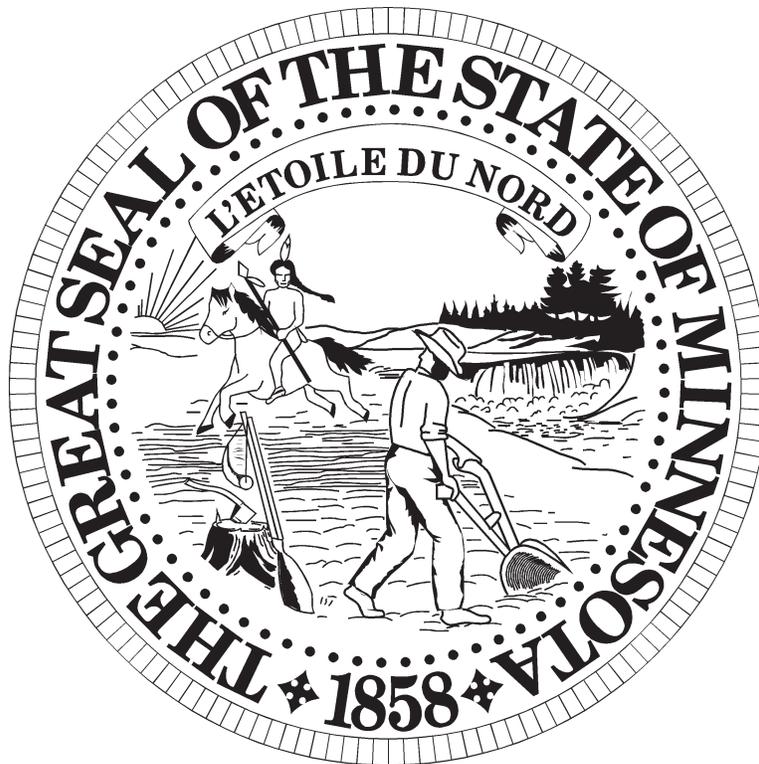


State of Minnesota

# State Register



**Rules, Executive Orders, Appointments,  
Commissioners' Orders, Revenue Notices, Official Notices, Grants,  
State Contracts & Loans, Non-State Bids, Contracts & Grants**

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# State Register

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- rules of state agencies
- commissioners' orders
- state grants and loans
- executive orders of the governor
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- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
- appointments
- official notices

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# 46	Monday 12 May	Noon Tuesday 6 May	Noon Wednesday 30 April
# 47	Monday 19 May	Noon Tuesday 13 May	Noon Wednesday 7 May
# 48	Monday 26 May	Noon Tuesday 20 May	Noon Wednesday 14 May

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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, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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# Proposed Rules

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

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

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

**KEY: Proposed Rules** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

## Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design

### Proposed Amendment to Rules Governing Land Surveying Examination, Education and Experience Licensure Requirements, *Minnesota Rules*, 1800.3505, Governor's Tracking Number AR369, OAH Docket No. 3-1006-19606-1

#### DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, And Notice of Hearing If 25 or More Requests For Hearing Are Received

**Introduction.** The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on June 4, 2008, a public hearing will be held in Room 295, Golden Rule Building, 85 East 7<sup>th</sup> Place, Suite 160, St. Paul, Minnesota 55101, starting at 10:00 AM on Monday, June 16, 2008. To find out whether the rules will be adopted without a hearing or if the hearing will be held, contact the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design's contact person, Patricia J. Litchy, after June 4, 2008 and before June 16, 2008.

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Patricia J. Litchy at the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design, 85 East 7<sup>th</sup> Place, Suite 160, St. Paul, MN 55101, phone: (651) 757-1512, FAX: (651) 297-5310, or e-mail: [patricia.litchy@state.mn.us](mailto:patricia.litchy@state.mn.us). TTY users may call the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design at (651) 296-2388.

**Subject of Rules and Statutory Authority.** The proposed rules concern Land Surveying Examination, Education and Experience Requirements, *Minnesota Rules*, Chapter 1800.3505. The statutory authority to adopt the rules is *Minnesota Statutes*, section 326.06 (2006). The proposed rules are related to the licensing of land surveyors and specifically to the examination, education, and experience requirements that must be complied with before a candidate is allowed admission to the professional land surveying examination. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

The nature of the proposed rulemaking is to address and amend three issues in the current rules related to preparation for the professional land surveying examination.

# Proposed Rules

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The first issue arises from real or perceived differences between *Minnesota Rules* 1800.3505 and *Minnesota Rules* 1800.3600 which, when read together, state those requirements a candidate seeking to take the professional land surveying examination must fulfill before being allowed to sit for the examination. There is an inconsistency insofar as the Board's requirement that candidates successfully complete the Fundamentals of Land Surveying Examination prior to taking the professional land surveying examination is articulated in *Minnesota Rules* 1800.3600 and not in *Minnesota Rules* 1800.3505. The proposed rules add a new provision to *Minnesota Rules* 1800.3505 referencing the requirements of *Minnesota Rules* 1800.3600 to clarify that the requirements contained in *Minnesota Rules* 1800.3600, including successful completion of the Fundamentals of Land Surveying Examination, are noted and complied with.

The second issue was unintentionally created in 2002 during the Board's last rulemaking relating to land surveying. Prior to the 2002 rulemaking, experience in plat computations was a necessary component of the application that was required to take the professional land surveying examination. In the 2002 rulemaking, the Board mistakenly made experience in plat computations optional. The Board, recognizing that plat computations is basic to the practice of land surveying, wishes to correct the error by requiring all candidates seeking to take the professional land surveying examination designate at least 160 hours of the total required qualifying land surveying experience to office experience in plat computations. The proposed rules will not change the total number of hours of experience required to sit for the professional land surveying examination but merely require at least 160 hours of the total hours of qualifying land surveying experience in the current rules be designated to working with plats.

The third issue arises from wording in the current rules related to the qualifying land surveying experience that candidates must obtain as preparation for the professional land surveying examination. The current rules require candidates complete a designated number of hours of qualifying land surveying experience, measured by the number of hours of experience obtained, before being allowed to sit for the professional examination. In addition, the current rules have calculations of the number of years generally needed to complete this qualifying land surveying experience. These calculations were intended to serve as guides for candidates to assist in planning their required experience and approximating the time needed to complete it. The Board determined that the inclusion of references to years in the rules could confuse candidates insofar as it might allow the rules to be interpreted to say that candidates must obtain required experience within the number of years stated in the rules. The proposed rules will remove references to calculations of the numbers of years that candidates may take to obtain qualifying land surveying experience in order to clarify and emphasize that required experience is measured only by the number of hours of experience obtained and not by the time a candidate takes to obtain that experience.

Any additional modifications made in the rules are renumbering or grammatical in nature, and are necessary to provide clarity and consistency with the changes described above. Such amendments are housekeeping in nature and do not change the effect of the rules.

The Board believes this rulemaking is reasonable and necessary to correct and clarify the educational and qualifying experience requirements for admission to the professional land surveying examination.

A free copy of the rules is available upon request from the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design's contact person listed above.

**Comments.** You have until 4:30 p.m. on Wednesday, June 4, 2008, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Wednesday, June 4, 2008. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design must give written notice of this to all persons who requested a hearing, explain the actions the agency took to affect the withdrawal, and ask for written

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## Proposed Rules

comments on this action. If a public hearing is required, the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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

**Modifications.** The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design or presented at the hearing and the adopted rules may not be substantially different than these proposed rules, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing.** The hearing scheduled for Monday, June 16, 2008, will be canceled if the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design contact person at (651) 757-1512 after June 4, 2008 to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Kathleen D. Sheehy is assigned to conduct the hearing. Judge Kathleen D. Sheehy can be reached at the Office of Administrative Hearings, Harold Stassen Building, 600 Robert Street North, PO Box 64620, St. Paul, Minnesota 55164-0620, telephone (651) 361-7848, and FAX (651) 361-7936

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

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design's contact person at the address stated above.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design's contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed and copies obtained at the cost of reproduction from the agency.

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

# Proposed Rules

**Adoption Procedure if No Hearing.** If no hearing is required, the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design to receive notice of future rule proceedings, submit your request to the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design's contact person listed above.

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

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

Dated: April 16, 2008

Doreen Johnson Frost, Executive Director  
AELSLAGID Board

## 1800.3505 EDUCATION AND EXPERIENCE.

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

Subp. 3. **Admission to professional land surveying examination.** To qualify for admission to the professional land surveying examination, the applicant shall present evidence of meeting the educational and qualifying experience requirements in item A or B.

A. Graduates of a four-year land surveying curriculum must present evidence of:

- (1) graduation from a four-year land surveying curriculum; ~~and~~
- (2) successful completion of the requirements in part 1800.3600, subpart 3; and
- (3) completion of a minimum of ~~three years~~ of the following qualifying land surveying experience:

(a) a minimum of 160 hours of office experience in plat computations;

~~(a)~~ (b) a minimum of 160 hours of field experience in each of four or more of the following: section subdivision, boundary surveys, land title surveys, government corner restoration, geodetic surveys, staking subdivisions, and common interest communities totaling 3,120 hours or more;

~~(b)~~ (c) a minimum of 160 hours of office experience in each of ~~five~~ four or more a combination of the following: record research, record analysis, survey computations, description analysis, description writing, and subdivision design, ~~and~~ plat computations totaling ~~2,080~~ 1,920 hours or more;

~~(e)~~ (d) a minimum of 400 hours of field or office experience in one or more a combination of the following: right-of-way surveys; easement surveys; mining surveys; route location surveys, including power, pipelines, etc.; and street grade design and alignment totaling 400 hours or more; and

~~(d)~~ (e) a minimum of 400 hours of drafting experience in one or more a combination of the following: boundary survey, topographic survey, and plats totaling 400 hours or more.

B. Graduates of a bachelor's curriculum must present evidence of:

- (1) graduation from a bachelor's curriculum with a minimum of 22 semester credits or 32 quarter credits in land surveying; ~~and~~
- (2) successful completion of the requirements in part 1800.3600, subpart 3; and
- (3) completion of a minimum of ~~five years~~ of the following qualifying land surveying experience:

(a) a minimum of 160 hours of office experience in plat computations;

~~(a)~~ (b) a minimum of 160 hours of field experience in each of four or more of the following: section subdivision, boundary surveys, land title surveys, government corner restoration, geodetic surveys, staking subdivisions, and common interest communities totaling 4,990 hours or more;

~~(b)~~ (c) a minimum of 160 hours of office experience in each of ~~five~~ four or more of the following: record research, record analysis, survey computations, description analysis, description writing, and subdivision design, ~~and~~ plat computations totaling ~~3,330~~ 3,170 hours or more;

~~(e)~~ (d) a minimum of 800 hours of field or office experience in one or more a combination of the following: right-of-way surveys; easement surveys; mining surveys; route locations surveys, including power, pipelines, etc.; and street grade design and alignment totaling 800 hours or more; and

(d) (e) a minimum of 800 hours of drafting experience in one or more a combination of the following: boundary survey, topographic survey, and plats totaling 800 hours or more.

Qualifying land surveying experience must be obtained under the direct supervision of a licensed land surveyor. As used in items A and B, qualifying work experience consists of varied, progressive, practical experience at land surveying work. The experience must be acquired in the areas of land surveying practice listed in items A and B.

## Minnesota Department of Human Services

### Child Care Assistance Program

#### Proposed Permanent Rules Relating to the Child Care Fund

##### DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, And Notice of Hearing If 25 or More Requests For Hearing Are Received

**Proposed Amendment to Rules Relating to the Child Care Fund, *Minnesota Rules*, chapter 3400; Proposed Repeal of *Minnesota Rules*, parts 3400.0020, subpart 32a; 3400.0080, subpart 1; 3400.0090, subpart 7; 3400.0110, subpart 4; 3400.0120, subpart 1b; 3400.0140, subparts 5a and 19; 3400.0183, subparts 3 and 4; 3400.0187, subparts 1a and 5; 3400.0210; 3400.0230, subparts 1 and 2; and 3400.0235, subpart 7.**

**Introduction.** The Department of Human Services (DHS) intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on June 4, 2008, the Department will hold a public hearing in Room 3148, DHS Lafayette Building, 444 Lafayette Road North, St. Paul, Minnesota, 55101, starting at 9:30 a.m. on Friday, June 27, 2008. To find out whether the Department will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after June 4, 2008, and before June 27, 2008.

**Agency Contact Person.** Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Jodi Pope at Department of Human Services, Appeals and Regulations, P.O. Box 64941, St. Paul, MN 55164-0941; (651) 431-3609; Fax: (651) 431-7523; [jodi.pope@state.mn.us](mailto:jodi.pope@state.mn.us). TDD users can call the Minnesota Relay Service at 711 or (800) 627-3529. For the Speech to Speech Relay, call (877) 627-3848

**Subject of Rules and Statutory Authority.** The proposed rules are about the Child Care Assistance Program. More specifically, the proposed rules incorporate recent statutory changes that have been made to the Child Care Assistance Program; make changes that will facilitate the implementation of a statewide electronic child care system; reflect the transfer of the Program to DHS; clarify policies developed by the Program since the last rulemaking; and reflect other developments that affect the Program. DHS also is proposing to repeal the following rule parts and subparts: *Minnesota Rules*, parts 3400.0020, subpart 32a; 3400.0080, subpart 1; 3400.0090, subpart 7; 3400.0110, subpart 4; 3400.0120, subpart 1b; 3400.0140, subparts 5a and 19; 3400.0183, subparts 3 and 4; 3400.0187, subparts 1a and 5; 3400.0210; 3400.0230, subparts 1 and 2; and 3400.0235, subpart 7.

The statutory authority to adopt the rules is *Minnesota Statutes*, sections 119B.02, subdivisions 1 and 3; 119B.04, subdivision 2; 119B.06, subdivision 2; and 256.01, subdivision 4. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. Additional copies of the proposed rules are available upon request from the agency contact person listed above and from the rulemaking docket on the DHS website.

**Comments.** You have until 4:30 p.m. on Wednesday, June 4, 2008, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. You must also make any comments about the legality of the proposed rules during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that the Department hold a hearing on the rules. You must make your request for a public hearing in writing and must be received by the agency contact person by 4:30 p.m. on Wednesday, June 4, 2008. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules

# Proposed Rules

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that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

**Modifications.** The Department may modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Department follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Department encourages you to participate in the rulemaking process.

**Cancellation of Hearing.** The Department will cancel the hearing scheduled for June 27, 2008, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (651) 431-3609 after June 4, 2008 to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, the Department will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Department will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Kathleen Sheehy is assigned to conduct the hearing. Judge Sheehy can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620, telephone: (651) 361-7848, and FAX: (651) 361-7936.

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

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

**Statement of Need and Reasonableness.** The statement of need and reasonableness statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies the cost of reproduction by contacting the agency contact person.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone: (651) 296-5148 or 1-800-657-3889.

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# Proposed Rules

**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The Department will submit the rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

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

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

Dated: April 3, 2008

Cal R. Ludeman, Commissioner  
Department of Human Services

## 3400.0020 DEFINITIONS.

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

Subp. 10a. **Authorized hours.** "Authorized hours" means the number of hours in a service period, not to exceed the maximum hour limit established in *Minnesota Statutes*, section 119B.09, subdivision 6, that may be paid for child care for a child.

*[For text of subps 11 to 18, see M.R.]*

Subp. 18a. **DWP.** "DWP" means the diversionary work program established in *Minnesota Statutes*, section 256J.95.

*[For text of subp 19, see M.R.]*

Subp. 20. **Eligible relative caregiver.** "Eligible relative caregiver" means a person identified under *Minnesota Statutes*, section 256J.08, subdivision 11, (1) who is a caregiver of a dependent child receiving a MFIP grant but who is not a member of the assistance unit or (2) who is an MFIP participant and the caregiver of a child. After an eligible relative caregiver begins receiving child care assistance, status as an eligible relative caregiver continues through all child care assistance programs until there is a break in the eligible relative caregiver's eligibility for child care assistance.

*[For text of subps 21 to 23, see M.R.]*

Subp. 24. **Family copayment fee.** "Family copayment fee" means the amount parent fee the family must contribute as its share of child care costs as determined under part 3400.0100, subparts 3 to 4 *Minnesota Statutes*, section 119B.12.

*[For text of subps 25 to 32, see M.R.]*

Subp. 32a. *[See repealer.]*

*[For text of subp 32b, see M.R.]*

Subp. 33. **Overpayment.** "Overpayment" means the portion of a child care payment that is greater than the amount for which a recipient is eligible or greater than the amount a provider should have received.

*[For text of subps 34 to 38a, see M.R.]*

Subp. 38b. **Scheduled hours.** "Scheduled hours" means the specific days and hours during a service period that a child will attend child care as determined by the child care worker, the parent, and the provider based on the parents' verified eligible activities schedules, the child's school schedule, and any other factors relevant to the family's child care needs.

Subp. 39. **State median income.** "State median income" means the state's annual median income for a family of four three, adjusted for family size, developed by the Bureau of Census and published annually by the United States Department of Health and Human Services in the Federal Register.

Subp. 40. **Student.** "Student" means an individual enrolled in an educational program as defined in *Minnesota Statutes*, section 119B.011, subdivision 11. A non-MFIP student is a full-time student if the student is enrolled in the minimum equivalent of 12 credits or 20 hours of classroom training per week defined by the student's educational institution as a full-time student. A non-MFIP student is a part-time student if the student is enrolled in a minimum equivalent of six credits or ten hours of classroom training per week up to the minimum equivalent of full-time student status defined by the student's educational institution as a part-time student. A MFIP student is a student who is in compliance with the education or training requirements in the student's employment plan.

*[For text of subps 40a to 44, see M.R.]*

## 3400.0035 APPLICATION PROCEDURE.

Subpart 1. **Response to informational requests.** When a family asks for information about child care assistance, the administering

# Proposed Rules

agency must give the family information supplied by the department regarding the availability of federal and state child and dependent care tax credits; federal earned income tax credits; Minnesota working family credits; early childhood family education, school readiness, and Head Start programs; early childhood screening; MinnesotaCare; child care resource and referral services; other programs with services for young children and families; and the postsecondary child care grant program established in *Minnesota Statutes*, section 136A.125. The administering agency also must inform the family of the following items:

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

Subp. 2. **Application procedure.** An administering agency must follow the application procedures in items A and B.

