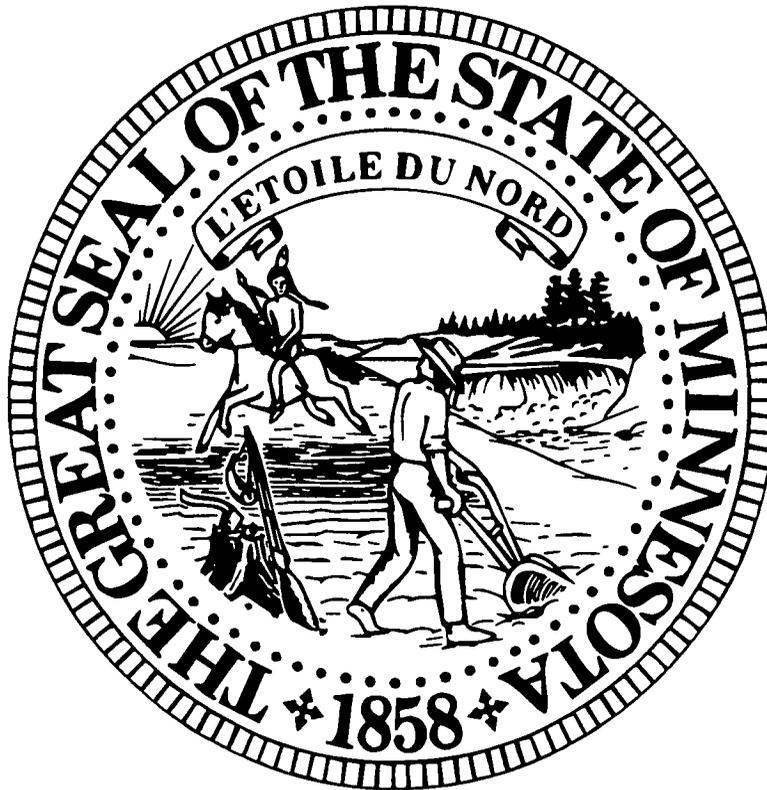


The Minnesota

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# State Register

## Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

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Vol. 21 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
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# 21	Monday 18 November	Monday 4 November	Friday 8 November
# 22	Monday 25 November	Friday 8 November	Monday 18 November
# 23	Monday 2 December	Monday 18 November	Friday 22 November

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Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

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Room 231 State Capitol, St. Paul, MN 55155

Contact: House Information Office (612) 296-2146  
Room 175 State Office Building, St. Paul, MN 55155

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Vendors interested in responding to the commodity and service contracts advertised in the *Contracts Supplement* should contact the Department of Administration **Materials Management Division Helpline** 612/296-2600.

Individual copies and subscriptions for both publications are available through Minnesota's Bookstore, (612) 297-3000 or 1-800-657-3757.

# 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 1995 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

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

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

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# Proposed Rules

## Comments on Planned Rules or 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*.

## Department of Public Safety

### Proposed Permanent Rules Relating to Preliminary Screening Breath Test Devices

#### Notice of Hearing

Proposed Amendment to Rules Governing Preliminary Screening Breath Test Devices, *Minnesota Rules*, chapter 7501.

**Public Hearing.** The Department of Public Safety intends to adopt rules after a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing on the above-entitled rules in the large hearing room, North Central Life Tower, 445 Minnesota Street, St. Paul, Minnesota 55155, starting at 9:00 a.m., on Thursday, December 19, 1996, and continuing until the hearing is completed. Additional days of hearing will be scheduled if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

**Administrative Law Judge.** The hearing will be conducted by Administrative Law Judge George A. Beck, who can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 341-7601, and fax (612) 349-2665. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge.

**Subject of Rules, Statutory Authority, and Agency Contact Person.** The subject of the hearing will be the proposed amendment of rules governing preliminary screening breath test devices, *Minnesota Rules*, chapter 7501. The proposed rule amendment is authorized by *Minnesota Statutes*, section 169.121, subdivision 6, and 169.128. A copy of the proposed rule amendment was published in the *State Register* on August 26, 1996. A free copy of the rule amendment is available upon request from the agency contact person. The agency contact person is: Hope Jensen, Rules Coordinator, Department of Public Safety, Suite 1000, 445 Minnesota Street, St. Paul, Minnesota, 55101, phone (612) 296-2906, and fax (612) 297-5728.

**Statement of Need and Reasonableness.** A Statement of Need and Reasonableness is now available for review at the agency offices and at the Office of Administrative Hearings. 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 be reviewed and copies obtained at the cost of reproduction from either the agency or the Office of Administrative Hearings.

**Public Comment.** You and all interested or affected persons, including representatives of associations and 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

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Proposed Rules

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 response period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings.

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

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

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

**Adoption Procedure After the Hearing.** 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 judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rules and files them with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings, and can make these requests at the hearing or in writing to the agency contact person stated above.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at: First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 612/296-5148 or 1-800-657-3889.

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

Don E. Davis, Acting Commissioner  
Minnesota Department of Public Safety

### Rules as Proposed

#### 7501.0100 DEFINITIONS.

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

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. **Screening device.** "Screening device" means a device that by analysis of a sample of breath will indicate whether the alcohol concentration of an the individual tested is ~~more or less than 0.10~~.

#### 7501.0300 MINIMUM STANDARDS AND SPECIFICATIONS.

Screening devices used pursuant to Minnesota Statutes, section 169.121, subdivision 6, must meet the following minimum standards and specifications:

A. Accuracy of the screening device must remain consistent during a storage life of one year from the date of purchase, at storage temperatures ranging between minus 30 degrees Fahrenheit to 120 degrees Fahrenheit.

B. The reading of a screening device after a sample of breath is properly taken must be ascertainable under reduced levels of illumination. ~~The screening device must not indicate numerical results when the test result is positive.~~

C. Operation of the screening device must be simple enough that operators can be trained to use the screening device with four hours or less of formal instruction.

D. Each individual screening device must be packaged with a complete set of instructions as to how the device is to be properly calibrated and used for taking and analyzing a sample of breath.

E. When a sample of breath is properly taken from a ~~person with an actual alcohol concentration of 0.05 or less~~ an alcohol-free individual, the screening device must not indicate a ~~positive result that alcohol is present~~.

F. When a sample of breath is properly taken from a ~~person with an actual alcohol concentration of 0.13 or more~~, the screening device must not indicate a negative result.

G. ~~Other than as limited in items E and F, when a sample of breath is properly taken from a person~~ an individual with an actual alcohol concentration of ~~0.06 to 0.12~~ 0.02 or greater, the screening device must not have a deviation greater than  $\pm 0.02$  plus or minus 0.015 alcohol concentration.

