and Interstate Highway 94 (I-94); thence along I-94 to County State-Aid Highway (CSAH) 26, Wilkin county; thence along CSAH 26 to STH 9; thence along STH 9 to point of beginning.

Subp. 8. Area 421A. Prairie chicken permit area 421A consists of those portions of registration block 421 described as follows: Beginning at the intersection of State Trunk Highway (STH) 9 and County State-Aid Highway (CSAH) 26, Wilkin county; thence along CSAH 26 to Interstate Highway 94 (I-94); thence along I-94 to STH 210; thence along STH 210 to STH 9; thence along STH 9 to point of beginning.

6237.0600 TAGGING PRAIRIE CHICKENS.

Immediately after taking a prairie chicken, a hunter must validate the tag as prescribed by the commissioner and must attach a tag provided with the license to the prairie chicken as specified by the commissioner. This tag must remain attached to the prairie chicken during transit.

6237.0700 PRAIRIE CHICKEN REGISTRATION.

Prairie chickens must be registered no later than 24 hours after the close of the season.

EFFECTIVE PERIOD. The emergency amendments to *Minnesota Rules*, parts 6230.0400, 6236.0300, and 6236.0700, expire December 31, 2003. After the emergency amendments expire, the permanent rules as they read prior to those amendments again take effect, except as they may be amended by permanent rule. *Minnesota Rules*, parts 6237.0100 to 6237.0700, expire December 31, 2003.

Appointments

Minnesota Statutes, Section 15.06, Subd. 5 requires a notice of the designation of a commissioner, or the assumption of office by a temporary commissioner, shall be filed with the president of the senate and the speaker of the house with a copy delivered to the secretary of state and published in the next available edition of the State Register.

Department of Employment and Economic Development

Notice of Appointment of Commissioner Matt Kramer

NOTICE IS HEREBY GIVEN, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Tim Pawlenty appointed Matt Kramer to the office of Commissioner of the Minnesota Department of Employment and Economic Development effective July 1, 2003. Commissioner Kramer begins serving as the first commissioner of the new agency, a combination of the Department of Economic Security and the Department of Trade and Economic Development.

This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled. The laws and rules governing the Department of Employment and Economic Development are:

- *Minnesota Statutes*, Chapters 116J, 129A, 248, 268
- *Minnesota Rules* 3300-3499 and 4100-4399

Commissioner Kramer resides at 4308 Brigadoon Drive, Shoreview, Minnesota 55126, Ramsey County, Congressional District Four. He can be reached at the Department of Economic Security, 390 N. Robert Street, St. Paul, MN 55101. Telephone (651) 297-4336. Internet home page: <http://www.deed.state.mn.us>

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 # 03-07: Sales and Use Tax - Burglar and Fire Alarm, Detective, Security, and Armored Car Services - Revocation of Revenue Notice # 92-06

Effective July 1, 1999, Revenue Notice # 92-06 is revoked and replaced with this notice which describes detective and security services that are taxable under *Minnesota Statutes*, section 297A.01, subdivision 3, paragraph (i), clause (iv). Taxable detective and security services are now defined as those requiring the service provider to be licensed under *Minnesota Statutes*, chapter 326, Private Detectives, Protective Agents. As a result of this change the following services are exempt from sales or use tax, unless they are part of a taxable detective or security service: insurance claim investigations; record retrieval services (obtaining birth/death certificates, financial reports, etc.); personal security systems programming maintenance and monitoring (medical alert bracelets or pendants); and inspecting and securing buildings (boarding up windows, winterizing, etc.) by contractors for property owners.

Burglar and Fire Alarm Services

Examples of taxable burglar and fire alarm services include:

- Monitoring burglar and fire alarms and smoke detectors (electronic signal or visual devices)
- Maintaining burglar and fire alarms and smoke detectors (routine tasks ensuring reliability, but not including repairs)
- Testing burglar and fire alarms and smoke detectors

Detective Services

Taxable detective services are those services that require an individual, partnership, or corporation to be licensed under *Minnesota Statutes*, sections 326.32 to 326.339 when the individual, partnership, or corporation is in the business of investigating to obtain information for others. Services that require licensure under *Minnesota Statutes*, chapter 326, are taxable even if the business that performs the service is not licensed. Investigating means to discover, verify or confirm information through surveillance, interviews, or physical contacts. Investigating does not mean to obtain information available through public or other records unless performed as part of a taxable detective service.

Examples of taxable detective services include:

- investigating crimes or wrongs done or threatened against the government of the United States or of any state, county, or municipal subdivision
- investigating the identity, habits, conduct, movements, whereabouts, transactions, reputation, or character of any person or organization
- investigating the credibility of witnesses or other persons
- investigating the location or recovery of lost or stolen property
- investigating the origin of and responsibility for libels, losses, accidents, or damage or injuries to persons or property
- investigating the affiliation, connection, or relationship of any person, firm, or corporation with any organization, society, or association, or with any official, representative, or member thereof
- investigating the conduct, honesty, efficiency, loyalty, or activities of employees, persons seeking employment, agents, or contractors and subcontractors
- obtaining through investigation evidence to be used before any authorized investigating committee, board of award, board of arbitration, administrative body, or officer or in preparation for trial of civil or criminal cases
- investigating the identity or apprehension of persons suspected of crimes or misdemeanors

Security Services

Armored car services and security services that require an individual, partnership, or corporation to be licensed under *Minnesota Statutes*, section 326.32 to 326.339 when the individual, partnership, or corporation is in the business of providing security services are taxable. Services that require licensure under *Minnesota Statutes*, chapter 326, are taxable even if the business that performs the service is not licensed.

Examples of taxable security services include:

- protecting persons or their property
- preventing the theft of goods, merchandise, or money

Revenue Notices

- preventing the misappropriation or concealment of goods, merchandise, money, or other valuable things or procuring the return of those things
- physically responding to any alarm signal device, burglar alarm, television camera, still camera, or a mechanical or electronic device installed or used to prevent or detect burglary, theft, shoplifting, pilferage, losses, or other security measures
- providing armored car services for the protection of persons or property
- controlling motor traffic on public streets, roads, and highways for the purpose of escorting a funeral procession and oversized loads
- providing management and control of crowds for safety and protection

Application of Tax

Sales tax must be charged on the total charges for providing taxable services performed in Minnesota. The taxable charges include expenses that are directly reimbursed by the client, such as mileage and other travel expenses, lodging and meal expenses, and fees paid for copies of records. If the service is performed partly in Minnesota and partly outside of Minnesota, sales tax must be charged if the greater part of the charge is for services performed within Minnesota. Monitoring of fire or burglar alarm systems located in Minnesota is considered a service performed in Minnesota and is subject to sales tax, even if the monitoring is provided from a location outside of Minnesota, since the customer receives the benefit of the service in Minnesota.

Exempt Detective and Security Services

Services performed by the following businesses or individuals are specifically exempted from the licensing requirements under *Minnesota Statutes*, section 326.3341 or are exempt under *Minnesota Statutes*, section 297A.03, subdivision 3, and are therefore nontaxable services.

