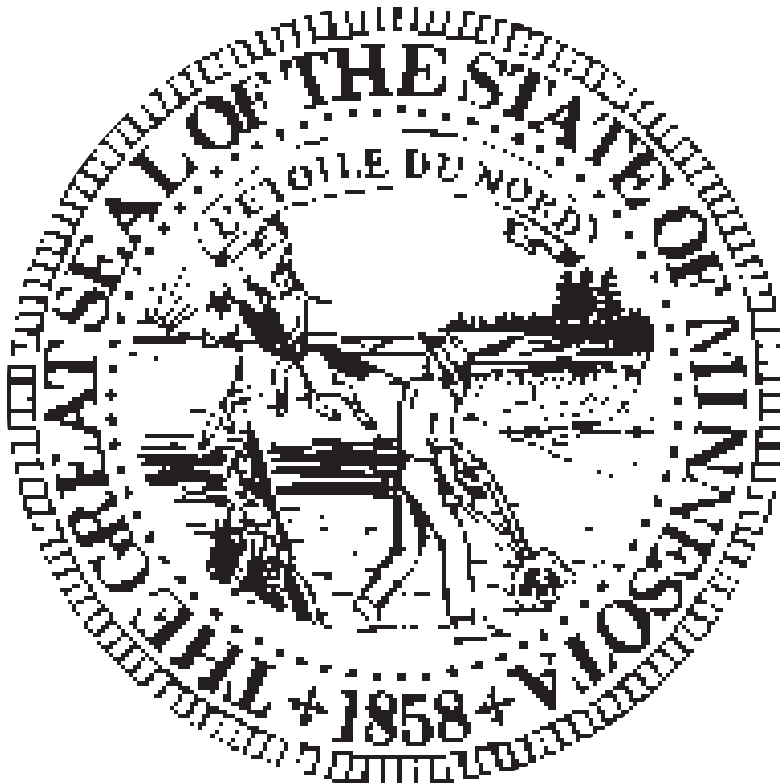


The Minnesota

State Register

Rules and Official Notices Edition



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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.

Printing Schedule and Submission Deadlines

Vol. 23 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
# 1	Monday 6 July	Noon Wednesday 24 June	Noon Tuesday 30 June
# 2	Monday 13 July	Noon Wednesday 1 July	Noon Tuesday 7 July
# 3	Monday 20 July	Noon Wednesday 8 July	Noon Tuesday 14 July
# 4	Monday 27 July	Noon Wednesday 15 July	Noon Tuesday 21 July

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PUBLISHING NOTICES IN THE *State Register*: Submit TWO COPIES of your notice, typed double-spaced. State agency submissions must include a "State Register Printing Order" form, and a "Certification/Internal Contract Negotiation" form with contracts for professional, technical and consulting services. Non-State Agencies should submit TWO COPIES, with a letter on your letterhead stationery requesting publication and date to be published. FAXED submissions to 612-297-8260 are received to meet deadline requirements, but must be followed by originals and applicable forms or letters to be accepted. The charge is \$115.00 per page, billed in tenths of a page (columns are seven inches wide). About 2-1/2 pages typed double-spaced on 8-1/2"x11" paper equal one typeset page in the *State Register*. Contact the editor if you have questions.

An "Affidavit of Publication" can be obtained at a cost of \$10.00 for notices published in the *State Register*. This service includes a notarized "Affidavit of Publication" and a copy of the issue of the *State Register* in which the notice appeared.

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FOR LEGISLATIVE NEWS

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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Commodity, Service and Construction contracts are published in a bulletin, the <i>State Register Contracts Supplement</i> , published Tuesday, Wednesday and Friday. Award results are available from the Materials Management Helpline (612) 296-2600. Professional, Technical and Consulting contract awards are published monthly in an <i>Awards Report</i> . Individual copies and subscriptions for both publications are available through Minnesota's Bookstore, (612) 297-3000 or 1-800-657-3757.			

Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1995 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

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

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

Volume 23, Issue #1

Animal Health Board

1700.0100; .0300; .0400; .0700; .0800; .1300; .1500; .2100; .0060;
1705.0120; .0150; .0160; .0170; .0180; .0210; .0220; .0260; .0270;
 .0310; .0390; .0420; .0530; .0840; .0930; .1040; .1086; .1087; .1088;
1715.0160; .0290; .0300; .0430; .0440; .0460; .0570; .0780; .1060;
 .1070; .1100; .1130; .1140; .1150; .1160; .1230; .1370; .1390;
 .1420; .1440 (proposed) 5
1700.1400; .4800; **1705**.0060 s.2a; .0400; .0430; .0460; .0510;
 .0640 s. 4a, 8; .0670; .0728; .0731; .0735; .1081; .1082; .0183;
 .1084; .1085; **1715**.0400; .0880; .0980; .0990; .1090; .1180
 (proposed repealer) 5

Arts Board

1900.1010; .1510; .1710; .1810; .1910; .2010; .2110; .2210;
 .4110 (proposed) 15
1900.1610 (proposed repealer) 15

Natural Resources Department

6236.0700 (adopted expedited emergency) 25

Proposed Rules

Comments on Planned Rules or Rule Amendments

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

Rules to be Adopted After a Hearing

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

Rules to be Adopted Without a Hearing

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

Board of Animal Health

Proposed Permanent Rules Relating to Animal Health

Notice of Intent to Adopt Rules Without a Public Hearing

Proposed Amendment to Rules Governing Diseases of Domestic Animals, *Minnesota Rules*, 1. Importation of Cattle, 1700.0100 - 1700.1500; 2. Importation of Bison and Elk, 1700.4800; 3. Bovine Brucellosis in Cattle, 1705.0060 - 1705.0540; 4. Bovine Paratuberculosis, 1705.0640 - 1705.0830; 5. Bovine Tuberculosis, 1705.0840 - 1705.1085; 6. Sale of Livestock at Auction Markets, 1715.0200 - 1715.0580; Consignment, Community, and Other Sales 7. Approved Markets for Cattle, 1715.0780 - 1715.1260; 8. Public Stockyards, 715.1270 - 1715.1480.

Introduction. The Board of Animal Health intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is:

Dr. Bill Hartmann
Minnesota Board of Animal Health
90 West Plato Boulevard
Saint Paul, MN 55107
(612) 296-2942 Ext. 27
FAX (612) 296-7417

TTY users may call the Board of Animal Health at 1-800-627-3529.

Subject of Rules and Statutory Authority. The proposed rules include provisions for the use of a new vaccine to protect cattle from brucellosis; discontinuing brucellosis testing cattle that are sold through cattle concentration points; new requirements for tuberculosis accreditation of Cervid (deer and elk) herds; discontinuing classifying cattle herds relative to their paratuberculosis status; and discontinuing defining approved testing procedures for paratuberculosis. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 35.03 and 35.243. A copy of the proposed rules is published in the *State Register*. A free copy of the rules is available upon request from the agency contact person listed above.

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

Comments. You have until 4:30 p.m. on Thursday, August 13, 1998, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules address and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on August 13, 1998. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency 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 rules.

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.

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

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

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

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

Dated: 13 June 1998

Thomas J. Hagerty
Executive Secretary
Minnesota Board of Animal Health

IMPORTATION OF CATTLE

1700.0100 DEFINITIONS.

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

Subp. 3. **B-branded cattle.** "B-branded cattle" means cattle that have been identified by branding with a hot iron with the letter "B" at least two by two inches on the left ~~jaw~~ hip high on the tailhead because they were classified as brucellosis reactors or are brucellosis-exposed cattle from a herd depopulation.

[For text of subps 4 and 5, see M.R.]

Subp. 6. **Breeding cattle.** "Breeding cattle" means all cattle except steers, spayed heifers, and heifers of beef breed ~~between the ages of six and under~~ of age imported for feeding purposes, or slaughter cattle as defined in subpart 17.

Subp. 7. **Brucellosis-exposed cattle.** "Brucellosis-exposed cattle" means cattle that are part of a known infected herd or that have been in contact with brucellosis reactors in marketing channels ~~for periods of 24 hours or periods of less than 24 hours if the reactor has recently aborted, calved, or has a vaginal or uterine discharge regardless of the blood test results. After January 1, 1982, any period of contact in marketing channels shall be considered exposed.~~

[For text of subps 8 to 13, see M.R.]

Subp. 14. **Official calthood vaccinate.** "Official calthood vaccinate" means a female bovine animal vaccinated against brucellosis with an approved Brucella vaccine while from four to ~~ten~~ 12 months (120 to ~~299~~ 359 days) of age, permanently identified as a vaccinate, and reported at the time of vaccination to the appropriate state or federal agency cooperating in the eradication of bovine brucellosis.

Subp. 15. **Official identification.** "Official identification" of grade cattle consists of the following: complete ~~ear~~ official identification tag number; predominant breed characteristics or color markings; sex; age; positive identification of brucellosis vaccinates by vaccination certificate, legible tattoo, or official vaccination ear tag.

"Official identification" of purebred cattle consists of the following: official registration number, tattoo, or complete ~~ear~~ official identification tag number; breed; sex; age; positive identification of brucellosis vaccinates by vaccination certificate, legible tattoo, or official vaccination ear tag.

Subp. 16. **S-branded cattle.** "S-branded cattle" means cattle that have been identified by branding with a hot iron the letter "S" at least two by two inches on the left ~~jaw or hip~~ hip high on the tailhead ~~over the fourth to seventh coccygeal vertebrae.~~

[For text of subp 17, see M.R.]

1700.0300 MOVEMENT OF S-BRANDED CATTLE AND B-BRANDED CATTLE.

The following cattle may move without diversion or unloading to public stockyards or to a slaughtering establishment operating under federal inspection, provided a shipping permit issued by an accredited veterinarian accompanies the shipment: reactor cattle and B-branded exposed cattle; S-branded cattle, including suspects, exposed cattle in channels of trade, and untested test-eligible cattle from states that are not certified "Brucellosis-Free" by Veterinary Services, United States Department of Agriculture.

1700.0400 CATTLE QUARANTINED FOR ANY DISEASE.

Cattle quarantined for any disease may not enter the state except that:

A. cattle may enter the public stockyards to be unloaded at quarantine pens to be sold directly to a slaughtering establishment provided a shipping permit from the state ~~of~~ of origin accompanies the shipment and a copy of the permit is delivered to the person receiving the shipment; and

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

1700.0700 REQUIREMENT FOR BRUCELLOSIS TEST.

Official tests for brucellosis in the state of origin must be used. All tests must be confirmed at a state-federal cooperative laboratory. Cattle may commence movement based on negative tests by authorized persons prior to laboratory confirmation.

With the exception of items A to G, all cattle must be negative to brucellosis tests within 30 days prior to movement into Minnesota:

A. cattle from certified brucellosis-free herds or certified brucellosis-free states ~~not going through cattle concentration points, as defined in part 1705.0060, subpart 2a;~~

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

1700.0800 REQUIREMENT FOR ANAPLASMOSIS TEST.

With the exception of items A to ~~G~~ E, all breeding cattle must be tested negative to an official anaplasmosis test at an approved laboratory within 30 days prior to movement:

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

~~D. beef type heifers under 18 months of age for feeding purposes entering a Minnesota feedlot under permit from the board;~~

~~E. steers and spayed heifers;~~

~~F.~~ cattle from Canada, states adjacent to Minnesota, and the low incidence states determined by United States Department of Agriculture annual survey; and

~~G.~~ E. cattle that have been sampled for anaplasmosis, the results of which are pending, provided a permit has been secured from the board.

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

1700.1300 PERMITS.

The types of cattle in items A to ~~D~~ C may be imported with a certificate of veterinary inspection for a stated purpose provided a permit is obtained from the board prior to movement:

- A. calves less than two months of age;
- B. ~~cattle from class B and class C states;~~

~~C.~~ female feeding cattle of beef type and breed less than 18 months of age entering for feeding purposes without tests for brucellosis; or

~~D.~~ C. cattle that have been sampled for anaplasmosis, the results of which are pending.

1700.1500 IMPORTING FEEDING CATTLE.

~~Feeding cattle may be imported as follows: steers, spayed heifers, and calves under six months of age must be listed on a certificate of veterinary inspection but need not be identified or tested; heifers of beef type and breed under 18 months of age must be listed on a certificate of veterinary inspection but need not be identified or tested provided a permit is secured from the board. Cattle of this class imported from states classified with "B" or "C" status by Veterinary Services, United States Department of Agriculture, must be branded on the jaw with a hot iron with the letter "F" at least two inches high. The Feeding cattle imported by permit from the board must be segregated from all other cattle except steers, spayed heifers, like quarantined cattle, or cattle purchased in accordance with a feeder affidavit quarantine as provided in parts 1705.0060 to 1705.0540. Segregation must consist of a drylot with no pasturing and grazing and double fencing to prevent access to drainage and other cattle. The cattle may be: retained in a feedlot for a period not to exceed 12 months; sold for further feeding under feeder affidavit quarantine as provided in parts 1705.0060 to 1705.0540; sold for slaughter; or moved to another state if the movement is in compliance with state and federal regulations.~~

Upon application by the owner of quarantined cattle ~~that originated in states classified "A" or "Free" by Veterinary Services, United States Department of Agriculture~~, the board at its discretion may grant permission to the owner to make the necessary tests at the owner's expense to relieve the quarantine. The requirements for tests must not be less than the tests required for breeding cattle.

1700.2100 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1700.2100 to ~~1700.2550~~ 1700.2500.

[For text of subs 2 to 5, see M.R.]

BOVINE BRUCELLOSIS IN CATTLE

1705.0060 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1705.0060 to ~~1705.0540~~ 1705.0530.

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

Subp. 2a. [See repealer.]

[For text of subs 3 to 6, see M.R.]

Subp. 7. **Official brucellosis calfood vaccinate.** "Official brucellosis calfood vaccinate" means female dairy cattle under 20 months of age and female beef cattle under 24 months of age vaccinated against brucellosis using a United States Department of Agriculture licensed Brucella abortus vaccine; ~~strain 19, live culture, reduced dose~~ while they are from four to ~~ten~~ 12 months (120 to ~~299~~ 359 days) of age.