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

B. If a family requests child care assistance and funds are not available, the administering agency must inform the family of a waiting list, screen the family for potential eligibility, and place the family on the waiting list if they appear eligible. The administering agency must place the family on the waiting list in the highest priority for which the family is eligible. As child care funds become available, the administering agency must inform the family at the head of the waiting list and ask the family to complete an application.

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

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

Subp. 5. **Notice of approval.** If the administering agency approves the application, the administering agency must send the applicant a notice of approval of the application. The notice of approval must specify the information in items A to I:

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

E. except in cases involving alleged child abuse by a provider or a complaint that where the license of a provider licensed by the state of Minnesota has been temporarily immediately suspended or where there is an imminent risk of harm to the health and, safety, or rights of a child in care is in imminent danger with a legal nonlicensed provider, license exempt center, or a provider licensed by an entity other than the state of Minnesota, any change in provider must be reported to the county and the provider at least 15 calendar days before the change occurs;

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

Subp. 6. **Notice to provider.** If the administering agency approves an application, the administering agency must send the family's authorized provider a notice containing only the following information: the family's name; the fact that the family's request for child care assistance has been approved; the hours of care authorized; the maximum rate that may be paid by the child care assistance program; the number of absent days that have been paid for the child for the year as of the date of the notice; and how payments will be made.

[For text of subps 7 to 9, see M.R.]

## 3400.0040 GENERAL ELIGIBILITY REQUIREMENTS AND ASSISTANCE STANDARDS TO BE MET BY ALL APPLICANTS AND PARTICIPANTS.

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

Subp. 3. **Documentation of eligibility information.**

A. An applicant for child care assistance must document the:

[For text of subitems (1) to (5), see M.R.]

(6) work, education, or training activity status for all applicants as defined in *Minnesota Statutes*, section 119B.011, subdivision 2.

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

C. The county must determine an applicant's eligibility for child care assistance at the time of application. The county must redetermine eligibility whenever there is a change in the family's status as specified in subpart 4, and at each redetermination under according to part 3400.0180.

Subp. 4. **Participant reporting responsibilities.** A participant must meet the reporting requirements in items A and B. A participant may report a change in person, by telephone, by facsimile, or by mail, including electronic mail.

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

B. Except in cases involving alleged child abuse by a provider or a complaint that where the license of a provider licensed by the state of Minnesota has been temporarily immediately suspended or where there is an imminent risk of harm to the health and, safety, or rights of a child in care is in imminent danger with a legal, nonlicensed provider, license exempt center, or provider licensed by an entity other than the state of Minnesota, a participant must notify the county and the provider of the intent to change providers at least 15 calendar days before changing providers.

Subp. 5. **Employment, education, and training requirements.** In a family with a single parent, or unmarried legal guardian or eligible relative caregiver, the applicant or participant must meet employment, education, or training requirements and other eligibility requirements in this part and in part 3400.0060, 3400.0080, or 3400.0090 for the child care assistance program for which the family is applying or in which the family is participating.

In a family with two parents, a parent and stepparent, a legal guardian and spouse, or an eligible relative caregiver and spouse more than

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# Proposed Rules

one parent or any combination of parents, stepparents, legal guardians, and spouses; and eligible relative caregivers and spouses, at least one parent, legal guardian, eligible relative caregiver, or spouse must meet employment, education, or training requirements and other eligibility requirements in this part and in part 3400.0060, 3400.0080, or 3400.0090 for the child care assistance program for which the family is applying or participating in. The other parent parents, legal guardian guardians, eligible relative caregiver caregivers, or spouse spouses must:

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

[For text of subps 5a to 6b, see M.R.]

Subp. 6c. **Date of eligibility for assistance.** The date of eligibility for child care assistance under parts 3400.0060 and 3400.0080 must be determined according to Minnesota Statutes, section 119B.09, subdivision 7. The date of eligibility for child care assistance under part 3400.0090 is the date the family's MFIP or DWP case was closed.

Subp. 7. **Maximum weekly biweekly child care assistance.** A family may not receive more than 120 hours of child care assistance per child every two weeks.

Subp. 8. **Child care assistance during employment.**

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

C. When a participant does not work by the hour and is not paid an hourly wage, the participant's gross earned income over a given period must be divided by the minimum wage to determine whether the participant has met the requirement to average at least 20 hours of work per week at minimum wage.

D. Child care assistance during employment shall be granted authorized for the number of hours scheduled to be worked, including break and meal time during the employment, and up to two hours per day for travel time.

Subp. 9. **Child care assistance in support of employment.** A county must grant authorize child care assistance in support of employment for nonwork hours when the following conditions exist:

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

Subp. 10. **Child care assistance during education or training.** Counties shall provide child care assistance to students eligible under part 3400.0060 or 3400.0080 and enrolled in county-approved education or training programs or employment plans according to items A to C.

A. Counties must grant authorize child care for full-time students:

(1) child care on a half-day or full-day basis for the days of class and on nonclass days, if needed for study, as determined by the county; or, not to exceed the maximum biweekly child care allowed.

(2) child care on a weekly basis.

B. Counties must grant authorize part-time students child care as needed for:

(1) all hours of actual class time and credit hours for independent study and internships;

(2) time periods between nonconsecutive classes;

(3) up to two hours per day for travel time; and

(4) two hours per week per credit hour for postsecondary students for study and academic appointments.

When a part-time student has more than one hour between classes on any one day, the study and academic appointment time authorized under subitem (4) shall be reduced by the number of hours between classes.

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

Subp. 11. **Child care assistance during employment and education or training.** Employed students, including students on work study programs, are eligible for child care assistance during employment and education or training. Counties shall use the standards in subparts 8 and 10 to determine the amount of child care assistance. When full-time students request child care for employment, the employment hours must average at least ten hours per week at minimum wage. For purposes of determining whether the ten hours at minimum wage requirement in this subpart applies to a student, a full-time student retains full-time status during school breaks, including summers, if the student is expected to return to school full time after the break. Students eligible for child care assistance under part 3400.0080 are exempt from this the ten hours per week at minimum wage requirement if they have an approved employment plan that allows fewer work hours or a lower wage. For purposes of determining whether the ten hours at minimum wage requirement in this subpart has been met, work-study hours and income must be counted as employment.

Subp. 12. **Acceptable course of study.** An acceptable course of study for a student eligible under part 3400.0060 is an education or training program approved by the county that will reasonably lead to full-time employment opportunities as determined by the county. An acceptable course of study for a student eligible under part 3400.0080 is an approved education or training program described in the MFIP caregiver's participant's employment plan.

[For text of subp 13, see M.R.]

Subp. 14. **Maximum education or training under child care fund.** The maximum length of time a student is eligible for child care assistance under the child care fund for education or training is described in items A to D.

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

# Proposed Rules

C. A student eligible under part 3400.0060 who has completed or who has participated in but failed to complete an education or training program under the child care fund may receive child care assistance for a second education or training program if:

- (1) the student has been unable to find full-time employment;
- (2) at least one year has passed since the student participated in or completed the first program;
- (3) (1) the new education or training program is approved by the county; and
- (4) (2) the county expects that completing the program will lead to full-time employment.

The one-year requirement in subitem (2) does not apply when the student's first education or training program was a basic or remedial education program needed to prepare for post-secondary education or employment as described in *Minnesota Statutes*, section 119B.07.

D. A student eligible under part 3400.0060 with a baccalaureate degree may only obtain child care assistance for education or training if the education or training is for continuing education units or certification, or coursework that is related to the baccalaureate degree or current employment and that is necessary to update credentials to obtain or retain employment.

[For text of subs 15 to 17, see M.R.]

Subp. 18. **Suspension.** Counties must suspend, and may not terminate, a family's child care assistance for up to one continuous year if there are temporary breaks when child care assistance is not needed or the family does not have an authorized provider but the family remains eligible for child care assistance.

## 3400.0060 BASIC SLIDING FEE PROGRAM.

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

Subp. 5. **Families eligible for assistance under the basic sliding fee program.** To the extent of available allocations, a family is eligible for child care assistance under the basic sliding fee program if:

- A. the applicant meets eligibility requirements under part 3400.0040;
- B. the applicant is not a MFIP caregiver or DWP participant; and

C. the family has an annual gross income that does not exceed 75 percent of the state median income for a family of four, adjusted for family size meets the income eligibility requirements specified in *Minnesota Statutes*, section 119B.09.

Subp. 6. **Basic sliding fee program waiting lists.** Counties must keep a written record of families who have requested child care assistance. When a family requests information about child care assistance, the county shall perform a preliminary determination of eligibility. If it appears that a family is or will be eligible for child care assistance and funds are not immediately available, the family shall be placed on a child care waiting list. Students placed on the basic sliding fee waiting list must be identified as students on the list. The county must determine the highest priority group for which a family qualifies and must notify the family of this determination.

Families who inquire or apply while they are temporarily ineligible shall be placed on the waiting list if it appears they will be eligible for child care assistance. When a family advances to the top of the county's waiting list and is temporarily ineligible for child care assistance, the county shall leave the family at the top of the list according to priority group and serve the applicant who is next on the waiting list unless a different procedure is provided in the county's child care fund plan.

[For text of subp 6a, see M.R.]

Subp. 7. **Waiting list; transfer of transition year families to the basic sliding fee program.**

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

E. When the transition year ends, the county shall move the transition year family into the basic sliding fee program. A transition year family that does not come to the top of the county's basic sliding fee program waiting list before completion of the transition year shall be moved into the basic sliding fee program as funding becomes available according to the priority under *Minnesota Statutes*, section 119B.03, subdivision 4. Transition year extension child care may be used to support employment or a job search that meets the requirements of *Minnesota Statutes*, section 119B.10, for the time necessary for the family to be moved from the basic sliding fee waiting list into the basic sliding fee program.

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

Subp. 9. **County child care responsibility when family moves.**

A. When a family receiving child care assistance from the basic sliding fee program moves to a new county within Minnesota, the original county must continue to provide child care assistance for two full calendar months after the move if the family needs child care and remains eligible for the basic sliding fee program. The family is responsible for notifying the new county of residence within ~~30~~ 60 days of moving and applying for basic sliding fee assistance in the new county. The limitation in *Minnesota Statutes*, section 119B.09, subdivision 1, paragraph (a), clause (2), regarding the family's household income at program entry does not apply when a family receiving assistance moves to another county and timely applies under this item to continue receiving assistance in the new county.

B. If there is a waiting list for the basic sliding fee program in the receiving county when it assumes responsibility for the family, the receiving county must fund child care assistance for the family through the portability pool. Portability pool funding must continue for the lesser of six months or until the family is able to receive assistance under the receiving county's basic sliding fee program. The family must

also be added to the basic sliding fee program waiting list according to portability pool priority group in the receiving county effective the date of the move. If the family reaches the top of the waiting list and funds become available before the six months have ended, the receiving county must immediately add the family to its basic sliding fee program. If basic sliding fee funds are not available when the six months has ended, services to the family must be terminated. The family must stay on the waiting list effective the date of the move. If funds become available after the family's child care assistance has been terminated due to the end of the portability pool period, the family must be treated as a new applicant and must have a household income that meets the income requirements in Minnesota Statutes, section 119B.09, subdivision 1, for program entry.

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

Subp. 10. **Continued eligibility under basic sliding fee program.** A county may not refuse continued child care assistance to a family receiving assistance under the basic sliding fee program when there is a change in the family's financial or household status provided that the family continues to meet the eligibility requirements in this part and the general eligibility requirements in part 3400.0040. Except for the job search time limit under *Minnesota Statutes*, section 119B.10, subdivision 1, paragraph (a), the education time limit in Minnesota Statutes, section 119B.07; and the time limit for the at-home infant care program in *Minnesota Statutes*, section ~~119B.06~~ 119B.035, subdivision 4, ~~paragraph (a);~~ counties may not set a time limit for eligibility under the basic sliding fee program.

### 3400.0080 MFIP CHILD CARE PROGRAM.

Subpart 1. [See repealer.]

Subp. 1a. **Eligibility of sanctioned MFIP caregiver participant.** A MFIP caregiver participant eligible for child care assistance who has been sanctioned under the MFIP program may receive child care assistance:

A. for that portion of the caregiver's participant's job search support or employment plan which the caregiver participant is complying with according to *Minnesota Statutes*, chapter 256J; or

B. according to *Minnesota Statutes*, section 119B.05, subdivision 1, clause (1).

Subp. 1b. **Child care assistance for approved job search.** A MFIP caregiver participant who has an approved job search support plan or whose employment plan includes job search as an authorized activity is not limited to 240 hours of job search child care assistance in a calendar year.

[For text of subs 2 to 7, see M.R.]

Subp. 8. **County child care responsibility when a family moves to another county.** When a MFIP caregiver or DWP participant moves to a new county and the new county accepts responsibility for the caregiver's participant's approved job search support or employment plan under *Minnesota Statutes*, section 256J.55, subdivision 3, the new county is responsible for providing child care assistance to the MFIP caregiver or DWP participant effective on the date that the county accepted responsibility for the plan. In all other cases, child care assistance must be provided according to *Minnesota Statutes*, section 256G.07, when a MFIP caregiver or DWP participant moves to a new county.

### 3400.0090 TRANSITION YEAR CHILD CARE.

Subpart 1. **Notice to family of eligibility.** The administering agency must notify a family, in writing, at the time the family's MFIP or DWP case closes of the family's potential eligibility for transition year child care. The notification must include information on how to establish eligibility for transition year child care and on the family's rights and responsibilities under the transition year child care program.

Subp. 2. **Eligibility.** Transition year child care assistance may only be used to support employment and job search related expenses. A family is eligible for transition year child care if the conditions in items A to D are met.

A. The family's MFIP or DWP case has closed.

B. At least one caregiver in the family received MFIP or DWP in at least three of the six months immediately preceding the month in which the family's MFIP or DWP case was closed. ~~The provision requiring receipt of MFIP in at least three of the preceding six months does not apply to caregivers who leave the work first program for the reasons listed in Minnesota Statutes, section 256K.07.~~

C. The family's annual gross income does not exceed 75 percent of the state median income for a family of four, adjusted for family size family meets the income eligibility requirements specified in Minnesota Statutes, section 119B.09, subdivision 1.

D. Transition year child care may be paid for the care of a child who would have been eligible to receive a MFIP grant, or for children who would have been eligible for MFIP, except for the child's receipt of SSI or Title IV-E foster care benefits.

Eligibility for transition year child care begins the first month after the family's MFIP or DWP case has closed and continues for 12 consecutive months. A family's temporary ineligibility for, suspension of, or failure to use child care assistance during the transition year does not suspend the transition year period. A former MFIP caregiver or DWP participant may apply for transition year child care any time during the transition year and, notwithstanding the application date, shall receive retroactive transition year child care assistance retroactive to the applicant's date of eligibility for transition year child care if all other eligibility requirements are met. Eligibility for transition year child care cannot extend beyond 12 months after the initial date of eligibility for that transition year child care according to Minnesota Statutes, section 119B.09, subdivision 7. If a family was receiving child care assistance when the family's MFIP or DWP case

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closed, determination of eligibility for transition year child care assistance must be treated as a redetermination rather than a new application.

Subp. 3. **Loss of transition year child care eligibility.** A family in which all caregivers have been disqualified from receiving MFIP or DWP due to fraud is not eligible for transition year child care assistance.

Subp. 4. **Reestablishment of MFIP or DWP eligibility during transition year period.** If a transition year family reopens its MFIP or DWP case during the transition year period and subsequently meets the conditions in subpart 2, the family qualifies for a new 12-month transition year period. If the family received MFIP or DWP for only one or two of the previous six months, but meets the requirements in subpart 2, items A, C, and D, the family is eligible for the remaining months of the transition year, treating the month or months on MFIP or DWP as a suspension of the child care benefit but not the transition year period. To receive child care assistance while receiving MFIP or DWP, the family must meet the MFIP child care requirements under part 3400.0080.

[For text of subs 5 and 6, see M.R.]

Subp. 7. [See repealer.]

[For text of subs 8 and 9, see M.R.]

## 3400.0100 FAMILY COPAYMENT FEE SCHEDULE.

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

Subp. 2a. **Copayment fees to be prorated during start-up month service period.** Counties must prorate all copayment fees during the month service period when the family first receives service based on the number of calendar days remaining in the month service period.

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

Subp. 5. **Publication of state median income and fee schedule in State Register.** The department shall publish annually in the *State Register* the state median income for a family of four ~~three~~, adjusted for family size, and a fee schedule ~~based on the formula in subpart 4~~. This information must be published after the date the state median income is published in the *Federal Register* by the United States Department of Health and Human Services. The department shall also distribute a copy of the fee schedule and the updated estimate of state median income to each county ~~after the information is published in the Federal Register~~. ~~Counties shall begin applying~~ The updated fee schedule ~~yearly shall take effect~~ on July 1 or on the first day of the first full quarter following publication of the state median income in the *State Register* if publication occurs after July 1.

## 3400.0110 CHILD CARE ASSISTANCE PAYMENTS.

Subpart 1. **Payment options.** Counties must monitor child care payments to ensure that the funds are used for child care. ~~Counties must make payments only for child care costs that are not being paid by any funding source other than the family. Counties may make child care payments either by:~~

A. ~~paying the provider directly or paying the family when services have already been provided; or~~

B. ~~making advance payments directly to the provider or, if the family is responsible for paying the provider, to the family when a provider requires payment in advance for all families served.~~

[For text of subp 1a, see M.R.]