- an employee for an employer
- an auditor, accountant, or accounting clerk performing audits or accounting functions
- an off-duty peace officer within the jurisdiction the peace officer normally serves
- an attorney while performing the duties of an attorney
- a licensed insurance adjuster engaged in the business of adjusting insurance claims
- a licensed collection agency or finance company doing investigations relating to the business of the agency or company
- a person obtaining and furnishing financial or credit information or information on the personal habits of applicants for insurance, indemnity bonds, or commercial credit
- a person temporarily employed under statute or ordinance by political subdivisions to provide protective services at social functions
- a person employed to perform primarily maintenance or custodial functions
- a partnership or association for another partnership or association if one of the entities owns or controls more than 80 percent of the voting power of the equity interest in the other entity
- members of an affiliated group of corporations who are eligible to file a consolidated tax return for federal income tax purposes
- a nonprofit organization performing monitoring and electronic surveillance of persons on in-home detention by court order or direction of the Minnesota Department of Corrections

The following are examples of nontaxable services unless performed as part of a taxable detective or security service:

- collecting payment for a debt
- court testimony
- courthouse record retrieval services
- credit rating checks
- credit reporting services
- damage appraisals
- expert witness services
- financial checks
- finger printing
- insurance services such as loss prevention, insurance reporting, or insurance research
- lien searches
- negotiations for insurance claim settlements

- medical security system monitoring for individuals
- process server services
- repossession services
- restaurant checks that provide information on cleanliness, quality, and timeliness
- service of notice or other document to a witness or any other person in connection with any criminal, civil, or administrative litigation, including filing court documents (garnishments and warrants)
- soliciting any debtor to pay bills

Revenue Notice # 92-06: Sales and Use Tax - Detective and Security Services, is hereby revoked.

This Revenue Notice is effective July 1, 1999.

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.

Emergency Medical Services Regulatory Board

Notice of Completed Application: In the Matter of the License Application of the Chaska Ambulance Service, Chaska, Minnesota

PLEASE TAKE NOTICE that the Emergency Medical Services Regulatory Board (hereinafter EMSRB) has received a completed application from the **Chaska Ambulance Service**, Chaska, Minnesota, for a new license, advanced ambulance.

NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes* section 144E.11, subdivision 3, each municipality, county, community health board, governing body of a regional emergency medical services system, ambulance service and other person wishing to make recommendations concerning the disposition of the application, shall make written recommendations or comments opposing the application to the EMSRB within 30 days or by July 31, 2003, 4:30 p.m.

Written recommendations or comments opposing the application should be sent to: Mary Hedges, Executive Director, EMSRB, 2829 University Avenue S.E., Suite 310, Minneapolis, Minnesota 55414-3222.

If fewer than six comments opposing the application are received during the comment period, and the EMSRB approves the application, the applicant will be exempt from a contested case hearing, pursuant to *Minnesota Statutes* section 144E.11, subdivision 4. If six or more comments in opposition to the application are received during the comment period or the EMSRB denies the application, the applicant may immediately request a contested case hearing, or may try to resolve the objections of the public and/or the EMSRB within 30 days, pursuant to *Minnesota Statutes* section 144E.11, subdivision 5(a), (b). If the applicant is unable to resolve the objections within 30 days, or if the applicant initially requests a contested case hearing one will be scheduled and notice of the hearing given pursuant to *Minnesota Statutes* section 144E.11, subdivision 5(c), (e).

Dated June 12, 2003

Mary F. Hedges
Executive Director

Department of Employment and Economic Development

Request for Comments on Globalization and the Minnesota Economy

The Department of Employment and Economic Development promotes and facilitates job creation in Minnesota through a variety of programs, including those focusing on trade, foreign direct investment and business expansion in Minnesota.

The department is seeking comments from interested and affected parties on the impacts of globalization on the Minnesota economy. Comments should address economic and job impacts incurred in Minnesota through trade, foreign direct investment and business expansion inside and outside the state and may encompass impacts occurring as a result of the North American Free Trade Agreement and the proposed Free Trade Areas of the Americas agreement including:

- a) number and industry of jobs gained or lost in Minnesota
- b) public subsidies for economic development purposes

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- c) treatment of foreign investors compared to domestic investors
- d) housing subsidies
- e) state or local law-making authority
- f) economic development promotion in Minnesota

The department will use comments to aid other analyses in an ongoing effort to improve program performance.

Response Format

No specific form of written or oral response is required; however, to facilitate understanding and analysis of responses, respondents are asked to:

- Describe their organization, company and/or industry.
- Describe the specific impacts
- Quantify the impact in jobs and/or dollar terms if possible.
- If applicable, reference the specific agreement NAFTA or FTAA section.
- All respondents should include their actual name and U.S. mailing address. Persons responding on behalf of corporate or other legal entities should identify both the entity's name and address and their own name and position.

Response Method

Written comments by mail, fax, or other methods of delivery should be addressed to Bob Isaacson, Director - Analysis and Evaluation Office, Minnesota Department of Employment and Economic Development, 500 Metro Square, 121 7th Place East, St. Paul, Minnesota 55101-2146, FAX (651) 215-3841.

Written comments by e-mail are also welcome. The department has established a dedicated electronic mailbox for receipt of comments at: globalization.mn@state.mn.us. Comments received electronically will be available for viewing at the department's **web site** at www.dted.state.mn.us (click on "News and Information"). All comments received will be public information under the Minnesota Data Practices Act (*Minnesota Statutes* Chapter 13).

Comments must be received by 5:00 p.m. August 1, 2003.

Department of Human Services

Health Care Purchasing and Delivery Systems Division, Health Care Administration Medicaid Program

Request for Comments on the Minnesota Department of Human Services Quality Strategy Draft

The Minnesota Department of Human Services (DHS) is announcing a 30-day comment period on its draft of the State's Quality Strategy for health care services. Section 1932(c)(1) of the Social Security Act requires the State to develop and implement a quality assessment and performance improvement strategy that ensures the delivery of quality health care services provided by Medicaid managed care organizations (MCOs).

The strategy is designed to monitor and evaluate the quality and appropriateness of health care services provided to enrollees of the PMAP (Prepaid Medical Assistance Program), MinnesotaCare, MSHO (Minnesota Senior Health Option) and MnDHO (Minnesota Disability Health Option) Minnesota Health Care Programs.

Any interested party may request a copy of the State's Quality Strategy for health care services or view it online at <http://www.dhs.state.mn.us/HealthCare/Purchasing/default.htm>. To request a written copy of the strategy, please contact Sara Koppe at (651) 215-6260 or sara.koppe@state.mn.us. Comments must be received by 4:00 p.m. on Thursday, July 31, 2003.

Please direct comments or questions about the State's Quality Strategy for health care services to:

Vicki Kunerth, Director
Performance Measurement and Quality Improvement
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3865
Telephone: (651) 215-5755
Fax: (651) 215-5754
E-mail: vicki.kunerth@state.mn.us

Department of Human Services

State Operated Services Division

Public Notices of the Disproportionate Population Adjustments for State Regional Treatment Centers and the Payment Rates for the State Regional Treatment Centers

NOTICE IS HEREBY GIVEN to recipients, providers of services under the Medical Assistance (MA) Program, and to the public, of final disproportionate population adjustments and payment rates for Regional Treatment Centers under the MA Program. This notice is published pursuant to 42 *United States Code* §1396a(a)(13)(A) (§1902(a)(13)(A) of the Social Security Act), which requires the Department to publish final payment rates for institutional providers, the methodologies underlying the establishment of such rates, and the justification of such rates.