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

Subp. 9. **Negative.** "Negative" means official dairy vaccinates 20 months of age and over and beef vaccinates 24 months of age and over with brucellosis test titers not higher than complete agglutination at a 1:50 dilution on the standard plate test or standard tube test unless diagnosed suspect or reactor on basis of ~~card test, rivanol test, or complement fixation~~ a United States Department of Agriculture approved confirmatory test; ~~cattle negative to the rapid screening test when no other tests are performed~~; cattle negative to the buffered acidified plate antigen test when no other tests are performed; cattle negative to the rapid automated presumptive test when no other test is performed; cattle more than six months of age when the standard plate test or standard tube test discloses reactions of not more than complete agglutination in the 1:25 dilution, if performed; are negative to the brucellosis card test, if performed; disclose 25 percent fixation or less (1+) at the 1:10 dilution on the complement fixation test, if performed; or disclose less than complete agglutination at the 1:25 dilution on the rivanol plate agglutination test, if performed; are negative to the rapid automated presumptive test when no other tests are performed. The board may accept variations when an epidemiological investigation indicates Brucella abortus infection is present. A diagnosis of suspect or reactor will then be accepted.

[For text of subs 10 to 14, see M.R.]

Subp. 15. **Test and testing.** “Test” and “testing” mean blood samples shall be collected and submitted by a veterinarian. Standard plate test or other field tests approved by the board may be made by a veterinarian approved by the board to conduct field tests.

All blood samples accompanied by test charts in triplicate with results of field test recorded shall be submitted to a state or state-federal laboratory to confirm the field test. The laboratory test shall be the official test if there is more than one-half titer variation between the laboratory test and the field test.

Tests used at the state or state-federal laboratory shall include the buffered acidified plate antigen test (BAP), rapid ~~screening~~ automated presumptive test (~~RST RAP~~), standard plate test (SPT), card test (BBA), standard tube test (STT), rivanol test (RIV), complement fixation test (CF), and other tests approved by the board.

[For text of subp 16, see M.R.]

1705.0120 REACTORS.

Reactors are to be identified and appraised upon demand within 15 days of the test date, and with an official reactor tag in the left ear and a “B” hot brand at least two by two inches on the left ~~jaw hip high on the tailhead~~. Reactors must be sold within 15 days of appraisal for slaughter only, with a shipping permit. The time intervals may be extended by the cooperating state and federal officials for reasons mutually accepted.

1705.0150 RELEASE OF INFECTED HERD QUARANTINE.

Infected herd quarantines will be released after two consecutive negative herd tests, the first conducted at least 30 days after slaughter of all reactors, and the second test not less than ~~90~~ 180 days following the ~~first negative test removal of all reactors~~. An additional blood test of all test-eligible cattle in the herd shall be made not less than six months ~~nor more than 12 months~~ after release of an infected herd quarantine.

1705.0160 EXCEPTION TO INTERVALS BETWEEN TESTS.

Exceptions to intervals between tests are allowable when Brucella abortus Strain 19 ~~or RB51~~ organisms have been isolated from the reactor, or all epidemiologic evidence is consistent with Brucella abortus Strain 19 ~~or RB51~~ infection and not with ~~virulent~~ infection by a field strain of Brucella.

1705.0170 SUSPECTS AND EXPOSED CATTLE.

Suspects and exposed cattle other than those in infected herds will be released from quarantine when on the basis of tests and supplemental test results a negative ~~or vaccinate~~ status is allowed, or when suspects or exposed cattle are shipped for slaughter with a shipping permit. If suspects requiring retest are not available, a complete herd test is necessary unless it is determined on the basis of epidemiological investigation ~~and evaluation of two or more consecutive retest and supplemental test results~~ that the herd test is not indicated ~~if the suspect is shipped for slaughter with a shipping permit~~.

1705.0180 QUARANTINES ON HERD OF ORIGIN OF MARKET CATTLE TEST REACTORS.

Quarantines on herd of origin of market cattle test reactors will be released if a herd test disclosed no additional reactors ~~and there is~~ or an investigation indicates no evidence suggestive of Brucella infection or exposure thereto.

1705.0210 MOVEMENT OF BRUCELLOSIS QUARANTINED CATTLE.

Brucellosis quarantined cattle shall be sold only for slaughter at establishments where federal meat inspection is maintained, or to public stockyards or state and federal markets approved to receive brucellosis quarantined cattle for sale to such establishments for slaughter and must be accompanied by a shipping permit. Reactors must be identified as provided in part 1705.0120. Exposed cattle moved to slaughter or interstate must be identified with a hot “S” brand at least two by two inches on the left ~~jaw hip high on the tailhead~~.

1705.0220 MOVEMENT OF BRUCELLOSIS SUSPECTS OR EXPOSED CATTLE.

Brucellosis suspects or exposed cattle may be returned to their herd of origin from markets without being “S” branded if accompanied by a shipping permit or an official brucellosis quarantine.

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1705.0260 OFFICIAL VACCINATION.

Brucella vaccine must be licensed by the United States Department of Agriculture. Vaccine must be sold to and administered by veterinarians only. Vaccine must be administered by the method and dosage described by the manufacturer or the board.

Brucella abortus vaccine; ~~strain 19, live culture, reduced dose~~, may be administered to female dairy and beef cattle while they are from four to ~~ten~~ 12 months (120 to ~~299~~ 359 days) of age.

1705.0270 IDENTIFICATION OF VACCINATED CATTLE.

Cattle vaccinated must be identified with an official Minnesota vaccination tag in the right ear and a vaccination tattoo in the right ear. If already identified with an ear tag or an individual registration tattoo, an official Minnesota vaccination tag is not required. The vaccination tattoo will include US Registered "Shield and V," which will be preceded by a ~~number indicating the quarter of the year~~ the letter "R" and will be followed by a number corresponding to the last digit of the year vaccination was done.

1705.0310 CATTLE VACCINATED WITH BRUCELLA ABORTUS ~~STRAIN 19~~ VACCINE.

Cattle vaccinated with Brucella abortus ~~Strain 19~~ vaccine other than females of authorized ages are not official vaccinates, and, when tested, must be diagnosed as unvaccinated cattle.

1705.0390 CATTLE FROM HERDS NOT UNDER QUARANTINE IN ~~MODIFIED CERTIFIED AREAS STATES~~ NOT CERTIFIED "BRUCELLOSIS-FREE" BY VETERINARY SERVICES, UNITED STATES DEPARTMENT OF AGRICULTURE.

Cattle originating from herds not under quarantine in ~~modified certified areas states~~ not certified "Brucellosis-Free" by Veterinary Services, United States Department of Agriculture shall have passed a brucellosis test within 30 days prior to date of movement and then kept in isolation until they have passed a brucellosis retest made between ~~45~~ 60 and 120 days after being moved. Cattle added to a certified brucellosis-free herd under this provision shall not receive new herd status for sale purposes until they have passed a ~~45~~ 60- to 120-day postentry retest and have been included in the herd blood test on the next anniversary of the recertification test.

1705.0420 RECERTIFICATION.

All test-eligible cattle in the herd over six months of age are required to pass a brucellosis test within 60 days prior to the anniversary date for continuous certification. If the certification test is conducted within 60 days following the anniversary date, the certification period will be 12 months from the anniversary date and not 12 months from the date of the recertifying test. During the interval between the anniversary date and the recertifying test, certification will be suspended. If a herd blood test for recertification is not conducted within 60 days after the anniversary date, then certification requirements are the same as for initial certification.

1705.0530 FACTORS TO BE CONSIDERED IN CONDEMNATION.

The persons named in part 1705.0520 shall consider the following factors:

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

G. Results of culture attempts to isolate Brucella. A positive culture, other than Strain 19 or RB51, shall support a decision to condemn, but a negative culture does not prohibit herd condemnation; and

H. Rapidity of spread within the herd. ~~Nonreactors and exposed cattle may be condemned after the first test of all eligible cattle in the herd when 25 percent or more of the cattle tested are reactors. Nonreactors and exposed cattle may be condemned when the cumulative number of reactors disclosed in the herd equals 30 percent of the number of cattle on the first test of all eligible cattle in the herd. Nonreactors and exposed cattle may be condemned when a herd remains infected after six tests conducted at approximately 30-day intervals.~~

1705.0840 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1705.0840 to ~~1705.1085~~ 1705.1080.

[For text of subs 1a to 11, see M.R.]

1705.0930 IDENTIFICATION OF REACTOR.

Reactors are to be identified with an official reactor tag in the left ear and a hot "T" brand approximately three inches high on the left ~~jaw~~ hip high on the tailhead. No animal diagnosed as reactor shall be retested.

1705.1040 ESTABLISHMENT AND MAINTENANCE OF TUBERCULOSIS-FREE ACCREDITED CATTLE HERD.

An agreement to comply with parts 1705.0840 to ~~1705.1085~~ 1705.1080 must be signed and filed with the board by the owner.

TUBERCULOSIS HERD STATUS PLANS FOR CERVIDAE

1705.1086 ACCREDITED HERD PLAN FOR CERVIDAE.

Subpart 1. Animals to be tested. Testing of herds for accreditation or reaccreditation must include all Cervidae and all other hoof stock over 12 months of age and animals under 12 months of age that are not natural additions and such animals born in and originating from accredited herd.

Subp. 2. Qualifying standards. To meet the requirements for accredited herd status, the herd must pass at least three consecutive official tests for tuberculosis conducted at nine- to 15-month intervals with no evidence of bovine tuberculosis disclosed. Herds meeting these standards must be issued a certificate.

Subp. 3. Additions. Accredited herd additions must originate directly from one of the following:

A. an accredited herd;

B. a qualified herd if the individual animals for addition were negative to an official tuberculosis test conducted within 90 days prior to entry and isolated from members of the accredited herd until negative to an official tuberculosis test conducted at least 90 days following entry; or

C. a herd not meeting the requirements of item A or B, if individual animals for addition are isolated from all other members of the herd of origin and must pass two negative official tests for tuberculosis conducted at least 90 days apart, with that second test conducted within 90 days prior to movement to the premises of the accredited herd. The additions must be kept in isolation from members of the accredited herd until they are negative to an official tuberculosis test conducted at least 90 days following the date of entry.

Animals added under item B or C must not receive accredited herd status for sale or movement purposes until they are negative on a retest 90 days after entry.

Subp. 4. Reaccreditation. To qualify for reaccreditation, the accredited herd must pass a test within a period of 21 to 27 months of the anniversary date. The accreditation period must be 24 months (730 days) from the anniversary date, not 24 months from the date of the reaccreditation test.

1705.1087 QUALIFIED HERD PLAN FOR CERVIDAE.

Subpart 1. Animals to be tested. Testing of herds for qualified herd status must include all Cervidae 12 months of age and older and any animals under 12 months of age that are not natural additions, or such animals born in and originating from accredited or qualified herds. All natural additions under 12 months of age and such animals originating from accredited or qualified herds must be individually identified by official eartag and be recorded on the test charts as members of the herd at the time of the herd test.

Subp. 2. Qualifying standards. To meet the requirements for qualified herd status, the herd must be administered one official test for tuberculosis within a one-month period with results indicating no evidence of bovine tuberculosis. The qualified herd status remains in effect for 12 months following the qualifying test.

Subp. 3. Additions. Herd additions must originate directly from one of the following:

A. an accredited herd;

B. a qualified herd if the individual animals for addition were negative to an official tuberculosis test conducted within 90 days prior to entry; or

C. a herd not meeting the requirements of item A or B if individual animals for addition are isolated from other members of the herd of origin and have negative results to two official tests for tuberculosis, conducted at least 90 days apart, with that second test conducted within 90 days prior to movement to the premises of the qualified herd. The additions must be kept in isolation from all members of the qualified herd until they are negative to an official tuberculosis test conducted at least 90 days following the date of entry.

Animals added under item C must not receive qualified herd status for sale or movement purposes until they are negative to a retest 90 days after entry.

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1705.1088 STATUS OF NEWLY ASSEMBLED CERVIDAE HERDS.

A newly assembled herd must assume the herd status of the herd from which the animals originated. A herd assembled from more than one herd must assume the status of the originating herd with the lowest status. A newly assembled herd must also assume the testing schedule of the herd the status of which it assumes. These animals must have no exposure to Cervidae from herds of lesser status than the herd of origin which is determining the status of the newly assembled herd.

1715.0160 CATTLE, GOATS, SWINE, POULTRY, AND SHEEP.

All cattle, goats, swine, poultry, and sheep must meet all requirements in parts 1715.0005 to 1715.0162 for livestock and poultry originating in Minnesota and must also meet the board's importation requirements of parts 1700.0100 to 1700.1500, 1700.1800 to ~~1700.2000~~ 1700.1900, 1700.2600 to 1700.3010, ~~1700.3100~~ 1700.3110 to 1700.3800, 1700.4600, and 1700.4700. Certificates of veterinary inspection and required tests, except pseudorabies tests for swine which must be made within 30 days, must be accepted if issued and conducted within 90 days prior to the opening date of the exhibition.

1715.0290 SEROLOGICAL TESTS.

The official veterinarian shall, when required, test cattle for brucellosis and anaplasmosis and swine for pseudorabies and brucellosis.

1715.0300 IDENTIFICATION TAGS.

~~If cattle are required to be identified by eartag, the official veterinarian shall use only official identification tags bearing the Minnesota prefix. All breeding cattle not already identified by an official United States Department of Agriculture metal eartag, registry tattoo, or registry number must be identified by placing a United States Department of Agriculture metal eartag in the right ear prior to being offered for sale at an auction market or consignment, community, or other sale.~~ Swine must be identified with metal eartags that include the letters "Minn" on the reverse side or a legible pseudorabies monitored herd number ear tattoo or metal herd numbered eartag.

1715.0430 CATTLE SOLD WITHOUT TEST FOR BRUCELLOSIS FOR SLAUGHTER.

The sales management shall not allow the removal of cattle ~~sold without a test for brucellosis~~ for immediate slaughter or consignment to a public stockyard unless the cattle are identified with a tag as applied under the market cattle identification program.

1715.0440 FEMALE CATTLE OF BEEF BREED UNDER 18 MONTHS.

The sales management shall not allow the removal of female cattle of beef breed under 18 months of age that did not originate in states certified "Brucellosis-Free" by Veterinary Services, United States Department of Agriculture, sold without a test for brucellosis under affidavit and quarantine for feeding purposes, until the purchaser furnishes an affidavit to the sales management ~~as required by Minnesota Statutes, section 35.245, subdivision 3.~~ The original and second copy of the affidavit must be mailed to the board within five days following the sale.

1715.0460 BRUCELLOSIS SUSPECTS.

Brucellosis suspects and all bovine animals that have been in contact with reactors more than 24 hours or in contact less than 24 hours if the reactor has recently aborted, calved, or has a vaginal or uterine discharge must be placed in isolation pens that permit no contact with other livestock and may not move from the market until the official veterinarian has issued a permit for their removal. The brucellosis suspects and contact animals must be returned to the farm of origin under quarantine issued by the official veterinarian in accordance with part 1705.0220 or identified with the letter "S" on the left ~~jaw~~ hip high on the tailhead and sold for immediate slaughter to a slaughtering establishment where the federal government maintains inspection service, or shipped to public stockyards under permit issued by the official veterinarian in accordance with part 1705.0210.