H. ~~G.~~ A screening device intended to perform more than one test and requiring periodic calibration must, once calibrated, retain its calibration within  $\pm 0.01$  plus or minus 0.010 alcohol concentration for a minimum of ~~seven~~ 14 days ~~when tested daily~~.

I. ~~H.~~ A screening device that is disposable after a single use, and of which the accuracy is affected by storage, must be labeled with an expiration date.

#### **7501.0500 APPLICATION FOR APPROVAL, SAMPLES REQUIRED.**

Each application submitted to the commissioner for approval of a screening device must include:

A. in the case of a screening device disposable after one use, 50 samples of the device for use by the commissioner to verify that the information contained in the application for approval is correct;

B. in the case of a screening device not disposable after one use, ~~one device~~ two devices with disposable components or other materials sufficient to conduct 50 tests of breath, with the screening device to be returned to the manufacturer after verification by the commissioner of the information contained in the application.

**REPEALER.** Minnesota Rules, part 7501.0100, subparts 5 and 6, are repealed.

## **Board of Veterinary Medicine**

### **Proposed Permanent Rules Relating to License Fee**

#### **Notice of Intent to Adopt Rules Without a Public Hearing**

Proposed Amendment to Rules Governing Initial and Biennial Veterinary License Renewal Fees and Late Fees, *Minnesota Rules* 9100.0500, Subp. 2 and 4.

**Introduction.** The Board of Veterinary Medicine intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You have 30 days to submit written comments on the proposed rules. As set forth in *Minnesota Statutes*, section 214.06, Subd. 3, no hearing will be held.

**Agency Contact Person.** Comments or questions on the rules must be submitted to the agency contact person. The agency contact person is: Roland C. Olson at Board of Veterinary Medicine, 2829 University Ave. SE #540, Minneapolis, MN 55414-3250, 612-617-2170.

**Subject of Rules and Statutory Authority.** The proposed rules are about fees. The statutory authority to adopt the rules is *Minnesota Statutes*, section 214.06, Subd. 1. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on December 12, 1996, to submit written comments in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

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

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

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Proposed Rules

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**Adoption and Review of Rules.** No hearing will be held; the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: 25 October 1996

Roland C. Olson, DVM  
Executive Director

### 9100.0500 INITIAL AND RENEWAL FEE.

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

Subp. 2. **Amount.** The initial licensure fee and the biennial renewal fee is ~~\$100~~ \$200 and must be paid to the executive director of the board on or before March 1 of the first year of the biennial license period. By January 1 of the first year for which the biennial renewal fee is due, the board shall issue a renewal application to each current licensee to the last address maintained in the board file. Failure to receive this notice does not relieve the licensee of the obligation to pay renewal fees so that they are received by the board on or before the renewal date of March 1.

Initial licenses issued after the start of the licensure renewal period are valid only until the end of the period.

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

Subp. 4. **Late renewal penalty.** An applicant for renewal must pay a late renewal penalty of ~~\$60~~ \$100 in addition to the renewal fee if the application for renewal is received after March 1 of the licensure renewal period. A renewed license issued after March 1 of the licensure renewal period is valid only to the end of the period regardless of when the renewal fee is received.

Subp. 4a. **Reinstatement fee.** An applicant for license renewal whose license has previously been suspended by official board action for nonrenewal must pay a reinstatement fee of \$50 in addition to the ~~\$100~~ \$200 renewal fee and the ~~\$60~~ \$100 late renewal penalty.

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

## Adopted Rules

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

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

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

### Exempt Rules

An exempt rule adopted under *Minnesota Statutes* §§ 14.386 or 14.388 is effective upon its publication in the *State Register*.

### Emergency Expedited Rules

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

## Pollution Control Agency

### Withdrawal and Adoption of Permanent Rules Relating to Odorous Emissions

*Minnesota Rules*, parts 7029.0005 to 7029.0110, and the amendments to *Minnesota Rules*, part 7035.2835, as proposed and published at *State Register*, Volume 20, Number 26, pages 1795-1807, December 26, 1995, are withdrawn. The remainder of the rules, as proposed and published at *State Register*, Volume 20, Number 26, pages 1795-1807, December 26, 1995, are adopted with the following modifications:

#### 7007.0100 DEFINITIONS.

Subp. 7. **Applicable requirement.** "Applicable requirement" means all the following as they apply to emissions units in a stationary source (including requirements that have been promulgated or approved by the EPA or the agency through rulemaking at the time of issuance but have future effective compliance dates):

A. any standard, or other requirement provided for in Minnesota's implementation plan approved or promulgated by the EPA under title I of the act (Program and Activities), including any revisions to that plan promulgated in *Code of Federal Regulations*, title 40, part 52, as amended (Approval and Promulgation of Implementation Plans); ~~except rules related to odor in chapter 7029;~~

P. any standard or other requirement pursuant to the Standards of Performance for Stationary Sources under chapter 7011; ~~except rules related to odor in chapter 7029;~~

#### 7017.2020 PERFORMANCE TESTS GENERAL REQUIREMENTS.

Subpart 1. **Testing required.** The owner or operator of an emission facility shall arrange to conduct a performance test to determine the characteristics and amount of emissions of air pollutants from any emission facility at the times required by an applicable compliance document, federal regulation, or Minnesota rule or statute and at additional times if the commissioner requests a performance test in order to:

E. determine the compliance status of an emission facility following a modification to the emission facility that the commissioner determines could cause an increase in the amount of emissions of any air pollutant from that facility; or

F. determine the relative accuracy of a continuous emissions monitoring system; ~~or~~

~~G. determine the compliance status of an emission facility when odorous emissions from that facility indicate the release of a regulated air pollutant.~~

EPA may request a performance test under this part for the reasons listed in items A to ~~G~~ E. When EPA requires a performance test under this subpart, and EPA directly administers the performance test, EPA will make the decisions that the commissioner makes under parts 7017.2001 to 7017.2060 for that performance test.

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Revenue Notices

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### ODOROUS EMISSIONS

7029.0005 SCOPE. [Withdrawn.]

7029.0010 DEFINITIONS. [Withdrawn.]

7029.0020 ODOROUS EMISSIONS PROHIBITED. [Withdrawn.]

7029.0030 DETERMINATION OF COMMUNITY ANNOYANCE. [Withdrawn.]

7029.0040 NOTICE OF COMMUNITY ANNOYANCE. [Withdrawn.]

7029.0050 REQUIRED RESPONSE TO NOTICE OF COMMUNITY ANNOYANCE. [Withdrawn.]

7029.0060 COMMISSIONER REVIEW OF PROPOSED ODOR REDUCTION PLAN AND PROPOSED TEST PLAN. [Withdrawn.]

7029.0070 IMPLEMENTATION OF APPROVED ODOR REDUCTION PLAN AND TEST PLAN; REPORTING; RETESTS; ADDITIONAL ENFORCEMENT ACTION. [Withdrawn.]

