

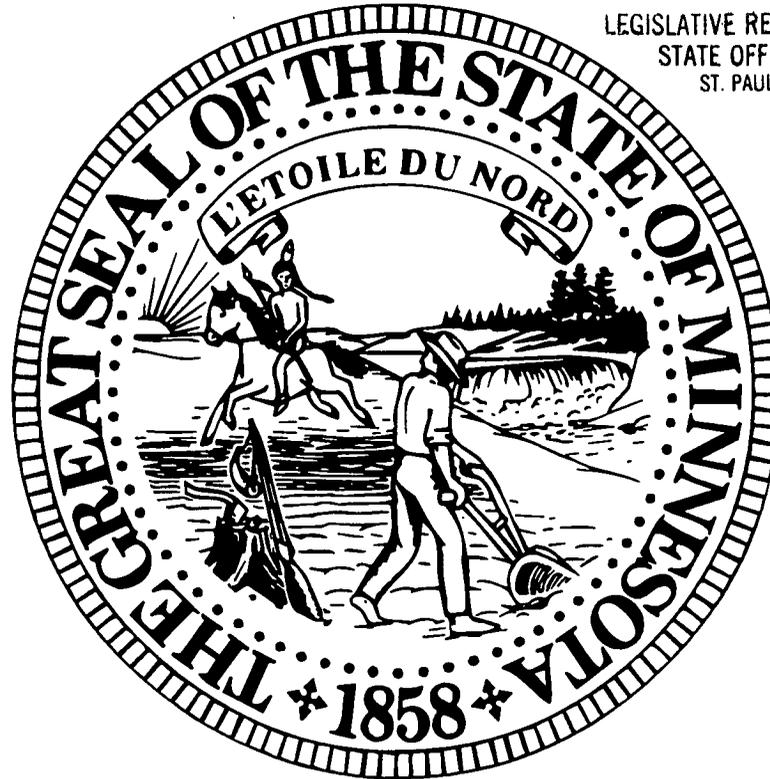
The Minnesota  
**State  
Register**

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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.

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals for commodities, including printing bids.

### Printing Schedule and Submission Deadlines

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
# 9	Monday 26 August	Monday 12 August	Monday 19 August
# 10	Tuesday 3 September	Monday 19 August	Monday 26 August
# 11	Monday 9 September	Monday 26 August	Friday 30 August
# 12	Monday 16 September	Friday 30 August	Monday 9 September

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Michael A. McGrath, State Treasurer 612/296-7091

Robin PanLener, Editor 612/297-7963

Paul Hoffman, Assistant Editor 612/296-0929

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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:

Contact: Senate Public Information Office (612) 296-0504  
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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*The State Register Contracts Supplement* with commodities and price contracts advertised by the state is published every Tuesday, Wednesday and Friday. Award results are currently only available from the Materials Management Helpline.

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

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

# 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 75 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. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or 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 *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 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-657-3757.

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## Proposed Rules

Pursuant to Minn. Stat. §14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted

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*.

Pursuant to Minn. Stat. §§14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

## Department of Natural Resources

### Proposed Amendments to Proposed Permanent Rules Governing Aquatic Nuisance Control

#### Notice of Hearing

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Natural Resources intends to adopt amendments to permanent rules after a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes* (1994), sections 14.131 to 14.20. The Department will hold a public hearing on the above-entitled rules beginning on October 1, 1996 in Room 103, Education Center, Camp Ripley, Minnesota, commencing at 1:30 p.m. and reconvening at 7:00 p.m.; and reconvening on October 2, 1996 at the Fergus Falls Regional Treatment Center, 1400 North Union Avenue, Fergus Falls, Minnesota, commencing at 1:30 p.m. and reconvening at 7:00 p.m.; and reconvening on October 3, 1996 in the Board Room on the lower level of the Pollution Control Agency Building, 520 Lafayette Road, St. Paul, Minnesota, commencing at 1:30 p.m. and reconvening at 7:00 p.m., and continuing until 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 or briefs may be submitted without appearing at the hearing.

**Administrative Law Judge.** The matter will be heard before:  
Administrative Law Judge Allen W. Klein  
Office of Administrative Hearings  
100 Washington Square, Suite 1700  
Minneapolis, Minnesota 55401-2138  
(612) 341-7609

The rule hearing procedure is governed by *Minnesota Statutes* (1994), sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules* (1995), parts 1400.0200 to 1400.1200. Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge at the address and telephone number stated above.

**Subject of Rules and Statutory Authority.** The rules concern the issuance of permits for the control of aquatic vegetation and aquatic nuisance organisms. Specifically, the proposed amendments will cover: modifications in definitions and new definitions; modifications in the standards for issuance of aquatic plant management control permits, including identification of those actions requiring a permit, those actions not requiring a permit, and actions that are prohibited; modifications in aquatic plant management control practices, including inspection, mechanical control, and pesticide control of aquatic macrophytes; modifications in the application process for a permit; modification of permit fees to bring the rules into conformance with *Minnesota Statutes*; modifications in the approval process for pesticides and methods used for aquatic plant management in Minnesota waters; allowing amendments of permits upon request; and adopting penalties for non-compliance.

The adoption of these rules is authorized by *Minnesota Statutes*, section 103G.615.

The proposed rules were published in the December 26, 1995 issue (Volume 19) of the *State Register* on pages 1780-1787. Modifications in the rules as published in the December 26, 1995 issue of the *State Register* are published immediately after this notice. One free copy of the rules is available on request by contacting the agency contact person:

Steven Enger  
Department of Natural Resources  
500 Lafayette Road  
St. Paul, Minnesota 55155-4025  
Telephone: (612) 296-0782

**Statement of Need and Reasonableness.** A Statement of Need and Reasonableness is now available for review at the Department address listed above and at the Office of Administrative Hearings. The statement includes a summary of all the evidence and argument which the Department anticipates presenting at the hearing to justify both the need for and reasonableness of the proposed rules. The statement may be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings. One free copy of the statement may be obtained from the agency contact person at the address and telephone number listed above.

**Small Business Considerations.** In preparing these rules, the Department has considered the requirements of *Minnesota Statutes* (1994), section 14.115, in regard to the impact of the proposed rules on small businesses. The rules may have a minimal impact on small businesses dealing with the commercial application of pesticides to public waters and the mechanical removal of vegetation from public waters. Amendments to the rules would require Department approval of some aquatic plant management practices that previously were allowable without a permit; other amendments have relaxed permit conditions. Any adopted amendments will not eliminate aquatic nuisance control work nor is it anticipated that the number of permits issued annually will decline.

The Department's evaluation of the applicability of the methods contained in *Minnesota Statutes* (1994), section 14.115, subdivision 2, for reducing the impact of the proposed rules on small businesses is addressed further in the Statement of Need and Reasonableness.

**Expenditures of Public Money by Local Public Bodies.** *Minnesota Statutes* (1994), section 14.11, subdivision 1, does not apply because adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption of the rules.

**Impact on Agricultural Lands.** *Minnesota Statutes* (1994), section 14.11, subdivision 2, does not apply because adoption of these rules will not have an impact on agricultural land.

**Departmental Charges.** The review and recommendation of the commissioner of the Department of Finance concerning any departmental charges contained in the rules is attached to the Statement of Need and Reasonableness pursuant to *Minnesota Statutes* (1994), section 16A.1285, subdivisions 4 and 5.

**Hearing Procedure.** 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 prior to the close of the hearing record. All evidence presented should relate to the proposed rule. You may also mail 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. Comments received during this period will be available for review at the Office of Administrative Hearings. You and the Department may respond in writing within five working days after the submission period ends to any new information submitted. All written materials 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. No additional evidence may be submitted during the five-day period.

The Department 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 data to the agency contact person at the address stated above.

**Modifications.** The proposed rules may be modified as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rule as printed in the December 26, 1995 issue of the *State Register*, as modified and printed immediately after this notice, and must be supported by data and views presented during the rule hearing process. 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 records, the administrative law judge will issue a report on the proposed rules. You may request to be notified of the date on which the administrative law judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. If you want to be notified about the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. You may also request notification of the date on which the rules are adopted and filed with the Secretary of State. The agency's notice of adoption must be mailed on the same day that the rules are filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to the agency contact person at any time prior to the filing of the rules with the Secretary of State.

**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

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at 100 Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, (612) 296-5148.

Dated: 12 August 1996

Rodney W. Sando  
Commissioner of Natural Resources  
By Eugene Gere,  
Assistant Commissioner for Operations

### Rules as Amended

#### AQUATIC PLANT MANAGEMENT AND AQUATIC NUISANCE CONTROL

##### 6280.0100 DEFINITIONS.

Subpart 1. [See *State Register*, Volume 20, Number 26, pages 1780-1787]

Subp. 2. **Aquatic macrophytes.** "Aquatic macrophytes" means ~~rooted~~ vascular nonwoody plants, either submerged, floating leafed, floating, or emergent plants growing in water.

Subps. 2a. to 4. [See *State Register*, Volume 20, Number 26, pages 1780-1787]

[For text of subps 5 to 7, see M.R.]

Subp. 8. [See *State Register*, Volume 20, Number 26, pages 1780-1787]

[For text of subps 9 and 10, see M.R.]

Subps. 11. to 14. [See *State Register*, Volume 20, Number 26, pages 1780-1787]

##### 6280.0250 STANDARDS FOR AQUATIC PLANT MANAGEMENT PERMIT ISSUANCE.

Subpart 1. **Actions not requiring permit.** Unless otherwise required in subpart 2, an APM permit is not required for items A to F:

A. and B. [See *State Register*, Volume 20, Number 26, pages 1780-1787]

C. cutting or pulling submerged aquatic macrophytes in order to maintain a site for swimming or boat docking not to extend along more than 50 feet of the owner's shoreline or one-half the length of the owner's total shoreline, whichever is less, and that does not exceed 2,500 square feet in area, except that a boat channel extending to open water, not to exceed 15 feet in width, may be maintained. The boating channel is included in the maximum shoreline feet allowed. Cutting or pulling may only be done under the following conditions:

(1) with power-operated cutters, rakes, or similar equipment that does not significantly alter the course, current, or cross-section of the lake bottom. Draglines, bulldozers, hydraulic jets, suction dredges, automated untended aquatic plant control services, or other power-operated earth-moving equipment may not be used;

(2) and (3) [See *State Register*, Volume 20, Number 26, pages 1780-1787]

D. to F. [See *State Register*, Volume 20, Number 26, pages 1780-1787]

Subp. 2. **Actions requiring a permit.** Except as provided in subpart 1, an APM permit is required to:

A. apply pesticides below the ordinary high water level of public waters to control:

(1) to (4) [See *State Register*, Volume 20, Number 26, pages 1780-1787]

(5) purple loosestrife (*Lythrum salicaria*), except for state and county noncommercial aquatic pesticide applicators, controlling purple loosestrife as part of rights-of-way maintenance, when the public waters are within the rights-of-way;

B. [See *State Register*, Volume 20, Number 26, pages 1780-1787]

C. destroy emergent aquatic ~~vegetation~~ macrophytes in public waters;

D. to F. [See *State Register*, Volume 20, Number 26, pages 1780-1787]

Subps. 3. to 5. [See *State Register*, Volume 20, Number 26, pages 1780-1787]

##### 6280.0350 [See *State Register*, Volume 20, Number 26, pages 1780-1787]

##### 6280.0450 PERMIT APPLICATION, FEES, AND ANNUAL REPORT.

Subps. 1. to 3. [See *State Register*, Volume 20, Number 26, pages 1780-1787]

Subp. 4. **APM permit application fees.** Items A to C apply to APM permit fees.