Subp. 2. **Registration Authorization before payment of legal nonlicensed providers.** ~~A legal nonlicensed provider must be registered with the county as provided in part 3400.0120, subpart 2, before the county pays a parent or the provider from the child care fund.~~ After a legal nonlicensed provider registers with is authorized by the county, the county must pay the provider or parent retroactive to the date in item A, B, or C that occurred most recently:

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

Subp. 2a. **Provisional payment for legal nonlicensed providers.**

A. ~~When a county's child care fund plan requires an investigation under part 3400.0120, subpart 1b, item B, to be conducted on legal nonlicensed providers, the county may issue provisional authorization and payment after the provider has met the registration requirements in part 3400.0120, subpart 2. Continuing authorization and payment is contingent on the provider receiving final county approval after the results of the investigation have been reviewed by the county. If the When a legal nonlicensed provider who has been provisionally authorized under Minnesota Statutes, section 119B.125, subdivision 5, does not receive final authorization by the county approval after county review of the results of the investigation, the provisional authorization and payment must be terminated following notice to the provider as required under part 3400.0185 and *Minnesota Statutes*, section 119B.13, subdivision 5. The county must notify the family using the ineligible provider that the family must choose a new provider to continue receiving child care assistance. A provider's failure to receive final county approval after county review of the results of an investigation authorization does not cause payments made during the provisional authorization period to be overpayments.~~

B. If a family appeals the adverse determination of provider eligibility and, while the appeal is pending, continues to use the provider who failed to receive final ~~county approval~~ authorization, payments made after the notice period are subject to recovery as overpayments.

Subp. 3. **County authorization of child care.** ~~If a provider charges on a half-day, full-day, or weekly basis, a county must authorize~~

child care using the same basis on which the provider charges. If a provider does not charge on a half-day, full-day, or weekly basis, a county still may authorize child care on a half-day, full-day, or weekly basis if the activities authorized for the family justify payment for the block of time. Combinations of hourly, half-day, or full-day child care may be paid when more than ten hours of child care are authorized in a 24-hour period. Within the limits set by this chapter and *Minnesota Statutes*, chapter 119B, the amount of child care authorized must reflect the child care needs of the family and minimize out-of-pocket child care costs to the family. The amount of child care authorized must be based on the parents' schedule of participation in authorized activities, the child's school schedule, the provider's availability, and any other factors that would affect the amount of care that the child needs. The county must pay the provider's full charge up to the applicable maximum rate for all hours of child care authorized and scheduled for the family. When more than 50 hours of child care assistance for one child are authorized with one provider in a week, the county may reimburse the provider in an amount that exceeds the county applicable maximum weekly rate, if the provider charges the same amount for more than 50 hours of care for a family not receiving child care assistance. A county must not authorize or pay for more than 120 hours of child care assistance per child every two weeks. To convert child care authorized paid on a half-day, full-day, or weekly basis into hours to determine if payment exceeds 120 hours of child care assistance, counties must follow the standards in items A to C and B.

A. A half-day is equal to five hours of child care.

B. A full-day is equal to ten hours of child care.

C. A week is equal to 50 hours of child care.

Subp. 4. [See repealer.]

[For text of subs 4a to 6, see M.R.]

Subp. 7. **County payment policies and schedule.** A county's payment policies must be included in the county's child care fund plan. A county may not require parents to pay providers in advance of receiving payments from the child care fund as a condition for receiving payments from the child care fund. The county shall make payments at least monthly. If a provider sends the county an invoice according to the provisions of *Minnesota Statutes*, section 119B.13, subdivision 6, the county must make payments within 30 days of receiving the invoice. Counties must mail or give Providers must be sent the forms necessary to bill for payment on or before the beginning of the billing cycle if the county has received the information necessary for child care to be authorized before this date. If a county requires invoices to be submitted within a specified time period from the date of service on the invoice, the county must give written notice of this time period to participants and providers.

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

Subp. 9. **Payment during child absences and holidays.**

A. If a provider does not charge all families for days on which a child is absent from care, the child care assistance program must not pay that provider for days on which a child is absent from care.

B. If a provider charges all families for days on which a child is absent from care, the child care assistance program must pay that provider for child absent days according to the statewide absent day policy. To establish the statewide absent day policy, the commissioner must ask providers about their absent day policies in the rate survey required under part 3400.0130, subpart 1. The statewide absent day policy must reflect the absent day policies used by a majority of providers statewide *Minnesota Statutes*, section 119B.13, subdivision 7.

C. A county may pay for more absent days than the statewide absent day policy established under this subpart requires if current market practice in the county justifies payment for those additional days. County policies for payment of absent days in excess of the statewide absent day policy and justification for these county policies must be included in the county's child care fund plan under part 3400.0150.

D. Provider charges for absent days in excess of the amount established by the commissioner, or by the county if the county's absent day policy exceeds the policy established by the commissioner, *Minnesota Statutes*, section 119B.13, subdivision 7, are the responsibility of the family receiving child care assistance.

D. A provider must be paid for holiday days according to *Minnesota Statutes*, section 119B.13, subdivision 7, paragraph (b). State or federal holidays are determined according to *Minnesota Statutes*, section 645.44, subdivision 5. A provider can be paid for a holiday day only if the provider meets the requirements in *Minnesota Statutes*, section 119B.13, subdivision 7, paragraph (b), the provider does not provide care on the holiday, and it is in the provider's policies to charge all families for the holiday. If care is available on the holiday, but the child is absent on that day, the day is an absent day. If a provider is closed on a cultural or religious holiday not identified in *Minnesota Statutes*, section 645.44, subdivision 5, a parent may substitute that holiday for one of the ten state and federal holidays identified in *Minnesota Statutes*, section 645.44, subdivision 5, if the parent gives notice of the substitution to the county before the holiday occurs or within ten days after the holiday.

E. The absent day provisions in this subpart and in *Minnesota Statutes*, section 119B.13, subdivision 7, including the limits on paid absent days and holidays, apply to child care assistance payments for child care provided during notice periods.

[For text of subp 10, see M.R.]

Subp. 11. **Payment during notice periods.** Child care assistance payments for child care provided during notice periods are subject

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to all payment rules and limits identified under this part.

## 3400.0120 ELIGIBLE PROVIDERS AND PROVIDER REQUIREMENTS.

Subpart 1. **Eligible providers.** Providers who meet the definition of provider in *Minnesota Statutes*, section 119B.011, subdivision 19, are eligible for payment from the child care fund. Within the limitations specified in *Minnesota Statutes*, ~~section sections~~ 119B.09, subdivision 5, and 119B.25, parents may choose child care providers that best meet the needs of their family. Parents may choose more than one provider. A county may not deny a parent eligible for child care assistance the use of a provider holding a valid child care license.

[For text of subp 1a, see M.R.]

Subp. 1b. [See repealer.]

### Subp. 2. **Registration Authorization of legal nonlicensed providers.**

A. A legal nonlicensed provider must be ~~registered with~~ authorized by the county before the provider or parent may receive a payment under the child care fund. To be ~~registered with~~ authorized by the county, a provider must provide the county with the following information:

- (1) the provider's name, age, and address;
- (2) the provider acknowledgment required by subpart 1a;
- (3) an assurance that the provider is eligible to provide unlicensed care under *Minnesota Statutes*, section 245A.03, subdivision ~~2b 2~~, paragraph (a); ~~and~~
- (4) a release to permit information on substantiated parental complaints concerning the health and safety of children in the provider's care to be disclosed to the public according to *Minnesota Statutes*, chapter 13-;
- (5) an assurance that the provider is in compliance with state and local health ordinances and building and fire codes applicable to the premises where child care is provided; and
- (6) an acknowledgment that the parent and the legal nonlicensed provider have reviewed the health and safety information provided by the county.

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

~~D. A registered legal nonlicensed provider who has not provided care to children receiving assistance from the child care fund for over two years must reregister under this subpart before receiving payment under the child care fund.~~

Subp. 2a. **Release for in-home providers.** To be authorized, an in-home provider must sign a release allowing the parent employing that provider to see information on the remittance advice about the amount of any funds being withheld from the payment for the provider and the reason for those withholdings.

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

Subp. 5. **Notice to county required when care has terminated.** When a provider knows that a family has ended care with the provider, the provider must notify the county that care has been terminated. When a provider believes that a family will be ending care with the provider, the provider must immediately notify the county of the date on which the provider believes the family will end care. A provider must also notify the county if a child or children have been absent for more than seven consecutive scheduled days.

## 3400.0130 CHILD CARE PROVIDER RATE DETERMINATION RATES.

Subpart 1. **Rate determination.** ~~Not less than once every two years, the commissioner shall determine the 75th percentile provider rate for infants, toddlers, preschool children, and school age children in child care centers and family child care homes in each county. The rates surveyed~~ The commissioner shall determine the applicable maximum rate as described in *Minnesota Statutes*, section 119B.13. Any rate survey conducted by the commissioner shall include a survey of registration fees when it is usual and customary for a category of provider to charge registration fees. The rates surveyed shall include a survey of mandatory activity fees. When the number of providers in a county or in a provider category is too small to determine the 75th percentile provider rate, the commissioner may establish child care provider rates based on like care arrangements in similar areas or categories.

Subp. 1a. **Maximum county child care assistance rate.** Except as provided in this part, the maximum rate that a county may pay for child care assistance is the provider's rate or the ~~75th percentile~~ applicable maximum ~~county~~ rate determined by the commissioner under ~~subpart 1~~ *Minnesota Statutes*, section 119B.13, whichever is less. Except as provided in this part, if the provider's rate is more than the applicable maximum ~~county~~ rate, the county may not pay more than the difference between the applicable maximum ~~county~~ rate and the family's copayment fee.

Subp. 2. **Rate determination for registered legal nonlicensed providers license-exempt centers.** Rates paid to legal nonlicensed family child care providers must be 90 percent of the county maximum rate for licensed family child care ~~or the provider rate, whichever is less.~~ Rates paid to ~~all other~~ license-exempt facilities centers as defined in *Minnesota Statutes*, section 245A.03, subdivision 2, must be the ~~county~~ applicable maximum rate for licensed child care centers or the provider rate, whichever is less.

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

Subp. 3a. **Rate determination; children with special needs due to disability.** When a parent or a provider asks the county for a

special needs rate for an individual child with disabilities that exceeds the ~~county applicable~~ maximum rate, the county must use the following process to determine whether a special needs rate is necessary and, if so, to establish the requested special needs rate. The county must:

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

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

Subp. 5. **Child care rate.** Child care payments shall be based on the ~~allowable applicable maximum~~ rates in the county where care is provided when the care is provided in Minnesota. When child care is provided outside the state of Minnesota, the maximum rate must be based on the ~~allowable applicable maximum~~ rate in the participant's county of residence. If a child remains in an age-based child care setting beyond the age at which the licensing laws would allow that child to move to a different age-based child care setting and (1) the child's age is within the range allowed by the licensing laws for that age-based child care setting, or (2) the child is in that age-based child care setting due to a licensing variance, the maximum rate paid for that child's care must be the rate for the age-based child care setting in which the child is located. A child is considered to be in the school-age rate category on the September 1 following the child's fifth birthday unless the parent informs the county that the child will not be starting school. All changes to provider rates shall be implemented on the Monday following the effective date of the rate change.

Subp. 5a. **Rates for in-home care.** When care is provided in the child's home, the applicable maximum rate must be based on the allowable rate for legal nonlicensed family child care.

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

## 3400.0140 COUNTY RESPONSIBILITIES.

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

Subp. 4. **Determination of providers eligible for payments.** The county's process for approving providers eligible for payments under the child care fund may not exceed 30 calendar days, or 45 calendar days with the approval of the applicant, from the date the child care application is approved, the date the child care provider is selected by the applicant, or, ~~in counties that require investigations under part 3400.0120, subpart 1b, item B;~~ the date the county received the results of the background investigation required by Minnesota Statutes, section 119B.125, subdivision 2, whichever is later. Reimbursement for child care expenses must be made according to the date of eligibility established in part 3400.0040, subpart 6c. If the county determines that a provider chosen by an applicant is not eligible to receive child care payments under the child care fund, the applicant may appeal the county's determination under part 3400.0230.

Subp. 5. **Registration of Additional information for legal nonlicensed providers.** ~~Before the county issues payment for child care provided by a legal nonlicensed provider, the provider must be registered with the county as provided in part 3400.0120, subpart 2.~~ The county shall provide each registered authorized legal nonlicensed family child care provider health and safety material supplied by the department and shall refer the ~~registered~~ provider to the child care resources and referral agency. The county must tell the ~~registered~~ provider that the county is required to keep a record of substantiated parental complaints concerning the health and safety of children in the care of legal nonlicensed providers and that, upon request, information governing substantiated complaints shall be released to the public as authorized under Minnesota Statutes, chapter 13.

Subp. 5a. [See repealer.]

Subp. 6. **Duties upon receipt of ~~parental~~ complaints against legal nonlicensed providers.** Within 24 hours of receiving a ~~parental~~ complaint concerning the health or safety of children under the care of a legal nonlicensed provider, a county must relay the complaint to:

A. the county's child protection agency if the ~~parental~~ complaint alleges child maltreatment as defined in *Minnesota Statutes*, section 626.556, subdivision 10e;

B. the county's public health agency if the ~~parental~~ complaint alleges a danger to public health due to communicable disease, unsafe water supply, sewage or waste disposal, or building structures;

C. local law enforcement if the ~~parental~~ complaint alleges criminal activity that may endanger the health or safety of children under care; or

D. other agencies with jurisdiction to investigate complaints relating to the health and safety of a child.

If a complaint is substantiated under item A, the county must keep a record of the substantiated complaint as provided in *Minnesota Statutes*, section 626.556. If a complaint is substantiated under items B to D, the county must keep a record of the substantiated complaint for three years. Upon request, information governing substantiated complaints shall be released to the public as authorized under *Minnesota Statutes*, chapter 13. Upon receiving notice of a substantiated complaint under items A to D, the county shall not make subsequent payments to that provider from the child care fund for child care services provided by that provider unless the conditions underlying the substantiated complaint have been corrected.

Subp. 7. **County contracts and designation of administering agency.** Counties may contract for the administration of all or part of the child care fund. The county shall designate the agency authorized to administer the child care fund in the county's child care fund plan. The county must describe in its child care fund plan how it will oversee the contractor's performance.

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[For text of subps 8 to 18, see M.R.]

Subp. 19. [See repealer.]

[For text of subp 20, see M.R.]

## 3400.0170 DETERMINATION OF INCOME ELIGIBILITY FOR CHILD CARE ASSISTANCE.

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

Subp. 4. **Determination of annual gross income.** The income standard for determining eligibility for child care assistance is annual gross income. Annual gross income is the sum of gross earned income, self-employment income, unearned income, and lump sum payments, which must be treated according to subpart 13. Negative self-employment income must be included in the determination of annual gross income, resulting in a reduction in total annual gross income. Gross Earned income, self-employment income, unearned income, and lump sum payments must be calculated separately.

Subp. 5. **Gross Earned income of wage and salary employees.** Gross Earned income means earned income from employment before mandatory and voluntary payroll deductions. Gross Earned income includes, but is not limited to, salaries, wages, tips, gratuities, commissions, incentive payments from work or training programs, payments made by an employer for regularly accrued vacation or sick leave, payment for jury duty, and profits from other activity earned by an individual's effort or labor. Gross Earned income includes uniform, mileage, and meal allowances if federal income tax is deducted from the allowance. Gross Earned income includes flexible work benefits received from an employer if the employee has the option of receiving the benefit or benefits in cash. Gross Earned income received by persons employed on a contractual basis must be prorated over the period covered by the contract even when payments are received over a lesser period of time. When housing is provided as part of the total work compensation, the fair market value of such housing shall be considered as if it were paid in cash.

Subp. 6. **Excluded income.** The administering agency shall exclude items A to H from annual gross income:

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

Subp. 6a. **Deductions from income.** The following items must be deducted from annual gross income:

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

Subp. 7. **Earned income from self-employment.** In determining annual gross income for purposes of eligibility under this part, the administering agency shall determine earned income from self-employment. Earned income from self-employment is the difference between gross receipts and authorized self-employment expenses which may not include expenses under subpart 8. Self-employment business records must be kept separate from the family's personal records. If the person's business is a partnership or a corporation and that person is drawing a salary, the salary shall be treated as gross earned income under subpart 5.

Subp. 8. **Self-employment deductions which are not allowed.** In determining eligibility under this part, self-employment expenses must be subtracted from gross receipts. For purposes of this subpart, the document in items I to K is incorporated by reference. It is available through the Minitex interlibrary loan system. It is subject to frequent change. If the document in items I to K is amended, and if the amendments are incorporated by reference or otherwise made a part of state or federal law applicable to self-employment deductions, then the amendments to the document are also incorporated by reference into this subpart. However, the expenses listed in items A to P shall not be subtracted from gross receipts:

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

I. monthly expenses for each roomer greater than the flat rate deduction listed in the current Combined Program Manual issued by the Department of Human Services, 2000;

J. monthly expenses for each boarder greater than the flat rate deduction listed in the current Combined Program Manual issued by the Department of Human Services, 2000;

K. monthly expenses for each roomer-boarder greater than the flat rate deduction listed in the current Combined Program Manual issued by the Department of Human Services, 2000;

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

[For text of subps 9 to 11, see M.R.]

Subp. 12. **Determination of unearned income.** Unearned income includes, but is not limited to, the cash portion of MFIP or DWP; adoption assistance received under Minnesota Statutes, section 259.67; relative custody assistance received under Minnesota Statutes, section 257.85; interest; dividends; unemployment compensation; disability insurance payments; veteran benefits; pension payments; child support and spousal support received or anticipated to be received by a family including child support and maintenance distributed to the family under Minnesota Statutes, section 256.741, subdivision 15; insurance payments or settlements; retirement; survivor's and disability insurance (RSDI) payment; and severance payments. Expenditures necessary to secure payment of unearned income are deducted from unearned income. Payments for illness or disability, except for those payments described as earned income in subpart 5, are considered unearned income whether the premium payments are made wholly or in part by an employer or by a recipient.

Subp. 13. **Treatment of lump sum payments.** Lump sum payments received by a family must be considered earned income under subparts 7 to 11 or unearned income according to subpart 12. Nonrecurring lump sums that are earmarked and used for the purpose for

which they are paid are not to be included in the determination of income. All other lump sums are to be annualized over 12 months. The sale of property including, but not limited to, a residence is not considered income up to the amount of the original purchase price plus improvements.