In conjunction with the State Fiscal Year 2004 (July 1, 2003 through June 30, 2004) budget for Regional Treatment Centers, as appropriated by the legislature, payment rates are determined in accordance with *Minnesota Statutes*, §246.50, subdivision 5.

The DPA adjustments for admissions occurring during State Fiscal Year 2004 and the proposed payment rates for State Fiscal Year 2004, both published on May 27, 2003 at 27 SR 1719-1720, are final and effective July 1, 2003.

Questions and comments may be directed to:

Lynn Glancey
Department of Human Services
State Operated Services Division
444 Lafayette Road North
St. Paul, MN 55155-3826
Phone: (651) 582-1875
Email: Lynn.Glancey@state.mn.us

Department of Human Services

Health Care Administration

Public Notice Regarding Payment Rate and Methodology Changes, and Services Under the Medical Assistance Program, the General Assistance Medical Care Program, the Prescription Drug Program (PDP), and the MinnesotaCare Program

NOTICE IS HEREBY GIVEN to recipients, providers of services, and the public of certain statutory changes made to the Medical Assistance (MA) Program, the General Assistance Medical Care (GAMC) Program, the Prescription Drug Program (PDP), and the MinnesotaCare Program that the 2003 Minnesota Legislature enacted during the 2003 legislative session. This notice is published pursuant to the *Code of Federal Regulations*, Title 42, section 447.205 (42 CFR §447.205), which requires public notice of any significant proposed change in the methods and standards for setting payment rates for MA services. This notice is also published pursuant to 42 *United States Code*, section 1396a(a)(13)(A) (§1902(a)(13)(A) of the Social Security Act), which requires the Department to publish changes in MA institutional payment rates, the methodologies underlying the establishment of such rates, and the justification for such rates. The changes to the MA Program are estimated to result in a net decrease in MA Program expenditures of \$53,000,000 for State Fiscal Year 2004 (July 1, 2003 through June 30, 2004).

The actual text of these changes is contained in *Laws of Minnesota 2003*, Chapter 47 and *Laws of Minnesota 2003, First Special Session*, Chapters 2 and 14. These are available by calling the House Public Information office at (651) 296-2146 (or 1-800-657-3550) or the Senate Information Office (651) 296-0504 (or 1-800-234-1112). They are also available at: www.leg.state.mn.us/leg/legis.asp.

It is important to note that not all changes made to these programs by the 2003 legislature are mentioned in this notice.

Information relating to implementation of these provisions will be sent to local human service agencies through bulletins and manual updates. Provider information is found on the Department's **web site** at www.dhs.state.mn.us/provider/upd/default.htm. This information will also be provided to MA and PDP enrollees through written notice and to health care providers through newsletters and updates to the *Minnesota Health Care Programs Provider Manual* (available at: www.dhs.state.mn.us/provider/manual/).

If you have questions about this notice, contact Char Sadlak at the Minnesota Department of Human Services, Health Care Administration, 444 Lafayette Road North, St. Paul, Minnesota 55155-3852; **phone** (651) 296-5599.

Changes were made to the following program areas:

- I. MA, GAMC, PDP, and MinnesotaCare Services and Payment Rates
- II. MA Home and Community-Based Waivers and Payment Rates
- III. MA Long-Term Care Services and Payment Rates

I. MA, GAMC, PDP, and MinnesotaCare Services and Payment Rates

- The rebasing of inpatient hospital rates for MA and GAMC scheduled to take effect January 1, 2005 will not occur. Rebasing will occur January 1, 2007. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 12, Section 8.
- For admissions occurring on or after July 1, 2003, MA fee-for-service inpatient hospital payments are reduced by five percent. Certain mental health services and Indian Health Service facilities are excluded from this reduction. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 12, Section 9.
- For services provided on or after July 1, 2003, MA fee-for-service outpatient hospital payments, before third-party liability and spenddown, are reduced five percent. Indian Health Service facilities are excluded from this reduction. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 12, Sections 55 and 66.
- Effective July 1, 2003, a reallocation of intergovernmental transfer proceeds to the largest ten hospitals is required, if intergovernmental transfers increase from the March 2003 levels. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 12, Section 53.
- Effective July 1, 2003, if there is room within the nongovernment upper payment limit, an intergovernmental transfer with the University of Minnesota is required. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 12, Section 54.
- For MA and GAMC providers, the following State Fiscal Year 2005 payments that would otherwise be made are delayed and will be included in the first payment in State Fiscal Year 2006: (1) for hospitals, the last two payments; and (2) for non-hospital providers, the last payment. These delays do not include payments to nursing facilities, intermediate care facilities for persons with mental retardation (ICFs/MR), prepaid health plans, home health agencies, personal care nursing providers, and entities that provide only waiver services. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 13C, Section 2.
- For MA transportation services provided on or after July 1, 2003, the maximum reimbursement rate for special transportation services is:
 1. \$18.00 for the base rate and \$1.40 per mile for services to eligible persons who need a wheelchair-accessible van;
 2. \$12.00 for the base rate and \$1.35 per mile for services to eligible persons who do not need a wheelchair-accessible van; and
 3. \$36.00 for the base rate and \$1.40 per mile, and an attendant rate of \$9.00 per trip, for services to eligible persons who need a stretcher-accessible vehicle.*Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 12, Section 36.
- For MA, GAMC, and MinnesotaCare services provided on or after January 1, 2007, payments for physician and professional services will be based on the Medicare relative value units (RVUs). This change will be budget neutral, and the cost of implementing RVUs will be incorporated in the established conversion factor. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 12, Section 67.
- MA payments to managed care health plans are reduced by one percent for services provided on or after October 1, 2003 and reduced an additional one percent for services provided on or after January 1, 2004. Payments for nursing home services, home and community-based waivers, and payments to demonstration projects for persons with disabilities are excluded from this reduction. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 12, Section 61.
- Total MinnesotaCare payments to managed care plans are reduced by one percent for services provided on or after October 1, 2003. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 12, Section 82.
- Effective for services provided on or after January 1, 2004, five percent of MinnesotaCare managed care health plan payments will be withheld, pending completion of performance targets. The withheld funds will be returned no sooner than the July 1 and no later than the July 31 of the following calendar year if performance targets in the contracts are achieved. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 12, Section 81.
- Effective January 1, 2004, the Department will increase the total payments to managed care health plans by an amount equal to the cost increases to the plans due to the elimination of the:
 1. exemption from the taxes imposed under *Minnesota Statutes*, section 297I.05, subdivision 5, for premiums paid by the state for MA, GAMC and MinnesotaCare; and
 2. exemption of gross revenues subject to the taxes imposed under *Minnesota Statutes*, sections 295.50 to 295.57, for payments paid by the state for services provided under MA, GAMC and MinnesotaCare.