A. When application is made to control two or more nuisance conditions, only the larger fee applies. A permit application

fee, in the form of a check or money order payable to the Minnesota Department of Natural Resources, must accompany each permit application when required by the following fee schedule:

(1) to control aquatic macrophytes by pesticide means: \$20 for each contiguous parcel of shoreline owned by an owner, up to a maximum of \$200;

(2) to (4) [See *State Register*, Volume 20, Number 26, pages 1780-1787]

(5) to control chara, filamentous algae, snails that carry swimmer's itch, or leeches, singly or in combination: \$4 per 100 shoreline fee feet or portion proposed to be treated, up to a maximum of \$200;

(6) and (7) [See *State Register*, Volume 20, Number 26, pages 1780-1787]

B. and C. [See *State Register*, Volume 20, Number 26, pages 1780-1787]

Subps. 5. to 7. [See *State Register*, Volume 20, Number 26, pages 1780-1787]

6280.0600 [See *State Register*, Volume 20, Number 26, pages 1780-1787]

6280.0700 [See *State Register*, Volume 20, Number 26, pages 1780-1787]

6280.0900 [See *State Register*, Volume 20, Number 26, pages 1780-1787]

6280.1000 [See *State Register*, Volume 20, Number 26, pages 1780-1787]

6280.1100 [See *State Register*, Volume 20, Number 26, pages 1780-1787]

6280.1200 [See *State Register*, Volume 20, Number 26, pages 1780-1787]

**REPEALER.** [See *State Register*, Volume 20, Number 26, pages 1780-1787]

## Pollution Control Agency

### Air Quality Division

#### Proposed Permanent Rules Relating to Gas Emissions from Municipal Solid Waste Landfills

##### Notice of Intent to Adopt a Rule Without a Public Hearing and to Establish a State Plan That Includes the Rule

Proposed New Rules Governing Landfill Gas Emissions from Municipal Solid Waste Landfills, *Minnesota Rules* 7011.3500 through 7011.3510, and Draft State Plan to Govern Landfill Gas Emissions from Existing Municipal Solid Waste Landfills.

**Introduction:** The Minnesota Pollution Control Agency (MPCA) intends to adopt new rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes* § 14.22 to 14.28. The MPCA also intends to include the adopted rules in its State Plan to control landfill gas emissions from existing landfills, and to submit the plan to the U.S. Environmental Protection Agency (EPA), in accordance with the *Code of Federal Regulations* at 40 CFR pt. 60, subp. B. In addition to the rules, the State Plan contains proof of public participation, the State's legal authority to adopt and enforce the rules, and provisions for State emission inventories and annual reporting to EPA.

You have 30 days to submit written comments on the proposed rule and draft State Plan. You may also submit a written request that a hearing be held on the rule and/or you may submit a written request that a public meeting be held on the State Plan.

**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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**MPCA Contact Person(s):** Written comments on this particular rule and the draft State Plan must be received by the MPCA and should be submitted to the MPCA contact person(s) as follows: If interested persons wish to receive a copy of the proposed rule or draft State Plan, have comments and questions on this particular rule or State Plan, wish to submit written requests for a public hearing on the proposed rule, or wish to request a public meeting on the draft State Plan contact:

Margaret McCourtney  
Minnesota Pollution Control Agency  
Air Quality Division  
520 Lafayette Road North  
St. Paul, Minnesota 55155  
1-800-657-3843 (MN Toll Free)  
Telephone: (612) 297-7894 Facsimile: (612) 297-8701

**Subject of Rule and Statutory Authority:** The MPCA is proposing to adopt by reference the federal New Source Performance Standards (NSPS) for municipal solid waste (MSW) landfills, and proposes to adopt new rules that make provisions of the NSPS applicable to existing landfills. The MPCA also proposes to submit to EPA a State Plan, the core of which is the portion of the new rules governing existing landfills, to fulfill the requirements of Section 111(d) of the Clean Air Act (CAA).

On March 12, 1996, the U.S. Environmental Protection Agency (EPA) promulgated NSPS for new MSW landfills. It also adopted Emission Guidelines (EG), which apply to existing MSW landfills. The EPA's standards for new landfills and existing landfills are essentially the same.

The MPCA is required to implement the NSPS in Minnesota, and also adopt a State Plan to implement the EG. The State Plan must be submitted to the EPA for approval.

The EPA standards apply to MSW landfills that accept or had the space to accept waste anytime on or after November 8, 1987, and have a solid waste capacity greater than or equal to 2.5 million megagrams (about 2.8 million tons) or 2.5 million cubic meters (about 3.3 million cubic yards). These landfills must calculate emission rates of non-methane organic compounds (NMOC). MSW landfills with an NMOC emission rate greater than or equal to 50 megagrams (about 55 tons) per year are required to install collection and control equipment capable of reducing NMOC in collected gas by 98 percent by weight. A flare is an example of a control device. In conjunction with these requirements, the landfills will be required to keep records of capacity and emissions calculations, and submit reports to the MPCA. The rules also require active landfills with a solid waste capacity less than 2.5 million megagrams, or 2.5 million cubic meters, to report the landfill's solid waste capacity for information purposes.

The proposed rule clarifies the federal term "modification" (part 7011.3500, subp. 5) in regard to its application to MSW landfills. The proposed definition is derived from the preamble to the proposed NSPS and EG, and the final rules. The EPA is in the process of amending the federal NSPS and EG, which might affect the proposed clarification of the term "modification." It is possible that the EPA will not consent to the proposed definition. In these circumstances, the MPCA will withdraw part 7011.3500, subp. 5.

The anticipated impacts associated with the withdrawal of the definition "modification" is that some "existing" landfills under the proposed definition, would become "new" landfills. The landfills would be required to comply with the rule a few months earlier. As many as 20 landfills in Minnesota might be affected by EPA's amendment.

The statutory authority to adopt the rule is *Minnesota Statutes* § 116.07, subd. 4 (1995). A copy of the proposed rule is published immediately after this notice.

**Comments:** You have until 4:30 p.m. on September 25, 1996, to submit written comment in support of or in opposition to the proposed rule and any part or subpart of the rule. Your comment must be in writing and received by the MPCA contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rule must also be made during this comment period.

**Request for Rule Hearing:** In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the listed agency contact person above by 4:30 p.m. on September 25, 1996. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rule to which you object or state that you oppose the entire rule. Any request that does not comply with these requirements is not valid and cannot be counted by the MPCA for 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 rule.

**Request to Have MPCA Citizens' Board Make Decision on Rule:** You have the right to submit a request to the MPCA Commissioner to have the MPCA Citizens' Board make the decision on whether to adopt the proposed rule. Your petition must be in writing and must be received by the MPCA contact person by 4:30 p.m. on September 25, 1996. Your petition will be granted or denied in the sole discretion of the MPCA Commissioner. Under *Minnesota Statutes* § 116.02, the MPCA Citizens' Board will only make the decision on the rule if the MPCA Commissioner grants your petition or if an MPCA Citizens' Board member makes a timely request that the decision be made by the MPCA Citizens' Board.

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## Proposed Rules

**Withdrawal of Requests for Rule Hearing:** If 25 or more persons submit a written request for a hearing on the rule, 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 MPCA must give written notice of this to all persons who requested a hearing, explain the actions the MPCA took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the MPCA will follow the procedures in *Minnesota Statutes* § 14.131 to 14.20.

**Rule Modifications:** The proposed rule may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the MPCA, and the adopted rule may not be substantially different than this proposed rule. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

**Statement of Need and Reasonableness:** A statement of need and reasonableness for the rule is now available from the MPCA contact person. This statement contains a summary of the justification for the proposed rule, including a description of who will be affected by the proposed rule and an estimate of the probable cost of the proposed rule.

**Consideration of Economic Factors:** *Minnesota Statutes* § 116.07, subd. 6, requires the MPCA to give due consideration to economic factors in exercising its powers. In proposing to incorporate the federal NSPS by reference, and by proposing to adopt rules that make the provisions of the NSPS applicable to existing MSW landfills, the MPCA has given due consideration to available information as to any economic impacts the proposed rules would have. Because the MPCA is incorporating the federal NSPS into state rules, and because the MPCA is adopting rules that make the provisions of the NSPS applicable to existing sources (as required by federal regulation), the state rules proposed in this rulemaking do not impose any additional costs on Minnesota businesses that are not already imposed as a matter of federal law. The proposed rules do not have additional economic impact on their own. The MPCA has taken some steps to minimize the economic impact of the federal rule. A more detailed discussion of economic factors can be found in the Statement of Need and Reasonableness which is available to the public.

**Impact on Farming Operations:** *Minnesota Statutes* § 14.111, requires that if an agency adopts or repeals rules that affect farming operations, the agency must provide a copy of the proposed rule change to the Commissioner of Agriculture, no later than 30 days prior to publication of the proposed rule in the *State Register*. The adoption of performance standards for MSW landfills into Minnesota rules do not concern farming operations. The requirements of *Minnesota Statutes* § 14.111 are not applicable.

**Review by Commissioner of Transportation:** *Minnesota Statutes* § 174.05, requires the MPCA to inform the Commissioner of Transportation of all rulemakings that concern transportation, and requires the Commissioner of Transportation to prepare a written review of the rules. The adoption of performance standards for MSW landfills into Minnesota rules do not concern transportation. The requirements of *Minnesota Statutes* § 174.05 are not applicable.

**Adoption and Review of Rule:** If no rule hearing is required and if the decision is not required to be made by the MPCA Citizens' Board, the MPCA Commissioner may adopt the rule after the end of the comment period. The rule and supporting documents will then be submitted to the Office of Administrative Hearings (OAH) for review of legality. You may ask to be notified of the date the rule is submitted to the OAH. If you want to be so notified, or want to receive a copy of the adopted rule, or want to register with the MPCA to receive notice of future rule proceedings, submit your request to the MPCA contact person listed above.

**Request for Meeting on State Plan:** In addition to submitting comments, you may request that a meeting be held on the State Plan to control landfill gas from existing MSW landfills. The Plan will be submitted to the EPA to comply with Section 111(d) of the CAA. Your request for a public meeting must be received by the listed agency contact person above by 4:30 p.m. on September 25, 1996. A public meeting on the State Plan submittal will be held if anyone requests a meeting during the public comment period.

**Submittal of Plan to EPA:** If no public meeting is requested on the draft State Plan to control landfill gas emissions from existing MSW landfills in Minnesota, the Plan will be submitted to the EPA by December 12, 1996.

Peder A. Larson  
Acting Commissioner

### GAS EMISSIONS FROM MUNICIPAL SOLID WASTE LANDFILLS

#### 7011.3500 DEFINITIONS.

Subpart 1. Scope. The definitions in *Code of Federal Regulations*, title 40, section 60.751, apply to terms in parts 7011.3500 to 7011.3510, unless the terms are otherwise defined in this part.

Subp. 2. Design capacity. "Design capacity" means solid waste capacity.

**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

**Subp. 3. Existing landfill.** "Existing landfill" means a landfill that has accepted waste for disposal at any time since November 8, 1987, or has additional solid waste capacity available for future waste disposal, and for which construction, reconstruction, or modification was commenced before May 30, 1991.

**Subp. 4. Landfill.** "Landfill" means a mixed municipal solid waste land disposal facility as defined in part 7035.0300, subpart 64.

**Subp. 5. Modification.** "Modification" means any physical or operational change made to a landfill with a solid waste capacity less than 2.5 million megagrams, or 2.5 million cubic meters before May 30, 1991, or to any landfill constructed after May 30, 1991, that results in an increase in the solid waste capacity to a total greater than or equal to 2.5 million megagrams or 2.5 million cubic meters.

**Subp. 6. Solid waste capacity.** "Solid waste capacity" means the total amount of compacted solid waste, as defined in Code of Federal Regulations, title 40, section 60.751, that will be in place in the landfill at the time of the expiration of the facility's solid waste permit, or at the time ultimate capacity is reached.

### **7011.3505 STANDARDS OF PERFORMANCE FOR EXISTING MUNICIPAL SOLID WASTE LANDFILLS.**

**Subpart 1. Scope.** Each owner or operator of an existing landfill shall comply with the requirements of Code of Federal Regulations, title 40, part 60, subpart WWW, as amended, and as incorporated by reference in part 7011.3510, with the following additions and changes.

**Subp. 2. Operational standards for collection and control systems.** Each owner or operator of a landfill that must monitor surface methane concentrations shall comply with Code of Federal Regulations, title 40, section 60.755(c)(1), except that the owner or operator shall conduct the monitoring at least three times per year, once during each of the following time periods: March 14 to May 14, June 21 to September 23, and October 21 to November 21.

**Subp. 3. Monitoring of operations.** Each landfill owner or operator seeking to comply with Code of Federal Regulations, title 40, section 60.752(b)(2)(iii), may confirm that there is no means to bypass the control device in the design plan, submitted in accordance with Code of Federal Regulations, title 40, section 60.752(b)(2)(i), in lieu of complying with the requirements in Code of Federal Regulations, title 40, sections 60.756(b)(2) and 60.756(c)(2).

**Subp. 4. Reporting requirements.** The owner or operator of a landfill shall submit the reports required by Code of Federal Regulations, title 40, sections 60.752(a), 60.757(a)(1), 60.757(a)(3), and 60.757(b)(1)(i), on the following schedule.