### **3400.0180 REDETERMINATION OF ELIGIBILITY.**

A. The county must redetermine each participating family's eligibility at least every six months. The county must redetermine the eligibility of families in the start-up phase of self-employment without an approved employment plan more frequently than once every six months if existing documentation is insufficient to accurately predict self-employment income. ~~The county must also redetermine eligibility immediately when a family reports the information required by part 3400.0040, subpart 4. If a family reports a change in an eligibility factor before the family's next regularly scheduled redetermination, the county must recalculate eligibility without requiring verification of any eligibility factor that did not change.~~

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

C. If redetermination establishes that a family is ineligible for further child care assistance, the county shall terminate the child care assistance as provided in part 3400.0185. If redetermination establishes the need for a change in the family's copayment, revisions shall be calculated according to part 3400.0100. When a change in income affects the amount of a participant's copayment, the new copayment amount is effective on the first day of the first month service period following the 15-day notice period.

D. If a family timely reports the information required by part 3400.0040, subpart 4, and redetermination establishes a need for a change in the amount of the family's child care assistance, the amount of child care assistance paid to the family between the date the change was reported and the effective first date of that the new child care assistance payment would be effective if the county properly implemented the change does not constitute an overpayment.

### **3400.0183 TERMINATION OF CHILD CARE ASSISTANCE.**

#### **Subpart 1. Conditions under which termination of child care assistance is allowed.**

A. A county may terminate child care assistance for families already receiving assistance when the county receives: (1) a revised allocation from the child care fund that is smaller than the allocation stated in the notice sent to the county under part 3400.0030; and (2) such short notice of a change in its allocation that the county could not have absorbed the difference in the allocation. The county must consult with and obtain approval from the commissioner before terminating assistance under this subpart.

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

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

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Subp. 5. **Effective date of disqualification period.** ~~During the disqualification period, disqualification from any child care program must extend to all child care programs and must be immediately applied. The effective date of the a disqualification period is the later of:~~  
[For text of items A and B, see M.R.]

### **3400.0185 NOTICE REQUIREMENTS FOR TERMINATION AND ADVERSE ACTIONS.**

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

#### **Subp. 2. Notice of termination of child care assistance to providers.**

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

B. ~~Except for cases involving alleged child abuse by a provider or a complaint that the health and safety of a child in care is in imminent danger, the notice must be mailed to the provider at least 15 calendar days before terminating benefits to the family. When a family stops using a provider but continues to receive assistance, the county must send the provider a notice containing the following information:~~

- ~~(1) the family's name;~~
- ~~(2) that the family has decided to stop using that provider;~~
- ~~(3) the effective date that child care assistance payments will end; and~~
- ~~(4) that child care payments will no longer be effective on the date of termination.~~

C. ~~In cases involving alleged child abuse by a provider or a complaint that the health and safety of a child in care is in imminent danger, the county must send a notice of termination to the provider that is effective immediately. This item applies to participants using a provider licensed by the state of Minnesota. Except in cases where the provider's license has been temporarily immediately suspended under *Minnesota Statutes*, section 245A.07, the county must mail the notice to the participant at least 15 calendar days before termination payment to the provider. When the provider's license has been temporarily immediately suspended under *Minnesota Statutes*, section 245A.07, the county must send a notice of termination to the provider that is effective on the date of the temporary immediate suspension.~~

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D. This item applies to participants using a legal nonlicensed provider, license exempt center, or provider licensed by an entity other than the state of Minnesota. Except in cases where there is an imminent risk of harm to the health, safety, or rights of a child in care, the county must mail the notice to the provider at least 15 calendar days before terminating payment to the provider. In cases where there is an imminent risk of harm to the health, safety, or rights of a child in care, the county must send a notice of termination that is effective on the date of the notice. Whether there is an imminent risk of harm is determined by the county that authorized the provider for the family.

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

Subp. 4. **Notice to providers of adverse actions adverse to families.** The county must give a provider written notice of the following adverse actions adverse to families: a reduction in the hours of authorized care; and an increase in the family's copayment; and an adverse determination of provider eligibility. The notice must include only the following information:

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

Subp. 5. **Notice to providers of actions adverse to the provider.** The county must give a provider written notice of the following actions adverse to the provider: a denial of authorization, a termination of authorization, a reduction in the number of hours of care with that provider, and a determination that the provider has an overpayment. The notice must include the following information:

A. a description of the adverse action;

B. the effective date of the adverse action; and

C. a statement that unless a family appeals the adverse action before the effective date or the provider appeals the overpayment determination, the adverse action will occur on the effective date. The notice must be mailed to the provider at least 15 calendar days before the effective date of the adverse action.

## 3400.0187 RECOUPMENT AND RECOVERY OF OVERPAYMENTS.

Subpart 1. **State recovery of overpayments.** The commissioner must recover from counties any state or federal money that was spent for persons found to be ineligible for child care assistance, except as provided in *Minnesota Statutes*, section 119B.11, subdivision 3. ~~The county's inability to recover an advance payment made to a provider or a family does not affect the commissioner's right to recover the advance payment from the county under *Minnesota Statutes*, section 119B.11, subdivision 3.~~

Subp. 1a. [See repealer.]

Subp. 2. **Notice of overpayment.** The county must notify the family person or persons assigned responsibility for the overpayment of the overpayment in writing. A notice of overpayment must specify the reason for the overpayment, the time period in which the overpayment occurred, the amount of the overpayment, and the family's right to appeal the county's overpayment determination.

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

Subp. 4. **Recoupment of overpayments from participants.** If the redetermination of eligibility indicates the family remains eligible for child care assistance, the county must recoup the overpayment by reducing the amount of assistance paid to or on behalf of the family for every service period at the rates in item A, B, C, or D until the overpayment debt is retired.

A. When a family has an overpayment due to agency or provider error, the ~~monthly~~ recoupment amount is one-fourth the family's copayment or ~~\$20~~ \$10, whichever is greater.

B. When the family has an overpayment due to the family's first failure to report changes as required by part 3400.0040, subpart 4, the ~~monthly~~ recoupment amount is one-half the family's copayment or ~~\$20~~ \$10, whichever is greater.

C. When a family has an overpayment due to the family's failure to provide accurate information at the time of application or redetermination or the family's second or subsequent failure to report changes as required by part 3400.0040, subpart 4, the ~~monthly~~ recoupment amount is one-half the family's copayment or ~~\$100~~ \$50, whichever is greater.

D. When a family has an overpayment due to a violation of *Minnesota Statutes*, section 256.98, subdivision 1, as established by a court conviction, a court-ordered stay of conviction with probationary or other terms, a disqualification agreement, a pretrial diversion, or an administrative disqualification hearing or waiver, the ~~monthly~~ recoupment amount equals the greater of:

- (1) the family's copayment;
- (2) ten percent of the overpayment; or
- (3) ~~\$200~~ \$100.

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

E. If a family has more than one overpayment, the overpayments must not be consolidated into one overpayment. Instead, each overpayment must be recouped according to the schedule specified in this subpart from the child care benefit paid for the service period. If the amount to be recouped in a service period exceeds the child care benefit paid for that service period, the amount recouped must be applied to overpayments in the following order:

(1) payment must first be applied to the oldest overpayment being recouped under item D and then to any other overpayments to be recouped under this item according to the age of the claim;

(2) payment then must be applied to the oldest overpayment being recouped under item C and then to any other overpayments to be recouped under this item according to the age of the claim;

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# Proposed Rules

(3) payment then must be applied to the oldest overpayment being recouped under item B and then to any other overpayments to be recouped under this item according to the age of the claim; and

(4) payment then must be applied to the oldest overpayment being recouped under item A and then to any other overpayments to be recouped under this item according to the age of the claim.

Subp. 5. [See repealer.]

**Subp. 6. Recoupment of overpayments from providers.** If the provider continues to receive child care assistance payments, the county must recoup the overpayment by reducing the amount of assistance paid to the provider for every payment at the rates in item A, B, or C until the overpayment debt is retired.

A. When a provider has an overpayment due to agency or family error, the recoupment amount is one-tenth the provider's payment or \$20, whichever is greater.

B. When a provider has an overpayment due to the provider's failure to provide accurate information, the recoupment amount is one-fourth the provider's payment or \$50, whichever is greater.

C. When a provider has an overpayment due to a violation of *Minnesota Statutes*, section 256.98, subdivision 1, as established by a court conviction, a court-ordered stay of conviction with probationary or other terms, a disqualification agreement, a pretrial diversion, or an administrative disqualification hearing or waiver, the recoupment amount equals the greater of:

- (1) one-half the provider's payment;
- (2) ten percent of the overpayment; or
- (3) \$100.

D. This item applies to providers who have been disqualified from or are no longer able to be authorized by the child care assistance program and who have outstanding overpayments. If a provider returns to the child care assistance program as a provider or a participant, the county must begin recouping the provider's outstanding overpayment using the recoupment schedule in items A to D unless another repayment schedule has been specified in a court order.

E. If a provider has more than one overpayment, the overpayments must not be consolidated into one overpayment. Instead, each overpayment must be recouped according to the schedule specified in this subpart from the payment made to the provider for the service period. If the amount to be recouped in a service period exceeds the payment to the provider for that service period, the amount recouped must be applied to overpayments in the following order:

(1) payment must first be applied to the oldest overpayment being recouped under item C and then to any other overpayments to be recouped under this item according to the age of the claim;

(2) payment then must be applied to the oldest overpayment being recouped under item B and then to any other overpayments to be recouped under this item according to the age of the claim; and

(3) payment then must be applied to the oldest overpayment being recouped under item A and then to any other overpayments to be recouped under this item according to the age of the claim.

## **3400.0200 PAYMENTS TO COUNTIES OF ADMINISTRATIVE FUNDS.**

The commissioner shall make administrative funds payments to the counties ~~at least once per quarter on a monthly basis~~. The commissioner may certify an advance to the counties for the first quarter of the fiscal year or the first quarter of the allocation period. Subsequent payments made to the counties for administrative expenses shall be based on actual expenditures as reported by the counties in the financial and program activity report required under part 3400.0140, subpart 14.

## **3400.0230 RIGHT TO FAIR HEARING.**

Subpart 1. [See repealer.]

Subp. 2. [See repealer.]

Subp. 3. **Child care payments when fair hearing is requested.**

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

B. If the commissioner finds on appeal that child care assistance should have been terminated or the amount of benefits reduced, the county must send a notice of termination or reduction in benefits effective immediately the date of the notice to the family and the child care provider.

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

## **3400.0235 AT-HOME INFANT CHILD CARE PROGRAM.**

Subpart 1. **Purpose and applicability.** This part governs the administration of the at-home infant child care program. ~~A family in which a parent provides care for the family's infant child may receive a subsidy under this program in lieu of child care assistance if the family is eligible for, or is receiving assistance under, the basic sliding fee program governed by this chapter.~~ All provisions in parts 3400.0010 to 3400.0230 apply to the at-home infant child care program unless otherwise specified in this part or in *Minnesota Statutes*, section

# Proposed Rules

~~119B.061~~ 119B.035.

Subp. 2. **Administration of at-home infant child care program.** ~~The commissioner shall establish a funding pool of up to seven percent of the annual appropriation for the basic sliding fee program to provide assistance under the at-home infant child care program. Within the limits of available funding and subject to federal match and maintenance of effort requirements for the child care and development fund in *United States Code*, title 42, sections 9858 to 9858g, the commissioner shall make payments to counties for expenditures under the at-home infant child care program. Participation in the statewide pool shall be determined based on the order in which requests are received from counties. Following the birth or arrival of an infant, counties shall submit family requests for participation in the at-home infant child care program on forms provided by the commissioner. The commissioner shall respond within seven days to county inquiries about the availability of funds. The commissioner shall monitor the use of the pool and if the available funding is obligated, the commissioner shall create a waiting list of at-home infant child care referrals from the counties. As funds become available to the pool, the commissioner shall notify counties in which eligible families on the waiting list reside.~~

Subp. 3. **General eligibility requirements.** Items A to E govern eligibility for the at-home infant child care program.

~~A. Eligible families must meet the requirements of *Minnesota Statutes*, section 119B.061, subdivision 2. For purposes of this part, “other cash assistance” under *Minnesota Statutes*, section 119B.061, subdivision 2, means other public cash assistance and includes the work first program under *Minnesota Statutes*, chapter 256K. “Other child care assistance” under *Minnesota Statutes*, section 119B.061, subdivision 2, means MFIP child care assistance, transition year child care assistance, subsidized adoption payments designated to cover child care costs associated with participating in job search, employment, or education, and the postsecondary child care grant program administered by the Minnesota Office of Higher Education under *Minnesota Statutes*, section 136A.125.~~

~~B. A. A family is eligible to receive assistance under the at-home infant child care program if one parent provides full-time care for the infant. The eligible parent must meet the requirements of *Minnesota Statutes*, section ~~119B.061~~ 119B.035, subdivision 3. The requirements of caring for the infant full-time may be met by one or both parents. For purposes of this part, eligible parents include birth parents, adoptive parents, and stepparents. Nonfamily members may provide regular care for the child but are limited to a maximum of ten hours of care per week.~~

~~C. B. A family may apply for the at-home infant child care program before the child is born or anytime during the infant’s first year. The family must apply before the end of the infant’s first year to receive an at-home infant child care subsidy. Following the birth of a child, a family is eligible to receive a subsidy under the at-home infant child care program according to the date of eligibility in *Minnesota Statutes*, section 119B.09, subdivision 7, and when funding is available. A family shall only receive subsidy payments through the infant’s twelfth month. “Infant” means a child from birth through 12 months of age and includes adopted infants.~~

~~D. C. A family is limited to a lifetime total of 12 months of at-home infant child care assistance. At the time of application to the program, the parent or parents must declare whether they have previously participated in the at-home infant child care program or used all of the MFIP one-year infant exemption under *Minnesota Statutes*, chapter 256J. If the parent or parents declare that they have participated in the at-home infant child care program, the commissioner shall, at the request of the county, inform the county of the remaining months of eligibility for the at-home infant child care program.~~

~~E. D. At the time of application to the at-home infant child care program, the family must meet the eligibility requirements in *Minnesota Statutes*, section ~~119B.061~~ 119B.035, subdivision 2, and be income-eligible based on these activities. At the time of application to the at-home infant child care program, a family who is not currently participating in the basic sliding fee program must provide verification of participation in an authorized activity within the nine months before the birth or expected arrival of the child.~~

~~F. E. During the period a family receives a subsidy under the at-home infant child care program, the family is not eligible to receive basic sliding fee child care assistance for the infant or any other child in the family.~~

Subp. 4. **Continued eligibility under basic sliding fee program.** If families exiting the at-home infant child care program request continued child care assistance and meet all eligibility factors for the basic sliding fee program, the provisions in *Minnesota Statutes*, section ~~119B.061~~ 119B.035, subdivision 4, paragraph (c), apply.

Subp. 5. **Assistance payments.** Items A to C govern assistance payments under the at-home infant child care program.

A. The number of months of at-home infant child care participation used shall be credited to the eligible ~~parent~~ parents. If the ~~an~~ eligible parent later forms a new family, the number of months of at-home infant child care subsidy received shall be subtracted from the maximum assistance available under this part.

~~B. The maximum subsidy must be at 75 percent of the rate established under *Minnesota Statutes*, section 119B.13, for full-time care of infants in licensed family child care in the applicant’s county of residence. There is no additional subsidy for infants with special needs or for multiple births. The maximum subsidy for full-time care shall be converted to a monthly amount. From that monthly amount, The county must subtract the family’s monthly copayment required by ~~part 3400.0100~~ *Minnesota Statutes*, section 119B.12, to determine the final at-home infant child care ~~monthly~~ subsidy for the family.~~

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

D. For purposes of counting the number of months that a family has participated in the at-home infant child care program, any portion of a month in which a family receives a subsidy under the at-home infant child care program is considered a full month of

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## Proposed Rules

participation in the at-home infant child care program.

For purposes of calculating the at-home infant child care program copayment and subsidy in the first month service period, the county shall use the method described in part 3400.0100. In addition, the county shall prorate the subsidy received in the first and last month service period of participation according to subitems (1) to (4).

(1) If the family participates in the at-home infant child care program during the month service period in which the infant is born or arrives in the home, the subsidy must be prorated to cover the number of calendar days from the date of birth or arrival until the end of the month service period.

(2) If the family participates in the at-home infant child care program during the month service period of the infant's first birthday, the subsidy must be prorated to cover the number of calendar days from the beginning of the month service period to the date of the infant's first birthday.

(3) If the eligible parent leaves employment or another authorized activity in order to participate in the at-home infant child care program, the subsidy must be prorated to cover the number of calendar days from the date the eligible parent leaves the authorized activity to the end of the month service period.

(4) If the eligible parent returns to an authorized activity and will no longer be participating in the at-home infant child care program, the subsidy must be prorated to cover the number of calendar days from the beginning of the month service period to the date the parent returns to the authorized activity. If all other eligibility conditions are met, the family shall be eligible to receive basic sliding fee child care assistance beginning on the day the eligible parent returns to the authorized activity.

Subp. 6. **County responsibilities.** Items A to C govern county responsibilities for the program.

A. In addition to duties required under parts 3400.0140 and 3400.0160, counties shall perform the following functions to administer the at-home infant child care program:

[For text of subitems (1) to (5), see M.R.]

~~(6) issue payments under the at-home infant child care program; and~~

~~(7)(6) notify the commissioner when a family's participation in the at-home infant child care program ends.~~

B. During program participation, the county shall apply billing procedures established under *Minnesota Statutes*, chapter 119B, to issue the monthly at-home infant child care subsidy to families.

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

Subp. 7. [See repealer.]

**REPEALER.** *Minnesota Rules*, parts 3400.0020, subpart 32a; 3400.0080, subpart 1; 3400.0090, subpart 7; 3400.0110, subpart 4; 3400.0120, subpart 1b; 3400.0140, subparts 5a and 19; 3400.0183, subparts 3 and 4; 3400.0187, subparts 1a and 5; 3400.0210; 3400.0230, subparts 1 and 2; and 3400.0235, subpart 7, are repealed.