The increase must be reflected in the provider rate paid by the plans unless a managed care health plan is a staff model health plan company. *Laws of Minnesota 2003, First Special Session, Chapter 14, Art.13C, Section 2.*

- Effective for services provided on or after January 1, 2004, fee-for-service payments will be increased by two percent for MA, GAMC and MinnesotaCare for services subject to the hospital, surgical center, or health care provider taxes. *Laws of Minnesota 2003, First Special Session, Chapter 14, Article 13C, Section 2, Subdivision 6.*
- Effective October 1, 2003, payments are at a per diem transfer rate, for inpatient hospital admissions for GAMC adults without children. *Laws of Minnesota 2003, First Special Session, Chapter 14, Article 12, Section 10.*
- Effective for inpatient and outpatient services provided on or after July 1, 2003, GAMC payments are reduced by ten percent. All other GAMC health care services, except pharmacy services, are reduced by five percent. *Laws of Minnesota 2003, First Special Session, Chapter 14, Article 12, Section 69.*
- Effective for services provided on or after October 1, 2003, GAMC payments to managed care health plans are reduced by five percent. *Laws of Minnesota 2003, First Special Session, Chapter 14, Article 12, Section 69.*
- Effective July 1, 2003, when seeking to maximize federal MA revenue in payments for medical education and research costs, physician clinic rates are to be used, whenever possible. *Laws of Minnesota 2003, First Special Session, Chapter 14, Article 12, Section 1.*
- Effective July 1, 2003, \$2,157,000 is transferred to the Medical Education and Research Fund from the managed care capitation rates paid, plus any federal match. In addition, that portion of GAMC capitation payments that would otherwise be transferred to the fund will be transferred to the general fund. *Laws of Minnesota 2003, First Special Session, Chapter 14, Article 12, Section 60.*
- Effective July 1, 2003, changes to current MA coverage for adult mental health rehabilitative services include:
 - expanding the definition of mental health professionals to include unlicensed individuals who are certified as rehabilitation counselors or psychosocial rehabilitation practitioners, if they also have a master's degree in an allied field and 4,000 hours of mental health experience, and if a current diagnostic assessment done by a licensed mental health professional recommends receipt of rehabilitative services
 - permitting physician's assistants to provide medication education services
 - recertifying providers every three years
 - permitting clinical supervision via interactive videoconferencing
 - until June 30, 2005, accepting a diagnostic assessment completed within the past three years preceding admission, for initial implementation of these services

Laws of Minnesota 2003, First Special Session, Chapter 14, Article 3, Sections 20-24.

- Effective July 1, 2003, the Department is authorized to begin work on expansion of MA mental health benefits to include intensive rehabilitative services for adults with mental illness. This will include coverage for intensive services in residential facilities licensed as Rule 36 facilities (*Minnesota Rules*, parts 9520.0050-9520.0670), as well as coverage for non-residential intensive services such as assertive community treatment teams. Due to budget and implementation issues, fee-for-service coverage is not expected to begin until July 1, 2004. Depending on a legislative report due January 1, 2004, intensive rehabilitative services for adults with mental illness may be included in MA and MinnesotaCare managed care health plans, effective January 2005. *Laws of Minnesota 2003, First Special Session, Chapter 14, Article 3, Sections 19 and 51.*
- Effective July 1, 2003, the Department is authorized to set prior authorization thresholds for adult mental health day treatment services to achieve state general fund savings of \$904,000 in State Fiscal Year 2004 and \$1,599,000 in State Fiscal Year 2005. *Laws of Minnesota 2003, First Special Session, Chapter 14, Article 4, Section 4.*
- Effective July 1, 2003, MA covers inpatient sub-acute psychiatric care for eligible persons under 21 years of age when the facility:
 - is accredited as a psychiatric facility by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), the Commission on Accreditation of Rehabilitation Facilities, or the Council on Accreditation; and
 - is licensed by the Department of Health pursuant to *Minnesota Statutes*, section 144.50. *Laws of Minnesota 2003, First Special Session, Chapter 14, Article 4, Section 7.*
- Effective July 1, 2003, MA providers of children's mental health day treatment services, family community support services, professional home-based mental health services and therapeutic support of foster care services will use a new provider certification process rather than obtaining a county contract as part of the provider enrollment process. *Laws of Minnesota 2003, First Special Session, Chapter 14, Article 4, Sections 8, 22 and 23.*
- Effective July 1, 2004, children's mental health services, family community support services, professional home-based mental health services and therapeutic support of foster care services will be replaced by a single covered benefit called chil-

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dren's therapeutic services and supports. This new benefit set will include service components that may be utilized in service planning and will allow increased flexibility in the delivery of therapeutic and rehabilitative services to children with emotional disturbance. Crisis intervention and stabilization services previously covered as part of family community support services will become a stand alone MA benefit. *Laws of Minnesota 2003*, Chapter 14, Article 4, Sections 4, 5, 6, 8, 9, 22 and 24(b).

- Effective January 1, 2004, manufacturers whose products are covered under the PDP must pay rebates equivalent to those paid under MA. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 12, Section 2.
- Effective January 1, 2004, enrollees of the PDP must try to obtain their medications from manufacturers whenever possible. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 12, Section 6.
- Effective July 1, 2003, MA pharmacy reimbursement will change from average wholesale price (AWP) - 14% percent + \$3.65 dispensing fee to AWP - 11.5 percent + \$3.65 dispensing fee. In addition, the Department has authority to impose state maximum allowable costs on any multisource drug. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 12, Section 35.
- Effective July 1, 2003, MA does not cover weight loss products, including the lipase inhibitor orlistat (Xenical). However, the Department may permit coverage of orlistat for recipients with type 2 diabetes. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 12, Section 35.
- Effective January 1, 2004, prescribers will no longer simply be able to write "dispense as written - brand medically necessary" on a drug prescription. Instead, prescribers must also obtain authorization before payment will be made for brand name drugs for which equivalent generics are available. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 12, Section 35.
- Effective July 1, 2003, pharmacists will be allowed to prescribe certain over-the-counter medications to the MA and GAMC population and to PDP enrollees. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 12, Section 35.
- Effective July 1, 2003, prior authorization will not be required for antihemophilic factor drugs if prior authorization is used in conjunction with the supplemental drug rebate program or a multistate preferred drug list. Antipsychotic drugs prescribed to individuals, before July 1, 2003, are excluded from prior authorization. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 12, Section 35.
- Effective July 1, 2003, the Department will evaluate whether participation in a multistate or multiagency drug purchasing program will reduce costs or improve the operations of the drug benefit programs administered by the Department and other state agencies. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 12, Section 96.
- Effective for services provided on or after October 1, 2003, for MA, GAMC, and MinnesotaCare recipients, dental coverage is limited to \$500 per year. Covered dental services are limited to diagnostic and preventative services, basic restorative services, and emergency dental services. Emergency dental care, dentures and dental extractions prior to placement of dentures are covered outside of the \$500 limit. Recipients under age 21 and pregnant women are exempt from the \$500 limit. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 12, Sections 34, 69 and 71.
- Effective for services provided on or after October 1, 2003, MA recipients will be responsible for the following copayments:
 - 1.\$3 per nonpreventive visit. This is a copayment on physician or physician ancillary, chiropractor, podiatrist, nurse midwife, advanced practice nurse, audiologist, optician and optometrist visits that are not preventive services.
 - 2.\$3 for eyeglasses
 - 3.\$6 for nonemergency visits to a hospital-based emergency department
 - 4.\$3 for brand-name drugs and \$1 for generic drugs, subject to a \$20 monthly copayment maximum. Antipsychotic drugs are exempt.
- Copayments are limited to one per day, per provider, except for drugs. The MA reimbursement to providers will be reduced by the amount of the copayment, except that reimbursement for prescription drugs will not be reduced once a recipient reaches the \$20 monthly maximum. Providers collect copayments from recipients. Providers may not deny services to recipients who are unable to pay copayments, except if it is the routine business practice of providers to refuse services to individuals with uncollected debt. Providers must give advance notice to recipients with uncollected debt before services can be denied.
- The following individuals or services are exempt from copayments: recipients under age 21; pregnant women receiving services relating to pregnancy or any other condition that may complicate pregnancy; recipients expected to reside for 30 days in an institution; recipients receiving hospice care; 100 percent federally funded services provided by a facility of the Indian Health Service; emergency services; family planning services; services paid for by Medicare for which MA pays the coinsurance and deductible; and copayments that exceed one per day per provider for nonpreventive visits, eyeglasses, and

nonemergency visits to a hospital-based emergency room. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 12, Section 37.