**A.** The owner or operator of an active landfill, and the owner or operator of a closed existing landfill with a solid waste capacity greater than or equal to 2.5 million megagrams, or 2.5 million cubic meters, shall submit an initial solid waste capacity report no later than the submittal of the next annual report required by part 7035.2585.

**B.** The owner or operator of an active landfill that proposes to increase the total solid waste capacity to greater than or equal to 2.5 million megagrams, or 2.5 million cubic meters, shall submit an amended solid waste capacity report no later than the submittal of the solid waste management facility permit application that proposes an increase in permitted capacity.

**C.** The owner or operator of a landfill that must submit an NMOC emission rate report to comply with Code of Federal Regulations, title 40, section 60.757(b), shall submit the initial NMOC emission rate report no later than the submittal of the next annual report required by part 7035.2585 or the submittal of the solid waste management facility permit application that proposes an increase in permitted capacity, whichever occurs earlier.

**Subp. 5. Compliance times for equipment installation.** Each owner or operator of an existing landfill with a design capacity greater than or equal to 2.5 million megagrams, or 2.5 million cubic meters, and with an NMOC emission rate of 50 megagrams per year or more, shall complete installation of gas collection and control equipment capable of meeting the conditions provided in Code of Federal Regulations, title 40, section 60.752(b)(2)(ii), within 30 months after the effective date of this part. The owner or operator of an existing landfill with a design capacity greater than or equal to 2.5 million megagrams, or 2.5 million cubic meters, and an NMOC emission rate less than 50 megagrams per year on the effective date of this part, shall comply with this part within 30 months of the date of the first NMOC emission rate that equals or exceeds 50 megagrams per year.

### **7011.3510 INCORPORATION OF NEW SOURCE PERFORMANCE STANDARD BY REFERENCE.**

**Subpart 1. Incorporation by reference.** Code of Federal Regulations, title 40, part 60, subpart WWW, as amended, entitled "Standards of Performance for Municipal Solid Waste Landfills," is adopted and incorporated by reference.

**Subp. 2. Additional requirements.** The owner or operator of a landfill subject to Code of Federal Regulations, title 40, part 60, subpart WWW, as amended, shall comply with part 7011.3505, subparts 2, 3, and 4.

**Department of Public Safety****Bureau of Criminal Apprehension****Proposed Permanent Rules Relating to Preliminary Screening Breath Test Devices****Notice of Intent to Adopt a Rule Amendment Without a Public Hearing**

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

**Introduction.** The State Department of Public Safety, Bureau of Criminal Apprehension intends to adopt a permanent rule amendment 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 rule and may also submit a written request that a hearing be held on the rule.

**Agency Contact Person.** Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Hope Jensen, Rules Coordinator  
Minnesota Department of Public Safety  
445 Minnesota Street, Suite 1000  
St. Paul, Minnesota 55101-2156  
Telephone: 612-296-2906, Fax: 612-297-5728

**Subject of Rule and Statutory Authority.** *Minnesota Rule*, chapter 7501 establishes performance standards and minimum specifications for preliminary screening breath test devices for use in traffic law enforcement. This rule provides the basis on which the Commissioner of Public Safety will approve an instrument model. The current rule requires that devices distinguish between three categories of alcohol concentration, above 0.10, above 0.05 but less than 0.10, and 0.05 or less, and provides that a screening device must not indicate numerical results when the test result is positive. Recent changes in Minnesota law have established new categories of alcohol concentration. Enforcement of these new laws requires devices which can distinguish between a greater number of categories. The proposed rule amendment would allow for the approval of devices equipped with a numeric readout. The rule amendment will primarily affect Minnesota Law enforcement agencies which purchase and use preliminary screening alcohol test devices and the manufacturers of these instruments. The statutory authority to adopt this rule is *Minnesota Statutes*, section 169.121, subdivision 6. A copy of the proposed rule is published in the *State Register* and a free copy of the rule is available upon request from the agency contact person listed above.

**Comments.** You have until 4:30 p.m. on September 30, 1996, to submit written comment in support of or in opposition to the proposed rule and any part or subpart of the rule. 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 rule addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rule must also be made during this comment period.

**Request for Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rule. 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 September 30, 1996. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rule to which you object or state that you oppose the entire rule. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for 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 rule.

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

**Modifications.** The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rule may not be substantially different than this proposed rule. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

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

**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

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at First Floor, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone number 612-296-5148.

**Adoption and Review of Rule.** If no hearing is required, the agency may adopt the rule after the end of the comment period. The rule 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 rule is submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rule, 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: 12 August 1996

Don Davis, Acting Commissioner  
Minnesota Department of Public Safety

### Rules as Proposed

#### 7501.0100 DEFINITIONS.

[For text of subs 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  $\pm 0.04$  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.

## Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §§14.14-14.28 have been met and five working days after the rule is published in *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 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.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

## Department of Agriculture

### Adopted Permanent Rules Relating to Anhydrous Ammonia

The rules proposed and published at *State Register*, Volume 20, Number 26, pages 1521-1548, December 26, 1995 (20 SR 1521), are adopted with the following modifications:

#### Rules as Adopted

##### 1513.0010 INTRODUCTION.

Subpart 1. **Scope.** This chapter is adopted under *Minnesota Statutes*, section 18C.121, to regulate the design, construction, repair, alteration, location, installation, and operation of agricultural anhydrous ammonia systems ~~including refrigerated ammonia systems~~ with product used or intended for use as a fertilizer.

Subp. 2. **Exceptions.** This chapter does not apply to:

- C. ammonia transportation pipelines; ~~and~~
- D. ammonia barges and tankers; ~~and~~
- E. ammonia regulated under *Minnesota Statutes*, chapter 326.

##### 1513.0030 DEFINITIONS.

Subp. 5. **Appurtenance.** "Appurtenance" means a device such as a pressure relief device, liquid level gauging device, valve, pressure gauge, pressure regulator, ~~piping, fitting, or~~ metering, or dispensing device designed to be attached to an ammonia container.

Subp. 12. **Container.** "Container" means a tank, except for a cylinder ~~and piping~~, used for the mobile transportation or storage of anhydrous ammonia.

Subp. 30. **Repair.** "Repair" means the work necessary to restore a container or system to a safe and satisfactory operating condition, provided that in all cases the container or system design must continue to comply with this chapter or the standard in effect at the time of installation. In addition, the original design of the container or system must not be altered by the repair. ~~Repair includes the addition or replacement of pressure or nonpressure parts which do not change the design temperature or pressure of the container or system. Repair of a pressure container must be performed in compliance with the applicable provisions of the current edition of the National Board Inspection Code and must conform to the ASME code section and edition to which the container was constructed. Welding repair of piping must be done by a welder certified in accordance with the ASME code, Section IX, "Welding Qualifications."~~

Subp. 32. **System.** "System" refers to an assembly of equipment consisting ~~essentially~~ of the container or containers, hoses, appurtenances, pumps, compressors, and ~~interconnecting piping the ammonia storage connector.~~

##### 1513.0040 SAFETY.

Subpart 1. **Training.** A person required to store, handle, transfer, transport, or otherwise work with ammonia must be trained, in accordance with *Code of Federal Regulations*, title 29, parts ~~1990-1910~~ 1900-1910, to understand the properties of ammonia, to become competent in safe operating practices, and to take appropriate actions in the event of a leak or an emergency.

Subp. 3. **Permanent storage installations.** Permanent storage installations must have on hand, as a minimum, the equipment listed in items A to F.

**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.

## Adopted Rules

E. An easily accessible emergency shower and a plumbed eye wash unit or in lieu of these, at least 150 gallons of clean water in an open top container. ~~It is recommended that the distance from the point of greatest potential exposure to ammonia to the emergency water supply should not exceed ten seconds travel time or 100 feet.~~

### 1513.0140 MARKINGS OF NONREFRIGERATED CONTAINERS AND SYSTEMS OTHER THAN DOT CONTAINERS.

Subp. 2. **Information required.** Each container or system covered in parts 1513.0300 to 1513.0380 and 1513.0700 to 1513.0930, except "ton containers" and "cylinders," and parts 1513.1000 to 1513.1070 must be marked as specified by paragraphs UG-116 and UG-118(b) of the ASME code or as follows:

E. with the water capacity of the container in pounds or kilograms, or United States standard gallons or cubic meters (m<sup>3</sup>) at 60 degrees Fahrenheit (15.6 degrees centigrade).

Items A to E must be determined and documented, on forms provided by the commissioner, by a company that holds a valid R-stamp, in compliance with the current edition of the National Board Inspection Code. Storage containers installed prior to the effective date of parts 1513.0010 to 1513.1100 are not required to be renameplated. If needed, nurse tanks and ~~applicators~~ applicator tanks must be renameplated within two years of the effective date of this part.

### 1513.0160 PIPING, TUBING, AND FITTINGS.

Subp. 3. **Pipe connections.** Piping used on nonrefrigerated systems must be at least ASTM A-53 Grade B seamless or Electric Resistance Welded Pipe. Pipe joints must be threaded, welded, or flanged. Pipe must be at least Schedule 40 when joints are welded, or welded and flanged. Pipe must be at least schedule 80 when joints are threaded. Brass, copper, or galvanized steel pipe or tubing may not be used. Threaded nipples must be seamless. Welding must be done by a welder certified in accordance with the ASME code, Section IX, "Welding Qualifications." Tubing joints must be ~~flared and made up with flared~~; flareless; or compression type fittings complying with ANSI/SAE J513f, ANSI/ASME B31.3, or ANSI/ASME 31.5.

### 1513.0170 HOSE SPECIFICATIONS.

Subp. 6. **Replacement or requalification.** ~~Hose in service must be replaced in accordance with the manufacturer's recommendations or requalified periodically in accordance with requirements specified in CGA P-7, Standard for Requalification of Cargo Tank Hose Used in the Transfer of Compressed Gases.~~

### 1513.0180 PRESSURE RELIEF DEVICES.

Subp. 14. **Replacement.** No nonrefrigerated container pressure relief valve may be used ~~after the replacement date specified by the manufacturer of the device. If no date is specified, a pressure relief valve must be replaced no later than five years after the date of its manufacture or last repair unless it has first been disassembled, inspected, repaired, and tested in a manner such that the valve's condition and performance is verified as being equivalent to the standards for the original valve over five years after the date of installation of the pressure relief device. Records must be maintained which identify each container and indicate the date of installation for each container pressure relief device.~~

### 1513.0200 TRANSFER OF LIQUIDS.

Subp. 8. **Protection of lines.** Loading lines on nonrefrigerated containers must be protected by a backflow check valve or other suitable protection for liquid and an excess flow valve or other suitable protection for vapor. Unloading lines on nonrefrigerated containers must be protected by excess flow valves or other suitable protection. Piping must be sized so as not to restrict flow rates to the extent that protective devices will not function. The backflow check valves, excess flow valves, or equivalent protection must be installed in the facility piping so that any break will occur on the side of the hose or swivel connection.

Stationary storage installations must have approved automatically operated emergency shut-off valves, weakness or shear fittings, or other suitable protection installed in the fixed piping of the transfer system prior to where the hose or swivel piping is attached to the fixed piping. This requirement does not apply to the liquid barge, truck, and tank car loading or unloading lines, or a line feeding a fixed process system. Emergency shut-off valves must remain closed when the facility is not in use. The emergency shut-off valves, weakness or shear fittings, or equivalent protection must be installed in the facility piping so that any break will occur on the side of the hose or swivel connection. This must be completed within two years of the effective date of this chapter.

### 1513.1030 CONTAINER APPURTENANCES.

Subp. 7. **Coupling device.** If the applicator or nurse tank is trailed and the metering device is remotely mounted, such as on the tool bar, an automatic break-away, self-closing coupling device must be used. The coupling device must be made from or coated with a corrosion resistant material. The coupling device must be mounted in a manner that will permit the device to swivel freely in all directions. A coupling device must be maintained ~~and replaced~~ in accordance with the manufacturer's recommendations. An angle valve may not be used as a hose end valve connecting to the coupling device.

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 #96-08: Sales and Use Tax: Capital Equipment - Construction Contractor as Purchasing Agent

#### Introduction

*Minnesota Statutes*, section 297A.25, subdivision 42 provides an exemption from sales and use tax for sales of capital equipment. Procedures for obtaining a refund of taxes paid on capital equipment and replacement capital equipment are found in *Minnesota Statutes*, section 297A.15, subdivision 5. *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.

Generally, when a contractor buys and installs equipment as part of an improvement to real property, the contractor is considered the purchaser and no refund is allowed. However, a contractor or other person may be appointed as an agent to purchase capital equipment on behalf of a qualified purchaser.