7029.0080 ODOR TESTING PROCEDURES. [Withdrawn.]

7029.0100 COMPLAINT FORM. [Withdrawn.]

7029.0105 SUMMARY FORM. [Withdrawn.]

7029.0110 ODOR PANELIST QUESTIONNAIRE. [Withdrawn.]

7035.2835 COMPOST FACILITIES. [Withdrawn.]

7035.2875 REFUSE-DERIVED FUEL PROCESSING FACILITIES.

Subp. 3. **Operation and maintenance manual.** The owner or operator of a refuse-derived fuel processing facility must prepare an operation and maintenance manual and keep the manual at the facility. The manual must contain the information needed to operate the facility properly and meet the following requirements:

A. Odors emitted by the facility must comply with the applicable provisions of parts 7011.2200 to 7011.2220 and chapter 7029.

7040.2800 PUBLIC HEALTH AND SAFETY.

Subpart 1. **Performance standard.** A sewage sludge landspreading facility shall be designed, constructed, operated, and maintained so that it will not adversely impact the health and safety of the public living near or passing by the facility. ~~The facility shall comply with applicable provisions of chapter 7029 of the Minnesota Pollution Control Agency at the facility boundary.~~

**REPEALER.** *Minnesota Rules*, parts 7011.0300; 7011.0305; 7011.0310; 7011.0315; 7011.0320; 7011.0325; 7011.0330; and 7011.2215; and 7011.2220, subpart 4, are repealed.

## Revenue Notices

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

## Department of Revenue

### Revenue Notice #96-17: Sales and Use Tax: Determination of Capital Equipment vs. Replacement Capital Equipment

#### Introduction

*Minnesota Statutes*, section 297A.25, subdivision 42 provides an exemption from sales and use tax for purchases of capital equipment. *Minnesota Statutes*, section 297A.02, subdivision 5 sets reduced rates of tax on replacement capital equipment. However, *Minnesota Statutes*, section 297A.15, subdivision 5 requires that the sales or use tax must first be paid on purchases of capital equipment and replacement capital equipment and the purchaser must apply for a refund of the tax paid.

Purchases of qualifying capital equipment are eligible for a full refund of the sales or use tax paid. *Minnesota Statutes*, section 297A.01, subdivisions 16 and 20, define capital equipment as machinery and equipment used by the purchaser or lessee primarily for manufacturing, fabricating, mining, or refining tangible personal property to be sold ultimately at retail, and for electronically transmitting results retrieved by a customer of an on-line computerized data retrieval system.

Purchases of replacement capital equipment are eligible for a partial refund of the sales or use tax paid. Replacement capital equipment is defined in *Minnesota Statutes*, section 297A.01, subdivision 20 as machinery and equipment that serves fundamen-

tally or essentially the same purpose or function or that produces the same or similar end product as did the old equipment, even though it may increase speed, efficiency, or production capacity.

### **General Requirements**

If any of the following three statements is true, the equipment is replacement capital equipment eligible for a partial refund of the tax paid. If none of the three parts is true, the equipment is capital equipment eligible for a full refund of the tax paid.

1. **Same or similar.** The new equipment is only capable of making the same or similar tangible personal property that was produced by the old equipment. For this revenue notice, "same or similar" is defined to mean that property produced by the new equipment is like the property produced by the old equipment. The factors to consider are size, shape, composition, and make up of the product.
2. **Purpose.** The new equipment serves the same purpose as the old equipment. For this revenue notice, "purpose" is defined as the end result to be achieved. If the new equipment is being used to make tangible personal property that could not have been made by the old equipment, the new equipment serves a new purpose and qualifies as capital equipment, even if it also makes the same property made by the old equipment.
3. **Function.** The new equipment serves the same function as the old equipment. For this revenue notice, "function" is defined to mean the normal capabilities or actions performed by an individual piece of equipment. If the new equipment performs only the same capabilities or actions as the old equipment, the new machine serves the same function and qualifies as replacement capital equipment. However, if the new equipment has additional capabilities or actions that are necessary to produce specific tangible personal property, the new machine serves a different function and qualifies as capital equipment, even if it also performs the same capabilities or actions as the old equipment.

### **Examples**

A printer trades in a black and white press for a press capable of printing multiple colors. The printer intends to use the new press to print newspapers in color. The press qualifies for the full refund as capital equipment because the product produced is not the same as the old product, and the press performs functions that the old press could not.

A printer trades in a four color press for a press capable of printing eight colors. Now the printer plans to offer new products such as calendars, posters, multiple colored brochures, and newspapers with full color graphic reproductions. The new press qualifies for the full refund as capital equipment since the new end products are not the same as the product previously produced.

A machine shop trades in a drill press on the purchase of a new machining center that is capable of drilling holes to a higher tolerance. The new machining center makes the production process more efficient by reducing the number of rejects and thereby ensuring a higher degree of quality. The end product is the same, so the new machining center qualifies only as replacement capital equipment.

A cosmetics manufacturer changes their shampoo production line to manufacture an alcohol free shampoo. New equipment is required to produce this particular type of shampoo. The new equipment qualifies as capital equipment.

A juice manufacturer bottles their product in small glass containers. The manufacturer decides to enter the drink box market by packaging their juice in plastic pouches. The new equipment purchased to package the juice in pouches qualifies as capital equipment.

A woodworking shop disposed of a lathe that used two foot stock lengths to make lamp bases and small tables. The new lathe can use up to six foot stock lengths that allows production of additional products. Using the new lathe the shop will make baseball bats, hat trees, and umbrella stands. The new lathe qualifies as capital equipment.

A computer software manufacturer purchases canned software programmed in another computer language to produce their product in a format that is compatible with other operating systems. Their old software programs did not allow for this computer language. The software program purchased qualifies as capital equipment.

A plastics manufacturer produces coffee cups in batches of four. In order to expand their market, they trade in two of their old molding presses on the purchase of two new presses. One of the new presses allows for the production of coffee cups in batches of eight. This press qualifies only as replacement capital equipment because it only increases production capacity. The other press allows them to make insulated coffee mugs. This press qualifies as capital equipment because it allows them to manufacture a new product.

A window and door manufacturer retools a basic window production line to manufacture higher quality wood and vinyl windows. The basic window line is then discontinued. The new windows have the added features of triple pane glass, removable panels, and weather resistance. Equipment purchased that performs functions to produce the new features qualify as capital equipment.

### **Effective Date**

This notice is effective for purchases or leases of capital equipment or replacement capital equipment made on or after July 1, 1994.