- Effective for services provided on or after October 1, 2003, GAMC recipients will be responsible for the following copayments:
 1. \$25 for non-emergency visits to a hospital-based emergency department
 2. \$25 for eyeglasses
 3. 50 percent of the fee-for-service cost of restorative adult dental services
 4. \$3 for nonpreventive visits
 5. \$3 for brand-name drugs and \$1 for generic drugs, subject to a \$20 monthly copay maximum. Antipsychotic drugs are exempt.
 - Copayments are limited to one per day, per provider, except for drugs
 - Copayments are subject to the same exceptions as MA

Laws of Minnesota 2003, First Special Session, Chapter 14, Article 12, Section 69.

- Effective October 1, 2003 a new GAMC program designed for adults without children, who are between 75% and 175% of the Federal Poverty Guidelines (FPG), begins. The only benefits are inpatient hospitalization and physician care during the inpatient hospitalization. Recipients become eligible for this program on the day they are admitted to the hospital. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 12, Section 68.
- Effective October 1, 2003 there will be a new option within MinnesotaCare, designed for adults without children who are between 75% and 175% of the FPG. Benefits are limited to inpatient hospital care, outpatient hospital care, physician services, drugs, chiropractic services, and lab and diagnostic tests. Benefits are limited to a \$5000 per calendar year for all but inpatient hospital services, which are limited to \$10,000 per calendar year. Copayments include:
 1. 10% per inpatient hospital stay, up to \$1,000
 2. \$50 for each visit to a hospital-based emergency department
 3. \$5 for each nonpreventive physician visit
 4. \$3 for brand-name drugs, subject to a \$20 monthly copayment maximum
 - Recipients are responsible for copayments
 - Copays are limited to one copayment per day per provider, except for drugs
 - Copayments are subject to the same exceptions as MA

Laws of Minnesota 2003, First Special Session, Chapter 14, Article 12, Section 72.

- MA home care case management services will be delayed until July 1, 2005. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 13C, Section 2, Subdivision 9.
- MA Intensive Early Intervention Behavior Therapy services for children with autistic spectrum disorders will be delayed until July 1, 2007. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 12, Section 33.
- Effective July 1, 2004, the Department has authority to create an enhanced Prepaid Medical Assistance Program (PMAP) managed care product for seniors ages 65 and over, by adding Elderly Waiver services and 180 days of nursing home care (increased from the current cap of 90 days) to the existing PMAP product. Separate contracts with requirements specific to this product may be issued. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 12, Sections 57, 58, 59, 62, and 63.
- Beginning July 1, 2003, the Department has authority to launch a capitated, risk-based managed care option for up to 120 individuals with developmental disabilities, 18-64 years of age, for a maximum of two years. Services may include MA State plan services, Medicare services, ICF/MR services, day training and habilitation, and home and community-based services. Provider participation in this program is limited to nonprofit long-term care systems providing ICF/MR services, home and community-based waiver services, and in-home services to individuals with developmental disabilities in Carver, Hennepin, and Scott counties. *Laws of Minnesota 2003*, Chapter 47, Section 4.

II. MA Home and Community-Based Waivers and Payment Rates

- Effective July 1, 2003, the Department and the White Earth Reservation may develop a model for tribal management of the elderly waiver program and implement this model through a contract between the state and White Earth reservation. The model will include the provision of tribal waiver case management, assessment for personal care assistance services, and administrative requirements otherwise carried out by counties, but will not include tribal financial eligibility determination for MA. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 2, Section 30.

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- Effective for services provided on or after July 1, 2003, provider payment rates will be reduced by one percent for the following providers/programs:
 - home and community-based waived services for the elderly under *Minnesota Statutes*, section 256B.0915;
 - day training and habilitation services for adults with mental retardation or related conditions under *Minnesota Statutes*, sections 252.40 to 252.46;
 - the group residential housing supplementary services under *Minnesota Statutes*, section 256I.05, subdivision 1a;
 - chemical dependency residential and nonresidential services under *Minnesota Statutes*, section 245B.03;
 - consumer support grants under *Minnesota Statutes*, section 256.476; and
 - home and community-based services for alternative care services under *Minnesota Statutes*, section 256B.0913. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 13C, Section 2, Subdivision 9.
- Effective for services provided on or after July 1, 2003, allocations to county agencies for home and community-based waived services will be reduced to assure a one percent reduction in state spending. Allocation decreases will be applied to:
 - services provided to persons with mental retardation or related conditions under *Minnesota Statutes*, section 256B.501;
 - waived services under community alternatives for disabled individuals under *Minnesota Statutes*, section 256B.49;
 - community alternative care waived services under *Minnesota Statutes*, section 256B.49; and
 - traumatic brain injury waived services under *Minnesota Statutes*, section 256B.49.*Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 13C, Section 2, Subdivision 9.
- Effective July 1, 2004, or upon federal approval, county agencies may no longer negotiate a supplemental Group Residential Housing (GRH) program rate for corporate adult foster care providers. Upon federal approval or on July 1, 2004, whichever is later, allowable costs will be transferred from the GRH program to the home and community-based services waivers. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 2, Sections 42-45 and Article 13C, Section 2, Subdivision 9.
- Effective July 1, 2003, the Department may issue an adult foster care license with a capacity of five adults when the: 1) capacity is recommended by the county licensing agency of the county in which the facility is located; and 2) recommendation verifies that:
 - the facility meets the physical environment requirements in the adult foster care licensing rule;
 - the five bed living arrangement is specified for each resident in each resident's individualized plan or care, individual service plan, or individual resident placement agreement;
 - the license holder obtains written and signed informed consent from each resident or each resident's legal representative documenting the resident's informed choice to live in the home and that the resident's refusal to consent would not have resulted in service termination; and
 - the facility was licensed for adult foster care before March 1, 2003.
- The Department will seek an amendment to its federal MA waiver for persons with mental retardation or related conditions (MR/RC), effective July 1, 2003, to allow properly licensed adult foster care homes to provide residential services for up to five individuals with MR/RC. If the waiver amendment is approved, adult foster care providers will increase their capacity to five beds if they can accommodate five individuals and have received a license from the Department that verifies that all applicable requirements are met. When an adult foster care provider increases the capacity of an existing home licensed to serve four persons to serve an additional person with MR/RC, the county agency will reduce the contracted per diem cost for room and board and the MR/RC waiver services of the existing foster care home by an average of 14 percent for all individuals living in that home. A county agency may average the required per diem rate reductions across several adult foster care homes that expand capacity, in order to achieve the necessary overall per diem reduction. Following the necessary contract changes, the Department will adjust individual county allocations for MR/RC waived services by the amount of savings that results from the changes made for MR/RC waiver recipients for whom the county is financially responsible, and will limit the group residential housing rate payments to this adjustment. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 6, Sections 10, 50 and 51.
- Effective July 1, 2003, the implementation of the common service menu option within the home and community-based waivers will be delayed until July 1, 2005. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 13C, Section 2, Subdivision 9.