#### General Requirements

The department will recognize a third party as a purchasing agent if all the following conditions are met:

1. There must be a **written agreement** establishing the relationship and granting the agent the ability to bind the owner to pay for the purchases.
2. The capital equipment must be **purchased in the name of the owner**, not the agent.
3. All contracts or purchase orders entered into by the agent must contain a **statement** that the purchases are being made pursuant to an agency relationship and that the owner is obligated to pay for the capital equipment purchased. However, the owner can authorize the agent to pay for the items directly as long as the owner reimburses the agent for actual expenditures.
4. The capital equipment purchased under the agency agreement **must not be used by the agent for its own use**. (If there is a separate lump sum contract still in effect that requires the agent to turn over the equipment to the owner, the equipment does not qualify.)
5. **Title** to all capital equipment purchased under the agency agreement passes directly to the owner at the point of delivery.
6. The **risks of ownership** of the capital equipment purchased under the agency agreement are with the owner.

#### Effective Date

This notice is effective for all periods open under the statute of limitations.

Dated: 26 August 1996

Patricia A. Lien  
Assistant Commissioner for Tax Policy

## Department of Revenue

### Revenue Notice #96-09: Sales and Use Tax: Capital Equipment - Research, Development, and Design

#### Introduction

*Minnesota Statutes*, section 297A.25, subdivision 42 provides an exemption from sales and use tax for sales of capital equipment. Procedures for obtaining a refund of taxes paid on capital equipment and replacement capital equipment are found in *Minnesota Statutes*, section 297A.15, subdivision 5. *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 per-

## Revenue Notices

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sonal property to be sold ultimately at retail, and for electronically transmitting results retrieved by a customer of an on-line computerized data retrieval system.

### General Requirements

Quality control, testing, design, and research and development activities are part of the integrated production process. Equipment used for quality control, testing, design, and research and development activities, qualifies for the capital equipment or replacement capital equipment refund if the equipment is used primarily (50 percent or more of its operating time) to develop products that are intended to be sold at retail. This is true even if no product is ultimately produced and sold at retail.

### Examples:

A manufacturer hires a company to develop a treatment to extend the shelf life of a product. The company purchases the equipment used in its general research and development activities. The equipment used by the company qualifies for the refund if it is used 50 percent or more of its operating time to develop products that are intended to be sold at retail.

A retailer purchases computer equipment to be used exclusively to design packaging for a product that they intend to sell at retail. The retailer contracts with a manufacturer to produce the packaging and the item to be sold at retail. Since the package design is a part of the integrated production process, the retailer's computer equipment qualifies for the capital equipment or replacement capital equipment refund.

### 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: 26 August 1996

Patricia A. Lien  
Assistant Commissioner for Tax Policy

## Department of Revenue

### Revenue Notice #96-10: Sales and Use Tax: Capital Equipment - Lease Renewal or Buyout

#### Introduction

*Minnesota Statutes*, section 297A.25, subdivision 42 provides an exemption from sales and use tax for sales of capital equipment. Procedures for obtaining a refund of taxes paid on capital equipment and replacement capital equipment are found in *Minnesota Statutes*, section 297A.15, subdivision 5. *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.

#### Previous Position

In the past, the department's position on lease renewals or buyouts was that they were eligible for capital equipment refund only if the lease, as originally signed, included the option for renewal or purchase at the end of the lease term. If the original lease did not include the option for renewal or purchase at the end of the lease term, it qualified for the *replacement* capital equipment reduction.

#### New Position

If a lease qualified for the full capital equipment refund, the renewal or buyout of that lease will be eligible for the full capital equipment refund. The definition of replacement capital equipment refers to, "... replacement (of) ... old equipment ...". Since there is no *old equipment* being replaced, the previous department position is no longer supported by statutory language.

#### Effective Date

The purpose of this notice is to reverse the long-standing position of the department with respect to a lease renewal or buyout that was not a condition of the original. This notice is effective for all lease renewals and buyouts of previously qualifying capital equipment made on or after July 1, 1994.

Dated: 26 August 1996

Patricia A. Lien  
Assistant Commissioner for Tax Policy

## Department of Revenue

### Revenue Notice # 96-11: Sales and Use Tax: Capital Equipment and Replacement Capital Equipment - What Activities Qualify

#### Introduction

*Minnesota Statutes*, section 297A.25, subdivision 42 provides an exemption from sales and use tax for sales of capital equipment. Procedures for obtaining a refund of taxes paid on capital equipment and replacement capital equipment are found in *Minnesota Statutes*, section 297A.15, subdivision 5. *Minnesota Statutes*, section 297A.01, subdivisions 16 and 20, define capital equipment as equipment and machinery 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.

#### Sold Ultimately at Retail

Although the tangible personal property must be intended to be sold at retail, the capital equipment refund extends to all machinery and equipment used in the integrated production process. Each processor that modifies the product or makes a component of the final product qualifies for the refund. The property produced does not need to be a taxable item.

#### Product Created vs. Business Activity

Previously, the capital equipment refund only applied to businesses that were *primarily* engaged in the manufacture, fabrication, mining, or refining of tangible personal property to be sold at retail. However, law changes made in 1994 expanded the eligibility for the refund. The refund now focuses on the purpose and use of the individual equipment and machinery, not on the principal activity of the business. The refund also applies to businesses that provide outside fabrication services that are part of the integrated production process. Equipment and machinery used 50% or more of its operating time to fabricate products for other manufacturers is eligible for a refund. For example:

- A retailer selling lumber and other building materials, buys a saw and sander to cut and finish wood to its customers' specifications. While the primary business is not refining a product, the saw and sander are used to refine the lumber that is sold at retail. The saw and sander are eligible for refund.
- A manufacturer contracts with an outside fabricator for precision drilling to be performed on its product. While the outside fabricator does not produce a product that will be sold ultimately at retail, the precision drilling is essential to the integrated production process for the manufacturer. Any equipment and machinery used 50% or more of the time to fabricate products for other manufacturers is eligible for a refund.

#### 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: 26 August 1996

Patricia A. Lien  
Assistant Commissioner for Tax Policy

## Department of Revenue

### Revenue Notice # 96-12: Sales and Use Tax: Capital Equipment and Replacement Capital Equipment - Attachment Equipment vs. Accessories

#### Definitions

*Minnesota Statutes*, section 297A.01, subdivision 16, provides the following definitions (emphasis added):

“**Capital equipment** includes . . . machinery and equipment used or required to operate, control, or regulate the production equipment . . . .”

“**Capital equipment** does not include . . . repair or replacement parts, including *accessories*, whether purchased as spare parts, repair parts, or as upgrades or modifications, and whether purchased before or after the machinery or equipment is placed into service. Parts or *accessories* are treated as capital equipment only to the extent that they are a part of and are essential to the operation of the machinery or equipment as initially purchased . . . .”

“**Equipment**’ means independent devices or tools separate from machinery but essential to an integrated production process, including computers and software, used in operating machinery and equipment; and any subunit or assembly comprising a component or any machinery or *accessory* or *attachment* parts of machinery, such as tools, dies, jigs, patterns, and molds.”

“**Machinery**’ means mechanical, electronic, or electrical devices, including computers and software . . . .”

And from *Minnesota Statutes*, section 297A.01, subdivision 20:

“**Replacement capital equipment** includes . . . repair and replacement parts, including *accessories*, whether purchased as spare parts, repair parts, or as upgrades or modifications to machinery or equipment . . . .”

#### Attachment vs. Accessory

Although the terms *attachment* and *accessory* are both used in the definition of equipment, above, the following clarification is necessary to explain the difference in taxability of devices commonly referred to by manufacturers as *accessories* and *attachments*. The distinction is in the operation of the *attachment* or *accessory*, not whether it is physically fastened to another piece of equipment or machinery.

- For purposes of drawing this distinction, an *attachment* is capable of functioning independently from the underlying equipment or machinery to which it is attached. Its function is not essential to the operation of the underlying machinery or equipment, though it may perform a function related to the task performed by the underlying equipment or machinery. Examples of *attachments* are pick and place machines, or a conveyor.
- An *accessory* must be attached, connected or fastened to a piece of machinery or equipment in order to function; it is incapable of functioning independently. *Accessories* include feeders, tools, jigs, patterns, dies and molds. *Accessories* also include any devices that upgrade, modernize or modify the capabilities of the underlying equipment or machinery.

#### Eligibility for Exemption from Tax or Reduction in Tax

An attachment (as defined above, an independently functioning piece of machinery or equipment that happens to be physically fastened to another piece of machinery or equipment) can qualify for a capital equipment refund regardless of whether the machinery or equipment to which it is attached qualifies. An attachment that replaces another attachment can qualify for the replacement capital equipment reduction.

An accessory (as defined above, an integral part of the machinery or equipment to which it is attached, unable to function independently) can qualify for a capital equipment refund only if it is an essential part of the machinery or equipment to which it is attached and if it is purchased before the machinery or equipment is put into service. An accessory that does not qualify for the capital equipment refund can qualify for the replacement capital equipment reduction.

#### 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: 26 August 1996

Patricia A. Lien  
Assistant Commissioner for Tax Policy

## Department of Revenue

### Revenue Notice # 96-13: Sales and Use Tax: Capital Equipment and Replacement Capital Equipment - Used by the Purchaser

#### Introduction

*Minnesota Statutes*, section 297A.25, subdivision 42 provides an exemption from sales and use tax for sales of capital equipment. Procedures for obtaining a refund of taxes paid on capital equipment and replacement capital equipment are found in *Minnesota Statutes*, section 297A.15, subdivision 5. *Minnesota Statutes*, section 297A.01, subdivisions 16 and 20, define capital equipment and replacement 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.

#### General Requirements

Generally, equipment and machinery must be *used by the purchaser or lessee* in a qualifying activity to qualify for a capital equipment or replacement capital equipment refund. However, the purchase or lease of equipment to be used by another party qualifies for the capital equipment or replacement capital equipment refund if there is a written agreement between the principal purchaser or lessee and a second party containing all the following elements:

1. The agreement must state that the principal manufacturer will purchase and provide the second party with machinery and equipment necessary to fulfill the agreement.
2. The agreement must include provisions for payment to the second party for manufacture of the principal's product.
3. There must be no payment by the second party for use of the machinery or equipment.
4. None of the capital equipment purchased or leased by the principal is used by the second party for its own use.
5. The principal must purchase and pay for the capital equipment in its own name, and must include the equipment on its balance sheet as a depreciable asset.
6. The principal must hold title to the equipment or be the lessee of the equipment at all times, even at the end of the agreement between the principal and the second party.
7. The risks of ownership or leasehold for the capital equipment must remain with the principal at all times rather than with the second party.

#### Example

A snack manufacturer expands its product line and enters into an agreement with a second company to produce a specific snack line. The snacks will be sold and marketed under the manufacturer's label. Under the terms of the agreement, the manufacturer purchased and installed all equipment necessary to produce the new snack line in the second company's plant. The second company receives payment on a per-completed-case basis. The amount received per case is negotiable every six months.

The terms of the agreement require the equipment be used only for production of the new snack product. Title remains at all times with the snack manufacturer. At the end of the agreement, the equipment will be returned to the snack manufacturer. The equipment purchased by the snack manufacturer for the new snack line is eligible for the capital equipment refund.

#### Effective Date

This notice is effective for all periods open under the statute of limitations.

Dated: 26 August 1996

Patricia A. Lien  
Assistant Commissioner for Tax Policy

# Official Notices

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Pursuant to the provisions of Minnesota Statutes §14.101, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

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

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## Minnesota Comprehensive Health Association

### Notice of Meeting of the Ad Hoc Funding Base Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA) Ad Hoc Funding Base Committee will be held on Wednesday, September 11, 1996, at 3:00 P.M. The meeting will be at Allina Health System, 5601 Smetana Drive, Minnetonka, in room 300, Allina Conference Center, located on the third floor.

For additional information, please call Lynn Gruber at (612) 593-9609.

## Minnesota Comprehensive Health Association

### Notice of Meeting of the Enrollee Appeal Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA) Enrollee Appeal Committee will be held on Tuesday, August 27, 1996, at MidAmerica Mutual, 1801 West County Road B, Roseville, at 1:00 P.M. The meeting will be in the board conference room, located on the first floor.

Portions of this meeting may be closed to the public.

For additional information, please call Lynn Gruber at (612) 593-9609.