1715.0570 HORSES RECEIVED FROM OUT OF STATE.

Horses received from out of state must be retained on the sale premises until found negative to the test for EIA performed at a laboratory approved by the United States Department of Agriculture. This part does not apply to:

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

C. horses sold for slaughter purposes if the buyer is a licensed livestock dealer, ~~the official veterinarian applies a paint brand letter "S" at least six inches high on the hip,~~ and the buyer completes and signs a declaration of intent to slaughter; and

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

STATE-FEDERAL APPROVED MARKETS FOR CATTLE

1715.0780 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1715.0780 to ~~1715.1180~~ 1715.1260.

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

Subp. 3. **Approved state-federal market qualified to accept reactors, suspects, and cattle from quarantined herds.** “Approved state-federal market qualified to accept reactors, suspects, and cattle from quarantined herds” shall mean a market approved under part ~~1715.1230~~ 1715.1240.

[For text of subps 4 to 12, see M.R.]

1715.1060 IDENTIFICATION TAGS.

~~Cattle bearing identification tags when consigned to an approved market shall be identified by such tags; where required, on all official records submitted to the board. Such tags~~ All breeding cattle not already identified by an official United States Department of Agriculture metal eartag, registry tattoo, or registry number shall be identified by placing a United States Department of Agriculture metal eartag in the right ear prior to being offered for sale at a state-federal approved market for cattle. All breeding cattle must be identified on all official sale records. Official United States Department of Agriculture metal eartags shall not be removed without permission of the executive secretary of from the board.

1715.1070 AFFIDAVIT.

The market management shall not allow the removal of female cattle of beef type and breed under 18 months of age sold under affidavit and quarantine for feeding ~~and grazing purposes~~ only, unless accompanied by proper permit or until the purchaser furnishes an affidavit to the market management as required by *Minnesota Statutes*. The original and second copy of the affidavit shall be mailed to the board within five days following the completion of each week’s business.

1715.1100 CATTLE FROM OTHER STATES.

Cattle originating in other states may be consigned to the market when accompanied by a certificate of veterinary inspection complying with the Minnesota importation requirements ~~and certifying to origin in a modified certified brucellosis area; or a certificate of veterinary inspection showing individual identification, certifying to origin in a modified certified brucellosis area;~~ or a declaration signed by the owner showing address of origin, description and number of cattle in shipment, destination, and further stating cattle are not under quarantine because of disease.

1715.1130 CERTIFICATE OF VETERINARY INSPECTION.

Cattle entering market accompanied by a certificate of veterinary inspection certifying to origin in a ~~modified certified brucellosis area~~ state not classified “Brucellosis-Free” by Veterinary Services, United States Department of Agriculture, are subject to brucellosis tests at the market.

1715.1140 CATTLE SOLD WITHOUT FURTHER TESTING.

Cattle entering market accompanied by certificate of veterinary inspection with necessary tests for brucellosis conducted within 30 days prior to date of importation and recorded thereon; ~~and certifying to origin in modified certified brucellosis area;~~ may be sold without further testing.

1715.1150 REACTORS, SUSPECTS, AND CATTLE FROM QUARANTINED HERDS.

Reactors, suspects, and cattle from quarantined herds may be consigned to markets approved under part ~~1715.1230~~ 1715.1240 when accompanied by a shipping permit providing for resale only to slaughtering establishments having federal inspection.

1715.1160 CATTLE FOR IMMEDIATE SLAUGHTER.

Cattle consigned for resale as slaughter cattle or determined at the market to be slaughter cattle shall be identified by a tag as applied under the market cattle identification program. ~~Cattle from slaughter pens shall be sold for immediate slaughter only and shall not be released from market premises until a shipping permit has been issued by official veterinarian.~~

1715.1230 QUARANTINES.

The following classes of cattle are subject to quarantine from the market:

- A. ~~Female cattle of beef breed under 18 months of age, not tested for brucellosis at the market and sold under affidavit for feeding and grazing purposes; are quarantined for the feeding period. Affidavit to bear notarized signature of purchaser.~~
- B. ~~Cattle sold to dry lot permit holder are quarantined for the feeding period.~~

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~~C. Nonvaccinates from other states entering market on owner's certificate and negative to tests for brucellosis at the market, are quarantined for a brucellosis retest to be conducted in 30 to 120 days.~~

~~D. Cattle from other states not classified "Brucellosis-Free" by Veterinary Services, United States Department of Agriculture, of beef breed under 18 months of age, accompanied by owner's certificate and sold for feeding and grazing purpose under affidavit, are quarantined for the feeding period. When such cattle are 18 months of age and over, they are considered as breeding cattle.~~

~~E. Official vaccinates of dairy breeds under 20 months of age and official vaccinates of beef breeds under 24 months of age, entering the market on an owner's certificate, are quarantined until tested for brucellosis with a reaction no higher than complete agglutination in a dilution of 1:50.~~

~~F. Official vaccinates of dairy breeds 20 months of age or over and official vaccinates of beef breed 24 months of age and over, entering the market on an owner's certificate, tested at the market and which disclose a reaction to the brucellosis test no higher than complete agglutination in a dilution of 1:50 are quarantined for a retest for brucellosis to be conducted no sooner than 30 days nor more than 120 days.~~

1715.1370 EXPOSED CATTLE.

Upon disclosure of brucellosis reactors all other cattle in a consignment must be considered exposed and must be sold for immediate slaughter or returned to the farm of origin under quarantine. If sold for immediate slaughter, a shipping permit must be issued and each exposed animal must be permanently branded with the letter "S" on the left ~~jaw~~ hip high on the tailhead. Any cattle in contact with a reactor must be considered exposed.

1715.1390 ENTRY OF LIVESTOCK.

All livestock shall enter with a properly completed shipper contract. Livestock under quarantine because of disease shall be allowed entry when properly identified and accompanied by a shipping permit issued by a veterinarian or a notice of shipment prepared by the owner. All reactors, suspects, and exposed livestock shall enter the stockyards through separate entryway and be yarded in the isolation area. The shipper contract shall be clearly marked with the appropriate word or words indicating such livestock. Cows and bulls two years of age and over shall be identified to the herd of origin by an official backtag as required in parts ~~1720.1640~~ 1720.1680 to 1720.1700 prior to being offered for sale.

1715.1420 BRUCELLOSIS TEST REQUIREMENTS.

The requirements for ~~transfer of ownership for importation of~~ importation of cattle in parts ~~1705.0060 to 1705.0540~~ 1700.0100 to 1700.1500 apply to all cattle removed from the public stockyards to Minnesota destinations.

The diagnosis of cattle which respond to the brucellosis test shall be in accordance with parts 1705.0060 to 1705.0540.

1715.1440 REMOVING CATTLE TWO YEARS OF AGE.

Cows and bulls ~~from other states~~ two years of age and over must be backtagged or ~~tested and found negative to brucellosis and if originating from other states negative to anaplasmosis~~ meet the testing requirements for importation of cattle in parts 1700.0700 to 1700.1100 before removal from the stockyards.

REPEALER. *Minnesota Rules*, parts 1700.1400; 1700.4800; 1705.0060, subpart 2a; 1705.0400; 1705.0430; 1705.0460; 1705.0510; 1705.0640, subparts 4a and 8; 1705.0670; 1705.0728; 1705.0731; 1705.0735; 1705.1081; 1705.1082; 1705.1083; 1705.1084; 1705.1085; 1715.0400; 1715.0880; 1715.0980; 1715.0990; 1715.1090; and 1715.1180, are repealed.

State Arts Board

Proposed Permanent Rules Relating to Grants and Other Forms of Assistance

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

Proposed Amendment to Rules Governing Procedures for Receiving and Reviewing Requests for, and Standards for Distribution of, Grants and Other Forms of Assistance, *Minnesota Rules*, Chapter 1900, Arts Board Grant Procedures.

Introduction. The Minnesota State Arts Board intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on August 6, 1998, a public hearing will be held at the Arts Board offices at Park Square Court, 400 Sibley Street, Suite 200, St. Paul, Minnesota 55101, starting at 1:00 p.m. on August 25, 1998. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after August 6, 1998, and before August 25, 1998.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Lisa McDaniel, Minnesota State Arts Board, Park Square Court, 400 Sibley Street, Suite 200, St. Paul, Minnesota 55101, (612) 215-1600 and FAX (612) 215-1602. TTY users may call the Arts Board at (612) 215-6235.

Subject of Rules and Statutory Authority. The proposed rules are about governing procedures for receiving and reviewing requests for, and standards for distribution of, grants and other forms of assistance. The statutory authority to adopt the rules is *Minnesota Statutes*, section 129D.04, subdivision 1, clauses (e) and (f). A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. A free copy of the rules is available upon request from the agency contact person listed above.

Comments. You have until 4:30 p.m. on August 6, 1998, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on August 6, 1998. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency 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 rules.

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.

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

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

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Cancellation of Hearing. The hearing scheduled for August 25, 1998, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (612) 215-1600 after August 6, 1998, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Bruce H. Johnson is assigned to conduct the hearing. Judge Johnson can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 341-7666, and FAX (612) 349-2665.

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

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

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

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

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

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

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

Dated: 19 June 1998

Robert C. Booker
Executive Director

1900.1010 ELIGIBILITY REQUIREMENTS FOR APPLICANTS REQUESTING GRANTS OR OTHER FORMS OF ASSISTANCE.

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

Subp. 2. **All applicants.** An application shall not be eligible to be funded when one or more of the following activities, conditions, or use of funds exist or are proposed:

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

J. the applicant is not in compliance with any active contract with the board; or

K. the applicant does not make all events open to the general public or whenever feasible, does not establish admission charges for the events; ~~or~~

~~L. the project budget contains combined funding from a regional arts council and the board that amounts to more than one-half of the project's total cash expenses.~~

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

Subp. 5. **Individual artist.**

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

D. The applicant, unless otherwise specified under parts 1900.1510 to 1900.2210 must be a Minnesota resident according to the principles described in the determination of residence under *Minnesota Statutes*, section 200.031, and demonstrated by evidence including:

[For text of subitems (1) and (2), see M.R.]

(3) employment in Minnesota for at least six months immediately prior to the application deadline; or

(4) payment of Minnesota income taxes.

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

Subp. 6. **Additional requirements.** Additional requirements are identified in the specific program parts listed in items A to C.

A. Pilot or new programs, part 1900.1410.

B. Grant programs:

(1) part 1900.1510, ~~Operating Institutional~~ Support;

(2) ~~part 1900.1610, Formula Funds;~~

~~(3)~~ part 1900.1710, ~~Series Presenters~~ Presenter Support;

~~(4)~~ (3) part 1900.1810, Folk Arts: Apprenticeships and Sponsorship;

~~(5)~~ (4) part 1900.1910, Artist Assistance: Fellowship, Career Opportunity Grants, and Cultural Collaborations;

~~(6)~~ (5) part 1900.2010, Arts in Education: School Support, and Organizational Support.

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

1900.1510 ADDITIONAL REQUIREMENTS AND PROCESSES FOR ~~OPERATING~~ INSTITUTIONAL SUPPORT PROGRAM.

Subpart 1. **Definitions.**

A. "Affiliate" means an organization that is hosted within a nonprofit, tax-exempt, nonarts institution and must also have:

(1) a distinct identity;

(2) professional arts management;

(3) continuing arts programming;

(4) evidence of a broad community following, as validated by the sale of season tickets, organized public classes, or a charitable membership;

(5) a citizen advisory or governing board;

(6) evidence of the receipt of other charitable arts support; and

(7) a certified audit of the financial activity specifically addressing the arts activities of the affiliate organization.

B. "Operating expenses" means all unrestricted, temporarily restricted, or restricted expenses, but does not include any depreciation costs, in-kind expenses, or any expenses associated with charitable gaming, plant and equipment, endowment, acquisition, or board designated reserve or quasi-endowment.

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

If a use of “operating expenses” refers to a context prior to fiscal year 1996, then operating expenses means all restricted and unrestricted expenses of the operating fund, minus any depreciation costs and in-kind expenses reported in a certified audit. Funds or accounts considered to be expenditures related to charitable gaming, fixed assets, plant and equipment, endowment, acquisition, or board designated reserves or quasi-endowment are not included.

~~B. C.~~ “Organization” means an institution exempt from taxation under section 501(c)(3) of the *Internal Revenue Code* that has been established in Minnesota and is primarily engaged in producing arts activities; or an artist service agency that works to maintain an independent operation dedicated solely to the arts. Organization does not include schools, universities, libraries, civic organizations, or other community service agencies.

Subp. 2. **Purpose of ~~operating~~ institutional support.** The ~~operating~~ institutional support program shall consist of two components: the formula funds component and the merit component. Institutional support shall provide unrestricted support to high quality, established arts organizations that produce or exhibit works of art or provide services to artists.

Subp. 3. **Activities.** ~~Operating~~ Institutional support funding shall enable organizations to maintain ongoing programs, services, and facilities ~~without special emphasis on, and new initiatives as a justification for funding.~~ Any arts board funding received by an affiliate organization must be expended for arts programming only and not for expenses related to the host institution.

Subp. 4. **Criteria of advisory panel for ~~operating~~ institutional support recommendations.** The institutional support grant shall be based on two components of one review process: the formula funds component and the merit component. An applicant meeting the eligibility and review criteria shall receive an award in the formula funds component of the grant. An applicant that can show exceptional achievement in any of the stated criteria shall also receive an award in the merit component. The ~~three~~ four review criteria by which an ~~operating~~ institutional support applicant shall be evaluated by the advisory panel are listed in this part. Artistic excellence and leadership shall be the primary ~~criterion~~ criteria. Management and fiscal responsibility ~~and~~, accessibility and education, ~~and service to the state~~ shall be secondary criteria and equally important to each other.

A. Artistic excellence and leadership shall be demonstrated by:

[For text of subitems (1) to (4), see M.R.]

- (5) ~~evidence of artistic impact in the community, region, state, or nation;~~
- ~~(6)~~ opportunities for the involvement and support of Minnesota artists; and
- ~~(7)~~ (6) the qualifications and achievements of artists and artistic leadership.