# Exempt Rules

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

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

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

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only. The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

**KEY: Proposed Rules** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

## Department of Labor and Industry Occupational Safety and Health Division Proposed Exempt Rules Relating to Adoption of Federal OSHA Standard

**NOTICE IS HEREBY GIVEN** that the Department of Labor and Industry, Occupational Safety and Health Division (Minnesota OSHA) proposes to adopt the following revisions to the Department of Labor and Industry, Occupational Safety and Health Rules, as authorized under *Minnesota Statutes* §182.655. This notice proposes the adoption by reference of amendments to Occupational Safety and Health Standards that have already been proposed and adopted by the Federal Occupational Safety and Health Administration (Federal OSHA).

All interested or affected persons have 30 days from the date this notice is published in the *State Register* to submit, in writing, data and views on the proposed amendments to the rule. Comments in support of or in opposition to the proposed amendments are encouraged. Each comment should identify the portion of the proposed amendment addressed, the reason for the comment, and any proposed change. Any person may file with the Commissioner written objections to the proposed amendments stating the grounds for those objections and may request a public hearing. A public hearing will be held if 25 or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period. Requests for hearing must include the name and address of the person submitting the request, define the reasons for the request, and discuss any proposed changes. If a public hearing is required, the Department will proceed according to the provisions of *Minnesota Statutes* §182.655 and *Minnesota Rules* 5210.0020 to 5210.0100.

Written comments or requests for a public hearing should be sent to: Occupational Safety and Health Division, Department of Labor and Industry, 443 Lafayette Road, St. Paul, Minnesota 55155-4307.

Steve Sviggum, Commissioner  
Department of Labor and Industry

### SUMMARY OF CHANGES

The following is a brief summary of the proposed amendments. The list of federal standards being proposed for adoption follows this summary. To review the complete *Federal Register* notices referenced below, visit [www.osha.gov](http://www.osha.gov).

(A) **"Updating OSHA Standards Based on National Consensus Standards; Direct final rule."** On December 14, 2007, federal OSHA published in the *Federal Register*, a direct final rule and accompanying Notice of Proposed Rulemaking, which addressed welding definitions; abrasive wheel specifications; floor and wall openings, railings, and toeboards; marking of portable compressed gas cylinders; and spray finishing. The direct final rule stated that the updates would become effective at the federal level on March 13, 2008, unless significant adverse comment was received.

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# Exempt Rules

(B) “Updating OSHA Standards Based on National Consensus Standards; final rule; confirmation of effective date.” Federal OSHA did not receive significant adverse comment to the December 14, 2007, direct final rule. Therefore, a final rule and confirmation of effective date was published in the *Federal Register* on March 14, 2008.

By this notice, Minnesota OSHA proposes to adopt the direct final rule as published in the *Federal Register* on December 14, 2007, and the final rule and confirmation of effective date as published in the *Federal Register* on March 14, 2008.

## Rules as Proposed

### 5205.0010 ADOPTION OF FEDERAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS BY REFERENCE.

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

Subp. 2.**Part 1910.** Part 1910: Occupational Safety and Health Standards as published in Volume 43, No. 206 of the *Federal Register* on October 24, 1978, and corrected in Volume 43, No. 216 on November 7, 1978, which incorporates changes, additions, deletions, and corrections made up to November 7, 1978; and subsequent changes as follows:

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

DD. *Federal Register*, Vol. ~~70~~ Volume 72,:

(1) *Federal Register*, Vol. 72, No. 30, pages 7136-7221, dated February 14, 2007: “Electrical Standard; final rule.”

(2) *Federal Register*, Vol. 72, No. 240, pages 71061-71070, dated December 14, 2007: “Updating OSHA Standards Based on National Consensus Standards; Direct final rule.”

EE. *Federal Register*, Volume 73, No. 51, pages 13753-13754, dated March 14, 2008: “Updating OSHA Standards Based on National Consensus Standards; final rule; confirmation of effective date.”

[For text of subps 3 to 7, see M.R.]

## Department of Public Safety Adopted Exempt Permanent Rules Governing School Bus Inspections and Operations

### 7470.0500 TIMES OF INSPECTION.

Subpart 1. **Scheduled inspection.** All school buses shall be inspected for compliance with applicable laws and with rules of the Department of Education as stated in parts 3520.2400 to 3520.5800 of the Department of Education Public Safety.

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

### 7470.0700 TABLE OF POINTS TO BE DEDUCTED.

In accordance with part 7470.0600, subparts 1 to 3, defects in the equipment of a school bus listed in the left column will cause the number of points specified in the right column to be deducted from the starting score of 100.

Equipment Defect	Points
Tires, front	each 25
Tires, rear	each 25
Exhaust	
Inadequate pipe	25
Leak in system	5
Muffler defective (treat like leak in system)	5
School bus color ( <u>multifunctional school activity buses are exempt</u> )	
Not basic yellow <del>or orange</del>	25
Improper trim color	2
Required lettering	
No school bus sign (type I & <del>H, A, B, C, or D</del> )	25
Stop at railway crossing (type III only)	25

# Exempt Rules

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Other lettering - nicknames	2
Stop arm (octagonal)	25
Reflective material cracked, scratched, or separated	5
Optional lamps on stop arm	2
Crossover mirror	
Missing or inoperable	25
If only line of vision is distorted, flaking or cracked	5
Headlamps out of adjustment (allow mechanic time to adjust)	5
Headlamp out	5
Both low beams out	25
One low beam out or either or both high beams out	each 5
Dimmer switch inoperable	5
Turn signals inoperable	25
Eight lamp warning lamp system	
Lamp system not working	25
Eight lamp indicator malfunctioning	10
Indicator lamps	
High beam	2
Turn signals	5
Clearance lamps or optional white strobe lamp	each 1
Rear lamps	
One out	5
Both out	25
Stop lamps (minimum of 2 required)	
Not working	each 15
Auxiliary stop lamp not working	each 2
Backup lamps	5
Brakes - service (foot)	
Not working	25
Hose blistered but no fluid leakage	each hose 5
Brakes - emergency (auxiliary)	25
Defective or no warning horn	25
Rear view mirror	
Interior	15
Exterior	25
Slight crack, discolored or flaking	5
Windshield wipers (not working at all)	25
Wiper blade only	5
One speed not working on left side or the right side not working	10
Windshield glass	10
Steering	25
One kingpin bad (more than 1/2 inch)	15
Two kingpins bad (more than 1/2 inch)	25
Driver seat belt, missing or not usable	25
Entrance door, out of adjustment	5
Interior lamps	
Step-well	2
Other interior lamps (mention only)	0
First aid kit	
Missing	25
Short supply - per unit missing	1
Fire extinguisher, missing or in inoperable range	15
Flags and flares (electric or reflector) (for up to three missing)	5
Side glass and rear glass - each defect	5

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## Exempt Rules

Loose objects interior	each 2
Seats loose (floor mount)	each 5
Seat condition	each 2
Bus interior (cleanliness)	2
Carbon monoxide	25
Emergency exit, inoperable	25
Emergency lettering missing	2
Bad door gasket	5
Speedometer	10
Suspension, main leaf	25
Other than main leaf, 25 percent or more of the remaining leaves broken	25
Other than main leaf, less than 25 percent broken	10
Loose or leaking shocks	10
Wheels	25
One stud nut missing if less than 20 percent of stud nuts on wheel	10
20 percent or more of stud nuts are missing on wheel	25
Body condition	2
Hazardous protuberance or sharp edge	25
Two cross members bad, must be replaced	2
Cross members rusted, to be written up	0
Drive shaft guard	25
Frame	25
Defroster fan or heaters in excess of one in multiple heater buses	each 5
Battery	10
Body mounting	10
Fuel system	10

### **7470.1000 OPERATION OF TYPE A, B, C, AND D, AND MULTIFUNCTIONAL SCHOOL ACTIVITY BUSES.**

Subpart 1. **Application.** Parts 7470.1000 to 7470.1700 govern the operation of Type A, B, C, ~~and D,~~ and multifunctional school activity buses used for transporting pupils to or from school or school-related activities when the buses are owned and operated by a school district or nonpublic school, or privately owned and operated under a contract or agreement with a school district or nonpublic school.

Subp. 2. **Transportation of pupils.** Pupils are not to be evicted from the bus along the route for a breach of discipline. All breaches of discipline must be reported by the bus driver to the authorized person.

The entrance door must be closed at all times when transporting pupils and the bus is in motion.

All buses must load and unload in the right lane of the roadway, at pupil stops on bus routes approved by the authorized person. Loading or unloading in a designated turn lane or in a lane immediately adjacent to a designated right-hand turn lane is prohibited unless the turn lane is a designated school bus stop at which pupils are not required to cross the road. Under these circumstances, the bus must stop at the extreme right-hand side of the turn lane and the eight-light system and stop arm should not be used. Loading and unloading pupils within an intersection is prohibited.

No pupils may be in the bus while the fuel tank is being filled. On leaving the vehicle when pupils are in the bus, the driver shall stop the motor, remove the ignition key, set the brakes, and otherwise render the bus immobile.

The authorized person shall see that no materials, including guns, loaded or unloaded; gasoline cans, empty or full; animals, except ~~service dogs~~ companion animals accompanying persons with disabilities; or any other object of a dangerous or objectionable nature are transported in the school bus when pupils are being transported.

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

### **7470.1100 DRIVER OF TYPE A, B, C, OR D, OR MULTIFUNCTIONAL SCHOOL ACTIVITY BUS.**

The driver of a type A, B, C, ~~or D,~~ or multifunctional school activity bus shall:

A. bring the bus to a full stop and disengage gears by shifting into neutral or park before loading and unloading pupils;

B. use the prewarning amber flashing signals, flashing red signals, and stop signal arm, if equipped, in accordance with *Minnesota Statutes*, section 169.443;

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

# Exempt Rules

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## **7470.1400 OPERATION OF TYPE III SCHOOL BUSES.**

The operating rules in parts 7470.1000 to 7470.1500 govern the operation of Type III school buses used for transporting pupils when leased, rented, or owned and operated by a school district or nonpublic school, or privately leased, rented, or owned and operated under an agreement with a school district or nonpublic school. Type III school buses are restricted to automobiles, station wagons, and other vehicles having a manufacturer's rated seating capacity of ten or fewer people including the driver, and a gross vehicle weight rating of 10,000 pounds or less.

## **7470.1500 DRIVER OF TYPE III BUSES.**

The driver of a Type III school bus shall not:

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

D. load or unload in the right-hand lane of the roadway, designated turn lane, or lane immediately adjacent to a designated right-hand turn lane;

E. load or unload so that a pupil has to cross the road, except where not possible or impractical, then the driver or aide shall personally escort the pupil across the road;

F. escort a pupil across the road under item E unless the motor is stopped, the ignition key is removed, the brakes are set, and the vehicle is otherwise rendered immobile; or

G. load or unload before making a complete stop and disengaging gears by shifting into neutral or park; or

H. ~~operate the vehicle as a school bus, whether carrying pupil passengers or not, without displaying the "Vehicle Stops At RR Crossings" sign and stopping at all railroad crossings. The sign may be covered or removed when the vehicle is not operating as a school bus.~~

## **7470.1700 DRIVERS AND AIDES FOR PUPILS WITH DISABILITY.**

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

Subp. 2. **Information necessary.** Each driver and aide assigned to a vehicle transporting pupils with a disability, ~~or driver if no aide is assigned, or both,~~ shall have available to them in the vehicle a typewritten card indicating the following information in hard copy or immediately accessible through a two-way communication system:

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

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

# Expedited Emergency Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited emergency 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. Expedited emergency rules are effective upon publication in the State Register, and may be effective up to seven days before publication under certain emergency conditions.

Expedited emergency rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these expedited emergency rules detail the agency's rulemaking authority.

**KEY: Proposed Rules** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

## Department of Natural Resources

### Adopted Expedited Emergency Game and Fish Rules: Mille Lacs Lake Special Management

**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 the rules is *Minnesota Statutes*, sections 97A.045, subd. 2, 97C.005, and 97C.401.

The emergency conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, are that under the terms of the Federal District Court the Mille Lacs Band, Fond Du Lac Band, and six Wisconsin Bands of Chippewa are not required to declare their harvest intentions on inland waters until mid-March. The Mille Lacs proposed regulations are based on a safe harvest level determined for 2008. Final harvest threshold levels to be included in the proposed rules were not available until March, and the new regulations need to be in place by the May 10, 2008 fishing opener.

Dated: April 15, 2008

Mark Holsten, Commissioner  
Department of Natural Resources

#### 6264.0400 DESIGNATED SPECIAL MANAGEMENT WATERS.

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

##### Subp. 4a. Mille Lacs Lake and associated tributaries walleye regulations.

A. While a person is on or fishing in Mille Lacs Lake or its associated tributaries to the posted boundaries, the daily and possession limit for walleye is four. Except as provided in items B and C, while a person is on or fishing in Mille Lacs Lake or its associated tributaries to the posted boundaries, all walleye in possession must be less than 18 inches in length or greater than 28 inches in length. All walleye that are 18 to 28 inches in length, inclusive, must be immediately returned to the water.

B. If walleye kill estimates for winter and open water fishing exceed 210,000 pounds any time prior to July 1, or exceed 254,000 pounds any time prior to August 16, then the size limit changes according to this item: While a person is on or fishing in Mille Lacs Lake and its tributaries to the posted boundaries, all walleye in possession must be 14 inches to 16 inches in length. All walleye that are less than 14 inches or greater than 16 inches in length must be immediately returned to the water. If this item is implemented, it is effective from five days after notice of the change is posted on the Department of Natural Resources Web site until November 30.

C. Notwithstanding items A and B, a person's possession limit may include one walleye over 28 inches in length.

D. This subpart applies to the following waters:

Name	Location	County
Mille Lacs	T.42-45, R.25-28, S. Various	Aitkin, Mille Lacs
Borden Creek	T.44, R.25, S.5	Aitkin
Seastade Creek	T.45, R.26, S.22	Aitkin
Marmon (Twenty) Creek	T.45, R.25, S.32	Aitkin
Grave Creek	T.45, R.25, S.8	Aitkin
Peterson Creek	T.43, R.25, S.5	Mille Lacs
Thains River (Malone Creek)	T.42, R.25, S.2	Mille Lacs

# Expedited Emergency Rules

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West Sucker Creek	T.42, R.25, S.18	Mille Lacs
South Sucker Creek	T.42, R.25, S.18	Mille Lacs
Garrison (Borden) Creek	T.44, R.28, S.12	Crow Wing
Seguchie Creek	T.44, R.28, S.36	Crow Wing
Reddy Creek	T.45, R.26, S.23	Aitkin
Whitefish Creek	T.43, R.27, S.7	Mille Lacs
Seventeen Creek	T.44, R.25, S.17,18,29	Aitkin
Cedar Creek	T.43, R.25, S.15	Mille Lacs
McCleans Creek	T.45, R.27, S.34	Aitkin
Unnamed	T.43, R.25, S.8	Mille Lacs
Unnamed	T.42, R.26, S.11	Mille Lacs
Unnamed	T.42, R.26, S.22	Mille Lacs
Unnamed	T.43, R.27, S.8	Mille Lacs
Unnamed	T.43, R.27, S.6	Mille Lacs
Unnamed	T.43, R.27, S.21	Mille Lacs
Unnamed	T.44, R.27, S.31	Crow Wing
Unnamed	T.44, R.28, S.36	Crow Wing
Unnamed	T.44, R.27, S.4	Aitkin
Unnamed	T.45, R.27, S.25	Aitkin
Unnamed	T.44, R.25, S.29	Aitkin
Unnamed	T.44, R.25, S.31,32	Aitkin
Unnamed	T.44, R.28, S.24	Crow Wing
Unnamed	T.44, R.28, S.13	Crow Wing
<u>Rum River Outlet</u>	<u>T.43, R.27, S.33</u>	<u>Mille Lacs</u>

[For text of subps 5 to 86, see M.R.]

**REPEALER.** The expedited emergency amendments to *Minnesota Rules*, part 6264.0400, subpart 4, published in the *State Register*, volume 31, page 1643, May 7, 2007, are repealed.

**EFFECTIVE DATE.** The expedited emergency amendments to *Minnesota Rules*, part 6264.0400, subpart 4a, and the repealer are effective May 10, 2008.

## 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.

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## Minnesota Comprehensive Health Association Notice of Meeting of the Actuarial Committee May 12, 2008

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association's (MCHA) Actuarial Committee will take place Monday, May 12, 2008, 2:00 pm. at the MCHA Executive Office, 5775 Wayzata Blvd., Suite 910, St. Louis Park.

For additional information, please call Lynn Gruber at (952) 593-9609.

## Minnesota Higher Education Facilities Authority Notice of Public Hearing on Revenue Obligations on Behalf of the University of St. Thomas

**NOTICE IS HEREBY GIVEN** that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds or other obligations on behalf of the University of St. Thomas (the "University"), as owner and operator of the University of St. Thomas, at the Authority's offices at 380 Jackson Street, Suite 450, St. Paul, Minnesota on May 21, 2008, at 2:00 p.m. Under the proposal, the Authority would issue its revenue bonds or other obligations in the maximum principal amount of \$19,000,000 to finance a project (the "Project") consisting of site preparation for, and construction and equipping of a five-level below- and above-ground parking facility with approximately 725 parking stalls for students, faculty and visitors, to be owned and operated by the University and located near the intersection of Cretin Avenue and Grand Avenue on the University's St. Paul campus, the principal street address of which is 2115 Summit Avenue, St. Paul, Minnesota.

At said time and place the Authority shall give all parties who appear or have submitted written comments an opportunity to express their views with respect to the proposal to undertake and finance the Project.

Dated: May 5, 2008

By Order of the  
Minnesota Higher Education Facilities Authority  
Marianne Remedios, Executive Director

# Official Notices

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## Department of Labor and Industry

### Labor Standards Unit

#### Notice of Correction to Commercial Prevailing Wage Rates

#### Notice of Addition to Commercial Prevailing Wage Rates

Corrections have been made to the Commercial Prevailing Wage Rates certified 03/03/2008, for the following counties:

- **Labor Code 101**, Laborer, Common in Blue Earth, LeSueur, McLeod, Nicollet, Rice, Sibley, and Waseca Counties
- **Labor Code 102**, Laborer, Skilled in Blue Earth, LeSueur, McLeod, Nicollet, Rice, Sibley, and Waseca Counties.
- **Labor Code 104**, Flagperson in Blue Earth, LeSueur, Sibley, and Waseca Counties.
- **Labor Code 105**, Watchperson in Aitkin, Olmsted, and Steele Counties.