## Minnesota Office of Environmental Assistance

### Request for Comments on Planned Rule Governing Environmental Assistance Grant and Loan Program, and Planned Repeal of Rules Governing Financial Assistance for Solid Waste Separation (*Minnesota Rules* parts 9210.0400 - 9210.0460); Solid Waste Litter Prevention, Control, and Abatement (*Minnesota Rules* parts 9210.0500 - 9210.0570); Recyclable Material Market Development (*Minnesota Rules* parts 9210.0600 - 9210.0645); Solid Waste Reduction Loans (*Minnesota Rules* parts 9210.0700 - 9210.0770); Waste Education (*Minnesota Rules* parts 9210.1000 - 9210.1060); Hazardous Waste Processing Facility Grants and Loans (*Minnesota Rules* parts 9205.0100 - 9205.0290); and, Pollution Prevention (*Minnesota Rules* parts 9205.0400 - 9205.0445)

**Subject of Rule and Statutory Authority.** The Minnesota Office of Environmental Assistance (OEA) requests comments on its planned changes to rules governing the OEA's award of grants and loans to individuals and public, nonprofit and private organizations. The OEA plans the promulgation of one set of rules to govern its new environmental assistance grant and loan program and repeal of several sets of rules that currently govern the OEA's several existing grant and loan programs. 1996 *Minnesota Laws* ch. 470, section 6 (to be codified at *Minnesota Statutes* § 115A.0716) provides for a single grant and loan program that includes all elements of the existing programs and certain new elements. Section 6 authorizes the OEA to adopt rules to administer the new program. 1996 *Minnesota Laws* ch. 470, section 28 repeals the separate statutory authority for each of the existing grant and loan programs. The repealer is effective on the effective date of the rules promulgated under section 6.

The proposed new rules will establish criteria and procedures for awarding grants and loans for the purpose of researching, developing, and implementing projects or practices related to waste collection, processing, recycling, and reuse; resource recovery; source reduction, and prevention of waste, hazardous substances, toxic pollutants, and problem materials; the development or implementation of pollution prevention projects or practices; the collection, recovery, processing, purchasing, or market development of recyclable materials or compost; resource conservation; and for environmental education.

The following rules are proposed to be repealed: *Minnesota Rules* parts 9210.0400 to 9210.0460, *Minnesota Rules* parts 9210.0500 to 9210.0570, *Minnesota Rules* parts 9210.0600 to 9210.0645, *Minnesota Rules* parts 9210.0700 to 9210.0770), *Minnesota Rules* parts 9210.1000 to 9210.1060, *Minnesota Rules* parts 9205.0100 to 9205.0290, and *Minnesota Rules* parts 9205.0400 to 9205.0445.

**Persons Affected.** Persons likely to be affected by the rulemaking are individuals and public, nonprofit, or private organizations who may apply for grants or loans from the OEA related to the program areas listed above.

**Public Comment.** Interested persons or groups may submit comments or information on these planned rule amendments and repeals in writing or orally until 4:30 p.m. on September 30, 1996. The OEA is also developing a list of interested persons to receive updates on rule developments. The OEA has not yet prepared a draft of the planned new rule or rule repeals. Written or oral comments, questions, requests to receive a draft of the rule when it has been prepared, requests to be placed on an interested parties list, and requests for more information on this planned rule should be addressed to:

Erin Barnes-Driscoll  
Minnesota Office of Environmental Assistance  
520 Lafayette Road N.  
Suite 200  
St. Paul, Minnesota 55155-4100  
Telephone: (612) 296-3417  
1-800-657-3843

Rulemaking proceedings are expected to be complete by March 1997.

**Comments submitted in response to this notice will not be included in the formal rulemaking record when a proceeding to adopt a rule is started.**

Dated: 11 August 1996

Edward A. Garvey  
Director

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

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

The Executive Council, State Board of Investment and the Land Exchange Board will meet on Wednesday, September 4, 1996 at 8:30 A.M. in Room 125, State Capitol, Saint Paul, MN.

The Investment Advisory Council will meet on Tuesday, September 3, 1996 at 2:00 P.M. in Suite 105, 55 Sherburne Avenue, St. Paul, MN.

## Official Notices

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### Department of Labor and Industry

#### Labor Standards Division

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

Effective August 26, 1996 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

**Chisago:** Correctional Facility Close Custody-Rush City.

**Hennepin:** Highway Helper Garage: 1-Fort Snelling; Salt Storage Building-Golden Valley Headquarters-Golden Valley.

**McLeod:** Lighting Retrofit for County Courthouse and LEC Bldgs-Glencoe.

**Nicollet:** Partial Reroofing "B" Bldg - South Central Technical College-North Mankato.

**Ottertail:** Glendalough C.G. Sanitation Building-Fergus Falls.

**St. Louis:** Central Range Public Works Maintenance Facility-Hibbing.

**Stearns:** MCF Canteen Remodeling-Sauk Centre.

**Wadena:** Pole Storage Building - Wadena Truck Station-Wadena.

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

### Minnesota Pollution Control Agency

#### Water Quality Division

#### Fact Sheet and Public Notice of Intent to Reissue a National Pollutant Discharge Elimination System (NPDES) and State Disposal System (SDS) General Permit for Certain Activities at Sand and Gravel Mines, Rock Quarries and Hot Mix Asphalt Plants

**NOTICE IS GIVEN** that the Minnesota Pollution Control Agency (MPCA) intends to reissue National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) general permit MN G490000 for certain activities at sand and gravel mines, rock quarries and hot mix asphalt plants. A general permit covers categories whose operations, emissions, activities, discharges or facilities are the same or substantially similar. The reissued general permit would have a term of approximately five years. The general permit is being proposed in part to provide alternative permit coverage for storm water and gravel pit dewatering activities as an option to existing NPDES/SDS permits for these activities. The permit may cover owners and operators of facilities within the boundary of the state of Minnesota that: a) discharge storm water from construction sand and gravel, crushed and broken stone, or dimension stone mining and quarrying areas; b) discharge storm water from hot mix asphalt production areas; c) discharge pit dewatering flow from construction sand and gravel mine pits; or d) operate wet scrubber wastewater disposal systems at hot mix asphalt production plants.

The draft permit conditions are based on *Minnesota Statutes* chs. 115 and 116 and *Minnesota Rules* ch. 7001, 7050 and 7060. The permit discharge limits are based on a combination of state standards specified in *Minnesota Rules* ch. 7050. The receiving waters of the state of Minnesota are classified for domestic consumption, protection of aquatic life and recreation, industrial consumption, agriculture and wildlife, aesthetic enjoyment and navigation, and other uses. The requirements of *Minnesota Statutes* ch. 116D, which relate to environmental review, have been considered. Sites for which Environmental Assessment Worksheets or Environmental Impact Statements are required, in accordance with *Minnesota Rules* ch. 4410, are not eligible for coverage under this permit until that environmental review is completed.

<b>Public Comment Period Begins:</b>	August 26, 1996
<b>Public Comment Period Ends:</b>	September 25, 1996
<b>Current Permit Issued:</b>	November 1, 1990
<b>Current Permit Expiration Date:</b>	April 30, 1995

**Preliminary Determination on the Draft Permit**

The MPCA Commissioner has made a preliminary determination to reissue NPDES/SDS permit MN G490000 for a term of approximately 5 years.

The draft permit is available for review at the MPCA central office at the St. Paul address listed below, and at the MPCA regional offices in Brainerd, Detroit Lakes, Duluth, Marshall and Rochester. The draft permit may be copied between 9:00 a.m. and 3:30 p.m., Monday through Friday. A copy of the draft permit will be mailed to you if the MPCA receives your written or oral request at one of these offices. If you have questions on this draft permit or the Commissioner's preliminary determination, please contact Jim Strudell at (612) 296-7238.

**Written Comments**

You may submit written comments on the conditions of the draft permit or on the Commissioner's preliminary determination. Written comments must include the following:

1. A statement of your interest in the permit applications or the draft permit;
2. A statement of the action you wish the MPCA to take, including specific references to sections of the draft permit that you believe should be changed; and
3. The reasons supporting your position, stated with sufficient specificity as to allow the Commissioner to investigate the merits of your position.

**Petition for Public Informational Meeting**

You also may request that the MPCA Commissioner hold a public informational meeting. A public informational meeting is an informal meeting that the MPCA may hold to solicit public comment and statements on matters before the MPCA, and to help clarify and resolve issues. A petition requesting a public informational meeting must include the following information:

1. A statement identifying the matter of concern;
2. The information required under items 1 through 3 of "Written Comments," identified above;
3. A statement of the reasons the MPCA should hold a public informational meeting; and
4. The issues that you would like the MPCA to address at the public informational meeting.

**Petition for Contested Case Hearing**

You also may submit a petition for a contested case hearing. A contested case hearing is a formal evidentiary hearing before an administrative law judge. In accordance with *Minnesota Rules* 7000.1900, the MPCA will grant a petition to hold a contested case hearing if it finds that: (1) there is a material issue of fact in dispute concerning the application or draft permit; (2) the MPCA has the jurisdiction to make a determination on the disputed material issue of fact; and (3) there is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case hearing would allow the introduction of information that would aid the MPCA in resolving the disputed facts in making a final decision on the draft permit. A material issue of fact means a fact question, as distinguished from a policy question, whose resolution could have a direct bearing on a final MPCA decision. A petition for a contested case hearing must include the following information:

1. A statement of reasons or proposed findings supporting the MPCA decision to hold a contested case hearing according to the criteria in *Minnesota Rules* 7000.1900, as discussed above; and
2. A statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested or resolution of the matter.

In addition and to the extent known, a petition for a contested case hearing should also include the following information:

1. A proposed list of prospective witnesses to be called, including experts, with a brief description of proposed testimony or summary of evidence to be presented at a contested case hearing;
2. A proposed list of publications, references, or studies to be introduced and relied upon at a contested case hearing; and
3. An estimate of time required for you to present the matter at a contested case hearing.

**MPCA Decision**

The written comments, requests, and petitions submitted on or before the last day of the public comment period will be considered in the final decision on this permit. If the MPCA does not receive written comments, requests, or petitions during the public comment period, the Commissioner, or other MPCA staff as authorized by the Commissioner, will make the final decision on the draft permit.

## Official Notices

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During the public comment period, however, you also may request that the draft permit be presented to the MPCA Board for final decision. You may participate in the activities of the MPCA Board as provided in *Minnesota Rules* 7000.0650.

**Comments, petitions, and/or requests must be submitted in writing on or before the end date of the public comment period identified in this notice to:**

Jim Strudell  
Point Source Compliance Section  
Water Quality Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194

## Teachers Retirement Association

### Notice of Regular Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Wednesday, September 18, 1996, at 9:30 a.m. in Suite 500, Gallery Building, 17 W. Exchange Street, St. Paul, MN to consider matters which may properly come before the Board.

## Department of Transportation

### Decision of the Minnesota Department of Transportation Regarding Final Disposition of the Abandoned Canadian Pacific Rail Systems (SOO) Corridor From Bemidji to Gully, Minnesota

#### Decision

Based on the Minnesota Department of Transportation's analysis of the abandoned Canadian Pacific Rail Systems (CP) corridor from Bemidji to Gully, Minnesota, the rail line's appropriateness as a project under the State Rail Bank program, public comments taken from two public meetings, and written statements received from the public, it is my decision that the Minnesota Department of Transportation (Mn/DOT) will pursue acquisition of portions of the rail line.

#### Background

The line from Bemidji to Gully is a portion of the Bemidji to Plummer line built circa 1910. Soo Line used this corridor to ship farm and lumber products to the Duluth Port. Abandonment of the Bemidji to Gully portion was filed on December 18, 1995 and abandonment was approved on May 6, 1996. To determine best public use for the rail corridor, Mn/DOT conducted a corridor preservation process meeting in August of 1995, involving potentially affected public agencies. These public agencies agreed that Mn/DOT should take the lead in acquiring the corridor. On June 19 & 20, 1996, Mn/DOT conducted public meetings to solicit comments from the citizens of Beltrami, Clearwater and Polk counties on Mn/DOT's proposed acquisition of portions of the rail corridor. Public comment from these meetings supported, in general, Mn/DOT's acquisition. A desire was expressed to use the corridor for recreational trail use. Mn/DOT's decision to acquire supports that additional potential future use.

#### Basis for Mn/DOT's Decision to Purchase Portions of the Corridor

The Department's decision is based on the following:

- The rail corridor meet's criteria established for the State Rail Bank program.
- Public comment in support of banking the corridor for recreational trail use and/or shared uses such as highway and local road and street improvements.
- The corridor provides potential future use such as transportation, transmission lines (fiber optics), recreational trail use, and to a lesser degree rail freight service.
- The linear corridor is a valuable commodity that may provide viable transportation options in the future.
- Government agencies, in particular, cities on the corridor have an opportunity to acquire a portion of the rail line primarily within station grounds in their cities that is necessary for economic development or other appropriate use creating a win-win situation for the State, Counties, Cities and Townships.