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

C. Accessibility and education shall be demonstrated by:

- (1) efforts to increase accessibility as shown by an Americans with Disabilities Act (ADA) plan;
- (2) qualities and programs which make the organization and its work approachable and available to a broad public audience;
- ~~(3)~~ (3) how well the actual audience matches the intended audience;
- ~~(4)~~ (4) efforts to create community understanding and awareness of works of art through educational objectives;
- ~~(5)~~ (5) commitment to education beyond regular public programming; and
- ~~(6)~~ (6) the role of the organization and its leaders as advocates for the arts in the community.

D. Service to the state must be demonstrated by:

- (1) evidence of artistic impact in the community, region, state, or nation;
- (2) the organization’s contribution of a unique art form or service;
- (3) the national or international reputation of the organization; or
- (4) the ability of the organization to reach a broad constituency throughout the state.

Subp. 5. **Eligibility requirements.** ~~Operating~~ Institutional support applicants must meet the additional eligibility requirements in items A to ~~D~~ F to apply for funds.

A. The applicant must be an organization or affiliate as defined in subpart 1.

B. The applicant must be able to demonstrate in the average qualifying expenses of its two most recently completed certified audit that it meets the operating expense level requirements which are printed in the current program information. Category entry levels which are rounded to the nearest \$1,000 shall be calculated for the even year of each biennium based on the rate of change of a professionally acknowledged economic indicator, or index, such as the Minneapolis/St. Paul Consumer Price Index (incorporated

by reference as the figures released each August and February by the United States Department of Labor office in Chicago, Illinois. The index is available by telephone at (312) 353-1880 since the last qualifying amount printed in program information. For example, the fiscal year 1996 requirement is:

Operating Expense Level Requirement	Organization Category
<u>\$3,184,000 and above</u>	<u>Group I</u>
<u>\$531,000-\$3,183,999</u>	<u>Group II</u>
<u>\$106,000-\$530,999</u>	<u>Group III</u>
<u>\$3,353,000 and above</u>	<u>Group I</u>
<u>\$559,000-\$3,352,999</u>	<u>Group II</u>
<u>\$112,000-\$558,999</u>	<u>Group III</u>

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

E. Organizations based in or primarily serving an academic program are not eligible.

F. The budget may not contain combined funding from a regional arts council and the board that amounts to more than one-half of the organization's total cash expenses.

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

Subp. 7. **Site review.** Applicants for ~~operating~~ institutional support must participate in a site review with the board or its designee.

Subp. 7a. **Additional processes.** The institutional support program process varies from the general process described in part 1900.0810 in that eligibility for nonarts organizations is determined by the board, based on the definition for "affiliate" stated in subpart 1, item A. In addition, eligible applications and accompanying financial information are reviewed by the board, or its designee, to verify the eligible average operating expenses for the formula funds component of the grant.

Subp. 8. **Amounts of grants.** For institutional support, grant amounts must be determined for both the formula funds and merit components.

A. For the formula funds component of the grant, all grantees shall receive the same percentage of their qualifying two-year average operating expenses. The board shall calculate the amount of each grant based on the eligible applicant pool and funds available.

B. For the merit component of the grant, the minimum grant award shall be based on the applicant's operating expenses according to the category established annually by the board and listed in the current program information. The category shall be determined by the operating expense level requirements described in subpart 5, item B. The maximum grant award for the merit component shall be ten percent of the applicant's operating expenses for the most recently completed and audited fiscal year.

1900.1710 ADDITIONAL REQUIREMENTS AND PROCESSES FOR SERIES PRESENTERS PRESENTER SUPPORT PROGRAM.

Subpart 1. **Definitions.**

A. "Series" means a sequence of professional arts presentations or events, related in some way, and marketed as a set to an audience.

B. "Presenting organization" means an institution exempt from taxation under section 501(c)(3) of the Internal Revenue Code that has been established in Minnesota and is engaged in presenting arts activities; or an artist service agency that works to maintain an independent operation dedicated solely to the arts. Presenting organization does not include schools, universities, libraries, civic organizations, or other community service agencies.

C. "Presenting affiliate" means an organization that is hosted within with a nonprofit, tax-exempt, nonarts institution and must also have:

(1) a distinct identity;

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> 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 — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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Proposed Rules

(2) professional arts management;

(3) continuing arts programming;

(4) evidence of a broad community following, as validated by the sale of season tickets, organized public classes, or a charitable membership;

(5) a citizen advisory or governing board;

(6) evidence of the receipt of other charitable arts support; and

(7) a certified audit of the financial activity specifically addressing the arts activities of the affiliate organization.

Subp. 2. **Purpose of program.** The ~~series presenters~~ presenter support program shall provide an opportunity for the public to experience new, diverse, and outstanding live artistic performances, exhibitions, screenings, and readings in the visual, performing, and literary arts; and shall encourage presenters to build strong arts series programming within their communities.

A. The series presenter support grants are intended to nurture high quality, statewide programming.

B. The institutional presenter support grants must provide unrestricted support to high quality, established presenting organizations throughout the state.

Subp. 3. **Uses of grants.** The ~~series presenters~~ presenter support program shall provide grants to Minnesota organizations to support both the artistic fees and administrative costs necessary to present an artistic series of Minnesota, national, or international touring artists and companies. Any arts board funding received by an affiliate organization must be expended for arts programming only and not for expenses related to the host institution.

A. The series presenter support program must provide grants to presenting organizations to support both the artistic fees and administrative costs necessary to present an artistic series of state, national, or international touring artists and companies.

B. The institutional presenter support program must provide unrestricted support to high quality, established presenting organizations.

Subp. 4. **Advisory panel criteria to make recommendations to board.** The advisory panel criteria apply to the specific programs in items A and B.

A. For series presenter support, the three review criteria by which a series ~~presenters~~ presenter support applicant shall be evaluated by the advisory panel are: artistic excellence of the companies, artists, or exhibitions to be presented is the primary criterion. Program administration and demand for the series within the community are secondary criteria and equally important to each other.

~~A-~~ (1) Artistic excellence of the companies, artists, or exhibitions to be presented shall be demonstrated by:

(1) (a) the qualities and characteristics of the artistic activities;

(2) (b) contributions to the artistic growth of the presenter's constituency;

(3) (c) program selection ~~which that~~ reflects a diversity of artists or genres;

(4) (d) how the activities support the presenter's mission and complement and build upon past programming; and

(5) (e) the quality of the artistic activity considering the funds available for artistic fees.

~~B-~~ (2) Program administration shall be demonstrated by:

(1) (a) presentation skills and experience in areas such as marketing and evaluation;

(2) (b) strong cash commitment to the series, with income derived from a variety of sources;

(3) (c) the level of administrative costs associated with the series in comparison to artistic fees;

(4) (d) the relationship of decisions to planning and evaluation processes; and

(5) (e) series stability viewed in terms of organizational stability, strength of fiscal position, and leadership.

~~C-~~ (3) Demand for the series within the community shall be demonstrated by:

(1) (a) accessibility to and continued development of ~~board broad~~ audiences, including efforts to increase accessibility as shown by an ADA plan;

(2) (b) objectives which address the community's artistic needs;

(3) (c) the role of the presenter as an advocate for the arts in the community; and

(4) (d) efforts to create community understanding and awareness of works of art through educational offerings and programs.

B. The institutional presenter support grant must be based on two components of one review process: the formula funds component and the merit component. An applicant meeting the eligibility and review criteria shall receive an award in the formula funds component of the grant. An applicant that can show exceptional achievement in any of the stated criteria shall also receive an award in the merit component.

The four review criteria by which an institutional presenter support applicant shall be evaluated by the advisory panel are listed in this part. Artistic excellence and leadership shall be the primary criteria. Management and fiscal responsibility, accessibility and education, and service to the state shall be secondary criteria and equally important to each other.

(1) Artistic excellence and leadership shall be demonstrated by:

- (a) the qualities and characteristics of the artistic activities or services;
- (b) contributions to the artistic growth of the organization's constituencies;
- (c) program selection that reflects a diversity of artists or genres;
- (d) how the activities allow the arts form and artists to develop;
- (e) opportunities for the involvement and support of Minnesota artists; and
- (f) the qualifications and achievements of artists and artistic leadership.

(2) Management and fiscal responsibility shall be demonstrated by:

- (a) evidence of sound financial planning and marketing that supports the artistic programs;
- (b) the relationship of decisions to planning and evaluation processes;
- (c) the extent to which planning includes the viewpoints of artists and the audience;
- (d) board composition and roles, staff qualifications, and responsibilities;
- (e) organizational stability and fiscal position;
- (f) strong cash commitment to the series, with income derived from a variety of sources;
- (g) the relationship of projected earnings to earning capacity;
- (h) commitment to a balanced budget;
- (i) evidence of a long-term plan to apply reserves wisely, where reserves exist; and
- (j) the challenges and opportunities associated with the artistic disciplines involved, geographic location, and availability of resources of an applicant.

(3) Accessibility and education shall be demonstrated by:

- (a) efforts to increase accessibility as shown by an ADA plan;
- (b) qualities and programs that make the organization and its series approachable and available to a broad public audience;
- (c) how well the actual audience matches the intended audience;
- (d) efforts to create community understanding and awareness of works of art through educational objectives;
- (e) commitment to education beyond regular public programming; and
- (f) the role of the organization and its leaders as advocates for the arts in the community.

(4) Service to the state shall be demonstrated by:

- (a) evidence of artistic impact in the community, region, state, or nation;
- (b) the organization's contribution of a unique art form or service;
- (c) the national or international reputation of the organization; or
- (d) the ability of the organization to reach a broad constituency throughout the state.

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Proposed Rules

Subp. 5. **Additional eligibility requirements. Series presenters**

A. All presenter support applicants must meet the additional eligibility requirements in ~~items A to G~~ subitems (1) to (6) to apply for funds:

~~A. (1) The applicant must be ~~an~~ a presenting organization or presenting affiliate as defined in subpart 1 and be engaged in presenting activities;~~

~~B. (2) The applicant must demonstrate two recent consecutive years of arts series programming experience in Minnesota;~~

~~C. the applicant must demonstrate an annual series cash expense of at least \$20,000 or the dollar amount printed in current program information;~~

~~D. the applicant must intend to assume the functions of a presenter as defined in this part;~~

~~E. the applicant must sponsor at least five professional artists, companies, exhibitions, or screenings during an annual season in a community or the number of artist groups printed in current program information;~~

~~F. (3) The applicant must not apply for or have received an operating institutional support or folk arts sponsorship grant from the board representing the same activity or fiscal year of funding; and,~~

~~G. (4) The applicant must not propose or engage in activities that fund single events, fairs, festivals, or touring programming intended to serve primarily elementary or secondary school students.~~

(5) Organizations based in or primarily serving an academic program are not eligible.

(6) The project budget may not contain combined funding from a regional arts council and the board that amounts to more than one-half of the project's total cash expenses.

B. In addition to the requirements in item A, all series presenter support applicants must also meet the requirements in subitems (1) and (2).

(1) The applicant must demonstrate an annual series cash expense of at least the minimum dollar amount printed in current program information.

(2) The applicant must sponsor at least three professional artists, companies, exhibitions, or screenings during an annual season in a community or the number of artist groups printed in current program information.

C. In addition to the requirements in item A, all institutional presenter support applicants must also meet the requirements in subitems (1) and (2).

(1) The applicant must be able to demonstrate in its two most recently completed certified audits that it meets the minimum operating expense level requirements that are printed in the current program information.

(2) The applicant must sponsor at least five professional artists, companies, exhibitions, or screenings during an annual season in a community or the number of artist groups printed in current program information.

Subp. 6. **Interviews.** Applicants must agree to participate in an interview or site review if requested.

Subp. 7. **Dollar amount of grants.**

A. For series presenter support, the minimum ~~series presenters~~ grant in fiscal year 1995 is \$5,000 and for presenter support series shall be determined by board policy and published in current program guidelines. The maximum grant is 20 percent of the projected cash expenses of the proposed series. ~~Any changes must be published in a State Register notice.~~

B. For institutional presenter support, grant amounts must be determined for both the formula funds and merit components.

(1) For the formula funds component of the grant, all grantees shall receive the same percentage of their qualifying two-year average operating expenses. The board shall calculate the amount of each grant based on the eligible applicant pool and funds available.

(2) For the merit component of the grant, the minimum grant award must be based on the applicant's operating expenses according to the category established annually by the board and listed in the current program information. The category shall be determined by the operating expense level requirements described in part 1900.1510, subpart 5, item B. The maximum grant award for the merit component shall be ten percent of the applicant's operating expenses for the most recently completed and audited fiscal year.

1900.1810 ADDITIONAL REQUIREMENTS AND PROCESSES FOR FOLK ARTS PROGRAMS.

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

Subp. 6. **Dollar amount of grants.** ~~The folk arts sponsorship minimum grant is \$300 and the maximum is \$4,000. The folk arts apprenticeship minimum grant is \$500 and the maximum is \$4,000. The minimum and maximum amounts for grant awards for folk arts sponsorship and folk arts apprenticeship shall be determined by board policy and published in current program guidelines.~~

1900.1910 ADDITIONAL REQUIREMENTS AND PROCESSES FOR ARTIST ASSISTANCE PROGRAMS.

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

Subp. 4. **Criteria used by advisory panel to make recommendations to board.** The primary review criterion by which an artist assistance application shall be evaluated by the advisory panel, with the exception of the career opportunity grant application, to make recommendations to the board is artistic quality of work, as demonstrated by an artist's work sample. In addition, the secondary criteria stated in items A to C apply to specific program areas.

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

C. For a cultural collaborations grant, merit and feasibility shall be demonstrated by:

[For text of subitems (1) to (6), see M.R.]

(7) the strength of the public presentation component.

~~The third criterion, in order of importance, shall be that the collaboration involves an organization in the artist's respective community.~~

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

Subp. 7. **Dollar amount of grants.** ~~The fellowship grant is \$6,000 a set amount. The career opportunity grant minimum shall be \$100 and the maximum \$1,000. The cultural collaborations minimum grant shall be \$1,000 and the maximum \$6,000. The career opportunity and cultural collaborations grants have minimum and maximum amounts. Grant amounts for fellowships, career opportunity grants, and cultural collaborations grants shall be determined by board policy and published in current program guidelines.~~

1900.2010 ADDITIONAL REQUIREMENTS AND PROCESSES FOR ARTS IN EDUCATION PROGRAMS.

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

Subp. 4. **Criteria used by advisory panel to make recommendations to board.** The criteria apply to the specific programs in items A and B.