Questions about payment for home and community-based waived services should be directed to Laura Doyle, Disability Services Division, Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3857; **phone** (651) 582-1906 or **email**: laura.doyle@state.mn.us.

II. MA Long-Term Care Services and Payment Rates

Nursing Facilities

Pursuant to the Governor's biennial budget, the Department proposed changes to the nursing facility rate-setting system. The Minnesota Legislature considered the Department's proposed changes, gathered information, and held public hearings at which nursing facility residents, trade associations, providers, facility employee union representatives, and the general public were invited to attend. The legislature considered the public's input and enacted legislation changing the rate-setting system as follows:

- Effective July 1, 2003, the amount paid for nursing facility bed-hold days will be reduced from 79 percent of the usual rate to 60 percent of the usual rate. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 2, Section 30.
- Effective July 1, 2003, the amount paid by MA for Medicare coinsurance will be the lesser of the actual coinsurance amount, or the amount by which the MA case mix payment rate exceeds the Medicare payment rate less the coinsurance amount. The coinsurance amount is determined by the federal Centers for Medicare & Medicaid Services, United States Department of Health and Human Services. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 2, Section 31.
- Effective July 1, 2003, the number of days in which a rate enhancement will be paid for newly admitted nursing facility residents is reduced from 90 days to 30 days. The enhanced payments are limited to 120 percent of the facility's MA rate for the first 30 calendar days, starting with the date of admission. As of January 1, 2004, payment of the enhanced rates is prohibited if during the 30 days prior to admission an individual was a resident of the same nursing facility, a nursing facility owned or operated by a related party, or moved because of a bed or facility closure. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 2, Section 32.
- Effective July 1, 2003, in calculating the scholarship per diem, the only costs that are allowable are those related to tuition and direct educational expenses. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 2, Section 33.
- Effective July 1, 2003, for nursing facilities reimbursed under *Minnesota Statutes*, section 256B.431, the operating payment rate in effect the prior June 30, is the operating rate in effect on July 1. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 2, Section 35.
- Effective July 1, 2003, the automatic inflation increase to the total payment rate is eliminated for State Fiscal Years 2004-2005, for nursing facilities under contract through the Alternative Payment System (APS). The inflation factor is only applied to the property portion of the rate. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 2, Section 36.
- Effective July 1, 2003, requirements for advance notice to nursing facility residents are clarified. Even when the 30-day advance notice is not required, notice must still be given before a rate increase can take effect. Facilities are permitted to give the advance notice and begin charging an estimated amount of an increase, on its expected effective date, before the actual amount is determined. If the estimated amount is greater than the allowable amount actually determined, the facility must refund the difference with interest, determined at the rate charged by the commissioner of revenue for late payment of taxes. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 3, Sections 44 and 45.

The Department anticipates adding most of these changes to its MA State plan. Individual nursing facility payment rates are available by contacting the Continuing Care for the Elderly Division, Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3836; **phone** (651) 296-7123.

Intermediate Care Facilities for Persons with Mental Retardation (ICFs/MR)

Pursuant to the Governor's biennial budget, the Department proposed changes to the ICF/MR rate-setting system. The Minnesota Legislature considered the Department's proposed changes, gathered information, and held public hearings at which nursing facility residents, trade associations, providers, facility employee union representatives, and the general public were invited to attend. The legislature considered the public's input and enacted legislation changing the rate-setting system as follows:

- Effective July 1, 2003, payment rates for ICFs/MR will be reduced by decreasing their total operating payment rate by one percent. Facilities with receivership or closure agreements are excluded. The adjustment will be applied by multiplying the total payment rate in effect on the preceding June 30, excluding the property-related payment rate, by one percent. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 13C, Section 2, Subdivision 9.
- Effective July 1, 2003, the Department is authorized to designate up to 25 beds for the purpose of facilitating short-term admissions to an ICF/MR to meet crisis care needs or specialized medical care needs. In these situations, the Department is authorized to make temporary rate adjustments to facilities maintaining capacity for these short-term admissions. *Laws of Minnesota 2003, First Special Session*, Chapter 14, Article 3, Section 49.
- Effective July 1, 2003, ICF/MR residents have greater choice in how they have their active treatment needs met during the day. Residents may seek services from additional providers. The Department must set a rate for services provided during the day that ensures that the services meet residents' active treatment needs. These day services are not provided by the ICF/MR, unless a choice of providers is offered and the resident or resident's representative agrees in writing to receive day

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services from the facility. Reimbursement for services during the day will be paid as a pass-through payment at levels that do not exceed 75 percent of a resident's day training and habilitation costs prior to the service change. *Laws of Minnesota 2003, First Special Session, Chapter 14, Article 3, Sections 47, 48, and 50.*

- Effective July 1, 2003, the Department may authorize county participation in a voluntary individualized payment rate structure for day training and habilitation services. Participation will allow counties to change from site-based to individual payment rates. The Department will establish procedures for determining the structure of these individualized rates to ensure there are no additional costs to the state and that the rate structure is cost-neutral for day training and habilitation service providers. *Laws of Minnesota 2003, First Special Session, Chapter 14, Article 3, Section 10.*

The Department anticipates adding most of these changes to its MA State plan. Questions about ICF/MR payment rates should be directed to Sanford Bettcher, Disability Services Division, Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3857; **phone** (651) 582-1930 or **email:** sanford.bettcher@state.mn.us. Questions regarding day training and habilitation services payment rates should be directed to Deb Schauffert, Disability Services Division, Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3857; **phone** (651) 582-1946 or **email:** deb.schauffert@state.mn.us.

Department of Labor and Industry

Labor Standards Unit

Notice of Correction to Commercial Prevailing Wage Rates

A **correction** has been made to the Commercial Prevailing Wage Rates certified 12/30/02, for **Labor Code 424, Tile Setters**, in Olmsted County.

Copies with the correction of the certified wage rates for this County may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road North, St. Paul, Minnesota 55155-4306, or by calling (651) 284-5091, or accessing our **web site** at www.doli.state.mn.us. Charges for the cost of copying and mailing are \$.65 per page. Make check or money order payable to the State of Minnesota.

M. Scott Brener
Commissioner

Metropolitan Council

Notice of Public Hearing on Adoption of the Housing Agency Plan

The Metropolitan Council's Community Development Committee will conduct a public hearing to discuss the Public Housing Agency (PHA) Plan and receive public comment.

The PHA Plan is a comprehensive guide to public housing agency policies, programs, operations and strategies for meeting local housing needs and goals. Required by the US Department of Housing and Urban Development the PHA Plan includes two parts, the Five Year Plan and the Annual Plan. Both parts of the PHA Plan require PHA's to examine their existing operations and needs and to design long-range and short-range strategies to address those needs.

The public hearing will be held:

4 p.m., Monday, August 18, 2003
Metropolitan Council
Mears Park Centre Building
230 East Fifth Street, Room 1A
St. Paul, MN 55101

The Housing Agency Plan is available for public review at the HRA administrative offices located at 230 East Fifth Street in St. Paul, and on the Metropolitan Council's **website** at www.metrocouncil.org. All interested persons are encouraged to attend the hearing and offer comments. People may register in advance to speak by calling Sue Putz at (651) 602-1584 or TTY at (651) 291-0904. Upon request, the Council will provide a reasonable accommodation to persons with disabilities.