**Structure of the Decision**

Minnesota's decision to "purchase portions of the corridor" is structured as follows:

1. Minnesota will form an acquisition steering committee and invite representatives from interested cities, counties and townships along the rail corridor. This committee will develop a proposal for acquisition of the rail corridor and oversee its implementation.
2. Mn/DOT will conduct the steering committee meetings and assist in identifying interim uses, shared uses and other issues related to the property.
3. Only those portions of the rail line that are within established city limits, primarily within station grounds, will be available for acquisition by each community. Mn/DOT will retain a negotiated minimum fifty foot corridors through each city to preserve the integrity of the Rail Bank corridor.
4. Should Mn/DOT determine that the final acquisition price of the corridor or the cost of obtaining clear title is excessive, we reserve the right to withdraw from negotiations with the railroad.

**Public Meeting Notice**

In accordance with Minnesota Department of Transportation Agency Rules 8830.5800 - 8830.5860 a formal public hearing may be held should one be requested by person or persons objecting to Mn/DOT's decision to acquire the corridor as set forth in this notice. If you wish to request a formal public hearing please do so in writing within 30 days from the date of this notice. Address your request to:

Minnesota Department of Transportation  
Office of Railroads and Waterways  
Mail Stop 470, 925 Kelly Annex  
395 John Ireland Boulevard  
St. Paul, Minnesota 55155-1899

**APPROVED BY:**

Allan J. Vogel, Director  
Office of Railroads and Waterways  
Minnesota Department of Transportation

**United States Department of Agriculture****Natural Resources Conservation Service (formerly the Soil Conservation Service)****Notice of a State Technical Committee Meeting on USDA Conservation Programs**

The USDA Natural Resources Conservation Service is holding a State Technical Committee Meeting to gather input on USDA Conservation Programs.

**Date:** September 6, 1996  
**Time:** 12:30 to 3:30 p.m.  
**Where:** AgriBank Building  
Wisconsin Room  
375 Jackson Street  
St. Paul, MN

For more information call 612-290-3677

Dated: 19 August 1996

Roger A. Mussetter  
Assistant State Conservationist

# State 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 loans available through any agency or branch of state government. Although some 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 loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

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## Office of Environmental Assistance

### Notice of Request for Proposals (RFP) for the Recycling Market Development Capital Loan Program

The Minnesota Office of Environmental Assistance (OEA) is a state agency dedicated to protecting Minnesota's environmental and assuring a sustainable economy through waste prevention and resource conservation. The OEA provides financial and technical assistance to encourage and implement projects that develop markets for recyclables.

The purpose of this notice is to solicit proposals for projects that meet the objectives under the OEA's Recycling Market Development Capital Loan Program. This notice is issued by the Director of the OEA (Director) under authority provided in *Minnesota Statutes* 115A.48 and *Minnesota Rules* parts 9210.0600 through 9210.0630 and part 9210.0640. Under this program, the OEA intends to provide loans for recycling market development activities that create or expand either (1) manufacturing capacity to use recyclables as a feedstock in producing a product, or (2) capacity to refine recyclables as a final, value-added processing step prior to utilization as a feedstock for manufacturing a product.

The OEA provides a commitment of financing for projects *in Minnesota* that are well-developed and technically feasible, but may be experiencing difficulty securing commitments from other interested funding sources. The Capital Loan Program is intended to assist such businesses in leveraging additional financing.

Private or non-profit organizations may receive low-interest financing for up to 50 percent of eligible capital costs, with a maximum interest rate of two percent below prime and a maximum loan award per project of \$200,000. The loan term is up to ten years or the life of the asset(s), whichever is less.

Any questions regarding this notice, and requests for copies of the RFP, should be directed to Chris Cloutier or Laura Millberg of the OEA at 612-296-3417 or 800-657-3843 (toll free in MN).

Proposals meeting the requirements of *Minnesota Rules* parts 9210.0600 through 9210.0630 and part 9210.0640 and postmarked by October 15 will be accepted by the OEA. Proposals should be addressed:

Minnesota Office of Environmental Assistance  
Capital Loan Program  
520 Lafayette Road  
St. Paul, MN 55155

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant 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 notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

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## Office of Environmental Assistance

### Notice of Request for Proposals for Available Grant Funds for Waste Education, Pollution Prevention, Market Development, and Waste Separation

The Minnesota Office of Environmental Assistance (OEA) is a state agency that works to protect Minnesota's environment and assure a sustainable economy through waste prevention and resource conservation.

This notice is issued by the Director of the OEA under authority provided in *Minnesota Statutes* § 115A.0715, which allows the OEA to consolidate and jointly administer several of its grant and loan programs. The due date for this grant round is October 15, 1996. The maximum grant award is \$100,000. Applicants are required to have a one-to-one cash or in-kind match.

*The purpose of this notice is to solicit proposals for projects that meet the objectives of the following financial assistance programs: waste education under Minnesota Statutes § 115A.072; pollution prevention under Minnesota Statutes §§ 115D.05, 115A.154 and 115A.55; market development under Minnesota Statutes § 115A.48; and waste separation under Minnesota Statutes § 115A.53.*

Grant program areas are described below.

**Waste Education:** Projects that develop and distribute waste education information, or projects that develop or implement programs for waste reduction and recycling in school operations.

*Eligible applicants are persons (excluding state agencies and the Metropolitan Council) who propose to develop and/or distribute waste education information in Minnesota, or formal or informal education facilities.*

**Pollution Prevention:** Projects that develop or implement practices that eliminate or reduce at the source the quantity or toxicity of toxic pollutants, hazardous substances, or hazardous waste used, generated, or released, and projects that eliminate or reduce the generation of solid waste or industrial waste. Projects that provide information or outreach programs on pollution prevention and source reduction are also eligible.

*Eligible applicants are persons who use, generate, or release toxic pollutants, hazardous substances, hazardous wastes, solid wastes or industrial wastes in Minnesota, or individuals or organizations in Minnesota who provide assistance to such persons and/or to other persons affected by the generation of such pollutants or waste in Minnesota.*

**Market Development:** Projects that develop markets or end uses for recyclable materials, including problem materials.

*Eligible applicants are counties, research institutions and private organizations.*

**Waste Separation:** Projects that develop and implement waste separation and collection of household hazardous waste, problem materials, recyclables and/or compostable materials. An eligible applicant may apply on its own behalf or on behalf of other persons or organizations who are not otherwise eligible, but the eligible applicant will be the recipient of the grant.

*Eligible applicants are cities, counties, solid waste management districts, and sanitary districts.*

**Sustainable Communities:** Project must focus primarily on pollution prevention, source reduction, waste education, market development, or waste separation and must meet the criteria for at least one of these areas. In addition, projects must develop or implement innovative, participatory, community-based activities which can lead to environmental, economic and social benefits for present and future generations.

*Eligible applicants include public-private teams (composed of, for example, non-profit organizations, local governments, educational institutions and business partners) or individual organizations that meet eligibility criteria for at least one of the other program areas listed above.*

#### **Proposed grant projects may address a specific grant program area or multiple areas.**

The OEA has approximately one million dollars for this grant funding round. Grant program funds will be awarded up to a maximum of \$100,000 per project. A variety of grant funding requests and projects are encouraged. Grant applicants must be able to provide a dollar for dollar match as specified in the Request for Proposal. The match may be in the form of cash or in-kind contributions. The OEA will consider applications for projects that begin in April 1997.

## State Grants

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The OEA has prepared a Request for Proposal (RFP) that provides application forms and detailed information on priority project areas for grant funding, proposal evaluation criteria, review procedures, and other information specific to each project area, for applicants. Interested persons may obtain a copy of the RFP by contacting:

Nancy Skuta  
Minnesota Office of Environmental Assistance  
520 Lafayette Road, 2nd Floor  
St. Paul, MN 55155-4100  
612/215-0249 or 1-800-657-3843 (toll-free in Minnesota)

*PLEASE NOTE, applications must be postmarked by October 15, 1996 to be considered for funding.*

## Minnesota Department of Health Hennepin County Community Health Department

### Joint Request for Proposals to Distribute Comprehensive AIDS Resources Act Funds and State Case Management Funds

The Minnesota Department of Health (MDH) and the Hennepin County Community Health Department are issuing a joint Request For Proposals to distribute Title I and Title II Ryan White Comprehensive AIDS Resources (CARE) Act funds and state case management funds.

The purpose of this funding is to provide specific support services to people living with the Human Immunodeficiency Virus (HIV) throughout the state of Minnesota and in some instance, St. Croix and Pierce counties in Wisconsin. The following types of programs will be funded:

- Case Management
- Complementary Care
- Early Intervention Services
- Food Programs
- Hemophilia Support Services
- Maintenance Home Health Services
- Mental Health Services
- Rural Programs
- Transportation Services

In order to apply for HIV services funding, three documents must be submitted.

- Letter of Intent;
- Request For Proposals, Part A; and
- Request For Proposals, Part B specific to each program area funding is being applied for.

All Letters of Intent and full proposals are to be submitted to the Minnesota Department of Health. Letters of Intent are due September 27, 1996 and full proposals are due October 25, 1996.

For a full copy of the Request For Proposal guidance call Cindy Lind at (612) 623-5111.

Technical assistance will be offered:

Friday, September 6, 1996 5 to 7 p.m. Minnesota Department of Health 717 Delaware Street S.E. Minneapolis Room 105	Monday, September 9, 1996 3 to 5 p.m. Minnesota Department of Health 717 Delaware Street S.E. Minneapolis Room 105
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In addition, all prospective applicants who have questions regarding this Request For Proposals are encouraged to call:

Julie Ashley, Program Manager  
Services and Screening Unit  
AIDS/STD Prevention Services Section  
Minnesota Department of Health  
(612) 623-5665

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## Professional, Technical & Consulting Contracts

### Bureau of Mediation Services

#### Applications Accepted for Funding Under the Minnesota Area Labor-Management Committee Program for 1997 Grants

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

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

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

Applications for funding for calendar year 1997 will be accepted until October 15, 1996. All grants awarded will be effective January 1, 1997.

Lance Teachworth,  
Commissioner

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## Professional, Technical & Consulting Contracts

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

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

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### Department of Administration

#### State Designer Selection Board

#### Request for Proposals for two Department of Corrections (DOC) Projects & one Minnesota Center for Arts Education (MCFAE) Project

##### To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select consultants for two Department of Corrections (DOC) projects and one Minnesota Center for Arts Education (MCFAE) project. Design firms who wish to be considered for these projects should deliver proposals on or before 4:00 p.m., Monday, September 16, 1996, to:

Mary Closner, Executive Secretary  
State Designer Selection Board  
Department of Administration  
50 Sherburne Avenue, Room G-10  
St. Paul, Minnesota 55155-3000  
Phone: (612) 296-4655

##### The proposals must conform to the following:

- 1) Six (6) copies of the proposal will be required **plus (1) additional unbound copy in black and white for micro fiche purposes only.\***
- 2) All data must be on 8½" x 11" sheets, soft bound. No more than 20 printed faces will be allowed (see the following bullet points for clarification).
  - Any letters directed to the Board should be bound into the proposal. It is not necessary to do a cover letter to Mary Closner.
  - Blank dividers with printed tab headings are not counted as faces.

## Professional, Technical & Consulting Contracts

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- Front and back covers of proposals are not counted as faces.
  - None of the statutory or mandatory information, except as required for the front cover, should appear on the front or back covers.
- 3) The cover of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number, and the name of the contact person.