A. For arts in education school support, the five review criteria by which an applicant shall be evaluated by the advisory panel to make recommendations to the board for an arts in education school support grant are listed in subitems (1) to (5). Artistic quality and merit shall be the primary criteria and equally important. Ability of the school applicant to accomplish the residency, demand or need for the residency, impact of the proposed residency on school curricula, and growth in and increased local commitment to school arts programming shall be secondary criteria and equally important. The fifth criterion, growth in and increased local commitment to school arts programming, shall be only for previous grant recipients of the board's arts in education school support program. The criteria are:

[For text of subitems (1) to (4), see M.R.]

(5) growth in and increased local commitment to school arts programming, as demonstrated by one or more of the following:

- (a) ~~increased length of residency~~ greater financial commitment by the applicant;
- (b) ~~innovative plan for instruction~~ increased length of residency;
- (c) ~~artists' collaboration~~ innovative plan for instruction; and/or
- (d) ~~a residency plan focusing on a different arts discipline than previous applications; and~~
- (e) ~~greater financial commitment by the applicants~~ artists' collaboration.

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

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Proposed Rules

Subp. 5. **Additional requirements.** Arts in education applicants must meet the additional program specific requirements in items A and B.

A. Arts in education school support.

[For text of subitems (1) to (4), see M.R.]

(5) The project budget may not contain combined funding from a regional arts council and the board that amounts to more than one-half of the project's total cash expenses.

B. Arts in education organizational support.

[For text of subitems (1) to (6), see M.R.]

(7) The project budget may not contain combined funding from a regional arts council and the board that amounts to more than one-half of the project's total cash expenses.

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

1900.2110 ADDITIONAL REQUIREMENTS AND PROCESSES FOR JURIED LISTINGS.

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

Subp. 5. **Additional processes for reviewing juried listings applications.** The additional program specific processes for reviewing juried listing applicants are described in items A and B.

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

B. Arts in education roster of artists.

(1) Applicants may be rated and ranked by the advisory panel to determine the final listing of artists.

(2) Applicants listed in a current roster may submit an application by the regular deadline or an abbreviated application which has an earlier deadline when the conditions in units (a) and (b) are met:

(a) the applicant has completed at least one ~~board funded school support~~ residency that follows the arts board model in the two school years prior to the deadline; and

[For text of unit (b), see M.R.]

1900.2210 ADDITIONAL REQUIREMENTS AND PROCESSES FOR MINNESOTA PERCENT FOR ART IN PUBLIC PLACES PROGRAM.

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

Subp. 8. **Waiting periods for subsequent awards.** An artist who has received ~~a purchase award~~ awards through the program totaling a minimum amount established by board policy and published in the current program policies and procedures guidelines, or more, in one fiscal year must wait one year from the contract execution date before being considered for other projects by the board.

An artist who has received ~~a commission award~~ awards totaling a minimum amount established by board policy and published in the current program policies and procedures guidelines, or more, in one fiscal year must wait three years from the contract execution date before the artist shall be considered for other projects.

During the waiting period, an artist may remain on file in the slide registry, but the artist's work will not be considered for projects by the board.

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

1900.4110 REPORTING REQUIREMENTS.

Subpart 1. **Interim financial report.** Each regional arts council must submit to the board an annual, unaudited financial statement summarizing its total annual revenue and expenditures ~~including a listing of all grants awarded~~ within 45 days of the close of the regional arts council's fiscal year.

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

REPEALER. Minnesota Rules, part 1900.1610, is repealed.

Expedited Emergency Rules

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

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules; Fall Turkey Season

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13(b). The statutory authority for the content of these rules is *Minnesota Statutes*, section 97B.711.

Dated: 23 June 1998

Rodney W. Sando
Commissioner of Natural Resources

6236.0700 FALL TURKEY SEASON.

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

Subp. 4. **Open areas.** Wild turkey permit areas are open for the fall turkey season as prescribed by the commissioner. The following wild turkey permit areas are open for the 1998 fall season: 339-462; 341-342; 343-347; 344; 345-348; 346; 349; 461; 465; and 466-467.

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

Subp. 6. **Turkey hunt quotas.** Permit quotas for 1998 are as follows:

1998 WILD TURKEY PERMIT AREA QUOTAS (FALL)

<u>Wild Turkey Permit Area</u>	<u>Time Period and Date</u>	
	<u>Oct. 14-18</u>	<u>Oct. 21-25</u>
<u>339-462</u>	<u>50</u>	<u>50</u>
<u>341-342</u>	<u>300</u>	<u>300</u>
<u>343-347</u>	<u>150</u>	<u>150</u>
<u>344</u>	<u>100</u>	<u>100</u>
<u>345-348</u>	<u>250</u>	<u>250</u>
<u>346</u>	<u>195</u>	<u>195</u>
<u>349</u>	<u>280</u>	<u>280</u>
<u>461</u>	<u>10</u>	<u>10</u>
<u>465</u>	<u>10</u>	<u>10</u>
<u>466-467</u>	<u>10</u>	<u>10</u>
<u>TOTAL</u>	<u>1,355</u>	<u>1,355</u>

Grand Total = 2,710

EFFECTIVE PERIOD. The emergency amendments to *Minnesota Rules*, part 6236.0700, subparts 4 and 6, expire December 31, 1998. After the emergency amendments expire, the permanent rule as it read prior to those amendments again takes effect, except as it may be amended by permanent rule.

Commissioners' Orders

Department of Transportation

Commissioner's Order No. 83138: Amended Order and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed under Minnesota Statutes § 169.825

Whereas, the Commissioner of Transportation has made his Order No. 80000, dated March 10, 1994, which order has been amended by Orders No's. 80212, 80246, 80580, 80861, 80881, 81000, 81092, 81371, 81511, 81557, 81641, and 82955 designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under *Minnesota Statutes* § 169.825, and

Whereas, the Commissioner has determined that the additional following routes, or segment of routes, should be designated to carry the gross weights allowed under *Minnesota Statutes* § 169.825.

IT IS HEREBY ORDERED that Commissioner of Transportation Order No. 80000 is further amended this date by adding the following designated streets and highway routes, or segment of routes, as follows:

COUNTY ROADS

WRIGHT COUNTY

- C.S.A.H. 6 from South County Line to T.H. 12 in Cokato, 6.19 mi.
- C.S.A.H. 37 from C.S.A.H. 12 to T.H. 25, 2.96 mi.

Dated: 26 June 1998

James N. Denn
Commissioner

 117 University Ave. St. Paul, MN 55155 E-mail: mnbook.list@state.mn.us Website: www.comm.media.state.mn.us	Store hours:	Phone:
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	612/297-8260	612/282-5077
		1-800/657-3706



Take a Walk on the Wild Side

Traveler's Guide to Wildlife in Minnesota

Carrol Henderson and Andrea Lee Lambrecht, have produced an exciting guide to 120 sites to observe and photograph wildlife during all four seasons. Each site entry reports what makes the area special, provides maps and directions to find the site AND information about facilities and recreational opportunities for that area.

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

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

Department of Agriculture

Agronomy & Plant Protection Division

Notice to Cancel the Minnesota Agricultural Chemical Response Compensation Board Meeting

The scheduled Agricultural Chemical Response Compensation Board (ACRRA Board) meeting set for July 15, 1998 has been canceled. The next regularly scheduled meeting will be **August 19, 1998**. This meeting will be held at the Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, Minnesota, first floor Conference Room 1 at 9:00 a.m.

Please call the ACRRA Program, 297-3490, should you require additional information.

Department of Human Services

Division of Community Supports for Minnesotans with Disabilities

Solicitation of Interest to Participate in Day Training and Habilitation Rate Variance Advisory Committee

The Division of Community Supports for Minnesotans with Disabilities is seeking interested persons, including consumers of service, Day Training and Habilitation vendors, and county representatives, for an advisory committee membership to assist in the development of a rate variance mechanism under *Minnesota Statutes* section 252.46, and *Minnesota Rules*, parts 9525.1200 to 9525.1330, which identifies medical or behavioral criteria for persons already being served by a vendor. The advisory committee will begin its activities in early August of 1998 for preparation of recommendations to the Minnesota Legislature by January 15, 1999.

If you are interested in being considered for this advisory committee, please contact Joan Warmington at 612-215-1812, or write to Ms. Joan Warmington at Community Supports for Minnesotans with Disabilities Division, 444 Lafayette Road, St. Paul, Minnesota, 55155-3857. Requests to participate should be postmarked by July 21, 1998.

Department of Labor and Industry

Labor Standards Division

Notice of Addition to Prevailing Wage Rates

An additional class of labor, **Code 418, Plasterers**, has been determined for the Commercial Prevailing Wage Rates in **Stevens County** which were certified 10/20/97.

Copies of the additional certification may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road North, St. Paul, Minnesota 55155-4306 or by calling (612) 296-6452. Charges for the cost of copying and mailing are \$1.00 for the first page and \$.50 for each additional page. Make check or money order payable to the State of Minnesota.

Gretchen Maglich
Commissioner

Metropolitan Council

Notice of the Metropolitan Council Adoption of the Proposed 1999 - 2002 Transportation Improvement Program (TIP) for the Twin Cities Metropolitan Area

The Metropolitan Council is scheduled to adopt the 1999-2002 Transportation Improvement Program (TIP) for the Twin Cities Metropolitan Area at its August 13, 1998 meeting. The TIP includes highway, transit, bikeway and pedestrian enhancements, and air quality projects that are proposed for federal funding in the seven-county metropolitan area in the next four years. The program is prepared annually in accordance with federal requirements and must contain all projects that are to be implemented with federal transportation funding assistance. The Council's Transportation Advisory Board prepared the TIP and has held a public hearing. The TIP will be considered for adoption at the meeting identified below to be held at the Metropolitan Council Offices, Mears Park Centre, 230 E. 5th St., downtown St. Paul.

- **Metropolitan Council Transportation Committee**
Monday, July 27, 1998, 4 - 6 p.m., Council Chambers
- **Metropolitan Council**
Thursday, August 13, 1998, 4 - 6 p.m., Council Chambers

The TIP is prepared jointly by the Metropolitan Council and the Minnesota Department of Transportation. Projects contained in the TIP reflect the region's priorities and help implement the region's transportation plan. Projects have been analyzed to determine impact on regional air quality. The program will be adopted by the Transportation Advisory Board and approved by the Metropolitan Council.

All interested persons are encouraged to attend the Transportation Committee or Council meeting. Upon request, the Council will provide reasonable accommodations to persons with disabilities.

Comments, which must be received by Monday, July 13, 1998, may also be submitted as follows:

Free copies of the draft 1999-2002 Transportation Improvement Program are available at the Council's Regional Data Center. Call 602-1140 or 291-0904 (TTY) to request a copy. Other materials describing the Council's transportation efforts are also available. A summary of the TIP is available on the Council's web site at www.metrocouncil.org. Questions about the hearings or transportation issues may be directed to: Carl Ohrn, 602-1719, Metropolitan Council 230 E. Fifth St., St. Paul, MN 55101.

Pollution Control Agency

Water Quality/Point Source Compliance

Public Notice for the State Disposal System (SDS) Permit Program for a Draft SDS General Permit to Land Apply Wastes Generated From the Processing of Foods and Beverages

The MPCA proposes to issue a general permit covering land application of wastes produced during the processing of foods and beverages. These materials are generally suitable for use as soil amendments and provide plant nutrients. Examples of materials which will be covered by this permit are residuals from waste water treatment processes at dairies and canneries, sweet corn silage from vegetable manufacturing, dairy whey, and miscellaneous wash waters. The wastes generated are referred to as industrial by-products within the permit. The general permit has a duration of approximately five years.

A general permit will only be issued when characteristics of the industrial by-product which is proposed to be land applied meets the following criteria:

- a) The industrial by-product cannot be a hazardous waste.
- b) Concentrations of any of the analytes in the waste cannot exceed the limits identified in Table 1.

Table 1. Concentration limits for industrial by-products.

Analyte	mg/kg (dry wt. basis)
Total Arsenic	41
Total Cadmium	39
Total Copper	1500
Total Lead	300
Total Mercury	5
Total Nickel	420
Total Selenium	100
Total Zinc	2800
Total dioxin equivalents	10 ppt
Total Polychlorinated biphenyls	6

- c) Annual application rates of the industrial by-product cannot cause the limits for the specified analytes in Table 2 to be exceeded.

Table 2. Annual application rate limits.

Analyte	lb/acre/year
Sodium	170
Arsenic	1.8
Cadmium	1.7
Copper	67.0
Lead	13.0
Mercury	0.76
Nickel	19.0
Selenium	4.5
Zinc	125.0

Specific types of industrial by-products which **do not** qualify for coverage under this permit are silage leachate, egg shells, industrial by-products coming from the processing of sugar, animal manures, paunch manures, dead animals, and residuals from the treatment of drinking water or from conditioning of industrial process water.

The permit contains requirements for site selection, management (application rates, control of runoff, separation distances, etc.), record keeping, and reporting. The Commissioner's determination that the general permit should be issued is tentative. Interested persons are invited to submit written comments on the propose permit action. The public comment period commences July 6, 1998 and terminates August 5, 1998. Comments should be submitted in writing to: Patricia Burford, Point Source Compliance Section , Water Quality Division, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, MN 55155-4194. Any comments received during the comment period will be considered in the final determination for the general permit.

If you would like to receive a copy of the draft general permit, fact sheet, or public notice, please contact Gen Swenson at (612) 296-7379.

Department of Trade and Economic Development

Minnesota Agricultural and Economic Development Board

Notice of Public Hearing on Proposed Bond Issue on Behalf of HealthEast

NOTICE IS HEREBY GIVEN that the Minnesota Agricultural and Economic Development Board (the "Board") or its designated representative, shall meet on July 22, 1998, at 9:00 a.m., at 500 Metro Square, 121 7th Place East, Saint Paul, Minnesota, for the purpose of conducting a public hearing on a proposed issue of bonds (the "Bonds") and the provision of other financial assistance under *Minnesota Statutes* 1986, Chapter 116M, and *Minnesota Statutes*, Chapter 41A, as amended (the "Act"), to undertake and finance a project on behalf of HealthEast, a Minnesota nonprofit corporation (the "Applicant"). Such persons as desire to be heard with reference to said issue of Bonds will be heard at this public hearing.

The project consists of the renovating, constructing and equipping of facilities of the Applicant located at (i) 1575 Beam Avenue in the City of Maplewood, (ii) 69 West Exchange Street in the City of St. Paul and (iii) at the intersection of Valley Creek Road and Wier Road in the City of Woodbury (collectively the "Project").