In addition to speaking at the hearing, comments may be made in the following ways:

- Send Comments to: Sue Putz, Metro HRA, Mears Park Centre, 230 East Fifth St., St. Paul, MN 55101
- FAX comments to: Sue Putz at (651) 602-1313
- Send comments electronically to: data.center@metc.state.mn.us
- Record comments on the Council's Public Comment Line: (651) 602-1500
- TTY: (651) 291-0904

Comments must be received by Monday, August 18, 2003.

Minnesota Pollution Control Agency**Majors and Remediation Division****Minnesota Department of Agriculture****Agronomy and Plant Protection Division****Notice of Proposed Update of the Permanent List of Priorities Among Releases or Threatened Releases of Hazardous Substances or Pollutants or Contaminants**

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA), and the Minnesota Department of Agriculture (MDA), is publishing for public comment a proposed addition to and deletions from the Permanent List of Priorities (PLP) which lists releases or threatened releases of hazardous substances, pollutants, or contaminants for which the MPCA or MDA may take removal or remedial actions under the Minnesota Environmental Response and Liability Act (MERLA), Minnesota Statutes ch. 115B.

Pursuant to *Minnesota Statutes* § 115B.17 (2002) and *Minnesota Rules* 7044.0950 (2001), the MPCA is proposing the following changes to the PLP.

The MPCA is proposing to add the following site to the PLP (Hazard Ranking Score assigned pursuant to *Minnesota Rules* 7044.0350 follows the site): Reserve Mining - Silver Bay Scrap Yard and DRO Plume (10), Silver Bay, Lake County. This site has been assigned to Response Action Classes C and D (see *Minnesota Rules* 7044.0450). The four response action classes are defined as follows: Class A - Declared Emergency; Class B - Response Actions Completed and Operation and Maintenance/Long-Term Monitoring Ongoing; Class C - Response Actions Necessary or in Progress or First Year Operation and Maintenance at a Site; and Class D - Remedial Investigations and Feasibility Studies (RI/FS) Necessary or in Progress.

The MPCA is proposing to delete the following twelve sites from the PLP: Killian Sanitary Landfill, Todd County; Crow Wing County Landfill, Oak Lawn Township; Gopher Oil - Thornton, Minneapolis; Spring Grove Municipal Well Field, Houston County; South Andover, Anoka County; Southeast Brainerd Ground Water Plume, Crow Wing County; Lehillier/Mankato Ground Water Contamination, Blue Earth County; Anderson Corporation, Bayport; Electronic Industries, New Hope; General Mills, Minneapolis; Nutting Truck and Caster, Faribault; and Oakdale Dumps, Oakdale.

The MPCA has determined that either all MERLA Response Actions have been completed at these Sites or that the Sites do not pose a threat to public health or welfare or the environment.

The Killian Sanitary Landfill is a "qualified facility" under the Landfill Cleanup Act of 1994, as amended (Act). Under authority of the Act, the state of Minnesota, through the MPCA, will assume responsibility for any necessary response actions at a "qualified facility," and will be responsible for long-term maintenance of the facility. The MPCA assumes this responsibility after issuance of a Notice of Compliance (NOC) by the Commissioner of the MPCA. A NOC has been issued for this "qualified facility," therefore MERLA funded response actions would no longer be necessary at this particular Site, and deletion of the Site from the PLP is appropriate.

The Crow Wing County Landfill was a permitted facility by the MPCA. Appropriate financial assurances are in place to ensure long term maintenance and monitoring are conducted at the site. Therefore, MERLA funded response actions will not be necessary at this site.

The MPCA and Anderson Corporation have entered into a Consent Order for implementation and monitoring of response actions at the Anderson Corporation Site. All of the MPCA approved response actions for this site have been implemented. The Consent Order specifies requirements for Anderson to comply with in order for the selected remedy to remain protective of human health and the environment.

The MPCA and the responsible parties for the Spring Grove Municipal Well Site have entered into an agreement which requires operation, maintenance and monitoring of the completed response actions. Institutional controls are also in place to inform potential buyers of site conditions and remediation activities.

A Stipulation Agreement is in place between the MPCA and Electronic Industries. All appropriate response actions are being implemented through the MPCA's Resource Conservation and Recovery Act (RCRA) Corrective Action Program. No MERLA funded response actions will be necessary at this site.

MPCA approved and/or conducted response actions have been completed for the Gopher Oil - Thornton, South Andover, Southeast Brainerd Ground Water Plume, and Lehillier/Mankato sites.

The proposed deletion of the General Mills, Nutting Truck and Casting and Oakdale Dump sites is contingent upon appropriate institutional controls being in place for each site. All MPCA approved response actions for these sites have been implemented and each site is currently in long term operation and/or monitoring. Appropriate enforceable agreements between the MPCA and the respective responsible parties for each site will also need to be in place to ensure long term monitoring requirements are met. Once appropriate institutional controls and/or enforceable agreements are in place for each site, that site will be deleted from the PLP.

Official Notices

The South Andover, Lehillier/Mankato, General Mills, Nutting Truck and Casting and Oakdale Dump sites are also presently listed on U. S. EPA's National Priorities List (NPL). The MPCA will be recommending to U. S. EPA that these sites also be deleted from the NPL.

The MPCA is also proposing to delete the St. Anthony Operable Unit portion of the Twin Cities Army Ammunition Plant (TCAAP) site from the PLP. This Operable Unit is that part of the TCAAP site which was the ground water plume that impacted the city of St. Anthony's municipal wells. A treatment system has been in place, operation of which now is the responsibility of the city. Therefore, no additional MERLA funded response actions are necessary. The MPCA will continue to provide oversight for the operation of the treatment system. This partial site deletion does not impact any other portion or operable unit of the TCAAP site.

The MDA is not proposing to add or delete a site from the PLP, at this time.

The MPCA and MDA invite members of the public to submit written comments on this proposed addition to or deletions from to the PLP. All written comments with regard to these proposed changes to the PLP must be received no later than 4:30 p.m., July 30, 2003.

Written comments regarding the proposed MPCA changes to the PLP should be submitted to: Gary L. Krueger, Superfund Section, Majors and Remediation Division, Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, Minnesota 55155-4194.

Any questions regarding sites in which MDA is the lead state agency should be directed to Robert Anderson, Incident Response Unit, Agronomy and Plant Protection Division, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107-2094.

Any interested person may submit a petition to the Commissioner of the MPCA requesting that the MPCA Board make the decision on whether to adopt these changes to the PLP that have been proposed by the MPCA. To be considered timely, the petition must be received by the MPCA contact person, Gary L. Krueger, by 4:30 p.m. on July 30, 2003. The decision whether to adopt these proposed changes to the PLP will be made by the MPCA Board if: (1) the Commissioner grants the petition requesting the matter to be presented to the MPCA Board; or (2) a MPCA Board member requests to hear the matter prior to the time the Commissioner makes a final decision on the proposed addition to and deletions from the PLP.

All written comments received by the above deadline will be considered by the MPCA and MDA in establishing the updated PLP.

Sheryl A. Corrigan, Commissioner
Minnesota Pollution Control Agency

Gene Hugoson, Commissioner
Minnesota Department of Agriculture

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.