Dated: 12 November 1996

Don Trimble  
Assistant Commissioner

# Official Notices

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Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rule-making proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

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

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## Minnesota State Agricultural Society Minnesota State Fair

### Notice of Meeting of the Board Managers

The board of managers of the Minnesota State Agricultural Society, governing body of the State Fair, will conduct a business meeting at 10 a.m. Thursday, November 14 at the Administration Building on the fairgrounds. The general business session will be preceded by a 9:30 a.m. meeting of the board's commercial space sales committee.

## Board of Animal Health

### Notice of Quarterly Meeting of the Board of Animal Health

The Board of Animal Health quarterly meeting will be Friday, December 6, 1996. The meeting will convene at 9:30 a.m. at the Board offices, 90 West Plato Blvd., St. Paul, Minnesota.

## Department of Health

### Health Policy and System Compliance Division

### Notice Regarding Quarterly Change in the Regional and National Consumer Price Index

Pursuant to *Minnesota Statutes* section 62J.04 Subdivision 1, the commissioner of health is required to publish the quarterly change in the regional consumer price index for urban consumers. The publication of this change is intended to assist in monitoring movement in the general inflation rate as measured by the quarterly change in the North Central CPI-U index. The quarterly change and annualized seasonally adjusted change in the U.S. city average CPI-U index is also published for comparative purposes.

The change in the average, unadjusted North Central CPI-U index for all items, from the 2nd quarter 1996 to the 3rd quarter 1996, is 0.60%.

The change in the average, unadjusted U.S. city CPI-U index for all items, from the 2nd quarter 1996 to the 3rd quarter 1996, is 0.60%.

The seasonally adjusted annualized rate of change in the average U.S. city CPI-U index, from the 2nd quarter 1996 to the 3rd quarter 1996, is 2.32%.

## Department of Labor and Industry

### Labor Standards Division

### Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective November 12, 1996 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

**Dakota:** Hastings Family Housing-Hastings.

**Lake:** Airport "Tee" Hanger & Site Preparation-Two Harbors.

**Olmsted:** MN/DOT Rochester Dist Headquarters-State Patrol Office Addition-Rochester.

**Ramsey:** Murray Junior High School Technology Installation-St Paul; BCA/DNA Lab & Office Remodeling-St Paul; Hazel Park Middle School Technology Installation-St Paul; Expo Middle School Technology Installation-St Paul; Cleveland Middle School Technology Installation-St Paul; Battle Creek Middle School Technology Installation-St Paul.

**Stevens:** P E Center Bleacher Tractor Replacement-Morris.

**Wadena:** Tri-County Hospital Tunnel Waterproofing Replacement-Wadena.

**Washington:** Washington County Oakdale Library-Oakdale.

**Winona:** Lighting Retrofit for Winona ISD #861-Winona.

Copies of the certified wage rate for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

Gary W. Bastian, Commissioner

## **Environmental Quality Board**

### **Power Plant Siting and Transmission Line Routing Program**

#### **Notice of Annual Hearing on the Power Plant Siting and Transmission Line Routing Program**

**NOTICE IS HEREBY GIVEN** that the Minnesota Environmental Quality Board will hold the annual public hearing on the Power Plant Siting and Transmission Line Routing Program at 9:00 a.m., Saturday, November 23, 1996 in Conference Room 301 of the Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota. Parking is available in the ramp east of the building and the building may only be entered on the east side.

The annual hearing is intended to afford interested persons an opportunity to be heard regarding any aspects of the Board's activities, duties, or policies pursuant to the Power Plant siting Act. *Minnesota Statutes* 116C.51-.69. In particular, **comments are requested on the recommendations contained in the Wholesale Competition Report**, prepared by the Minnesota Public Utilities Commission Electric Competition Work Group, October 18, 1996, regarding siting of power plants and routing of transmission lines.

All persons will be afforded an opportunity to be heard through the presentation of oral or written statements. Written statements marked for the annual hearing record may also be submitted for inclusion in the record by delivery to the Board's office by the close of business December 6, 1996.

Direct all inquiries regarding the annual hearing and requests for a copy of the PUC Wholesale Competition Report to: John Wachtler, Power Plant Siting Program, Environmental Quality Board, 300 Centennial Building, St. Paul, MN 55155, Phone 612-296-4095.

## **Pollution Control Agency**

### **Notice of Total Maximum Daily Load List of Stream Segments Which Have Impaired Uses**

In accordance with the requirements of Section 303(d) of the Federal Water Pollution Control Act, the Minnesota Pollution Control Agency (MPCA) is today publishing, for public review and comment, its 1996 list of stream segments which have impaired uses and for which the MPCA proposes to complete total maximum daily load (TMDL) studies. TMDL studies define the maximum amount of each pollutant which can be released and assimilated in the receiving water from point and nonpoint sources and allow the receiving water to achieve water quality standards.

The MPCA is required to list and prioritize stream segments. Prioritization decisions are based upon problem severity, relative importance of the stream segment, and availability of resources to conduct the TMDL work. TMDL studies are currently underway for stream segments which are specifically identified in the following Section 303(d) list of impaired waters. Last year the MPCA Water Quality Division launched a basin management planning effort. Within the next five years, basin plans will be developed for all ten of the major river basins in Minnesota. Within the context of each basin plan, water quality problems will be identified and prioritized. It is anticipated that basin planning decisions will drive the prioritization of stream segments in future Section 303(d) lists.

## Official Notices

Minnesota's proposed list is being published today for the purpose of providing opportunity for public notice and comment. The comment period will end on December 12, 1996. Comments may be directed to Mr. John Hensel at the following address:

Mr. John E. Hensel, Supervisor  
Standards Unit  
Monitoring and Assessment Section  
Water Quality Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4196

If you have further questions, you may contact Mr. John Hensel by telephone: (612) 296-7213, Outstate: (800) 657-3864, TTY: (612) 282-5332.

### Section 303(d) List of Impaired Waters

	<u>Affected Use:</u>	<u>Pollutant, Stressor, or Indicator:</u>
<b>LAKE SUPERIOR BASIN</b>		
Amity Creek 04010102-115	Swimming	Fecal coliforms
Beaver River 04010102-009	Aquatic Life	Turbidity
Knife River 04010102-012	Aquatic Life Swimming	Turbidity Fecal coliforms
Lester River 04010102-015	Aquatic Life	Turbidity
Miller Creek 04010201-103	Aquatic Life	Biology
Schmidt Creek 04010102-203	Swimming	Fecal coliforms
04010102-103	Swimming	Fecal coliforms
Skunk Creek (Lake Superior) 04010102-110	Swimming	Fecal coliforms
St. Louis River, from Pokegama River to the mouth *04010201-003	Swimming	Fecal coliforms
Talmadge River 04010102-102	Aquatic Life Swimming	Low Oxygen Fecal coliforms
<b>UPPER MISSISSIPPI BASIN, Upper Portion</b>		
Clearwater River, above Lake Betty 07010203-315	Aquatic Life Swimming	Low Oxygen Fecal coliforms
Crow River; from the North Fork Crow River to the mouth 07010204-001	Swimming	Fecal coliforms
Crow River, North Fork; from Mill Creek to the Crow River 07010204-002	Swimming	Fecal coliforms
Elm Creek, from Cedar Creek to the mouth 07010206-007	Aquatic Life	Low Oxygen
Jewett Creek 07010204-017	Aquatic Life Swimming	Low Oxygen Ammonia Fecal coliforms