The owner of the Project will be the Applicant, and the Project is expected to be operated and managed by the Applicant or an affiliated entity. It is contemplated that the facilities financed or refinanced by the Bonds will be used primarily for hospital, medical clinic or related facilities. The estimated amount of the Board's proposed bond issue is an amount not to exceed \$28,000,000. The Bonds shall be limited obligations of the Board, the Bonds and the interest thereon shall be payable solely from the revenue pledged to the payment thereof, and a mortgage or security interest or other security arrangements to be established by or on behalf of the Applicant. Notwithstanding the foregoing, no holders of any such Bonds shall ever have the right to compel any exercise of the taxing powers of the State of Minnesota or any political subdivision thereof to pay the Bonds or the interest thereon nor to enforce payment against any property of said State or said political subdivision.

This Notice of Public Hearing is being given pursuant to Section 147(f) of the *Internal Revenue Code* of 1986, as amended.

A copy of the Application to the Board for approval of the Project, together with all attachments and exhibits thereto and a copy of the Board's resolution accepting the Application and accepting the Project is available for public inspection at the offices of the Board at 500 Metro Square, 121 7th Place East, Saint Paul, Minnesota from the date of this notice to the date of the public hearing hereinabove identified, during normal business hours.

All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director prior to the date of the hearing set forth above.

Dated: 29 June 1998

BY ORDER OF THE MEMBERS OF
THE MINNESOTA AGRICULTURAL AND
ECONOMIC DEVELOPMENT BOARD

Paul Moe
Executive Director
Minnesota Agricultural and
Economic Development Board

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

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

Department of Agriculture

Dairy and Food Inspection

Notice of Availability of Grant Funds for Dairy Diagnostic Teams

The Minnesota Department of Agriculture announces the availability of up to \$440,000 in grant funds for dairy diagnostic teams for the period through June 30, 1999. The purpose of this program is to establish an one-on-one educational delivery team system to provide appropriate new technologies including rotational grazing and other sustainable agriculture methods applicable to small and medium sized dairy farms throughout the dairy producing areas of the state to enhance their financial success and long-term sustainability. These teams must consist of farm business management instructors, dairy extension specialists and dairy industry partners to deliver information and technical services at minimal or no-cost to the dairy producer. Preference will be given to those applicants whose proposals are aimed at small and medium sized farms, shows low administrative cost versus services delivered to dairy producers and also for innovative ideas for delivering information and technology to dairy producers.

To receive a grant applications contact:

Katy Kulesa
Dairy and Food Inspection Division
Minnesota Department of Agriculture
90 West Plato Blvd.
St. Paul, MN 55107
Phone: 612-215-3946
FAX: 612-297-5176

All grant applications must be received by Ms. Kulesa at the address above by 4:30 p.m. August 14, 1998.

Department of Children, Families and Learning

School and Community Technologies

Notice of Grant Opportunity and Request for Proposals for Electronic Curriculum Portfolio Learning

The Department of Children, Families and Learning announces a grant opportunity for a Minnesota Public School District and a Minnesota Public Higher Education Institution. The purpose of this grant include:

- a. Adopt, pilot, and implement an already working and existing multimedia (video, sound, voice, and data) portfolio system which documents student achievement of the Minnesota Graduation Standards. The portfolio system must already be in use at either the higher education institution or the school district.
- b. Partner with a higher education institution and a K-12 school district in the use of a portfolio system to demonstrate student achievement. This partnership should evaluate the use of portfolio systems for demonstration college entrance criteria.
- c. Provide teachers with a multimedia tool for curriculum development, instruction, and learning. The software should permit teachers to organize and present material to students. The software as used by teachers should serve as a template to help students create their portfolios.

State Grants & Loans

- d. Serve as a model site for other school districts in the implementation of portfolio based systems consistent with Graduation Standards implementation.

Specific responsibilities include:

- 1) Implement the system for one complete grade level of a K-12 school.
- 2) Conduct on-site demonstrations and information sessions to provide direction to other districts on portfolio system implementation for the Graduation Standards.
- 3) Participate in Department of Children, Families and Learning training sessions focused on Graduation Standards implementation.
- 4) Assist other districts in project replication.

The Request for Proposals will be available July 6, 1998. To request an RFP, please contact:

Mark Manning
Department of Children, Families and Learning
School and Community Technology
550 Cedar Street
St. Paul, MN 55101
Phone: 612/297-3151
E-mail: mark.manning@state.mn.us

The due date for the application is July 27, 1998 by 4:00 p.m. Questions on this project should be directed to the contact listed above.

Department of Children, Families and Learning

Intergovernmental Affairs

Notice of Request for Proposals for New Residential Academies for Students in Grades 4-12

The State of Minnesota, Department of Children, Families & Learning is requesting proposals to establish Residential Academies in Minnesota for students in grades 4-12. The Department will award a total of up to \$12 million in grants for this purpose to public organizations or a collaborative of public and private organizations for costs associated with capital and startup of Residential Academies. The Academies may begin accepting students in either 1998 or 1999. (*Minnesota Laws 1998*, Chapter 398, Article 5, sections 46 and 54, subdivision 3)

The purpose of the Academies is to provide students with solid academic opportunities, supportive learning environments and stable residential experiences. The Academies are targeted to serve students who demonstrate an interest in learning, a potential for academic achievement and who may perform or are at risk of performing below the academic performance level for students of the same age or ability, or who have experienced homelessness or an unstable home environment.

Enrollment in the Academies is voluntary. A parent or guardian, the student's county of residence, the student's school, a health care provider, the judicial system, or others may refer a student to the Academies. The Academies must provide an education program that is designed to: increase student achievement, increase student school attendance, enable students to meet state graduation requirements and improve secondary students' transition to post-secondary education or the transition from school to work.

Education and social services funding shall follow each student from the student's school district or county of residence to the academy as provided by law. The cost of the residential program may be covered under a sliding fee program based on student need. An academy may receive any gift, bequest or devise.

In awarding grants, the Commissioner of the Department of Children, Families & Learning may consider the quality of the education program, the academy's location, the composition of the academy's governance structure, board and staff, the extent of the collaborative effort among participating organizations, the extent of family and community involvement, the plan for residential housing, the availability of social services and after-school enrichment and whether instruction throughout the entire year is provided.

Interested applicants may attend either of two informational meetings on July 23, 1998, 2:30 - 4:30 p.m. at the Capitol View Conference Center, Capitol Room, 70 West County Rd. B2, Little Canada and on July 24, 10:00 a.m. - noon at the Brainerd School District Administrative Offices, Staff Development Room, 300 Quince Street, Brainerd.

Requests for Proposals will be available from the Department of Children, Families & Learning beginning Wednesday, July 15, 1998. A copy of the full Request for Proposal will be published in the *State Register* on Monday, July 27, 1998. Requests for Proposals and further information may also be obtained by contacting:

Susan Heegaard
Minnesota Department of Children, Families & Learning
713 Capitol Square
550 Cedar Street
St. Paul, Minnesota 55101
Phone: 612-215-0604
E-Mail: susan.heegaard@state.mn.us

All Requests for Proposals must be completed and returned to the above address by 4:30 p.m. on Tuesday, September 15, 1998.

Department of Human Services

Health Care

Notice of Request for Proposals for Prepaid Health Plans

The Department of Human Services (Department) is seeking proposals from qualified prepaid health plans to provide comprehensive health care services to eligible Medical Assistance (MA), General Assistance Medical Care (GAMC), and MinnesotaCare populations in several counties. Currently approximately 286,000 eligible persons are enrolled with prepaid health plans. The Department is seeking additional contractors or expansion of current contractors' networks. The Department is interested in proposals that would provide prepaid health care services to all eligible enrollees in three additional counties.

ESTIMATED AVERAGE NUMBER OF ELIGIBLE ENROLLEES

	MA/GAMC	MINNESOTACARE	TOTAL
OTTERTAIL	4,120	2,673	6,793
WILKIN	520	231	751
WINONA	2,800	971	3,771

Enrollment figures are based on the monthly average individuals eligible from January 1997 through December 1997, for MA/GA/GAMC. The MinnesotaCare enrollees are based on enrollment as of May 1998.

The enrollment process for MinnesotaCare will be done by mail. A MinnesotaCare enrollee must select a plan and pay a premium in order to access health care. Enrollees who do not select a plan will be assigned to a plan.

The enrollment process for MA/GAMC will be done by county staff. County staff will be responsible for providing health plan choice information and educating the MA/GAMC eligibles in the enrollment process. Recipients who do not select a plan will be assigned to a plan.

The contract period covered by this Request for Proposals will be from January 1, 1999 through December 31, 1999. Contracts with qualified health plans may be renewed for subsequent contract periods.

Prepaid health plans contracting for eligible populations must be able to provide or arrange for all services in each benefit set. Contracting health plans must be able to accept financial risk. The RFP contains detailed information on the health care benefits contained in each benefit set. The benefit sets are MA, GAMC and four benefit sets under MinnesotaCare. MinnesotaCare non-pregnant adults have copays for some services and some adults have a \$10,000 inpatient hospital limit.

DHS staff and representatives from each affected county will review the proposals. Contracts will be awarded based upon: (1) capacity and geographic accessibility of all geographic sites, (2) ability to comply with all service delivery requirements appropriate to the demographics of the population to be enrolled, (3) financial and risk capability, and (4) ability to meet quality assurance, complaint and appeal and reporting requirements. The commissioner reserves the right to reject any proposal.

State Grants & Loans

Rates for these populations are available as part of the complete RFP. The complete request for proposal which contains detailed specifications may be obtained by writing or contacting:

Wally Goettl
Minnesota Department of Human Services
444 Lafayette Road, North
St. Paul, MN 55155-3854
Telephone: (651) 296-1650

Mr. Goettl is the only person at the Department of Human Services who is authorized to answer questions regarding this document. Organizations interested in responding to this request may ask for the request proposal either on 3.5 inch diskette in WordPerfect for Windows version 6.1 or in paper format. The request for proposals will be available to be mailed on July 6, 1998. County specifications for Winona County will be available July 17, 1998.

The deadline for submitting a proposal is Monday, August 17, 1998 at 12 NOON at the Department of Humans Services building. Incomplete responses or responses submitted after time may be rejected.

The Department of Human Services will hold a Proposers' Conference for the above-mentioned Request for Proposals. The Proposers' Conference will be held on Tuesday, July 21, 1998 from 1:00 until 3:00 PM in Room 1 A/B at

Department of Human Services Building
444 Lafayette Road
Saint Paul, MN

Potential responders should Fax questions to Wally Goettl at (651) 296-1650 by 4:00 PM on Friday, July 17, 1998. Questions received by that time will be addressed first at the meeting. Questions received after that time and questions from the floor will be addressed as time allows.

Department of Public Safety

Notice of Availability of Defibrillators to Law Enforcement

The Minnesota Department of Public Safety announces the availability of Automatic External Defibrillator (AED) units.

A total of \$450,000.00 has been awarded by the 1998 State of Minnesota Legislative Session (Chapter 367) to the Department of Public Safety for the purchase of Automatic External Defibrillator (AED) units. The Department of Public Safety will purchase AED units and award those units to local law enforcement agencies who are first responders to medical emergencies.

Local law enforcement agencies may apply. The deadline for grant submission is August 10, 1998, 4:30 P.M. To receive a request for proposal application contact: Minnesota Department of Public Safety, Attention: Pam Docken, 445 Minnesota Street, Suite 1000, North Central Life Tower, St. Paul, MN 55101-2128, Telephone: (651) 297-1697. TTY: (651) 282-6555.

Department of Public Safety

Notice of Availability of Funds for Public Safety Initiatives

The Minnesota Department of Public Safety announces the availability of State Omnibus Crime Prevention Act of 1997 (Chapter 239) funds to pay for police overtime.

A total of \$1,102,000.00 is available. The estimated size for awards vary with the individual programs. This is a one time appropriation.

Local law enforcement agencies may apply. The deadline for grant submission is August 10, 1998, 4:30 P.M. To receive a request for proposal application contact: Minnesota Department of Public Safety, Attention: Pam Docken, 445 Minnesota Street, Suite 1000, North Central Life Tower, St. Paul, MN 55101-2128, Telephone: (651) 297-1697, TTY: (651) 282-6555.

Professional, Technical & Consulting Contracts

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

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

Department of Administration

State Designer Selection Board

Request for Proposals for the Department of Human Services, Willmar Regional Treatment Center (Project 17-98)

IN AN ATTEMPT TO FACILITATE COMMUNICATION, THE STATE DESIGNER SELECTION BOARD HAS MADE SOME CHANGES IN THEIR STANDARD RFP LANGUAGE. PLEASE READ CAREFULLY THE SECTIONS THAT ARE IN BOLD TYPE AS THEY CONTAIN REVISIONS TO THE RFP.

To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select consultants for a project. Design firms who wish to be considered for these projects must deliver proposals on or before 4 p.m., Monday, July 20, 1998, to:

Sharon Schmidt, Acting Executive Secretary

State Designer Selection Board
Department of Administration
50 Sherburne Avenue, **Room 200**
St. Paul, Minnesota 55155-3000
612.297.5525

Questions concerning the Board's procedures herein described or the schedule in Item 7.h may be referred to the Executive Secretary at 612.297.5525. Questions relating to the project may be referred to the project contact(s) in Item 7.i.

NOTE TO RESPONDERS: IN ORDER TO BE CONSIDERED BY THE BOARD, THE PROPOSALS MUST CONFORM TO THE FOLLOWING CONTENT AND FORMAT REQUIREMENTS AS OUTLINED IN ITEMS 1 THROUGH 5 BELOW. FAILURE TO DO SO WILL RESULT IN THE DISQUALIFICATION OF THE PROPOSAL:

1. **Ten (10) copies** of the proposal shall be submitted plus one (1) additional unbound copy in black and white for microfiche purposes only.
2. All data shall be on 8 1/2" x 11" sheets, soft bound. No more than 20 printed faces shall be allowed (see the following for clarification):
 - a. All letters directed to the Board shall be bound into the proposal and all pages shall be counted as printed face(s). It is not necessary to do a cover letter to the Executive Secretary.
 - b. Blank dividers (with printed tab headings only) shall not be counted as faces.
 - c. Front and back covers of proposals shall not counted as faces.
 - d. None of the statutory, mandatory, or optional information, except as requested in Item 3 below, shall appear on the dividers or covers.
3. **The front cover of the proposal shall be clearly labeled with the project number and project title as shown at the top of this request for proposal, together with the designer's firm name, address, telephone number, fax number, and the name of the contact person. The back cover shall remain blank.**
4. Brief 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 the management, design, and production of each major element of the work, including consultants, and Minnesota registration number for each person and consultant (e.g., architects, civil/electrical/mechanical/structural engineers, landscape architects, land surveyors, and geoscientist);
 - c. A statement indicating that the consultants listed have been contacted and have agreed to be a part of the design team;

Professional, Technical & Consulting Contracts

- d. A commitment to enter the work promptly, if selected, by engaging the consultants and assigning the persons named in Item 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 firm(s) responding to this request for proposal during the four years immediately preceding the date of this request for proposal. For the purposes of this list, "awarded" shall mean you have been selected for a given project regardless of the status of the contract.