Bureau of Mediation Services

Applications Accepted for Funding Under the Minnesota Area Labor-Management Committee Program for Fiscal Year 2004 Grants

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

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

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

1. Increase participation in the labor-management cooperative process.
2. Increase shared decision making between labor and management.
3. Enhance the level of knowledge regarding issues that affect the workplace.
4. Enhance the economic development climate in the area or a specific industry.
5. Maintain or enhance the number of specialized joint labor-management programs designed to increase the efficiency of services to the area or an industry.

6. Other evidence of positive labor-management program results attained through joint cooperative methods.

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

John Kuderka
Bureau of Mediation Services
1380 Energy Lane, Suite Two
St. Paul, Minnesota 55108-5253
(651) 649-5435
E-mail: john.kuderka@state.mn.us

Applications for funding for calendar year 2003 must be postmarked or received by August 1, 2003.

James A. Cunningham, Jr.
Commissioner

State Contracts

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

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

Minnesota Higher Education Services Office

Request for Proposals for Graphic Designers

The Higher Education Services Office is requesting proposals from qualified professionals to provide graphic design services for Fiscal Years 2004 and 2005. Proposals must be submitted no later than **July 14, 2003 at 4:00 p.m.**

The Request for Proposals (RFP) does not obligate the Higher Education Services Office to complete this project, and the Higher Education Services Office reserves the right to cancel the solicitation if it is considered to be in its best interest.

The State estimates the costs of these services for the biennium will not exceed \$115,000 in total for Fiscal Years 2004 and 2005.

Copies of the RFP are available from:

Communications
Minnesota Higher Education Services Office
1450 Energy Park Drive, Suite 350
St. Paul, MN 55108-5227
(651) 642-0554

Minnesota Historical Society

Request for Bids for Printing Six Issues of Minnesota Historical Society's Member News

The Minnesota Historical Society is seeking bids from qualified firms to provide all labor, material and equipment to print six issues of Minnesota Historical Society's Member News.

All bids must be received by Chris M. Bonnell, Contracting Officer for the Minnesota Historical Society, 345 Kellogg Boulevard West, Saint Paul, MN 55102 or an authorized agent no later than 2:00 p.m. Central Standard Time, Monday, July 21, 2003. Bids must be submitted in a sealed envelope with the project name clearly written on the envelope. Late bids will not be considered.

Authorized agents for receipt of the bids are the following: Mary Green-Toussaint, Contracting and Procurement Assistant, or any Work Center staff member in the Finance and Administration Division of the 4th floor of the History Center.

The Request for Bids is available by calling or writing Mary Green-Toussaint, Contracting and Procurement Assistant, Minnesota Historical Society, 345 Kellogg Boulevard West, Saint Paul, MN 55102. Telephone (651) 297-7007 (mary.green-toussaint@mnhs.org).

Complete specifications and details concerning submission requirements are included in the Request for Bids.

Dated: June 30, 2003

State Contracts

Minnesota Housing Finance Agency

Request for Proposal to Format, Proof, Print and Compile its 2003 Financial Report

The Minnesota Housing Finance Agency (MHFA) is seeking a contractor to format, proofread, print and compile its annual Financial Report for 2003. The goal is to produce an accurate, professional 2003 Financial Report, both in hard copies and in stated electronic formats.

The MHFA will provide the annual report information by electronic Excel and Word files to the contractor no later than the first week of September. Contractor will format the text, charts, spreadsheets and other information provided according to the Report's standardized style shown by a sample of the 2002 Report available with the RFP or at the MHFA offices. Contractor will proofread the information and provide proofs and corrected proofs to MHFA as needed, until MHFA gives final approval of proof. Contractor will timely print, compile and bind (staple) the Report with cover. Contractor will deliver 350 hard copies of the reports to MHFA by September 15, 2003 and, on the same day, also deliver to MHFA electronically a PDF file and a Word file of the finished Report. NOTE: Proofs and updated proofs with corrections must be exchanged with MHFA electronically.

Proposals in response to the RFP are due **August 1, 2003 by 4:00 P.M.** Central Time.

Contact Information: To receive a copy of the RFP and sample 2002 Report, contact Camille Creamer at Minnesota Housing Finance Agency (**phone**) (651) 296-2602, (**fax**) 651-296-7974, (**e-mail**) *Camille.Creamer@state.mn.us*.

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.

University of Minnesota

Advertisement for Bids for Asbestos/Mold Abatement - Building 59, Commonwealth Terrace - Project No. 384-03-1542 - Minneapolis Campus, Minneapolis, Minnesota

Work performed under this contract will include the removal of asbestos-containing materials and mold contaminated materials prior to renovation.

The Work shall be completed within 30 days calendar days after start of work.

Pre-bid access to the work site is limited to specific times and dates. A **MANDATORY** pre-bid tour of the work site is scheduled for 9:30 a.m., July 7, 2003. Interested parties are to meet outside of the Commonwealth Terrace Community Center located at 1250 Fifield St., St. Paul, Minnesota. Contact Sean Gabor, **e-mail** gabors@facm.umn.edu **phone** (612) 625-7547 **AND** Chip Foster, **e-mail** fosterc@facm.umn.edu **phone** (612) 626-8757 if you are interested in attending.

Last Day for questions is Noon, July 14, 2003. Please submit questions in writing to Chip Foster at fosterc@facm.umn.edu.

Prime contract bidding will close 2:00 p.m., local time, Thursday, July 17, 2003.

Sealed bids will be received by the Regents of the University of Minnesota at Facilities Management Purchasing Services, 400 Donhowe Building, 319 - 15th Avenue SE, Minneapolis, Minnesota 55455, until the stated times, when they will publicly opened and read aloud.

Bidding Documents will be distributed at the walk-thru.

Direct communications regarding this project to the Design and Construction-Hazardous Material Program Manager, Sean Gabor, **e-mail:** gabors@facm.umn.edu, **phone** (612) 625-7547.

Each prime and subcontract bid shall be accompanied by a bid security of 5% of the maximum amount of the bid in the form of a Surety Bond, certified check, cashier's check.

The successful prime contract bidder shall furnish Performance and Payment Bonds in the full amount of the contract.

The University reserves the right to reject any and all bids, accept any bid, waive informalities in bids submitted, and waive minor discrepancies in bidding procedures, as it deems to be in its best interest.

The University of Minnesota complies with Equal Employment Opportunity and Affirmative Action Policies for contractors and suppliers.

Bid result information may be obtained via fax by faxing a request to (612) 624-5796.

Regents of the University of Minnesota
Chip Foster
Facilities Management Principal Buyer

University of Minnesota

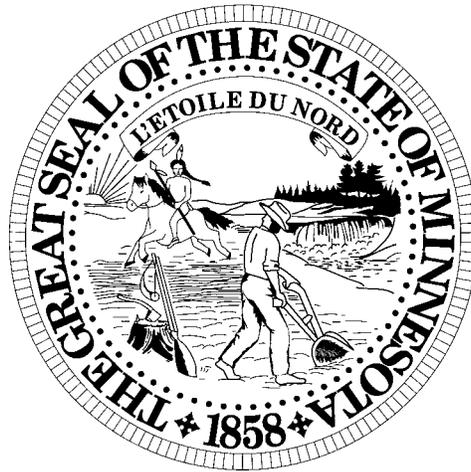
Notice of Bid Information Service (BIS) Available for All Potential Vendors

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.

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