\* TMDL (Total maximum daily load) study in progress

\*\* TMDL study completed

	<u>Affected Use:</u>	<u>Pollutant, Stressor, or Indicator:</u>
<b>UPPER MISSISSIPPI BASIN, Upper Portion</b>		
Long Prairie River, from Eagle Creek to the mouth		
07010108-005	Aquatic Life	Low Oxygen
07010108-004	Aquatic Life	Low Oxygen
07010108-002	Aquatic Life	Low Oxygen
07010108-001	Aquatic Life	Low Oxygen
Mississippi River, from the headwaters to Lake Pokegama near Grand Rapids		
07010101-033	Aquatic Life	Low Oxygen
07010101-008	Aquatic Life	Low Oxygen
07010101-005	Aquatic Life	Low Oxygen
07010101-004	Aquatic Life	Low Oxygen
Mississippi River, from the Sauk River to the Crow River		
07010203-210	Swimming	Fecal coliforms
07010203-009	Swimming	Fecal coliforms
07010203-001	Swimming	Fecal coliforms
Mississippi River, from the Minnesota River to Lock & Dam 2 in Hastings		
07010206-401	Aquatic Life Swimming	Ammonia Fecal coliforms
07010206-201	Aquatic Life Swimming	Ammonia Fecal coliforms
Rum River, from Stanchfield Creek to Seelye Brook		
07010207-005	Swimming	Fecal coliforms
Sauk River		
07010202-012	Aquatic Life	Low Oxygen
07010202-001	Swimming	Fecal coliforms
Swan River		
07010104-030	Swimming	Fecal coliforms
Willow Creek		
07010203-415	Swimming	Fecal coliforms

**\*MINNESOTA RIVER BASIN**

Blue Earth River; from the Blue Earth River, West Branch, to the mouth		
07020009-019	Swimming	Fecal coliforms
07020009-015	Aquatic Life	Biology
07020009-001	Swimming	Fecal coliforms
Cedar Run Creek		
07020009-405	Aquatic Life Swimming	Low Oxygen Ammonia Fecal coliforms
Center Creek		
07020009-010	Aquatic Life Swimming	Ammonia Biology Fecal coliforms
Chippewa River, from Dry Weather Creek to the mouth		
07020005-001	Aquatic Life Swimming	Ammonia Fecal coliforms
Cottonwood River, JD 30 to the mouth		
07020008-001	Swimming	Fecal coliforms
Elm Creek, from Cedar Creek to the mouth		
07020009-004	Aquatic Life Swimming	Turbidity Fecal coliforms
Judicial Ditch 3, Marshall County		
07020009-204	Aquatic Life	Low Oxygen
Lac Qui Parle River, from Canby Creek to Ten Mile Creek		
07020003-002	Aquatic Life	Low Oxygen

\* TMDL (Total maximum daily load) study in progress      \*\* TMDL study completed

# Official Notices

	<u>Affected Use:</u>	<u>Pollutant, Stressor, or Indicator:</u>
<b>*MINNESOTA RIVER BASIN</b>		
Little Minnesota River, from Jorgenson River to Big Stone Lake 07020001-028	Aquatic Life	Ammonia
Minnesota River; Lac Qui Parle 07020001-002	Aquatic Life	Ammonia
Minnesota River, from the Chippewa River to Bevens Creek		
07020004-019	Swimming	Fecal coliforms
07020004-011	Swimming	Fecal coliforms
07020004-010	Swimming	Fecal coliforms
07020004-008	Swimming	Fecal coliforms
07020004-001	Swimming	Fecal coliforms
07020007-021	Swimming	Fecal coliforms
07020007-019	Swimming	Fecal coliforms
07020007-018	Swimming	Fecal coliforms
Minnesota River, from the Chippewa River to Bevens Creek		
07020007-016	Swimming	Fecal coliforms
07020007-015	Swimming	Fecal coliforms
07020007-013	Swimming	Fecal coliforms
07020007-011	Swimming	Fecal coliforms
07020007-010	Swimming	Fecal coliforms
07020007-009	Swimming	Fecal coliforms
07020007-008	Swimming	Fecal coliforms
07020007-005	Swimming	Fecal coliforms
07020007-004	Swimming	Fecal coliforms
07020007-003	Swimming	Fecal coliforms
07020007-002	Swimming	Fecal coliforms
07020007-001	Swimming	Fecal coliforms
07020012-020	Swimming	Fecal coliforms
07020012-019	Swimming	Fecal coliforms
07020012-013	Swimming	Fecal coliforms
07020012-008	Swimming	Fecal coliforms
Minnesota River, from Bevens Creek to the Mississippi River		
07020012-004	Aquatic Life Swimming	Turbidity Fecal coliforms
**07020012-201	Aquatic Life	Turbidity
**07020012-101	Aquatic Life Swimming	Turbidity Fecal coliforms
Pomme de Terre River, from Mud Creek to the mouth		
07020002-001	Aquatic Life Swimming	Low Oxygen Fecal coliforms
Redwood River		
07020006-009	Aquatic Life Swimming	Biology Fecal coliforms
**07020006-106	Aquatic Life	Low Oxygen Ammonia Biology
**07020006-004	Aquatic Life Swimming	Biology Fecal coliforms
**07020006-001	Swimming	Fecal coliforms
Three Mile Creek		
07020006-005	Aquatic Life	Low Oxygen Biology
Watonwan River, from Perch Creek to the mouth		
07020010-001	Swimming	Fecal coliforms
Yellow Medicine River, from Spring Creek to the mouth		
07020004-022	Swimming	Fecal coliforms
Affected Use:	Pollutant, Stressor, or Indicator:	
Yellow Medicine River, South Branch		
07020004-028	Swimming	Fecal coliforms