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 the Executive Secretary at 297.5525 and leave your address or fax number to receive a copy of the acceptable format for providing fee information.

- f. **Minnesota Statutes, Section 363.073, subd. 1, in part, requires: "No department or agency of the state shall accept any bid or proposal for a contract or agreement unless the firm or business has an affirmative action plan submitted to the commissioner of human rights for approval. No department or agency of the state shall execute any contract or agreement for goods or services in excess of \$100,000 with any business having more than 40 full-time employees, either within or outside this state, on a single working day during the previous 12 months, unless the firm or business has an affirmative action plan for the employment of minority persons, women, and the disabled that has been approved by the commissioner of human rights." 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 applied for Affirmative Action Plan approval to the Commissioner of Human Rights and the date when such application was received by the Commissioner of Human Rights; or**
 - 4) **A statement certifying that the firm has not had a cumulative total of more than 40 full-time employees at any time during the previous 12 months, anywhere in the United States.**

5. Additional Mandatory Proposal Contents:

- a. A section containing graphic material (e.g., photos, plans, drawings, etc.) as evidence of the firm's qualifications for the work. The graphic material shall be identified. It shall be work in which the personnel listed in Item 4.b above have had significant participation and their roles shall be clearly described. It shall 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 Item 4.b above, administering or producing the major elements of the work, including consultants. Identify roles in which such persons played in projects which are relevant to the project at hand.
- c. A discussion of the firm's 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 shall follow one of the following procedures:

- a. Enclose a **self-addressed, stamped** postal card with the proposals. Design firms shall be notified when material is ready to be picked up. Design firms shall have two weeks to pick up their proposals, after which time the proposals shall be discarded; or
- b. Enclose a **self-addressed, stamped** mailing envelope with the proposals. When the Board has completed its review, proposals shall be returned using this envelope.

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

7. PROJECT 17-98

**Department of Human Services
Willmar Regional Treatment Center
Box 1128
Willmar, MN 56201-9599**

a. PROJECT DESCRIPTION:

This project will focus on remodeling existing space for residential/program facilities for Willmar Regional Treatment Center's psychiatric treatment program which serves persons with serious and persistent mental illness. The Willmar Regional Treatment Center (WRTC) is located in Willmar, Minnesota.

Renovation work in Building #3 (Medical Treatment Center [MTC]) will include: life safety improvements (installation of a new fire detection/alarm system, installation of a fire suppression [sprinkler] system); upgrading existing HVAC systems; accessibility upgrades (toilets and bathing areas, doors, and hardware); a re-configuration of space to accommodate the consolidation of three of the facility's five MI (mental illness) speciality programs (admission/crisis program, psychiatric stabilization program and geriatric rehabilitation program) into this building, and general cosmetic improvements to interiors. The area to be remodeled totals approximately 58,000 gross square feet.

Renovation work planned for Building #14 will focus on ADA accessibility improvements; upgrading HVAC systems; and the installation of a new fire detection/alarm system and a fire suppression system; minor reconfiguration of the buildings interior, and general cosmetic improvements to interiors. Building #14 is scheduled to be utilized for the facility's behavioral therapy program. The area to be remodeled totals approximately 18,800 gross square feet.

Buildings #3 and #14 are approximately 30 and 70 years old respectively. Building #3 is a single story building with a partial basement. Building #14 is a two-story building with full basement. Although both buildings are structurally sound, very little remodeling or improvements to HVAC systems have been implemented since they were constructed.

A predesign study for this project was completed in early October of 1997 by Engan Associates, Willmar, Minnesota. Copies will be given to attendees of the informational meeting defined in Item 7g.

b. REQUIRED CONSULTANT SERVICES:

The designer shall:

- 1) Provide comprehensive services consisting of architecture; interior design; furniture/fixture/equipment (FF&E) specifications; civil, electrical mechanical and structural engineering; registered fire protection consultant; landscape architecture; project scheduling; and, independent cost estimating consultant;
- 2) Provide schematic design, design development, construction documents, bidding and construction administration phases services;
- 3) Develop project design in cooperation with WRTC, Department of Human Services, Department of Administration and personnel from other state agencies with licensure of the program and occupancy of the buildings;
- 4) Complete all construction documents using CADD technology in an electronic data exchange file format compatible with AutoCAD Release 13 or 14; and
- 5) Deliver to the Department of Human Services a set of record construction documents in both printed and electronic formats upon project completion.

c. SERVICES PROVIDED BY OTHERS:

- 1) Soils testing;
- 2) Materials testing; and
- 3) Contract document review.

d. SPECIAL CONSIDERATIONS:

None

e. PROJECT BUDGET/FEEES

The 1998 Legislature appropriated \$3.0 million for the entire cost of this project, including all costs for site work; construction and renovation; furnishings, fixtures, and equipment; art work; site investigations; design (including allowable reimbursable costs), administration; and project support. Construction cost is estimated to be \$2.3 million.

Professional, Technical & Consulting Contracts

f. PROJECT SCHEDULE

Issue contract documents for bidding: February/March 1999.

Occupancy: January 2000.

g. PROJECT INFORMATIONAL MEETING(S) SITE VISIT(S):

A project information meeting will be held in the Administration Building, Willmar Regional Treatment Center, Willmar Minnesota, from 1:00 to 2:30 p.m., July 14, 1998. Please contact Mr. Wayne Nelson, Assistant Administrator, Willmar Regional Treatment Center at 320.231.5442, or Mary Redepenning, 320.231.5331, to pre-register for this meeting.

h. STATE DESIGNER SELECTION BOARD SCHEDULE:

Project Site Visit:	July 14, 1998
Project Proposals Due:	July 20, 1998
Project Shortlist:	August 6, 1998
Project Interviews & Award:	August 18, 1998

I. PROJECT CONTACT:

Additional project information is available upon request. Questions concerning this project may be referred to:

Mr. Wayne Nelson, Assistant Administrator
Willmar Regional Treatment Center
1550 Hwy. 71 NE - P.O. Box 1128
Willmar, Minnesota 56201
320.231.5442

Mr. Alan Van Buskirk, Physical Plant Operations Manager
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3826
612.296.8982

Mr. Dan Meyer, Physical Plant Project Manager
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3826
612.296.1876

Mr. Jai Stanmore, Project Manager
Department of Administration, Building Construction Division
50 Sherburne Avenue, Room G-10
St. Paul, MN 55155
612.296.8808

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

Department of Administration

State Designer Selection Board

Request for Proposals for the Department of Public Safety, To Design a New State Patrol Training Facility, Camp Ripley, Little Falls, Minnesota (Project 14-98)

IN AN ATTEMPT TO FACILITATE COMMUNICATION, THE STATE DESIGNER SELECTION BOARD HAS MADE SOME CHANGES IN THEIR STANDARD RFP LANGUAGE. PLEASE READ CAREFULLY THE SECTIONS THAT ARE IN BOLD TYPE AS THEY CONTAIN REVISIONS TO THE RFP.

To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select consultants for a project. Design firms who wish to be considered for these projects must deliver proposals on or before 4 p.m., Monday, July 20, 1998, to:

Sharon Schmidt, Acting Executive Secretary
State Designer Selection Board
Department of Administration
50 Sherburne Avenue, **Room 200**
St. Paul, Minnesota 55155-3000
612.297.5525

Questions concerning the Board's procedures herein described or the schedule in Item 7.h may be referred to the Executive Secretary at 612.297.5525. Questions relating to the project may be referred to the project contact(s) in Item 7.i.

NOTE TO RESPONDERS: IN ORDER TO BE CONSIDERED BY THE BOARD, THE PROPOSALS MUST CONFORM TO THE FOLLOWING CONTENT AND FORMAT REQUIREMENTS AS OUTLINED IN ITEMS 1 THROUGH 5 BELOW. FAILURE TO DO SO WILL RESULT IN THE DISQUALIFICATION OF THE PROPOSAL:

1. **Eight (8) copies** of the proposal shall be submitted plus one (1) additional unbound copy in black and white for micro fiche purposes only.
2. All data shall be on 8 1/2" x 11" sheets, soft bound. No more than 20 printed faces shall be allowed (see the following for clarification):
 - a. All letters directed to the Board shall be bound into the proposal and all pages shall be counted as printed face(s). It is not necessary to do a cover letter to the Executive Secretary.
 - b. Blank dividers (with printed tab headings only) shall not be counted as faces.
 - c. Front and back covers of proposals shall not counted as faces.
 - d. None of the statutory, mandatory, or optional information, except as requested in Item 3 below, shall appear on the dividers or covers.
3. **The front cover of the proposal shall be clearly labeled with the project number and project title as shown at the top of this request for proposal, together with the designer's firm name, address, telephone number, fax number, and the name of the contact person. The back cover shall remain blank.**
4. Brief 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 the management, design, and production of each major element of the work, including consultants, and Minnesota registration number for each person and consultant (e.g., architects, civil/electrical/mechanical/structural engineers, landscape architects, land surveyors, and geoscientist);
 - c. 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 Item 4.b above, along with adequate staff to meet the requirements of work;

Professional, Technical & Consulting Contracts

- e. A list of State and University of Minnesota current and past projects and studies awarded to the prime firm(s) responding to this request for proposal during the four years immediately preceding the date of this request for proposal. For the purposes of this list, "awarded" shall mean you have been selected for a given project regardless of the status of the contract.

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 the Executive Secretary at 612.297.5525 and leave your address or fax number to receive a copy of the acceptable format for providing fee information.

- f. **Minnesota Statutes, Section 363.073, subd. 1, in part, requires: "No department or agency of the state shall accept any bid or proposal for a contract or agreement unless the firm or business has an affirmative action plan submitted to the commissioner of human rights for approval. No department or agency of the state shall execute any contract or agreement for goods or services in excess of \$100,000 with any business having more than 40 full-time employees, either within or outside this state, on a single working day during the previous 12 months, unless the firm or business has an affirmative action plan for the employment of minority persons, women, and the disabled that has been approved by the commissioner of human rights." 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 applied for Affirmative Action Plan approval to the Commissioner of Human Rights and the date when such application was received by the Commissioner of Human Rights; or**
- 4) **A statement certifying that the firm has not had a cumulative total of more than 40 full-time employees at any time during the previous 12 months, anywhere in the United States.**

5. Additional Mandatory Proposal Contents:

- a. A section containing graphic material (e.g., photos, plans, drawings, etc.) as evidence of the firm's qualifications for the work. The graphic material shall be identified. It shall be work in which the personnel listed in Item 4.b above have had significant participation and their roles shall be clearly described. It shall 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 Item 4.b above, administering or producing the major elements of the work, including consultants. Identify roles in which such persons played in projects which are relevant to the project at hand.
- c. A discussion of the firm's 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 shall follow one of the following procedures:

- a. Enclose a **self-addressed, stamped** postal card with the proposals. Design firms shall be notified when material is ready to be picked up. Design firms shall have two weeks to pick up their proposals, after which time the proposals shall be discarded; or
- b. Enclose a **self-addressed, stamped** mailing envelope with the proposals. When the Board has completed its review, proposals shall be returned using this envelope.

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

7. PROJECT 14-98

**Minnesota Department of Public Safety
State Patrol Training Facility, Camp Ripley
Little Falls, Minnesota**

a. PROJECT DESCRIPTION:

The project consists of the design of a new training facility for Minnesota State Patrol to be located at Camp Ripley, near Little Falls, Minnesota. The total building square footage will be approximately 7600 square feet. The building will consist of the following:

Office Area: 12 offices
 conference room
 work room
 display area
 office storage

Training Area: classroom
 physical training area
 weight training equipment
 instructors office

Support Area: secure storage (firearms, etc.)
 break room
 rest rooms, locker rooms, janitor's closet
 vestibule
 mechanical and electrical equipment

A program and cost estimate has been developed by Mn/DOT. Copies will be available at the information meeting. The site is assumed to be flat and all ancillary functions will be shared with those existing at Camp Ripley. (Shooting range, parking, etc.)

b. REQUIRED CONSULTANT SERVICES:

The design team will be expected to provide complete design services architectural, structural, mechanical and electrical discipline from program verification through construction.

The selected design firm and their associated firms shall each demonstrate experience in successfully completing projects of a similar type, size and complexity.

The design team selected should bear in mind that meetings and site visits will take place both in the metro area as well as the Camp Ripley site, especially during construction administration.

The construction documents shall be done using Computer Aided Design and Drafting (CADD) in a system compatible with Bentley Systems Microstation version 5. AutoCadd version 12 and 13 are compatible. The Mn/DOT Building Section will provide the consultant with a copy of their Consultant Procedures for Construction Projects to aid in completing their work.

The consultant and construction contracts will be administered by the Minnesota Department of Transportation, Office of Maintenance: Building Section.

c. SERVICES PROVIDED BY OTHERS:

None

d. SPECIAL CONSIDERATIONS:

None

e. PROJECT BUDGET/FEES

The consultant fee will be based on seven percent of the estimated construction cost of \$717,000 or \$50,000. The funding for building construction was part of Public Safety's 1998 Capital Building Request.

f. PROJECT SCHEDULE

Plans and specifications should be completed no later than January 15, 1999, for construction during the summer of 1999.

Professional, Technical & Consulting Contracts

g. PROJECT INFORMATIONAL MEETING(S) SITE VISIT(S):

The site at Camp Ripley will not be available for visits by consultants submitting RFP's due to summer training schedules. Project information is available upon request. Questions concerning the project should be referred to:

Ronald Lagerquist, Architect
Minnesota Department of Transportation
Office of Maintenance: Building Section
Transportation Building MS 715
395 John Ireland Boulevard
St. Paul, MN 55155-1899
Phone: 612.297.4742
FAX: 612.282.9904
E-mail: *ron.lagerquist@dot.state.mn.us*

h. STATE DESIGNER SELECTION BOARD SCHEDULE:

Project Proposals Due: July 20, 1998
Project Short List: August 4, 1998
Project Interviews & Award: August 20, 1998

I. PROJECT CONTACT:

Ronald Lagerquist, Architect
Minnesota Department of Transportation
Office of Maintenance: Building Section
Transportation Building MS 715
395 John Ireland Boulevard
St. Paul, MN 55155-1899
Phone: 612.297.4742
FAX: 612.282.9904
E-mail: *ron.lagerquist@dot.state.mn.us*

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

Department of Economic Security

Production Services Branch

Social Security Disability Determination Services Office

Request for Qualifications (RFQ) and Request for Proposals (RFP) for Mobile/on-site Medical Examination Services for the Minnesota Social Security Disability Determination Services, Division of Production Services, Department of Economic Security

The Minnesota Department of Economic Security, Production Services Branch, Minnesota Social Security Disability Determination Services Office (Hereafter known as "the State") has a need for qualified Minnesota licensed physicians in certain specialties available in various Minnesota cities to perform consultative examinations and to provide written results of these examinations for Social Security or Supplemental Security Income disability benefits pending with the State and announces that a Request for Proposals is available.