An additional rate has been added to the Commercial Prevailing Wage Rates certified 03/03/08, for **Labor Code 105**, Watchperson in Aitkin, Olmsted and Steele Counties.

Copies with the corrected certified wage rate for this Region or these Counties 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](http://www.doli.state.mn.us). Charges for the cost of copying and mailing are \$.25 per page for the first 100 pages, \$.65 per page after that. Make check or money order payable to the State of Minnesota.

Steve Sviggum, Commissioner  
Department of Labor and Industry

## Minnesota Department of Natural Resources

### Notice of Proposed Classification of State Forest Lands in Northern St. Louis County, Minnesota with Respect to Motor Vehicle Use

**NOTICE IS HEREBY GIVEN** that the Commissioner of the Minnesota Department of Natural Resources (DNR) proposes to classify State Forest Lands within Northern St. Louis County, including lands within the Bear Island, Burntside, Kabetogama and Lake Jeanette State Forests, with respect to motor vehicle operation (*Minnesota Rules*, Chapter 6100.1950). This proposal is to assign all state and county forest lands, under the authority of the Commissioner, to one of the following vehicle use classifications: (*vehicle classifications do not affect snowmobile use*)

1. **“Managed,”** in which forest roads and trails are open for motor vehicle use unless posted closed;
2. **“Limited,”** in which forest roads are open to motor vehicle use unless posted closed, and forest trails are closed to motor vehicle use unless posted open, or
3. **“Closed,”** in which forest roads are open only to highway licensed motor vehicles. No off-highway vehicles are permitted, except for operation on frozen public waters.

This proposal covers all state forest lands located both inside and outside of State Forest boundaries in Northern St. Louis County. In total, 464,792 acres of state forest land, and about 1,366 miles of roads, trails and non-designated routes were evaluated (on state and county lands) with respect to motor vehicle use. [*This plan does **NOT** include the Sturgeon River or Cloquet Valley State Forests*] County forest lands located inside state forest boundaries will be similarly classified with respect to motor vehicle use.

The DNR Draft Plan recommends that state lands located within the proclamation boundaries of the Superior National Forest be classified as ‘limited’, except for those lands located within the Kabetogama State Forest, which will remain ‘managed’ in its’ entirety. State lands located outside the National Forest will also be classified as ‘managed’, except for eight parcels totaling 16,283 gross acres (8,338 ac.

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## Official Notices

of state land) that will be reclassified as either 'limited' or 'closed' to motor vehicle use. These parcels are all very remote, and all share a history of non-motorized recreational use. State lands located within the federal BWCAW will remain 'closed' to all motor vehicle use.

In addition, the draft plan recommends the designation of nearly 400 miles of state and county forest roads, 44 miles of hunter-walking trails, and 12 miles of off-highway vehicle trail. The plan also recommends that portions of both the Arrowhead and Taconite State Trails totaling about 35 miles be opened to motor vehicle use.

The DNR will hold two public meetings on this proposal, the first on Tuesday, July 1<sup>st</sup> at the Mesabi Range Community & Technical College located at 1001 Chestnut Street West in Virginia, MN and the second on Wednesday July 2<sup>nd</sup> at the Cook School located at 306 East Vermillion Blvd. in Cook, MN. Both meetings will run from 6:00 p.m. to 8:30 p.m. The public is invited to attend.

The first hour of each meeting will allow people to informally review the DNR plan, maps and other summary materials. U.S. Forest Service and St. Louis County Land Department representatives will also be on hand to answer questions regarding motorized access planning for forest lands that they administer in the northern portion of the county. Beginning at about 7:00 PM, the DNR will formally present its proposal and respond to questions and comments for the remainder of the meeting. Written comments will also be accepted.

The North St. Louis County Forest Classification & Route Designation Proposal, supporting maps and other materials, are available at [www.mndnr.gov](http://www.mndnr.gov). Copies of the documents may also be viewed at the DNR's Tower Area Office located at 650 Highway 169 in Tower, the DNR's Orr Area Office located at 4656 Highway 53, or at the St. Louis County Land Dept. offices located at 7820 Highway 135 in Virginia, MN. Materials are also available from:

Brian McCann, Planner  
Minnesota Department of Natural Resources  
Box 52, 500 Lafayette Road  
St. Paul, MN 55155-4052  
**Phone:** (651) 259-5627 or **Toll Free** 1-888-MINNDNR  
**E-mail:** [brian.mccann@dnr.state.mn.us](mailto:brian.mccann@dnr.state.mn.us)

Written comments on this proposal may be submitted to the above address until 4:30 p.m. on Friday, July 11, 2008.

Laurie H. Martinson, Deputy Commissioner  
Minnesota Department of Natural Resources

## Department of Natural Resources

### Designation of Infested Waters

Order No. INF-08-001

Pursuant to the provisions of *Minnesota Statutes*, section 84D.03, subdivision 1 the following described waters in the state meet the criteria established for designating infested waters. New designations of infested waters added in this order are underlined.

A lake in more than one county is listed under the county corresponding to its protected waters inventory number, but the designation applies to the entire lake. Lake Superior and designated portions of rivers that flow through more than one county are listed under the heading Multiple Counties. Ponds and wetlands that are not on the protected waters inventory are listed with "none" in the number column. Rivers and streams on the protected waters inventory are listed without a number in the number column.

#### Waters infested with brittle naiad.

The following water bodies are infested with brittle naiad (*Najas minor*).

Name	DNR Protected Waters Inventory Number
Dakota County Lac Lavon	19-0446

# Official Notices

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## Waters infested with Brazillian elodea.

The following water bodies are infested with Brazillian elodea (*Egeria densa*).

Name	DNR Protected Waters Inventory Number
Hennepin County Powderhorn Lake	27-0014

## Waters infested with Eurasian water milfoil.

The following water bodies are infested with Eurasian water milfoil (*Myriophyllum spicatum*) or its hybrids.

Name	DNR Protected Waters Inventory Number
Anoka County	
Cenaiko Lake	02-0654
Centerville Lake	02-0006
Coon Lake	02-0042
Crooked Lake	02-0084
Lake George	02-0091
Otter Lake	02-0003
Peltier Lake	02-0004
Unnamed lake (in Springbrook Nature Center)	02-0688
<u>Blue Earth County</u>	
Lura Lake	07-0079
<u>Carver County</u>	
Lake Ann	10-0012
Auburn Lake	10-0044
Bavaria Lake	10-0019
Burandt Lake	10-0084
Eagle Lake	10-0121
Firemen's Lake	10-0226
Lotus Lake	10-0006
Lucy Lake	10-0007
Lake Minnewashta	10-0009
Parley Lake	10-0042
Pierson Lake	10-0053
Riley Lake	10-0002
Schutz Lake	10-0018
Steiger Lake	10-0045
Stone Lake	10-0056
Susan Lake	10-0013
Lake Virginia	10-0015
Lake Waconia	10-0059
Wasserman Lake	10-0048
Lake Zumbra	10-0041
<u>Cass County</u>	
Leech Lake	11-0203
<u>Chisago County</u>	
Ellen Lake	13-0047

Fish Lake	13-0068
Green Lake	13-0041
North Lindstrom	13-0035
Rush Lake	13-0069

Crow Wing County

Bay Lake	18-0034
Kimball Lake	18-0361
Ossawinnamakee Lake	18-0352
Ripple River, between Bay Lake and Tame Fish Lake	
Ruth Lake	18-0212

Dakota County

Crystal Lake	19-0027
Early Lake	19-0033
Keller Lake	19-0025
Lac Lavon	19-0446
Lake Marion	19-0026
Quarry Lake	19-0128
Schultz Lake	19-0075
Sunset Pond	19-0451
Twin Lakes	19-0028
Unnamed pond in Valley Park	19-0348

Douglas County

Oscar Lake	21-0257
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Hennepin County

Arbor Lake	none
(located in the south 1/2 of the SW 1/4 of Section 23, Township 119N Range 22W)	
Arbor Lake - North	none
(located in the NW 1/4 of the SW 1/4 of Section 23, Township 119N Range 22W)	
Arbor Lake - West	none
(located in the SW 1/4 of Section 23, Township 119N Range 22W; DOW # 27-1130)	
Arrowhead Lake	27-0045
Bass Lake	27-0098
Brownie Lake	27-0038
Bryant Lake	27-0067
Bush Lake	27-0047
Lake Calhoun	27-0031
Cedar Lake	27-0039
Christmas Lake	27-0137
Dutch Lake	27-0181
Eagle Lake	27-0111
Fish Lake	27-0118
Forest Lake	27-0139
Galpin Lake	27-0144
Gleason Lake	27-0095
Lake Harriet	27-0016
Hiawatha Lake	27-0018
Lake Independence	27-0176
Lake of the Isles	27-0040

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Lakewood Cemetery	27-0017
Libbs Lake	27-0085
Little Long Lake	27-0179
Long Lake	27-0160
Medicine Lake	27-0104
Minnehaha Creek	
Lake Minnetonka	27-0133
Mitchell Lake	27-0070
Niccum's Pond	none
(located in the NW 1/4 of the SW 1/4 of Section 10, Township 117N Range 24W)	
Lake Nokomis	27-0019
Parker's Lake	27-0107
Peavy Lake	27-0138
<u>Powderhorn Lake</u>	<u>27-0014</u>
Lake Rebecca	27-0192
Rice Lake	27-0116
Round Lake	27-0071
Lake Sarah	27-0191
Schmidt Lake	27-0102
Snelling Lake	27-0001
Swan Lake	none
(located in the NW 1/4 of the NW 1/4 of Section 4, Township 117N Range 23W)	
Tanager Lake	27-0141
Twin Lake	27-0042
Unnamed wetland	27-0900
Whaletail Lake	27-0184
Wirth Lake	27-0037
Wolfe Lake	27-0664
<u>Isanti County</u>	
Green Lake	30-0136
Long Lake	30-0072
Spectacle Lake	30-0135
<u>Itasca County</u>	
Ice Lake	31-0372
McKinney Lake	31-0370
North Twin Lake	31-0190
<u>Kanabec County</u>	
Knife Lake	33-0028
<u>Kandiyohi County</u>	
Green	34-0079
Norway	34-0251
<u>Le Sueur County</u>	
East Jefferson Lake	40-0092
German Lake	40-0063
<u>Meeker County</u>	
Lake Manuella	47-0050

Ripley Lake	47-0134
Stella Lake	47-0068
Lake Washington	47-0046
Wolf Lake	47-0016
<u>Mille Lacs County</u>	
Lake Mille Lacs	48-0002
Tributaries to Lake Mille Lacs, from their mouth upstream to the first public road	
<u>Morrison County</u>	
Lake Alexander	49-0079
<u>Olmsted County</u>	
George Lake	55-0008
<u>Pine County</u>	
Cross Lake	58-0119
Pokegama Lake	58-0142
Sand Lake	58-0081
Snake River, between Lake Pokegama and Cross Lake	
Unnamed gravel pit, (located in S 1/2 of Section 14, Township 41, Range 21W)	none
<u>Pope County</u>	
Gilchrist Lake	61-0072
Lake Minnewaska	61-0130
<u>Polk County</u>	
Union Lake	60-0217
<u>Ramsey County</u>	
Bald Eagle Lake	62-0002
Beaver Lake	62-0016
Birch Lake	62-0024
Lake Gervais	62-0007
Island Lake	62-0075
Keller Lake	62-0010
Kohlmans Lake	62-0006
<u>Langton Lake</u>	<u>62-0049</u>
Loeb Lake	62-0231
McCarron Lake	62-0054
Lake Owasso	62-0056
Phalen Lake	62-0013
Pond Six	62-0271
Pond Three	none
(located in the SE 1/4 of the NE 1/4 of Section 4, Township 28N Range 22W)	
Round Lake	62-0012
Silver Lake	62-0001
Snail Lake	62-0073
Spoon Creek, between Keller and Phalen lakes	
Sucker Lake	62-0028

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Turtle Lake	62-0061
Lake Vadnais	62-0038
Lake Wabasso	62-0082
<u>Rice County</u>	
Cedar Lake	66-0052
<u>St. Louis County</u>	
Gilbert Pit Lake	69-1306
Horseshoe Lake	69-0503
<u>Scott County</u>	
Cate's Lake	70-0018
Lower Prior Lake	70-0026
McMahon Lake	70-0050
O'Dowd Lake	70-0095
Thole Lake	70-0120
Upper Prior Lake	70-0072
<u>Sherburne County</u>	
Big Lake	71-0082
Eagle Lake	71-0067
Little Elk Lake	71-0055
<u>Stearns County</u>	
Unnamed wetland along the Clearwater River	73-0312
<u>Todd County</u>	
Little Birch	77-0089
Sauk Lake	77-0150
Waseca County	
Clear Lake	81-0014
<u>Washington County</u>	
Big Marine Lake	82-0052
Bone Lake	82-0054
Camp Galilee Lake (DOW# 82-0502)	none
Clear Lake	82-0163
Lake Elmo	82-0106
Long Lake	82-0118
<u>Long Lake</u>	<u>82-0130</u>
Mud Lake	82-0168
Powers Lake	82-0092
St. Croix River	
Sunset Lake	82-0153
White Bear Lake	82-0167
Wilmes Lake	82-0090
<u>Winona County</u>	
Winona Lake	85-0011
<u>Wright County</u>	
Augusta Lake	86-0284

Beebe Lake	86-0023
Buffalo Lake	86-0090
Clearwater Lake	86-0252
Clearwater River, downstream of Clearwater Lake	
Deer Lake	86-0107
Emma Lake	86-0188
Fish Lake	86-0183
French Lake	86-0273
Goose Lake	86-0108
Howard Lake	86-0199
Indian Lake	86-0223
Lake Mary	86-0156
Little Mary Lake	86-0139
Maple Lake	86-0134
Mink Lake	86-0088
Little Waverly Lake	86-0106
Lake Pulaski	86-0053
Ramsey Lake	86-0120
Rock Lake	86-0182
Sugar Lake	86-0233
Waverly Lake	86-0114
Weigand Lake	86-0242

Multiple Counties

Mississippi River, downstream of St. Anthony Falls	
Lake Superior	16-0001

**Waters infested with flowering rush.**

The following water bodies are infested with flowering rush (*Butomus umbellatus*).

Name	DNR Protected Waters Inventory Number
<u>Anoka County</u>	
Unnamed wetland in the NE 1/2 of the NE 1/4 of S33, T31N, R22W	none
<u>Becker County</u>	
Detroit Lake	3-0381
Curfman Lake (Deadshot Bay)	3-0363
Melissa Lake	3-0475
Muskrat Lake	3-0360
Pelican River, from Detroit Lake to Muskrat Lake	
Sallie Lake	3-0359
<u>Dakota County</u>	
Unnamed lake	19-0064
<u>Itasca County</u>	
Hart Lake	31-0020
North Twin Lake	31-0190
South Twin Lake	31-0191
<u>Rice County</u>	
Cannon Lake	66-0008

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Cannon River, from Wells Lake to the confluence  
with the Straight River  
Wells Lake 66-0010

Todd County  
Sauk River, from Juergens Lake to Mud Lake

Washington County  
Forest Lake 82-0159

## Waters infested with New Zealand mudsnail.

The following water bodies are infested with New Zealand mudsnail (*Potamopyrgus antipodarum*).

Name	DNR Protected Waters Inventory Number
<u>Multiple Counties</u>	
St. Louis River, downstream of the Fond du Lac dam Lake Superior	16-0001

## Waters infested with round goby.

The following water bodies are infested with round goby (*Neogobius melanostomus*).

Name	DNR Protected Waters Inventory Number
<u>Multiple Counties</u>	
St. Louis River, downstream of the Fond du Lac dam Lake Superior	16-0001

## Waters infested with ruffe.

The following water bodies are infested with ruffe (*Gymnocephalus cernuus*).

Name	DNR Protected Waters Inventory Number
<u>Multiple Counties</u>	
St. Louis River, downstream of the Fond du Lac dam Lake Superior	16-0001

## Waters infested with spiny water flea.

The following water bodies are infested with spiny water flea (*Bythotrephes cederstroemi*).

Name	DNR Protected Waters Inventory Number
<u>Cook County</u>	
Caribou Lake (in the Boundary Waters Canoe Area, just west of Pine Lake)	16-0141
<u>Devil Track Lake</u>	<u>16-0143</u>
Flour Lake	16-0147
Greenwood Lake	16-0077
Gunflint Lake	16-0356

McFarland Lake	16-0027
Pine Lake	16-0041
Lake Saganaga	16-0633

Lake of the Woods County

Baudette River, from Highway 11 downstream to the Rainy River	
Hooper Creek, downstream of State Highway 172	
Johnson Creek, from the Rainy River upstream to the first road crossing	
Lake of the Woods, including the portions of Zipple Bay to Zipple Creek in Sections 9 and 10, Township 162 North, Range 33 West, and to Bostic Creek at County Highway 8	39-0002
Miller Creek, downstream of State Highway 172	
Rapid River, downstream of Highway 11 to Clementson Bay of the Rainy River	
Sensky Creek, downstream of State Highway 172	
Silver Creek, downstream of Highway 11	
Wabonica Creek, downstream of State Highway 172	
Winter Road River, downstream of State Highway 172	

Koochiching County

Big Fork River, from the public water access on Highway 11 downstream to the Rainy River

Black River, the south branch downstream of Highway 11 and the west branch downstream of Highway 147

Little Fork River, from 100 feet upstream of Highway 11 downstream to the Rainy River

St. Louis County

Ash River, downstream of the northern section line of Section 8, Township 68 North, Range 19 West	
Crane Lake	69-0616
Fish Lake	69-0491
Island Lake	69-0372
Kabetogama Lake	69-0845
Little Vermilion Lake	69-0608
Namakan Lake	69-0693
Rainy Lake	69-0694
Sand Point Lake	69-0617

Multiple Counties

Lake Superior	16-0001
Cloquet River, from Island Lake to the St. Louis River	
Rainy River, from Rainy Lake to Lake of the Woods, including Baudette Bay/River up to County Highway 35 and Clementson Bay up to the rapids	
St. Louis River, downstream of the Cloquet River	
Warroad River, from State Highway 11 downstream to Lake of the Woods	

# Official Notices

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## Waters infested with white perch.