\* TMDL (Total maximum daily load) study in progress

\*\* TMDL study completed

	<u>Affected Use:</u>	<u>Pollutant, Stressor, or Indicator:</u>
<b>ST. CROIX RIVER BASIN</b>		
Grindstone River; from the South Branch, Grindstone River, to the mouth 07030003-021	Swimming	Fecal coliforms
Groundhouse River; above the Groundhouse River, South Fork 07030004-016	Swimming	Fecal coliforms
Kettle River, from the Grindstone River to the St. Croix 07030003-001	Swimming	Fecal coliforms
Sunrise River, North Branch 07030005-034	Swimming	Fecal coliforms
<b>UPPER MISSISSIPPI BASIN, Lower Portion</b>		
Cannon River, from Pine Creek to the mouth 07040002-002	Swimming	Fecal coliforms
07040002-001	Aquatic Life Swimming	Turbidity Fecal coliforms
Garvin Brook 07040003-023	Aquatic Life Swimming	Turbidity Fecal coliforms
Mississippi River, from the Whitewater River to the Iowa border 07040003-207	Swimming	Fecal coliforms
07040003-006	Swimming	Fecal coliforms
07040003-024	Swimming	Fecal coliforms
07040003-001	Swimming	Fecal coliforms
07040006-009	Swimming	Fecal coliforms
07040006-002	Aquatic Life Swimming	Ammonia Fecal coliforms
07040006-001	Aquatic Life Swimming	Ammonia Fecal coliforms
07060001-021	Aquatic Life Swimming	Ammonia Fecal coliforms
Prairie Creek 07040002-033	Swimming	Fecal coliforms
Robinson Creek 07040008-418	Swimming	Fecal coliforms
Root River, from the Root River South Branch to the mouth 07040008-002	Swimming	Fecal coliforms
07040008-001	Swimming	Fecal coliforms
Salem Creek 07040004-120	Swimming	Fecal coliforms
Straight River, from Maple Creek to Crane Creek 07040002-021	Swimming	Fecal coliforms
Vermillion River 07040001-312	Swimming	Fecal coliforms
07040001-112	Aquatic Life Swimming	Turbidity Fecal coliforms
Whitewater River, North Fork 07040003-120	Aquatic Life Swimming	Ammonia Turbidity Fecal coliforms
Whitewater River, South Fork 07040003-222	Swimming	Fecal coliforms
Zumbro River, South Fork; from Cascade Creek to the Zumbro Middle Fork 07040004-016	Swimming	Fecal coliforms

\* TMDL (Total maximum daily load) study in progress

\*\* TMDL study completed

# Official Notices

	<u>Affected Use:</u>	<u>Pollutant, Stressor, or Indicator:</u>
<b>CEDAR - DES MOINES RIVER BASIN</b>		
Cedar River, from Roberts Creek to Woodbury Creek		
07080201-321	Swimming	Fecal coliforms
07080201-016	Swimming	Fecal coliforms
Des Moines River, from Windom dam to Brown Creek		
07100001-101	Aquatic Life Swimming	Low Oxygen Ammonia Turbidity Fecal coliforms
07100002-013	Swimming	Fecal coliforms
Des Moines River, East Branch, above Tuttle Lake		
07100003-021	Aquatic Life Swimming	Ammonia Fecal coliforms
Shell Rock River, from Albert Lea Lake to the Iowa border		
07080202-009	Aquatic Life Swimming	Ammonia Fecal coliforms
<b>RED RIVER BASIN</b>		
Bois de Sioux River, from Rabbit River to the Ottetail River		
09020101-001	Aquatic Life	Biology
Buffalo River		
09020106-001	Aquatic Life	Turbidity
Buffalo River, South Branch		
09020106-004	Aquatic Life	Biology
09020106-003	Aquatic Life	Biology
Mustinka River, West Branch		
09020102-003	Aquatic Life	Biology
Ottertail River		
09020103-014	Aquatic Life	Low Oxygen
09020103-701	Swimming	Fecal coliforms
09020103-101	Aquatic Life Swimming	Turbidity Fecal coliforms
Rabbit River, the 22-mile segment just upstream from mouth		
09020101-114	Aquatic Life Swimming	Low Oxygen Ammonia Turbidity Fecal coliforms
Red Lake River, from Thief River to the mouth		
09020303-009	Swimming	Fecal coliforms
09020303-003	Swimming	Fecal coliforms
Red River of the North		
09020104-205	Aquatic Life	Biology
09020104-105	Aquatic Life Swimming	Turbidity Fecal coliforms
09020104-302	Aquatic Life	Biology
09020104-202	Aquatic Life Swimming	Turbidity Fecal coliforms
*09020104-102	Aquatic Life Swimming	Ammonia Fecal coliforms
Red River of the North		
09020107-009	Aquatic Life Swimming	Turbidity Fecal coliforms
09020107-002	Aquatic Life	Turbidity
09020301-008	Swimming	Fecal coliforms
09020301-004	Aquatic Life Swimming	Turbidity Fecal coliforms
09020311-002	Aquatic Life Swimming	Turbidity Fecal coliforms
Roseau River, from Hay Creek to the mouth		
09020314-002	Aquatic Life Swimming	Low Oxygen Fecal coliforms
Snake River; from Snake River, South Branch, to the mouth		
09020309-003	Aquatic Life	Biology
Stony Creek, below Hay Creek		
09020106-108	Aquatic Life	Turbidity

\* TMDL (Total maximum daily load) study in progress

\*\* TMDL study completed

	<u>Affected Use:</u>	<u>Pollutant, Stressor, or Indicator:</u>
<b>RED RIVER BASIN</b>		
Tamarac River, from reservoir south of Florian to Stephen Dam 09020311-207	Aquatic Life	Biology
Two Rivers, Middle Branch 09020312-005	Aquatic Life	Biology
Two Rivers, South Branch 09020312-004	Swimming	Fecal coliforms
Two Rivers, South Branch, above Lake Bronson 09020312-U04	Aquatic Life	Biology
Whiskey Creek 09020104-006	Aquatic Life Swimming	Turbidity Fecal coliforms
Wild Rice River, from Marsh River to Wild Rice River South Branch 09020108-003	Aquatic Life Swimming	Ammonia Fecal coliforms
<b>RAINY RIVER BASIN</b>		
Baudette River 09030008-006	Aquatic Life	Low Oxygen
Peppermint Creek 09030008-004	Swimming	Fecal coliforms
Rainy River, from Black River to the Rapid River 09030004-001	Swimming	Fecal coliforms
Williams Creek (cd-1) 09030009-116	Aquatic Life	Low Oxygen
Winter Road River 09030008-003	Swimming	Fecal coliforms
09030008-002	Swimming	Fecal coliforms
<b>MISSOURI RIVER BASIN</b>		
Pipestone Creek, above Split Rock Creek 10170203-033	Aquatic Life Swimming	Ammonia Fecal coliforms
Rock River, from Elk Creek to Kanaranzi Creek 10170204-025	Aquatic Life Swimming	Ammonia Fecal coliforms
Split Rock Creek, above Pipestone Creek 10170203-132	Aquatic Life	Low Oxygen

\* TMDL (Total maximum daily load) study in progress

\*\* TMDL study completed

## Department of Transportation

### Notice of Intent to Update the Minnesota Statewide Transportation Plan

The Minnesota Department of Transportation (Mn/DOT) is in the process of updating the Minnesota Statewide Transportation Plan and plans to have a final document by January, 1997. This update is required by *Minnesota Statutes*, Section 174.03, subdivision 1a which states that the Commissioner "shall revise the state transportation plan by January 1, 1996, and by January 1 of each odd-numbered year thereafter." The Minnesota Statewide Transportation Plan (State Plan) was published in January 1996. This document consists of a "Final Draft," published in January, 1995 and a "Summary," published in January, 1996. Together, these two documents comprise the State Plan and provide the policy framework necessary to achieve a shared vision for Minnesota's transportation system.