The Request for Proposal does not obligate the State to complete the contract and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

The State reserves the right to accept or reject all or part of any proposal submitted; such will be deemed to be in the best interest of the State.

Professional, Technical & Consulting Contracts

The Minnesota Disability Determination Services, in carrying out the adjudicative process, may request that a claimant be seen at the State's expense for a specialized consultative medical examination. These examinations are available to local, qualified physicians. In certain areas of the State, however, medical specialists may not be available; or, if available; may not be able to meet the State's needs. In these instances, we are requesting that qualified Minnesota licensed physicians travel to these cities to perform the medical examination.

The specialty areas needed include neurology, musculoskeletal (orthopedics; physiatry; industrial medicine; occupational medicine), internal medicine, and pediatrics.

Persons who are interested in obtaining a complete copy of the Request for Qualifications/Proposals must contact:

William T. Ruhl
Assistant Director, Medical Services
300 Metro Square
7th & Robert Streets
St. Paul, MN 55101
(612) 296-4419
1-800-657-3852

All Proposals must be sent to and received by: 4:00 p.m. August 7, 1998.

Department of Economic Security

Production Services Branch

Social Security Disability Determination Services Office

Request for Proposal (RFP) to Receive, Transcribe, and Deliver Medical Reports Dictated by Consulting and Treating Physicians and Psychologists to the Minnesota Disability Determination Services, Division of Production Services, Department of Economic Security

The Minnesota Department of Economic Security, Production Services Branch, Minnesota Social Security Disability Determination Services Office (Hereafter known as "the State") has a need for persons to receive, transcribe and deliver medical reports dictated by consulting and treating physicians and psychologists and announces that a Request for Proposals is available.

This Request for Proposal does not obligate the State to complete the contract and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

Persons who wish to obtain a complete copy of the Request for Proposal must contact:

William T. Ruhl
Assistant Director, Medical Services
300 Metro Square
7th & Robert Streets
St. Paul, MN 55101
(612) 296-4419
1-800-657-3852

All Proposals must be sent to and received by: 4:00 p.m. August 7, 1998.

Professional, Technical & Consulting Contracts

Department of Employee Relations

Announcement of Request for Qualifications (RFP) for Care Systems

The Minnesota Department of Employee Relations (DOER) is seeking responses to a Request for Qualifications (RFQ) from care systems and other health care providers. All care systems and other health care providers which meet the selection criteria of this RFQ will be asked to submit claims target bids and other information in response to a later Request for Proposals (RFP). In order to receive a subsequent Request for Proposals, care systems and other providers must respond to this RFQ.

DOER is the State agency which supports the human resource management function of state government, including employee compensation and benefits. The Employee Insurance Division (EID) of DOER administers the State Employee Group Insurance Program (SEGIP), which arranges a variety of insurance benefits, including health benefits, on behalf of State and University of Minnesota eligibles. SEGIP is the single largest employment-based benefits program in Minnesota, with over 155,000 covered lives. The program's enrollees include executive branch employees, the legislative and judicial branches of state government, the University of Minnesota, and 29 smaller organizations such as boards and commissions known as "Independent Billing Units" (IBUs).

We define a care system as a primary-care centered health system with its affiliated specialty, hospital, and allied professional arrangements. It is organized to provide (or contract for) the full continuum of medically necessary services for an enrolled population. Care systems may be organized by physicians, physician-hospital organizations (PHOs), health plans or any other entity. Under the care systems-based managed competition model, care systems will compete for individual consumer market share based on quality, consumer satisfaction, and cost for a standard set of covered services.

The information from this RFQ and a subsequent RFP will be used to aid decision-making by DOER regarding possible modifications of SEGIP, including possible arrangements for health care delivery through care systems for our plan year beginning January, 2000.

PLEASE NOTE: SEGIP members currently access a number of smaller independent clinics through our current health plans which are not configured as care systems and which, because of their size or distance from other providers, may not be expected to configure themselves as care systems. We fully intend to continue our relationships with such clinics to assure adequate access to services for our enrollees. We will make administrative and other support available to allow such providers to also be offered to under a potential care systems model. We encourage such providers to also respond to this RFQ.

Responses to this RFQ are due by 4:00 p.m. Monday, October 12, 1998 to David Haugen at the address below. An RFQ responders' conference is scheduled for 1:00 p.m. - 4:00 p.m. on Tuesday, August 4, 1998. In order to aid our conference planning, please contact us no later than Thursday, July 30, 1998 if you plan to attend the conference.

To request a copy of the RFQ, please contact:

Donna M. Olson
Minnesota Department of Employee Relations
200 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155
Tel.: (612) 282-6822
FAX: (612) 296-5445
E-mail: donna.olson@doer.state.mn.us

If you have other questions regarding the RFQ, please contact David K. Haugen beginning July 13, 1998 at the address below:

David K. Haugen
Minnesota Department of Employee Relations
200 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155
Telephone: (612) 296-3159
FAX: (612) 296-5445
E-mail: david.haugen@state.mn.us

PLEASE NOTE: Our current 612 area code is in effect through Dec. 31, 1998. Beginning on July 12, 1998, a transition will be made to a new 651 area code and the 612 area code will be phased out. We can be reached at either our current 612 area code or the new 651 area code from July 12 - December 31, 1998. On Jan. 1, 1999, the 612 area code will no longer be in effect, and our new area code will be 651.

Housing Finance Agency

Notice of Request for Proposals for Marketing Services

The Minnesota Housing Finance Agency (MHFA), Minnesota Homes Division is seeking proposals for creative treatment or theme development of its single family lending programs. The objectives are:

- To develop a creative treatment and theme for MHFA's home mortgage and home improvement loan programs. The treatment will include complimentary themes that create a positive message for each program while reinforcing the overall MHFA mission. Selected creative treatments or themes will provide a common theme, build awareness, generate inquires, portray a positive image, and encourage participation in/or about the various programs.
- To conduct a limited amount of market research to determine what it takes to generate interest among our targeted audiences. This will not involve an extensive market research campaign, but will be limited to a determination of the proposed theme's perceived effectiveness by customers such as lenders, Realtors, builders, homeowners and homebuyers, etc.

MHFA reserves the right to accept all or a portion of a vendor's proposal and to negotiate changes in the proposal before signing a contract.

The request for proposals does not obligate MHFA to complete the project, and MHFA reserves the right to cancel the solicitation if it is considered to be in MHFA's best interests.

MHFA Contacts:

Prospective responders who have questions regarding this request for proposals may call or write:

Ed Niewinski (or Ruth Fitzsimmons)
Minnesota Homes Division
Minnesota Finance Agency
400 Sibley Street, Suite 300
Saint Paul, MN 55101
(651) 297-3130 or (651) 296-2198

Submission of Proposals:

All proposals must be sent to and received by:

Ed Niewinski (or Ruth Fitzsimmons)
Minnesota Homes Division
Minnesota Finance Agency
400 Sibley Street, Suite 300
Saint Paul, MN 55101

no later than 4:00 p.m. on August 10, 1998. Late proposals will not be accepted. Proposals that are mailed must be mailed "Return Receipt Requested". Vendors who hand deliver their proposals must ask for a receipt.

Two (2) copies of each proposal must be submitted. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Each proposal copy will be signed by an authorized member of the firm. Prices and terms of the proposal must be valid for the length of the project.

Completion Date:

Preliminary creative treatment or theme development must be completed by September 14, 1998, but need not include final creative development or actual materials. Complete creative treatment or theme development and materials must be available by October 5, 1998.

Description of Creative Treatment or Theme Requested:

MHFA is seeking the creative treatment or theme for its major single family lending programs. They are:

- Home mortgage programs, which provide below-market interest rate mortgage financing to first-time homebuyers of low to moderate incomes.
- Home improvement programs, which provide below-market interest rate financing to homeowners for repair or remodeling of their homes. Again, targeting is done to low and moderate income homeowners.

Professional, Technical & Consulting Contracts

The creative treatment will address graphic and thematic design. It will be used for common identification of MHFA's single family lending programs. The treatment should have a common theme that will be consistent with the mission of MHFA. The theme must be applicable to a variety of marketing pieces, such as statement stuffers, brochures, pocket guides, ad slicks, posters, display panels, etc. The treatment must also be flexible enough to be made available for a variety of media. The treatment will include art work, illustrations or photography, color, and have a "non-governmental" look. All proposed treatments must meet the letter and spirit of federal law pertaining to "fair housing", and must be effective in reaching a diverse audience.

Response Requirements:

Responses must include at least the following:

- A description of the qualifications and experience of the vendor personnel who will be assigned to this project, if the proposal is selected.
- Three client references for whom the specified personnel proposed for this project have completed work within the last two years.
- A suggested work plan for the project which includes a schedule for project completion and list of products to be provided or outcomes to be achieved.
- The total cost of the proposed project, and a breakdown of those costs for the components of the proposal.
- A description of the methods used in the creative treatment development.

Responses may, but are not required, to include additional options directed at assisting MHFA in meeting the objective of this project, as described above. MHFA may incorporate all or a part of the response of the vendor selected into the contract executed between MHFA and the vendor. The responses to the request for proposals are in the public domain.

Proposal Evaluation:

All proposals received by the deadline will be evaluated by representatives of MHFA. In some instances, an interview may be required as part of the evaluation process. Factors upon which the proposals will be judged include, but are not limited to, the following:

- The total cost of the proposal. (This will be a major factor, but not the only factor, in the evaluation).
- The work plan and product.
- The schedule for completion of the treatment or theme development.
- The likelihood that the approach will satisfy the objectives.
- The qualifications and experience of the personnel who will perform the work. *Experience with governmental and/or financial institution clients is desirable.*
- Client references.

Office of the Secretary of State

Digital Signature

Notice of Request for Proposals for Digital Signature Certification Authority and Repository

The Minnesota Office of the Secretary of State is seeking the services of an experienced vendor of certification authority and repository services to create, operate and maintain a certification authority and repository while making the Secretary the root certification authority for the State. The certification authority and repository will be operated under contract with the Office of the Secretary of State to provide certificates to applicants for licensure as a certification authority and/or repository in the State of Minnesota and also to provide certificates to governmental units. All services will be provided according to *Minnesota Statutes* chapter 325K and rules to be adopted as required by that chapter.

Professional, Technical & Consulting Contracts

Proposals in response to this RFP must be received no later than 3:00 pm (CDT) on Friday, August 7, 1998 at the following location:

By mail to:

Katie Engler
Office of the Secretary of State
180 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1299

For physical delivery:

Katie Engler
Office of the Secretary of State
174 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1299

Official copies of the complete RFP may be obtained by faxing or emailing a request to:

Katie Engler
Office of the Secretary of State
180 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1299
FAX: (612) 296-9073
email: *katherine.a.engler@state.mn.us*

Teachers Retirement Association

Request for Proposal for Electronic Image Management System With Automated Workflow

The Teachers Retirement Association is requesting proposals for the development and implementation of an electronic document imaging management system with automated workflow.

The focus of the requested services will include the following:

1. Install and implement the electronic image management systems
2. Develop, design, test and implement workflow software
3. Train staff in the operation, workflow development and use of the proposed system
4. Provide ongoing hardware and software maintenance coverage

A complete copy of this RFP can be obtained by contacting:

Jack Pula, Planning Director
Suite 500, Gallery Building
17 West Exchange Street
St. Paul, MN 55102

Proposals must be sent to Jack Pula at the above address and must be received no later than 12:30 P.M. on August 14, 1998.

Non-State Public Bids, Contracts & Grants

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

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

Lower Rum River Watershed Management Organization

Andover - Anoka - Coon Rapids - Ramsey

Request for Interest Proposals for Professional Legal Consultant and Engineering Consultant Services

Pursuant to *Minnesota Statutes* Annotated 103B.227, Subdivision 5, the Lower Rum River Watershed Management Organization hereby solicits interest proposals for legal consultant and engineering consultant services for the fiscal years 1999 and 2000.

Written proposals setting forth the experience of the individuals who would be interested in performing professional services for the Lower Rum River Watershed Management Organization should be sent to:

The Lower Rum River Watershed Management Organization
2015 First Avenue North
Anoka, MN 55303
Attention: Steve Jankowski, Chair

Proposals shall be submitted on or before September 1, 1998.

Please set forth in your written proposal the experience of the individual who proposes to perform services for this organization and the resumes of support staff who would assist the individual in providing the contractual services. The proposal should contain a statement on the firm's ability to provide the necessary insurance. The Board will review said proposals and reserves to itself the right to take such action as it deems in the best interest of the Lower Rum River Watershed Management Organization.

Metropolitan Council

Invitation for Bids on Computer Equipment

Sealed bids for the acquisition of Compaq and Hitachi computer equipment will be received at the offices of the Metropolitan Council, Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota, 55101, on July 20, 1998, at 2:00 P.M., at which time and place they will be publicly read.

Copies of the specifications and bid instructions may be obtained from the offices of the Metropolitan Council or by calling 612-602-1499 or via Fax request at 612-602-1083. All bids to be considered must be submitted on Council approved bid forms.

The award will be based upon, but not necessarily limited to, factors of price, lead time, agreement to the Metropolitan Council's terms and conditions and past experience with the Metropolitan Council.

The Metropolitan Council reserves the right to accept or reject any and all bids, or any part of any bid, and to waive any minor irregularities and deviations from requirements outlined in the technical specifications.

University of Minnesota

Purchasing Services

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

The University of Minnesota offers 24 hour/day, 7 day/week access to all Requests for Bids/Proposals through its fax back Bid Information Service (BIS). Subscriptions to BIS are \$75/per fiscal year (not prorated). Call 612-625-5534 for information or visit our web site at <http://purchserv.finop.umn.edu>. Choose BID Information Service.

Requests for Bids/Proposals are available to the public at no charge each business day from 8:00 a.m. - 4:30 p.m. in Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls, MN 55454.