The following water bodies are infested with white perch (*Morone americana*).

Name	DNR Protected Waters Inventory Number
<u>Multiple Counties</u>	
St. Louis River, downstream of the Fond du Lac dam	
Lake Superior	16-0001

## Waters infested with zebra mussels.

The following water bodies are infested with zebra mussel (*Dreissena* spp.).

Name	DNR Protected Waters Inventory Number
Benton County	
Little Rock Channel	05-0012
Little Rock Lake	05-0013
Crow Wing County	
Black Bear Lake	18-0140
Boom Lake	18-0529
Half-Moon Lake	18-0238
Little Rabbit Lake	18-0139
Miller Lake	18-0133
Ossawinnamakee Lake	180352
Pelican Brook, from the source at Ossawinnamakee Lake to the Pine River	
Pickerel Lake	18-0232
Pine River, from the mouth of Pelican Brook to the Mississippi River	
Rice Lake	18-0145
Unnamed wetland	18-0235
Unnamed wetland (located in the NE 1/4 of the SW 1/4 of Section 3, Township 135N Range 27W)	none
Unnamed wetland (located in the NE 1/4 of the SE 1/4 of Section 2, Township 46N Range 30W)	none
Unnamed wetland (located in the NE 1/4 of the SW 1/4 of Section 2, Township 46N Range 30W)	none
Unnamed wetland (located in the NE 1/4 of the NE 1/4 of Section 33, Township 135N Range 27W)	none
Unnamed wetland (located in the NW 1/4 of the NE 1/4 of Section 33 of Township 46N Range 30W)	none
Mille Lacs County	
Lake Mille Lacs	48-0002
Ogechie Lake	48-0014
Onamia Lake	48-0009
Shakopee Lake	48-0012

Tributaries to Lake Mille Lacs, from their mouth  
upstream to the first public road

Olmsted County	
Lake Zumbro	55-0004
Ramsey County	
Charlie Lake	62-0062
Pleasant Lake	62-0046
Sucker Lake	62-0028
Lake Vadnais	62-0038
Washington County	
St. Croix River, downstream of the St. Croix Boomsite Recreation Area, at river mile 25.4	
Wright County	
Fish Lake	86-0183
Multiple Counties	
Mississippi River, from the mouth of the Pine River in Crow Wing County to the Minnesota – Iowa border	
Rum River	
St. Louis River, downstream of the Fond du Lac dam	
Lake Superior	16-0001
Zumbro River, downstream of Lake Zumbro	

**NOW THEREFORE, IT IS HEREBY ORDERED** that the waters described above are designated as infested waters. This list of infested waters supercedes all designations previously done though rulemaking or Commissioner's Order.

Dated: April 21, 2008

Mark Holsten, Commissioner  
Department of Natural Resources

## **State Rehabilitation Council June Public Forum on Employment Services for Persons with Disabilities**

The Minnesota State Rehabilitation Council (SRC), the Minnesota Department of Employment and Economic Development (DEED) and the City of Golden Valley Human Rights Commission will host a public forum on the employment needs of Minnesotans with disabilities, Wednesday, June 28, 2008 at City of Golden Valley City Hall.

The morning agenda includes a brief SRC business meeting from 9:00 a.m. – 9:30 a.m., followed by presentations to the council concerning the employment services needs of Minnesotans with disabilities. Comment from the public is invited during the afternoon session, from 1:00 p.m. to 6:00 p.m. The public is invited to attend and participate at any time during the day. Among topics on which comment is invited in the afternoon are the changing employment service needs of individuals with disabilities, employment needs of students with disabilities, ideas for service improvement, and the experience of individuals who have used RS services.

The State Rehabilitation Council is appointed by the Governor to advise Rehabilitation Services (RS), a branch of DEED, on statewide employment services for individuals with disabilities. The council also jointly develops program goals and priorities with DEED-RS. DEED- RS provides services to approximately 30,000 persons annually , assisting them to achieve their goals for living independently in

# Official Notices

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the community, and with preparing for, finding or keeping employment they choose.

Golden Valley City Hall is located at 7800 Golden Valley Road, Golden Valley, MN 55427. Sign language interpreters and real-time captioning will be present. Persons requiring additional information or accommodations may call or email Gail Lundeen: (651) 259-7364 (voice), (651) 296-3900 (TTY), gail.lundeen@state.mn.us.

## 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) Web site. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD Web site at [www.mmd.admin.state.mn.us](http://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.

**Requirements:** There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements:

- \$0 - \$5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600
- \$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days;
- \$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and
- anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days

## Assistance with Contracts

A summarized "Contracts & Grants" section of all contracts and grants open for bid is available only to subscribers. Obtain MORE and FASTER information with a SUBSCRIPTION to the *State Register*. You also receive LINKS to the *State Register*. Open the *State Register* and click on Bookmarks in the upper left corner. You will see a list of the contents of the current issue, with an INDEX, and previous years' indices. You also receive "Contracts & Grants." Here's what you receive via e-mail:

- **Word Search Capability**
- **LINKS, LINKS, LINKS**
- **Easy Access to *State Register* Archives**
- **Updates to Index to Vol. 31**
- **"Contracts & Grants" Open for Bid**
- **Early delivery, on Friday**
- **E-mailed to you . . . its so easy**
- **Indexes to Vols. 31, 30, 29, 28 and 27**

Subscriptions cost \$180 a year (an \$80 savings). It's all E-mailed to you, at end-of-day on Friday, instead of waiting for the non-subscriber's issue released on Monday. Contact Cathy Hoekstra, our subscriptions manager, at (651) 297-8777, or **Fax:** (651) 297-8260, or **E-mail:** [cathy.hoekstra@state.mn.us](mailto:cathy.hoekstra@state.mn.us)

## Minnesota State Colleges and Universities (MnSCU)

### Anoka Technical College

### Request for Proposals for Application Services & Desktop Hosting for Anoka Technical College

#### GENERAL STATEMENT/SCOPE:

Anoka Technical College is requesting proposals to assist in developing application services via desktop hosting. Anoka Technical College will be looking for a fully outsourced application and desktop hosting solution for approximately 250 college employees. The desktop must be a windows (or windows compatible) solution that supports standard windows applications. The applications that will

be supported are standard third party applications that run in a typical office environment. These include basic office applications for word processing, spreadsheets, messaging, and customer relationship data.

Anoka Technical College will also be changing their current Novell GroupWise messaging system to Microsoft Exchange. Therefore, as part of the response the vendor will provide project requirements for migrating the messaging system users. At a high level this will include all services and associated software or hardware that would be need to support a successful migration.

Finally, Anoka Technical College would like the ability to have a Microsoft SharePoint environment available. The awarded vendor will provide costs for Microsoft SharePoint Services and Server. The vendor will also provide a rate structure for services to assist the college management with customization of this environment.

Further details of the environment will be provided throughout this RFP.

Timeline in RFP includes the following:

Deadline for questions:	5-19-2008 – 2:00pm CTS
Posted Responses to Questions:	5-20-2008
Deadline for RFP submission:	5-27-2008 – 2:00pm CTS
Complete selection process:	5-30-2008
Deadline for executing contract:	6-13-2008

TO RECEIVE A COMPLETE COPY OF THE PROPOSAL REQUEST/SPECS, PLEASE CONTACT PAMELA MOGENSEN, Phone: (763) 576-4785, Fax: (763) 576-4715, E-mail: [pmogensen@anokatech.edu](mailto:pmogensen@anokatech.edu)

Proposals must be sealed with a notation on the outside of the envelope stating: APPLICATION SERVICES & DESKTOP HOSTING PROPOSAL – DELIVER IMMEDIATELY.

Mail or deliver (faxes will not be accepted) sealed proposal by TUESDAY, MAY 27, 2008, NO LATER THAN 2 PM to:

Anoka Technical College  
Purchasing Office, Attn. Pamela Mogensen  
1355 West Highway 10  
Anoka, Minnesota 55303  
Phone: (763) 576-4785

**PROPOSAL CLOSE DATE IS TUESDAY, MAY 27, 2008 – 2 PM**

## Minnesota State Colleges and Universities (MnSCU) Central Lakes College - West Campus Staples Bid for Parking Lot Expansion West Campus Staples

Central Lakes College is soliciting bids for parking lot expansion. Detail specifications may be obtained by contacting Nancy Schmidt at (218) 894-5136. Bids will be accepted at the Staples Campus until 1:00 PM on Friday, May 9, 2008 at which time they will be publicly opened and read aloud. Faxed bids will be accepted provided hard copies are received within 48 hours of the bid time.

All bids must be sealed and marked "BID FOR PARKING LOT EXPANSION WEST CAMPUS STAPLES".

Submit bids to:

Central Lakes College  
ATTN: Debbie Sterriker  
1830 Airport Rd  
Staples, MN 56479  
Fax: (218) 894-5186

# State Contracts

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The college reserves the right to reject any or all bids, to waive any information or irregularities in the bidding and to make the award serving the best interest of the college.

Central Lakes College is an affirmative action/equal opportunity employer and educator. These materials are available in alternative formats to individuals with disabilities upon request. If you use a TTY, call the Minnesota Relay Service at 800-627-3529 and request contact to Central Lakes College.

## Minnesota State Colleges and Universities (MnSCU) Office of the Chancellor, Information Technology Services Request for Proposals for a Conference Center to hold the Minnesota State Colleges and Universities Annual Information Technology (IT) Conference

The purpose of this RFP is for Minnesota State Colleges and Universities to solicit proposals for a conference center to hold the annual Information Technology (IT) conference. This three day conference is to be held in April 2009. This solicitation is for The System's Information Technology Services (ITS) to request proposal to host the annual IT Conference during the month of April, 2009.

**Department:** Minnesota State Colleges and Universities, Office of the Chancellor  
**Sealed Proposals for:** Site to hold the Annual IT Conference  
**Will be received by:** Tiffni Deeb, ITS Project Manager

Office of the Chancellor  
Wells Fargo Place  
30 7th Street East, Suite 350  
St. Paul, MN 55101-7804  
Phone: (651) 201-1577  
E-mail: [Tiffni.Deeb@csu.mnscu.edu](mailto:Tiffni.Deeb@csu.mnscu.edu)

All responses to this RFP must be received no later than 3:00 p.m. Central Standard Time on May 9, 2008.

For a complete copy of the Request for Proposal please visit our website at <http://www.its.mnscu.edu/projects/conferenceRFP> or call (651) 201-1577 and one will be mailed.

## Minnesota State Colleges and Universities (MnSCU) Lake Superior College Advertisement for Bids for Lake Superior College Bookstore Remodel

Sealed Bids for Lake Superior College Bookstore Remodel at Lake Superior College, Duluth, Minnesota will be received by:

Mr. Gary Adams,  
Physical Plant Director Room # W2580  
Lake Superior College  
Duluth, Minnesota 55811

Until 2:00 PM, *local time*, May 13, 2008 at which time the bids will be opened and publicly read aloud.

**Project Scope:** Enlarge and remodel the existing bookstore including demolition, new walls and finishes and mechanical units.

A **Pre-Bid Meeting** will be held at 2:00 PM, May 1, 2008, in the Bookstore at Lake Superior College. The Architect/Engineer and/or College/University Representatives will review the bidding procedures, Bidding Documents and other conditions with interested Bidders

and answer questions.

Bidding Documents as prepared by the Project Architect/Engineer; DSGW Architects, are on file at the offices of the:

- 1) above named Project Architect/Engineer.
- 2) following Builders' Exchanges: Duluth, Hibbing, St. Paul and Minneapolis, Minnesota.
- 3) McGraw Hill Construction Plan Room
- 4) Reed Construction Data Plan Room
- 5) MEDA Minority Contractors Plan Room
- 6) National Association of Minority Contractors of Upper Midwest

Complete sets only of Bidding Documents for use by Bidders in submitting a bid may be obtained at the following address:

DSGW Architects  
2 West First Street, Suite 201  
Duluth, Minnesota 55802  
Phone: (218) 727-2626

A deposit of 5100.00 is required for each set.

Prospective Bidders requesting that Bidding Documents (complete sets only) be mailed to them, may send a separate non-refundable payment (check made out to the Architect) for \$20.00 per set for shipping & handling (in addition to the \$100.00 deposit) to the Architect. Such deposits and payments may be sent prior to May 7, 2008. Documents will be sent to street addresses only (P.O. Boxes not acceptable).

Each bid which totals over \$15,000.00 shall be accompanied by a certified check, payable to Minnesota State Colleges and Universities, in the sum of not less than 5% of the total base bid; or a corporate surety bond of a surety company duly authorized to do business in the state of Minnesota in the same amount; which is submitted as bid security, conditioned upon the Bidder entering into a contract with Minnesota State Colleges and Universities in accordance with the terms of the bid.

## **Minnesota State Colleges and Universities (MnSCU) Minneapolis Community and Technical College Request for Bids for Interior and Fire Protection Remodeling of the Vendor Food Service Kitchen, Installation of Kitchen Equipment Provided by Others**

**Sealed Bids for:** *Minneapolis Community and Technical College*  
Kitchen, Dining Services, Culinary Arts Program HEAPR Remodeling – Phase 1C  
Vendor Food Service Kitchen Remodeling  
Minneapolis, MN

**will be received by:** *Roger Broz*  
Minneapolis Community and Technical College  
Room T-0600  
Minneapolis, Minnesota 55403

Until **2:00PM, local time, Wednesday, May 14**, at which time the bids will be opened and publicly read aloud.

**Project Scope:** Interior and Fire protection remodeling of the Vendor Food Service Kitchen. Installation of Kitchen Equipment provided by others.

**A Pre-Bid Meeting** will be held at 10:00 AM, Monday, May 5, 2008, in Room T1010, Dining Room Conference room located Technology Building floor 1 East side of plaza. Minneapolis Community and Technical College. The Architect/Engineer and/or College/University

# State Contracts

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Representatives will review the bidding procedures, Bidding Documents and other conditions with interested Bidders and answer questions.

**Bidding Documents** as prepared by the Project Architect/Engineer; Bentz Thompson Rietow will be on file on May 1, 2008 at the offices of the:

- 1) above named Project Architect/Engineer.
- 2) following Builders' Exchanges: St. Paul Builders' Exchange, Minneapolis Builders' Exchange, and St. Cloud Builders' Exchange
- 3) McGraw Hill Construction Plan Room
- 4) Reed Construction Data Plan Room
- 5) MEDA Minority Contractors Plan Room
- 6) National Association of Minority Contractors of Upper Midwest

**Complete sets only of Bidding Documents** for use by Bidders in submitting a bid may be obtained at the following address:

Bentz Thompson Rietow  
801 Nicollet Mall  
Minneapolis, MN 55402  
612-332-1234

A deposit of **\$50** is required for each set.

Prospective Bidders requesting that Bidding Documents (complete sets only) be mailed to them, may send a separate non-refundable payment (check made out to the Architect) for **\$25** per set for shipping & handling (in addition to the **\$50** deposit) to the Architect. Such deposits and payments may be sent prior to **May 9, 2008**. Documents will be sent to street addresses only (P.O. Boxes not acceptable).

Each bid which totals over \$15,000.00 shall be accompanied by a certified check, payable to **Minnesota State Colleges and Universities**, in the sum of not less than 5% of the total base bid; or a corporate surety bond of a surety company duly authorized to do business in the state of Minnesota in the same amount; which is submitted as bid security, conditioned upon the Bidder entering into a contract with Minnesota State Colleges and Universities in accordance with the terms of the bid.

## Minnesota State Colleges and Universities (MnSCU) Minnesota West Community and Technical College Request for Proposal for Food and Catering Services

Minnesota West and Technical College is requesting proposals for Food and Catering Services at the Minnesota West Campuses.

A copy of the Request for Proposal may be obtained by contacting: Lori Voss, Minnesota West Canby Campus, 1011 First Street West, Canby, MN 56220, (507) 223-7252

Proposals must be submitted no later than May 20, 2008 at 2:00 PM. All proposals must be sealed and marked "RFP for Food and Catering Services". Submit proposals to:

Minnesota West Community and Technical College  
Attn: Lori Voss  
1011 First Street West  
Canby, MN 56220

The college reserves the right to reject any or all proposals, to waive any information or irregularities in the bidding and to make the award serving the best interest of the college.

Minnesota West Community and Technical College is an affirmative action/equal opportunity employer and educator. These materials are available in alternative formats to individuals with disabilities upon request. If you use a TTY, call the Minnesota Relay Service at 800-627-3529 and request contact to Minnesota West Community and Technical College.

**Minnesota State Colleges and Universities (MnSCU)  
North Hennepin Community College  
Advertisement for Bids for Photography Lab Renovation - Fine Arts Center**

**Sealed Bids for:** Fine Arts Center – Photography Lab Renovation  
North Hennepin Community College  
Brooklyn Park, Minnesota

**Will be received by:** Dean Collins  
North Hennepin Community College  
Educational Services Building  
7411 85<sup>th</sup> Avenue North Hennepin Community College  
Brooklyn Park, Minnesota 55445

Until 2 PM, May 15, 2008 at which time the bids will be opened and publicly read aloud.

**Project Scope:** Interior remodeling of 1,150 SF photography lab including demolition, some masonry wall patching, gypsum board on metal stud walls, HM frames, and wood doors, resilient flooring, paint, acoustic ceiling, visual display boards, darkroom equipment, casework: mechanical including plumbing, new rooftop air handler, ventilation, and fire sprinkler rough-in; electrical including power, lighting, voice/data, and fire alarm.

**A pre-bid meeting** will be held at 2:30 PM, Tuesday, May 6, 2008, at the auditorium lobby of the Fine Arts Center at North Hennepin Community College of North Hennepin Community College. The Architect/Engineer and Owner Representatives will review the bidding procedures, Bidding Documents and other conditions with interested Bidders and answer questions.