## State Grants and Loans

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The update to the State Plan ("1997 Update") will combine the 1995 "Final Draft" and the 1996 "Summary" into one document and in a format which will be easier to use for the reader. No substantive changes have been made to the State Plan and no substantive material has been added. Data and other information in the State Plan has been updated to reflect current transportation trends and current Mn/DOT activities. Expanded information has been included relating to Metropolitan Planning Organizations (profiles and relationships) and modal services available in Minnesota's regional centers.

A draft copy of the "1997 Update" will be available for review after November 15, 1996. A draft copy of the "1997 Update" may be obtained by notifying the contact person listed below. Comments may be submitted orally or in writing on the draft "1997 Update" by contacting the contact person listed below. **Comments must be received by December 15, 1996.**

Mn/DOT anticipates adopting the "1997 Update" sometime in late December, 1996. A public hearing will be held on the "1997 Update" if 25 or more people request such a hearing. A public hearing, if needed, will take place on or after December 20, 1996 at Mn/DOT. This location is subject to change. The necessity for a hearing, the hearing date, and the location of the hearing should be verified with the contact person after December 15, 1996. Upon request, Mn/DOT will provide reasonable accommodations to persons with disabilities.

Persons wanting to be added to the Mn/DOT State Plan mailing list in order to receive a copy of the adopted "1997 Update" should submit their name and mailing address to the contact person.

### Contact Person:

Debra L. Ledvina  
Mn/DOT, Mail Stop 440  
395 John Ireland Boulevard  
St. Paul, Minnesota 55155  
612/282-2282 (voice)      612/296-9930 or 800/657-3994 (TTY)  
612/296-3019 (Fax)

This notice can be made available in alternative formats by calling the contact person at 612/282-2282 (voice) or 612/296-9930 or 800/657-3994 (TTY).

Dated: 31 October 1996

Randall K. Halvorson, Assistant Division Director  
TRIM Division, Mn/DOT

## State Grants and Loans

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

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

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## Department of Children, Families and Learning

### Information Technologies Division

### Notice of Grant Availability for the Learning Resources Network Pilot Program

The Department of Children, Families and Learning is announcing the opportunity for a group of districts to take part in a pilot project to implement and demonstrate the Learning Resources Network via an electronic curriculum library as described in *Laws for Minnesota, 1996*, Chapter 412, Article 12, Section 15, Subdivision 4(a). The curriculum library will be aligned with the content standards of the graduation rule and must include benchmarks to track students' progress. One grant of \$750,000 will be awarded. Applicants must be partnerships of school districts that include the following three components:

1. An alternative learning center,
2. A school district or districts with a highly mobile population, and
3. A school district or districts with an existing pilot or project that focuses on using electronic curriculum.

The partnership selected to receive this grant will work under the guidance of a vendor selected by the Department of Children, Families and Learning to pilot the Learning Resources Network of Minnesota. The partnership will receive \$750,000 to facilitate the

pilot project. \$75,000 may be shared among the school district partners for administration, equipment, evaluation, and support. The remaining \$675,000 is designated for the vendor to facilitate pilot project planning, implementation, software costs, and support.

The Request for Proposal and application information will be available on November 12, 1996. The full Request for Proposal can be requested from Theresa Mish at (612) 296-6312 or via e-mail at [theresa.mish@state.mn.us](mailto:theresa.mish@state.mn.us). Applications are due on December 16, 1996, by 4:00 p.m. Questions regarding this program should be directed to Theresa Mish at the number above. This request for proposal does not obligate the state to complete the proposed project, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

## **Department of Corrections**

### **Sex Offender/Chemical Dependency Services Unit**

#### **Notice of Availability of Funds for Grants to Provide Sex Offender-Specific Programming for Juveniles and Adults**

Contingent upon legislative approval, the Minnesota Department of Corrections, Sex Offender/Chemical Dependency Services Unit, announces the availability of grant funds for the provision of sex offender-specific programming across the state. Sex offenders eligible for funding under these grants are: (1) juvenile offenders who have been found delinquent or received a stay of adjudication, for whom the juvenile court has ordered treatment; and (2) adult offenders for whom treatment is required by the court as a condition of probation.

The grant period will be for the 24 month period from July 1, 1997 to June 30, 1999. It is anticipated that the maximum award per grant will be approximately \$90,000 for the term of the grant (\$45,000 per year). It is also anticipated that 26 or more grants will be awarded. Proposals for less than the anticipated maximum award are encouraged.

This funding is authorized under *Minnesota Statutes* 241.67, subd. 1.

Private, for-profit, non-profit 501(c)(3) organizations, public human service agencies, community corrections agencies, and other governmental agencies are eligible to apply for these funds.

A request for proposals is available that contains detailed requirements and instructions for applying for this funding. The deadline for the submission of completed proposals is 4:30 p.m., January 13, 1997. To receive a copy of the request for proposals, contact:

Carolyn Kersten-Larsen  
Minnesota Department of Corrections  
Sex Offender/Chemical Dependency Services Unit  
1450 Energy Park Drive, Suite 200  
St. Paul, MN 55108-5219  
Phone: (612) 642-0233  
TTY: (612) 643-3589

## **Department of Trade and Economic Development**

### **Business and Community Development**

#### **Minnesota Job Skills Partnership Board Seeks Grant Proposals for Training Programs for Minnesota Businesses**

The Minnesota Job Skills Partnership (MJSP) Board announces that it is now soliciting grant proposals from educational and other non-profit organizations for training programs designed to meet specific needs of Minnesota businesses.

The next deadline for submission of completed proposals is 4:00 P.M. on December 16, 1996. Because of the volume of requests and limited funding, no proposals or proposals needing revisions will be accepted after December 16, 1996, for consideration at the January 21, 1997, MJSP Board meeting. Proposals not submitted by December 16 or submitted prior to that date but in need of revision, will need to be resubmitted for consideration at a future Board meeting.

The Minnesota Job Skills Partnership Board will be meeting January 21, 1997, in the Executive Board Room, Third Floor, Minnesota World Trade Center, 30 East 7th Street, St. Paul, Minnesota to hear proposals accepted by December 16, 1996.

Please contact the Partnership office at 612/296-0388 for details.

# Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, and final submission date of completed contract proposal.