4) Proposal Summary

All proposals shall begin with a summary which includes only the following items:

- a) Name of firm and its legal status;
  - b) Names of the persons responsible for both the management and production of the work, including consultants, as well as Minnesota registration numbers for all.
  - c) The proposal shall contain a statement indicating that the consultants listed have been contacted and have agreed to be a part of the design team.
  - d) A commitment to enter the work promptly, if selected, by engaging the consultants and assigning the persons named in 4(b) above, along with adequate staff to meet the requirements of work.
  - e) A list of State and University of Minnesota current and past projects and studies awarded to the prime firms(s) submitting this proposal during the four (4) years immediately preceding the date of this request for proposal. The prime firm(s) shall list and total all fees associated with these projects and studies whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects and studies listed pursuant to the above. **NOTE:** Please call Mary Closner for a copy of the acceptable format for providing this information.
  - f) In accordance with the provisions of *Minnesota Statutes*, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted; therefore, the proposal shall include one of the following:
    1. A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
    2. A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
    3. A statement certifying that the firm has not had more than 20 full-time employees at any time during the previous 12 months.
- 5) Additional Proposal Contents:
- a) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualifications for the work. The graphic material must be identified. It must be work in which the personnel listed in 4(b) above have had significant participation and their roles must be clearly described. It must be noted if the personnel were, at the time of the work, employed by other than their present firms.
  - b) Expanded resumes showing qualification of individuals, listed in 4(b) above, administering or producing the major elements of the work, including consultants. Identify roles that such persons played in projects which are relevant to the project at hand.
  - c) A discussion of the firms understanding of and approach to the project.
  - d) A listing of relevant past projects.
- 6) Design firms wishing to have their proposals returned after the Board's review, must follow one of the following procedures:
- a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or
  - b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

In accordance with existing statutes, the Board will retain one copy of each proposal submitted.

Any questions concerning the Board's procedures, their schedule for the projects herein described, or the fee format form may be referred to Mary Closner at (612) 296-4655.

### 7a) PROJECT 12-96

**Department of Corrections (DOC)  
Brainerd Regional Human Service Center (BRHSC)  
Capital Improvements  
Brainerd, Minnesota**

#### 1. PROJECT DESCRIPTION:

The 1996 Legislature appropriated \$1.5 million for "capital improvements to the BRHSC to establish a correctional facility for medium and minimum security inmates and to establish a special needs unit for inmates with medical needs." In order to move forward with this project, it is required that we receive architectural and engineering services.

The project involves two buildings as follows:

- A. Building 5 (empty) - built in 1959. This is a large two-story structure with an elevator. There is sufficient room for 210 minimum-custody inmates in the building, and there is sufficient program space available in the building for education, chemical dependency, and other group activities. A cottage industry is also a possibility.
- B. Building 7 (empty) - built in 1961. This is a single story building, at grade, with an elevator to a partial basement for programming. It would be designated as a secure, medium-custody geriatric unit capable of housing up to 90 geriatric inmates in two and four-man rooms. This building would require fencing with sufficient room for outdoor recreation.

#### 2. REQUIRED SERVICES:

The architect/engineer will be required to assist the facility and DOC staff in developing the operational program; a space program; schematics; project budget; complete design and construction documents; and overseeing the construction.

#### 3. INFORMATIONAL MEETING/SITE INSPECTION:

A site tour will be limited to short-listed firms and will be scheduled prior to the final interviews.

#### 4. PROJECT CONTACT:

Questions concerning the project should be referred to:

**James B. Zellmer, Director**  
Institution Support Services  
Department of Corrections  
1450 Energy Park Drive, Suite 200  
St. Paul, MN 55108-5219  
Phone: (612) 642-0247  
Fax: (612) 603-0150

#### 5. STATE DESIGNER BOARD SCHEDULE FOR PROJECT 12-96:

Tuesday, October 1, 1996—Shortlist

Tuesday, October 15, 1996—Interviews & Award

**\*The addition of the black and white copy is for time and money savings only. If you do not submit this unbound, file copy, you will *not* be disqualified. We will simply break down one of the bound copies you submit and recycle the components that are unusable for micro fiche (i.e., photos, tabs, decorative covers, laminated inserts, blank covers).**

### 7b) PROJECT 13-96

**Department of Corrections (DOC)  
Minnesota Correctional Facility - Lino Lakes (MCF-LL)  
Predesign and Design of a Segregation Unit  
Lino Lakes, Minnesota**

#### 1. PROJECT DESCRIPTION:

The 1996 Legislature appropriated \$500,000 for predesign and design of a segregation unit for 800 medium-security beds at the Minnesota Correctional Facility at Lino Lakes (MCF-LL). In order to move forward with this activity, it is required that we receive architectural and engineering assistance. This unit will be a self-contained, free-standing building located on a medium-security correctional institution campus that currently houses approximately 900 inmates.

## Professional, Technical & Consulting Contracts

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### 2. REQUIRED SERVICES:

The architects/engineers will be required to assist the facility and DOC staff with developing an operational program for the proposed segregation unit; a space program; schematics; project budget estimate; and prepare a pre-design report for the Department of Administration as well as legislative review.

The design team should be comprised of firms familiar with the development of correctional institutions and with experience in detention/segregation units. The need for hardened materials and sophisticated electronics will require special detail and attention by the selected team.

### 3. PROJECT SCHEDULE:

It is the intent of the DOC to request funding for the remainder of the design activities, as well as construction funds, from the 1998 legislative session.

### 4. INFORMATIONAL MEETING/SITE INSPECTION:

A site tour will be limited to short-listed firms and will be scheduled prior to the final interviews.

### 5. PROJECT CONTACT:

Questions concerning the project should be referred to:

**James B. Zellmer, Director**  
Institution Support Services  
Department of Corrections  
1450 Energy Park Drive, Suite 200  
St. Paul, MN 55108-5219  
Phone: (612) 642-0247  
Fax: (612) 603-0150

### 6. STATE DESIGNER BOARD SCHEDULE FOR PROJECT 13-96:

Tuesday, October 1, 1996—Shortlist

Tuesday, October 15, 1996—Interviews & Award

**\*The addition of the black and white copy is for time and money savings only. If you do not submit this unbound, file copy, you will *not* be disqualified. We will simply break down one of the bound copies you submit and recycle the components that are unusable for micro fiche (i.e., photos, tabs, decorative covers, laminated inserts, blank covers).**

#### 7c) PROJECT 16-96

**Minnesota Center for Arts Education (MCFAE)**  
**Design and Construction of an Instructional Resources Facility**  
**6125 Olson Memorial Highway**  
**Golden Valley, Minnesota**

### 1. PROJECT DESCRIPTION:

The MCFAE requests the selection of an architect for the design and construction of an instructional resources facility on its campus. The facility would be used to house instructional spaces for arts high school students and some administrative/meeting spaces for faculty, administrative support personnel, parents and visitors. The project will consist of an approximately 40,000 square foot addition to the west side of the existing main administration/classroom building.

Primary functions to be incorporated in the new structure include music instruction, rehearsal, practice and performance, general classroom instruction (i.e. science, social studies, mathematics, languages, literary arts), an art gallery and student commons area, computer labs, theater set design and construction, offices, conference spaces, storage, and a new campus heating/cooling plant. Implementation of the center's technology plan, developed in accordance with guidelines prescribed the Department of Administration's Information Policy Office, is a component of this project.

The scope of the project involves full architectural/engineering services including mechanical, electrical, architectural, acoustical, audiovisual, telecommunications, scheduling, and cost estimating services. To the extent possible, spaces are to be designed for multiple uses to allow for flexible scheduling and a diversity of function. New construction must be designed in ways to integrate effectively with the existing structure, physically and programmatically. Execution of the Center's long-range master plan is expected to occur over a long period of time and on an incremental basis. Because of this "phasing in" process, creative architectural strategies must be developed to accommodate on an interim schedule those high-demand functions whose specialized space needs will not specifically be addressed by this construction.

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## Professional, Technical & Consulting Contracts

Project work should also include an in-depth exploration of strategic design options and construction opportunities that will result in significant operational efficiencies and savings to the MCFAE, including, but not limited to utilities expenditures (i.e. heating, cooling, water service), facility service costs, staffing configurations, etc.

Extensive pre-design work has been completed for this project. It is expected that this work will be used as the basis for design and construction.

### 2. REQUIRED SERVICES:

Designers should have applicable experience in both renovation and construction of new education and arts facilities, a demonstrated capacity to complete projects at or under budget and in a timely fashion, as well as a sophisticated knowledge of energy conservation practices, design strategies, and code requirements. Additionally, MCFAE management is committed to a collaborative, participatory design process that is driven by client/user needs (i.e. staff, student, parents) and which is sensitive to the concerns of local neighborhoods and communities. An ability to interact effectively and articulately with MCFAE customers, who use the agency's resources both on site and statewide, is essential to this process.

### 3. CONSTRUCTION BUDGET/FEES:

Project cost is estimated up to \$6,979,000. Of that amount, \$100,000 is to be raised privately. The balance is available through a legislative appropriation. MCFAE is, however, committed to examining ways to reduce construction costs that will, at the same time, maintain the integrity of its operational program and produce a building that is durable and efficient to operate. At a cost of \$6,979,000, construction is anticipated to be approximately \$5,200,000 with a design fee of approximately \$460,000. The budget for furniture, fixtures, and equipment, and other miscellaneous fees and allotments comprises the remaining \$1,300,000. Alterations in project scope may result in commensurate adjustments to these estimated costs.

### 4. PROJECT SCHEDULE:

A formal site tour and overview will be provided to short-listed firms and will be scheduled prior to the final interviews. However, informational packets containing MCFAE's master plan brochure, a synopsis of pre-design work completed for this project, and general agency information will be available by written request to Barbara Martin.

### 5. INFORMATIONAL MEETING/SITE INSPECTION:

A site tour will be limited to short-listed firms and will be scheduled prior to the final interviews.

### 6. PROJECT CONTACT:

Questions concerning the project should be referred to:

**Barbara Martin, Deputy Director**  
Minnesota Center for Arts Education  
6125 Olson Memorial Highway  
Golden Valley, Minnesota  
Telephone: (612) 591-4700  
Fax: (612) 591-4747

### 7. STATE DESIGNER BOARD SCHEDULE FOR PROJECT 16-96

Tuesday, October 8, 1996—Shortlist

Tuesday, October 22, 1996—Interviews & Award

**\*The addition of the black and white copy is for time and money savings only. If you do not submit this unbound, file copy, you will not be disqualified. We will simply break down one of the bound copies you submit and recycle the components that are unusable for micro fiche (i.e., photos, tabs, decorative covers, laminated inserts, blank covers).**

Douglas Wolfangle, P.E., Chair  
State Designer Selection Board

## Professional, Technical & Consulting Contracts

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### Department of Children, Families and Learning

#### Notice of Request for Information for Computer Assisted Instructional Software

The Minnesota Department of Children, Families and Learning requests informational presentations from vendors of Computer Assisted Instructional Software. The Department is most interested in packages which:

1. Provide for an electronic curriculum library.
2. Provide for computer assisted delivery of instruction and curriculum for a wide range of grade levels.
3. Track individual student performance through database capability that is integrated into computerized curriculum delivery.
4. Provide the capability to track performance which demonstrates completion of the Minnesota Graduation Standards.
5. Provide on-line help for students, teachers, and parents.
6. Operate in a network environment.
7. Include at-home access.
8. Include e-mail, bulletin board and other "on-line" features which facilitate communication and training.
9. Include comprehensive training and an on-going staff development capability.
10. Incorporate Internet as a learning resource.
11. Offer a wide range of curriculum for basic skills, alternative programs and specialized programs such as ESL, Adult Basic Education, and GED.

The Department of Children, Families and Learning will select vendors to demonstrate products for ninety minute presentations. Vendor selection for presentation will be based upon written materials supplied by the vendor which demonstrate the following selection criteria:

1. Evidence that the product meets all or most of the criteria specified in numbers 1-11 above.
2. Evidence that the product is in wide-scale use at school and school district sites.
3. Evidence that the product is fully operational.
4. Evidence that the product is capable of operation in a networked environment and a "stand alone" environment.
5. Provision of references from product users. The department will contact references.
6. Evidence of vendor experience and support for the product.
7. Preliminary cost estimate information.
8. Provision of other product documentation.

To be considered for a presentation, vendors must respond in writing to the above selection criteria 1-8 on or before 4:00 p.m., September 11, 1996. Five copies of written material must be presented. The Department of Children, Families and Learning will announce vendor selection for product demonstration by September 19, 1996. Responses should be sent to:

Theresa Mish  
Minnesota Department of Children, Families and Learning  
938 Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101  
Phone: 612/296-6312

## Department of Economic Security

### State Services for the Blind

#### Notice of Proposed Contracts for Federal Fiscal Year 1997

The Minnesota Department of Economic Security, State Services for the Blind (SSB), is publishing notice that the contracts listed below are available and will be awarded for Federal Fiscal Year 1997 (October 1, 1996, to September 30, 1997).