**Bid Forms/Contract Documents, Drawings and Specifications** as prepared by the Project Architect/Engineer: **Wold architects and engineers** are on file at the offices of the:

- 1.) Wold Architects and Engineers.
- 2.) following Builders Exchanges: Minneapolis, St. Paul, St. Cloud, and Mankato
- 3.) Reed Construction.
- 4.) iSqFt Plan room, Brooklyn Center
- 5.) McGraw Hill Construction/Dodge Plan Room.
- 6.) National Association of Minority Contractors of Upper Midwest.

Complete sets only of bid forms and Drawings and Specifications for use by Bidders in Submitting a bid may be obtained online from PlanWell at [www.ersdigital.com](http://www.ersdigital.com).

Engineering Repro Systems, 2007 E. 24<sup>th</sup> Street, Minneapolis, MN 55404 (612) 722-2303, facsimile (612) 772-3745, will provide complete sets of the Bidding Documents to prospective bidders and subcontractors. Both a deposit check in the amount of \$50 and a non-refundable check in the amount of \$25 made out to “North Hennepin Community College” for each set ordered are required or Bidding Documents may be ordered via the internet at: [www.ersdigital.com](http://www.ersdigital.com) and clicking on the PlanWell icon, then the Public Plan Room icon, select Fine Arts Center – Photography Lab Renovation – Brooklyn Park. The following information must accompany the deposit: Company name, mailing address, street address, phone and facsimile numbers and type of bidder (i.e. General, Mechanical or Electrical Subcontractor to General, or other). A refund of \$50 will be sent to prime contractors who submit a bid to the Owner and subcontractors for each set (including addenda) returned to Engineering Repro Systems in good condition within ten (10) calendar days of the award date, subject to the conditions of AIA Document A701. Returns will not be given if the plans are returned to the Architect’s Office.

Each bid which totals over \$15,000.00 must be accompanied by either a certified check, payable to **Minnesota State Colleges and Universities**, in the sum of not less than five percent (5%) of the total base bid or a corporate surety bond for the same amount by a surety company authorized to do business in the State of Minnesota.

## State Contracts

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### Minnesota State Colleges and Universities (MnSCU)

#### Northwest Technical College

#### Notice of Request for Sealed Bids for Electric Motor Control, Basic Fluid Power, and Mechanical Drives Learning Systems

NOTICE IS HEREBY GIVEN that Northwest Technical College will receive sealed bids for Two -Electric Motor Control Trainers, One – Basic Fluid Power Learning System and One – Mechanical Drives Learning System for use in the Construction Electricity program. Bid specifications will be available via email request to: *Judy.Rinkenberger@ntcmn.edu* or telephone request to Judy Rinkenberger at (218) 333-6614. Sealed bids must be received by 2:00 PM, Wednesday, May 28, 2008, at the following location:

Judy Rinkenberger, Business Manager  
Northwest Technical College,  
905 Grant Ave SE,  
Bemidji, MN 56601

Northwest Technical College reserves the right to reject any or all proposals and to waive any irregularities or informalities in proposals received. The College further reserves the right to cancel the solicitation if it is considered to be in its best interest.

### Minnesota State Colleges and Universities (MnSCU)

#### Winona State University

#### Request for Bids to Upgrade/Convert Existing Avaya EPN Cabinet to G650 Media Gateway Service

NOTICE IS HEREBY GIVEN that Winona State University is seeking bids to upgrade/convert existing Avaya epn cabinet to G650 media gateway service with survivability.

Bid specifications will be available Monday, May 5, 2008 by contacting the Purchasing Department at PO Box 5838, 205 Somsen Hall, Winona, MN 55987, by e-mail: *sschmitt@winona.edu* or by calling (507) 457-5067.

Sealed bids must be received by Sandra Schmitt at PO Box 5838, or at 205G Somsen Hall, Business Office, Winona State University, Winona, MN 55987 by 3:00 PM, Monday May 19, 2008.

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

### Minnesota Historical Society

#### Notice of Request for Proposals for Cultural Resource Survey and Planning Work

The Minnesota Historical Society is seeking proposals from qualified individuals or firms to provide professional services for the following cultural resource planning project:

Grand Rounds Historic District Survey & National Register Documentation  
Time Period: June 10, 2008 – July 20, 2009  
Estimated Budget: \$50,000.00

The Request for Proposals is available by calling or writing Mary Green-Toussaint, Purchasing Coordinator, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102. Telephone: (651) 259-3175 or via e-mail: *mary.green-toussaint@mnhs.org*.

Bids must be received no later than 2:00 p.m., Local Time, Wednesday, May 28, 2008. No late bids will be accepted.

**Please Note:** This program receives Federal funds from the National Park Service. Regulations of the U.S. Department of the Interior strictly prohibit unlawful discrimination in departmental Federally assisted Programs on the basis of race, color, national origin, age, or disability. Any person who believes he or she has been discriminated against in any program, activity, or facility operated by a recipient of Federal assistance should write to: Director, Equal Opportunity Program, U.S. Department of the Interior, National Park Service, P. O. Box 37127, Washington, D.C. 20013-7127.

Dated: May 5, 2008

## Minnesota State Lottery Request for Proposals for Sponsorship Agreements

### Description of Opportunity

The Minnesota State Lottery develops sponsorship agreements throughout the year with organizations, events, and sports teams to create excitement for lottery players, to interest new players and increase the visibility of lottery games. The Lottery encourages and continually seeks new sponsorship agreements to help achieve current Lottery marketing goals.

### Proposal Content

A sponsorship proposal presented to the Lottery should meet the following three criteria:

**1. Maximize Lottery Visibility** – the event, sports or tie-in proposal should draw a large number of desired participants (typically 50,000 or more) whose demographics match the Lottery player profile. The Lottery is interested in effectively delivering its message of fun and entertainment to Minnesota adults whose demographics skew primarily towards those aged 25-64, with a household income of \$35,000-\$75,000, and having an educational background of some college or higher. The Lottery does not market to those under the age of 18, and family events with high levels of children present are generally not accepted. Attendance, on-site signage visibility and paid media exposure will be critical components that will be evaluated.

**2. Enhance Lottery Image-** – the event, sports or tie-in proposal should inherently project the attitude that the Lottery is a fun and socially acceptable part of the community. The Lottery's presence should fit well within the lineup of other sponsors. The Lottery is interested in creating opportunities whereby the sponsorship can translate into sales revenue, either via on-site sales from a Lottery booth, from sales-generating promotions with Lottery retailers or from joint programs with the sponsor's media partners.

**3. Provide Promotional Extensions** – the event, sports or tie-in proposal should offer exciting, value-added ways to interact with our players and have opportunities to motivate attendees, listeners and viewers to participate in and purchase Lottery games. The proposal must include proper staffing availability or other considerations to help the Lottery implement any appropriate promotional extension ideas.

Proposals should address all pertinent elements of the sponsorship and how the Lottery criteria as stated above and on the Evaluation Form are to be met. To view or print copies of the Request for Proposal go to: <http://www.mnlottery.com/vendorops.html>

This Solicitation does not obligate the state to award a contract or pursue a proposed sponsorship opportunity, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

### Questions

Questions concerning this Solicitation should be directed to:

John Mellein, Marketing Director  
Minnesota State Lottery  
2645 Long Lake Road  
Roseville, MN 55113  
**Telephone:** (651) 635-8230  
**Toll-free:** (888) 568-8379 ext. 230  
**Fax:** (651) 297-7496

# State Contracts

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**TTY:** (651) 635-8268  
**E-mail:** [johnm@mnlottery.com](mailto:johnm@mnlottery.com)

Other personnel are not authorized to answer questions regarding this Solicitation.

## Response Delivery

All responses must be in writing and delivered to the contact noted above. Proposals will be accepted on an ongoing basis.

## Department of Transportation (Mn/DOT) Engineering Services Division Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (“Consultant Pre-Qualification Program”)

This document is available in alternative formats for persons with disabilities by calling Juanita Voigt at (651) 366-4774 for persons who are hearing or speech impaired by calling Minnesota Relay Service at (800) 627-3529.

Mn/DOT, worked in conjunction with the Consultant Reform Committee, the American Council of Engineering Companies of Minnesota (ACEC/MN), and the Department of Administration, to develop 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 awards most of its consultant contracts for highway-related technical activities using this method, however, Mn/DOT also reserves the right to use Request for Proposal (RFP) or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to 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 for application. Applications are accepted on a continual basis. All expenses are 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 applications forms are available on Mn/DOT’s Consultant Services web site at: <http://www.dot.state.mn.us/consult>.

Send completed application material to:

Juanita Voigt  
Consultant Services  
Office of Technical Support  
Minnesota Department of Transportation  
395 John Ireland Blvd. Mail Stop 680  
St. Paul, Minnesota 55155

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

## Department of Transportation (Mn/DOT) 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](http://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.

## **Department of Transportation (Mn/DOT) Finance and Administration Division Office of Human Resources Request for Proposals (RFP): Pre-Employment Physical Evaluations and Functional Assessment Services**

**NOTICE IS HEREBY GIVEN** of availability of Contract to provide pre-employment, post offer and post placement physical evaluation and functional assessment services. Responses to this advertisement become public information under the Minnesota Government Data Practices Act. This request does not obligate Mn/DOT to complete the work contemplated in this notice, and Mn/DOT reserves the right to cancel this RFP. All expenses incurred in responding to this notice will be borne by the responder.

The successful responder will provide pre-employment, post offer and post placement physical evaluation and functional assessment services, to determine an applicants (or employee's) capacity or ability to perform the essential job related functions of the employment position.

The full RFP can be viewed on the Consultant Services Web Page at [www.dot.state.mn.us/consult/index.html](http://www.dot.state.mn.us/consult/index.html) under the P/T Notices Section.

If you have any questions regarding this advertisement, or are having problems viewing the RFP on the Consultant Services Web Page, you may contact:

Debbie Forschen, Contract Administrator  
**E-Mail:** [debbie.forschen@dot.state.mn.us](mailto:debbie.forschen@dot.state.mn.us)  
**Telephone:** (651) 366-4625

Note: RESPONSES WILL BE DUE ON MAY 27, 2008 AT 2:00 PM CENTRAL DAYLIGHT TIME

## **Non-State Bids, Contracts & Grants**

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the 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.

### **Lower Minnesota River Watershed District Request for Interest Proposals for Engineering Consultant Services**

Pursuant to MSA 103B.227, Subd.5, the Lower Minnesota River Watershed District hereby solicits interest proposals for engineering consultant services for two years or less commencing in mid-2008.

Individuals interested in performing engineering consultant services for the Lower Minnesota River Watershed District should send a written request to Mr. Terry Schwalbe, 1600 Bavaria Road, Chaska, MN 55318 to receive a request for proposal.

The District will review said proposals and reserves to itself the right to take such action as it deems in the best interest of the Watershed District. All proposals shall be submitted on or before June 9, 2008.

### **Lower Minnesota River Watershed District Request for Interest Proposals for Engineering Consultant Services to Conduct the Ten-Year Fifth Generation Water Resource Plan Update**

Pursuant to *Minnesota Statutes Annotated* 103B.227, Subd. 5, the Lower Minnesota River Watershed District hereby solicits interest proposals for engineering consultant services to develop the ten-year Fifth Generation Water Resource Plan update commencing in mid-2008.

Individuals interested in performing engineering consultant services for the Lower Minnesota River Watershed District should send a written request to Mr. Terry Schwalbe, 1600 Bavaria Road, Chaska, MN 55318 to receive a proposal.

The District will review said proposals and reserves to itself the right to take such action as it deems in the best interest of the Watershed District. All proposals shall be submitted on or before June 26, 2008.

### **Lower Minnesota River Watershed District Request for Interest Proposals for Legal Consultant Services**

Pursuant to MSA 103B.227, Subd.5, the Lower Minnesota River Watershed District hereby solicits interest proposals for legal consultant services for two years or less commencing in mid-2008.

Individuals interested in performing legal consultant services for the Lower Minnesota River Watershed District should send a written request to Mr. Terry Schwalbe, 1600 Bavaria Road, Chaska, MN 55318 to receive a request for proposal.

The District will review said proposals and reserves to itself the right to take such action as it deems in the best interest of the Watershed District. All proposals shall be submitted on or before June 9, 2008.

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## Non-State Bids, Contracts & Grants

### Lower Minnesota River Watershed District

#### Request for Interest Proposals for Engineering Consultant Services to Conduct the Ten-year Fifth Generation Water Resource Plan Update

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### Metropolitan Council

#### Notice of Invitation for Bids (IFB) for Longitudinal Collector Chain for the Metro Wastewater Treatment Plant Reference Number 08P045

The Metropolitan Council is requesting bids for the furnishing and delivery of Longitudinal Collector Chain for the Metro Wastewater Treatment Plant.

*Issue Invitation for Bids*

**April 28, 2008**

*Bids Due*

**May 22, 2008 @ 2:00 pm local time**

*Award Purchase Order*

**June 2008**

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

Sunny Jo Emerson  
Senior Administrative Assistant  
Metropolitan Council  
390 North Robert Street  
St. Paul, MN 55101  
**Fax:** (651) 602-1083  
**E-mail:** [sunnyjo.emerson@metc.state.mn.us](mailto:sunnyjo.emerson@metc.state.mn.us)

### Metropolitan Council

#### Notice of Request for Proposals (RFP) for Metro Residents Survey Contract Number #07P058

The Metropolitan Council requests proposals for assistance with the administration of the annual Metro Residents Survey in fall 2008. This public opinion poll measures what the region's residents think about quality of life, leading regional issues and the Council's portfolio of program responsibilities.

Tasks include to:

- pre-test the survey instrument;
- prepare for telephone survey implementation;
- design and provide a survey sample of 3,200 residents;
- conduct survey interviews by phone with an estimated 2,800 of these sampled residents;

# Non-State Bids, Contracts & Grants

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- achieve a 50 percent interview completion rate; and
- edit, compile, and deliver survey response micro data collected through completed interviews.

<i>Issue Request for Proposals:</i>	<b>May 5, 2008</b>
<i>Receive proposals:</i>	<b>June 3, 2008</b>
<i>Contract negotiated, executed, NTP</i>	<b>June 2008</b>
<i>Period of performance</i>	<b>July 2008 to November 2008</b>

All firms interested in receiving the Request for Proposals and Scope of Work should contact:

Miriam Lopez-Rieth  
Contracts and Procurement Unit  
Metropolitan Council  
390 North Robert Street  
St. Paul, MN 55101  
**Phone:** (651) 602-1095  
**Fax:** (651) 602-1083  
**E-mail:** [Miriam.Lopez-Rieth@metc.state.mn.us](mailto:Miriam.Lopez-Rieth@metc.state.mn.us)

## Metropolitan Council

### Notice of Invitation for Bids (IFB) for Mixer, Motor & Pump Repairs Services for MCES Facilities

Reference Number 08P052

The Metropolitan Council is requesting bids for Mixer, Motor and Pump Repair Services.

<i>Issue Invitation for Bids</i>	<b>May 5, 2008</b>
<i>Bids Due</i>	<b>June 5, 2008 @ 2:00 pm local time</b>
<i>Contract Award</i>	<b>June 2008</b>

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

Sunny Jo Emerson  
Senior Administrative Assistant  
Metropolitan Council  
390 North Robert Street  
St. Paul, MN 55101  
**Fax:** (651) 602-1083  
**E-mail:** [sunnyjo.emerson@metc.state.mn.us](mailto:sunnyjo.emerson@metc.state.mn.us)

## Metropolitan Council

### Notice of Invitation for Bids (IFB) for 26 or 28 Ton Boom-Truck for the Metro Wastewater Treatment Plant

Reference Number 08P053

The Metropolitan Council is requesting bids for the fabrication and delivery of a 26 or 28 Ton Boom-Truck (Crane, Truck & Body) with a maximum main boom height of not less than 90 feet for the Metro Wastewater Treatment Plant.

<i>Issue Invitation for Bids</i>	<b>My 5, 2008</b>
<i>Bids Due</i>	<b>June 3, 2008 @ 2:00 pm local time</b>
<i>Contract Award</i>	<b>June 2008</b>

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# Non-State Bids, Contracts & Grants

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

Sunny Jo Emerson  
Senior Administrative Assistant  
Metropolitan Council  
390 North Robert Street  
St. Paul, MN 55101  
**Fax:** (651) 602-1083  
**E-mail:** [sunnyjo.emerson@metc.state.mn.us](mailto:sunnyjo.emerson@metc.state.mn.us)

## University of Minnesota (U of M) Subscribe to Bid Information Service (BIS)

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

Request for Bids/Proposals are also available to the public each business day from 8:00 a.m. to 4:30 p.m. in the Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Minneapolis, Minnesota 55454.

## Washington County Public Works Department Request for Proposals for Engineering Services for TH 36 and Lake Elmo Avenue (CSAH 17) Intersection Reconstruction

**NOTICE IS HEREBY GIVEN** that Washington County Public Works, as the lead agency, is seeking qualified firms to provide preliminary design services for the reconstruction of the intersection of TH 36 and Lake Elmo Avenue (CSAH 17) in the cities of Grant and Lake Elmo. Qualified firms will have experience in Planning, Traffic Studies and Forecasting, Public and Agency Involvement, Bridge Design, Environmental Documentation and Layout Development and Analysis.

The project work will commence immediately upon selection of the consultant. The consultant will prepare a project schedule based on a start date of July 1, 2008 and a target date of December 1, 2008 for completion of the preliminary design.

A "Qualification Based Selection" method will be used to review proposals submitted in response to this RFP.

The full Request for Proposal can be obtained at the Office of the Washington County Engineer:  
Washington County Public Works Department  
11660 Myeron Road North  
Stillwater, MN 55082  
Phone: (651) 430-4330

The full Request for Proposal can also be obtained from the Washington County website:

[http://www.co.washington.mn.us/info\\_for\\_residents/transportation\\_division/bidsrequest\\_for\\_proposals](http://www.co.washington.mn.us/info_for_residents/transportation_division/bidsrequest_for_proposals)

Pre-proposal Conference: May 19, 2008 at 2:00 p.m. at Washington County Public Works

Proposals Due: May 30, 2008 at 2:00 p.m. at Washington County Public Works