In accordance with *Minnesota Rules Part 1230.1910*, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of up to 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612) 296-2600 or [TTY (612) 297-5353 and ask for 296-2600].

## Department of Children, Families and Learning

### Information Technologies Division

#### Notice of Request for Proposal for the Learning Resources Network

The Department of Children, Families and Learning is requesting proposals for the implementation and demonstration of a pilot of the Learning Resources Network via an electronic curriculum library as described in *Laws for Minnesota, 1996*, Chapter 412, Article 12, Section 15, Subdivision 4(a). The curriculum library will be aligned with the content standards of the graduation rule and must include benchmarks to track students' progress.

A vendor will be chosen to work with a partnership of school districts selected by the Department of Children, Families and Learning. The vendor will perform detailed technical analysis and assist the school district partners in setting up and operating the pilot. The Department has estimated that the vendor will need to install and operate the product at approximately 25-30 sites. The Department has estimated that the cost of this project should not exceed \$675,000. The anticipated term of this project is January 1997 to December 31, 1997.

The Request for Proposal will be available on November 12, 1996. The full Request for Proposal can be requested from Theresa Mish at (612) 296-6312 or via e-mail at [theresa.mish@state.mn.us](mailto:theresa.mish@state.mn.us). Proposals are due on December 16, 1996, by 4:00 p.m. Questions regarding this program should be directed to Theresa Mish at the number above. This request for proposal does not obligate the state to complete the proposed project, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

## JOINT NOTICE

### Department of Health

### Minnesota Public Facilities Authority

#### Environmental Health Division

#### Public Water Supply Unit

#### The Minnesota Public Facilities Authority and the Department of Health are Requesting Preliminary Proposals for Public Drinking Water Projects

The U.S. Congress has allocated approximately \$41 million to the state to start a Drinking Water Revolving Fund (DRWF) in Minnesota. This money will be available to eligible public drinking water supplies for the planning, design and construction of facilities to ensure safe and adequate drinking water.

The DRWF program was created to assist public water supplies in financing the cost of improving or constructing water treatment, storage, and distribution systems. Municipal systems may be eligible to receive low interest loans of up to 20 years. Economically disadvantaged communities may be eligible for additional subsidies. Privately-owned community water systems and nonprofit noncommunity water systems may be eligible for private bank loans with interest rates subsidized by the fund.

Those eligible include: community drinking water supplies; counties, cities or towns; other governmental subdivisions of the state responsible for the treatment and distribution of piped drinking water for human consumption, serving or proposing to serve 15 connections or 15 living units or serving or proposing to serve an average of 25 people daily for 60 days of the year, or; a nonprofit noncommunity drinking water supply.

The department is requesting preliminary proposals, tentatively scheduled to begin before the end of 1997, to assist initial fund planning. Proposals will also be used to help determine the level of interest in the program and to assist the decision making process.

for the use of the funds. These preliminary proposals are expressions of interest only. They do not commit the water system or the state to any further action, nor do they constitute an application for financial assistance. The expressions of interest will be used for general planning purposes only.

Preliminary proposals should be submitted within 45 days of this notice, in writing, and include the following:

1. Type of project; planning, design or construction.
2. A brief description of the project.
3. A cost estimate and, if different, an estimate of the amount of loan that would be requested.
4. A preliminary project schedule.
5. An estimate of quarterly cash flow needs.

Please address your preliminary proposal or questions to:

Minnesota Department of Health  
Public Water Supply Unit  
121 E. 7th Place  
P.O. Box 64975  
St. Paul, MN 55164-0975  
612/215-0770

## **Department of Natural Resources**

### **Notice of Request for Proposals to Conduct Post Occupancy Evaluations at Two Sites**

The Minnesota Department of Natural Resources (DNR) is a multi-discipline organization which manages the natural resources of Minnesota within an ecosystem-based framework. The divisions within the DNR are Forestry, Parks and Recreation, Minerals, Fish and Wildlife, Trails and Waterways, Waters, and Enforcement. The long term goal of sustainability and ecosystem-based management focus on three basic concerns:

- An environment that supports human, animal and plant life.
- An economy that is strong and sustainable.
- A community that provides a high quality of life.

This request asks for proposals to conduct Post Occupancy Evaluations at two sites to help DNR better understand how to effectively deliver Facilities which will support its vision.

If interested in a copy of the full RFP call; Dawn Plumley, (612) 282-3710.

Proposals are due December 3, 1996 by 4:00 PM.

# Non-State Public Bids, Contracts & Grants

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The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

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## JOINT NOTICE:

### Minnesota Chore Corps

### Minnesota Department of Human Services

#### Notice of Request for Interested Private Businesses to Acquire the Minnesota Chore Corps

The Minnesota Chore Corps (hereinafter referred to as MCC) is an association of vendors who, through a process of application, screening, payment of annual vendor fees and mandatory training, have become designated as businesses which have an expressed interest in and desire to serve Minnesota's rapidly growing older adult population with a fee for service delivery model. The MCC demonstration commenced in 1994 with funding provided through the Minnesota Department of Human Services, augmented by vendor membership fees.

The MCC has applied for and received 501(c)(3) not-for-profit corporation status and is governed by a four-member board of directors. Various components of the MCC are provided for by a private contractors; i.e., data base, marketing and 24-hour per day in-bound 800 number telephone response. A staff person of the Minnesota Department of Human Services is dedicated to the project, also serving as executive secretary to the board of directors.

It has been anticipated since inception that ultimate disposition of the MCC will result in placement within the private business sector. To this end the Minnesota Department of Human Services and the Minnesota Chore Corps, Inc. are interested in identifying qualified responders for acquisition of the MCC.

The required minimum financial commitment to operate MCC is \$300,000.00 which may comprise a combination of cash and professional capabilities. Professional capabilities may not exceed one-third (1/3) of the total amount. The successful responder may be eligible for temporary essential services support during the transition period, (not to exceed six months).

A detailed informational packet containing proposal guidelines is available for prospective responders. All proposals must be received by the Minnesota Department of Human Services no later than 4:30 p.m. on December 10, 1996. Late proposals will not be accepted. Proposal received will be evaluated by the MCC Board of Directors as well as qualified outside reviewers. All reviews will be completed by December 27, 1996, and responders will be notified of the results by mail.

A briefing session for prospective responders will be held on Monday, November 18, 1996, from 10:00 a.m. - Noon at the Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, MN, Room 2A and 2B. This session is not mandatory and transcripts will be available.

To receive a packet and/or make a reservation for the briefing session call Beth Nelson at (612) 297-7510.

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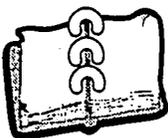
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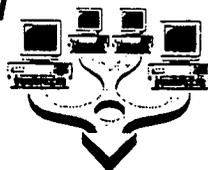
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