##### **A. Notice of Proposed Contracts for Reader Services to be awarded for Federal Fiscal Year 1997 (October 1, 1996 - September 30, 1997).**

SSB is seeking individuals/organizations to provide reader services as a reasonable accommodation to blind or visually handicapped employees of this agency. As a reader, the individual will read incoming correspondence, case file information, regulations, grant applications, grants, record information on fiscal documents, rehabilitation plans, applications, and client information system forms as directed by the blind or visually handicapped employee. The following approximate number of contracts will be let:

1. Seven (7) Readers for the Metro area: one of these must have a working knowledge or familiarity of computer-related technical terms and language;
2. One (1) Reader for the Duluth area;
3. One (1) Reader for the Rochester area.

All individuals will be paid at the rate ranging from \$5.00 to \$6.50 per hour. Contracts will range from 10-20 hour per week based on the individual needs of the employee. Total cost of all contracts is not expected to exceed \$35,000.00.

Inquiries and/or proposals including a brief statement of qualifications and training/work experience should be directed to:

Doug Julin, Accounting Officer, Sr.  
State Services for the Blind  
2200 University Ave. W. Suite #240  
St. Paul, MN 55114-1840  
(612) 642-0888

All proposals must be received by 4:30 p.m., Friday, September 27, 1996, for consideration. Individuals responding after this date, as well as those individuals who responded by the date, although were not selected, will have their name kept on file for a period of one year, and will be contacted if vacancies occur or additional services are needed during this period.

##### **B. Notice of Proposed Contracts for Driver Services to be awarded for Federal Fiscal Year 1997 (October 1, 1996 - September 30, 1997).**

SSB is seeking individuals/organizations to provide driver services as a reasonable accommodation for blind or visually handicapped employees of this agency. As a Driver, the individual will drive the blind or visually handicapped employee to meetings, client interviews or appointments and return to the office in their own or state-owned vehicle. The following approximate number of contracts will be let:

1. Six (6) Drivers for the Metro area;
2. One (1) Driver for the Duluth area serving the northern half of the state;
3. One (1) Driver for the Rochester area serving Dodge, Faribault, Fillmore, Freeborn, Houston, and Mower counties.

Candidates must possess a valid driver's license, a good driving record and proof of insurance if their own vehicle is to be used.

All individuals will be paid at the rate ranging from \$5.00 to \$6.50 per hour. Contracts will range from 10-20 hour per week based on the individual needs of the employee. An individual providing driver services who uses his/her own vehicle shall be reimbursed as part of the contract at a rate of \$.27 per mile. Total cost of all Driver contracts is not expected to exceed \$20,000.00 per year.

Inquiries and/or proposals including a brief statement of qualifications and training/work experience should be directed to:

Doug Julin, Accounting Officer, Sr.  
State Services for the Blind  
2200 University Ave. W. Suite #240  
St. Paul, MN 55114-1840  
(612) 642-0888

All proposals must be received by 4:30 p.m., Friday, September 27, 1996, for consideration. Individuals responding after this date, as well as those individuals who responded by the date and were not selected, will have their name kept on file for a period of one year, and will be contacted if vacancies occur or additional services are needed during this period.

Individuals interested in either or both the reader and/or driver activities should indicate this in their brief statement.

## Professional, Technical & Consulting Contracts

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### **C. Notice of Proposed Contract for a Braille Textbook Format Consultant and Trainer/Certifier for Volunteer Braille Transcriber to be awarded for Federal Fiscal Year 1997 (October 1, 1996 - September 30, 1997).**

SSB is seeking an individual/organization to serve as a format consultant and accept assignments for formatting material that is to be transcribed into braille according to the rules for the Code of Textbook Formats and Techniques. The candidate must 1) be certified as a Volunteer Braille Transcriber by the National Library Service, 2) be thoroughly knowledgeable of the Code of Braille Textbook Formats and Techniques, 3) have the ability to communicate clearly the correct braille format to volunteer braille transcribers, 4) be sensitive to the unique needs of volunteer braille transcribers, and 5) have the knowledge, skills and abilities to train and certify volunteer braille transcribers.

The selected contractor will be paid \$800 per month and may have annual training allowance of \$2,000 to attend National Braille Association Workshops as funds are available. The contractor will also be paid \$5,000 for each brailist that is trained and certified by the contractor that will be used to transcribe braille for the Communication Center, up to maximum of \$10,000. The total cost of this contract will not exceed \$21,600 per year.

Inquiries and/or proposals including a brief statement of qualifications and training/work experience should be directed to:

Doug Julin, Accounting Officer, Sr.  
State Services for the Blind  
2200 University Ave. W. Suite #240  
St. Paul, MN 55114-1840  
(612) 642-0888

All proposals must be received by 4:30 p.m., Friday, September 27, 1996, for consideration.

### **D. Notice of Proposed Contract for a Print Reader for Braille Proofreaders to be awarded for Federal Fiscal Year 1997 (October 1, 1996 - September 30, 1997).**

SSB is seeking readers to read print material that Braillists and Braille Technicians have transcribed in order to assure the accuracy of the transcription. The reader must be able to read at an appropriate pace for three or four hours at a time being very attentive to details such as reading all punctuation, type faces, paragraph headings, and color of print. The reader needs to be familiar with the wide variety of symbols such as diacritics and the notation for advanced mathematics and science. The reader must be able to describe, interpret and make judgements about the details of the print format such as figures, graphs, charts, boxed material, crossword puzzles and in some cases pictures.

The selected contractors will be paid at a rate ranging from \$8.00 to \$9.00 per hour. Contracts will range from 5 - 10 hours per week. Total cost of contract is not to exceed \$10,000.00.

Inquiries and/or proposals including a brief statement of qualifications and training/work experience should be directed to:

Doug Julin, Accounting Officer, Sr.  
State Services for the Blind  
2200 University Ave. W. Suite #240  
St. Paul, MN 55114-1840  
(612) 642-0888

All proposals must be received by 4:30 p.m., Friday, September 27, 1996, for consideration. Individuals responding after this date, as well as those individuals who responded by the date, although were not selected, will have their name kept on file for a period of one year, and will be contacted if vacancies occur or additional services are needed during this period.

## Department of Human Services

### Anoka-Metro Regional Treatment Center

#### Notice of Request for Proposal for Psychological Student Intern Services

**NOTICE IS HEREBY GIVEN** that the Anoka-Metro Regional Treatment Center, Mental Health Bureau, Department of Human Services, is seeking psychological student intern services which are to be performed as requested by the Administration of Anoka-Metro Regional Treatment Center. Contract will be for the period beginning September 4, 1996 and ending June 30, 1997. Responsibilities to include psychological services, including assessments, individual and group interventions, and consultations under the direct supervision of qualified staff. Total estimated amount of contract will not exceed \$12,500.00 annually. Responses must be received by September 16, 1996. Direct inquiries to Dr. Arthur Lebow, Director of Student Training and Internships, Anoka-Metro Regional Treatment Center, 3300 4th Ave. N., Anoka, MN 55303-1119. Telephone Number: 612-576-5624.

## **Minnesota State Lottery**

### **Request for Proposal for Drafting RFP for On-Line Gaming System Services and Reviewing and Evaluating Proposals**

The Minnesota State Lottery is seeking Requests for Proposals for a consultant to provide services to the Lottery relating to drafting an RFP for On-Line Gaming System Services, reviewing and evaluating proposals submitted to the Lottery as a result of that RFP, and acceptance testing and conversion to a new system. Consultant or consulting firm submitting a proposal must have at least three (3) years experience relating to on-line lottery gaming system software testing and development. To receive a copy of the RFP for consulting services contact:

Tom Barrett  
Administrative Services Manager  
Minnesota State Lottery  
(612) 635-8108  
(612) 297-7497 Fax

The deadline for responding to the RFP is 2:00 P.M. CST, September 10, 1996.

## **Department of Natural Resources**

### **Division of Forestry**

#### **Notice of Request for Proposals for Production of Forestry Video**

**NOTICE IS HEREBY GIVEN** that the Department of Natural Resources through its Division of Forestry is requesting proposals to help in the development of a 10- to 15-minute forestry video. This video is to briefly explain Minnesota's Sustainable Forest Resources Act of 1995, show what the forest ecosystem includes, and tell viewers what's available to help them learn about the forest environment.

Services needed by the Division of Forestry include, but are not limited to: script and storyboard development; video design and production including all filming, narration, music, sound effects, editing, and all other technical aspects required in the production.

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

Meg Hanisch  
Public Affairs Specialist  
DNR Forestry  
500 Lafayette Road  
St. Paul, Minnesota 55155-4044  
(612) 296-5958

## **Department of Natural Resources**

### **Request for Proposals for the Production of Broadcast Quality TV Announcements**

The Minnesota Department of Natural Resources, Bureau of Information and Education is seeking proposals from marketing communications, advertising, public relations or other qualified organizations or individuals to write, produce and deliver two (2) thirty-second television public service announcements that will help to increase public awareness and understanding about the spread of exotic species such as Eurasian watermilfoil and zebra mussels.

Details are contained in a Request for Proposals which may be obtained by contacting:

Tom Baumann  
Project Coordinator  
DNR-Bureau of Information and Education  
Box 46 500 Lafayette Road  
St. Paul, MN 55155  
612/297-4192 (Voice)  
612/296-0902 (FAX)

# Professional, Technical & Consulting Contracts

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## Department of Transportation

### Notice of Request for Proposals for Private Sector Partnership to Deploy a Self-sustaining Road Condition and Weather Information Collection and Dissemination System

The Minnesota Department of Transportation is soliciting proposals for a new and innovative partnership arrangement with the private sector to deploy a self-sustaining information collection and dissemination system that is capable of relaying road condition and weather information to a variety of public and private sector organizations and to members of the general public.

Mn/DOT uses weather information to schedule work crews responsible for maintaining freeways and highways. The information allows Department crews to be proactive, rather than reactive, when working to alleviate adverse snow and ice conditions and to maintain adequate friction between vehicles and pavements. During warmer months, Mn/DOT uses weather information to schedule a variety of operations activities.

Equal importance is placed on support for traveler information within the framework of a statewide architecture. Traveler information systems relevant to road and weather conditions may include broadcast and cable television, commercial and public radio, information kiosks, digital data by FM subcarrier and/or AM phase modulation, two-way paging, digital cellular telephone, digital audio broadcasting, low earth orbit satellite, etc.

The Department seeks to improve the safety and efficiency of maintenance operations as well as that of travelers using the Minnesota roadway network by providing real-time road and weather condition information. The following elements are critical to a successful program.

- The Department expects ownership of the system will reside in the private domain.
- Acceptable systems will: use state-of-the-art data collection, modeling and presentation techniques; be capable of incorporating additional functions that may be available/desired to provide better information; and use commonly accepted communication standards and protocols for data exchange.
- Acceptable systems will: receive/obtain road and weather information from appropriate sources; share/disseminate road and weather information with appropriate users; combine all additional available traveler information sources; and comply with national and statewide ITS architecture initiatives.
- road and weather condition information will be disseminated for Department operations use as well as traveler information purposes.
- Acceptable systems must be capable of providing present and short term (1-6 hour) road and weather conditions. Long term (6-48 hours) and extended forecasts (48 hours +) of weather conditions are also required.

Proposals shall include a business plan for the proposed product or service that addresses: the viability of the proposed product or service; the ability of the private sector partner to deliver the product of service during the agreement period; the nature and level of investment required of all parties; and the risk and exposure to the Department by making the proposed investment.

For copy of the RFP contact:

Materials Transportation Division  
Attn: Bruce Charon  
112 Administration Bldg.  
50 Sherburne Ave.  
St. Paul, MN 55155  
612-282-5578  
Fax 612-297-3996

Proposals must be time stamped at the above address before 3:00 p.m. October 21, 1996.

HOT OFF THE PRESS .... June '96

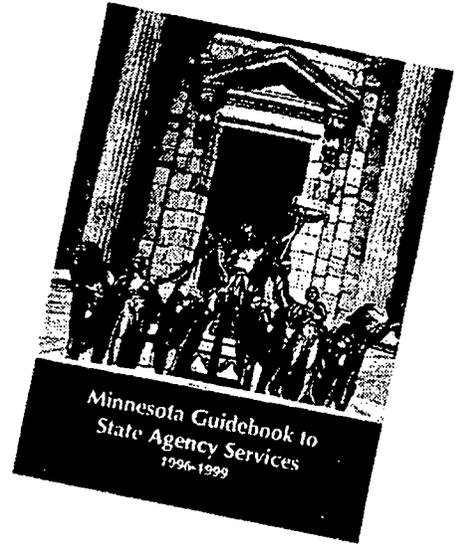
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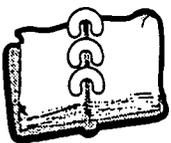
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