

The Minnesota
**State
Register**

Rules and Official Notices Edition



Published every Monday (Tuesday when Monday is a holiday) by the
Department of Administration – Communications Media Division

Monday 17 August 1998
Volume 23, Number 7
Pages 391-428

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
# 7	Monday 17 August	Noon Wednesday 5 August	Noon Tuesday 11 August
# 8	Monday 24 August	Noon Wednesday 12 August	Noon Tuesday 18 August
# 9	Monday 31 August	Noon Wednesday 19 August	Noon Tuesday 25 August
#10	Tuesday 8 September	Noon Wednesday 26 August	Noon Tuesday 1 September

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Department of Administration:	Communications.Media Division	Robin PanLener, Editor 651/297-7963
Elaine S. Hansen, Commissioner 651/296-1424	Mary Mikes, Director 651/297-3979	Gretchen Stark, Assistant Editor 651/296-0929
Kent Allin, Asst. Commissioner 651/297-4261		Jessie Rahmeyer, Subscriptions 651/297-8774

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Publication Number: 326630. (ISSN 0146-7751)

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 651-297-8260 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 (651) 296-0504
Room 231 State Capitol, St. Paul, MN 55155

Contact: House Information Office (651) 296-2146
Room 175 State Office Building, St. Paul, MN 55155

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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 1997 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 (651) 297-3000, or toll-free 1-800-657-3757.

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Proposed Rules

Comments on Planned Rules or Rule Amendments

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

Rules to be Adopted After a Hearing

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

Rules to be Adopted Without a Hearing

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

Department of Labor and Industry

Proposed Permanent Rules Relating to Workers' Compensation; Rules of Practice, Penalty Provisions

Notice of Intent to Adopt Rules Without a Public Hearing

Proposed Amendment to Rules Governing Workers' Compensation; Rules of Practice, Penalty Provisions; *Minnesota Rules*, Chapter 5220.

Introduction. The Department of Labor and Industry 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:

Marie O'Neill
Department of Labor and Industry
Legal Services Division
443 Lafayette Road
St. Paul, Minnesota, 55155
(651) 296-2486
FAX (651) 296-8899

TTY users may call the Department of Labor and Industry at (651) 297-4198.

Subject of Rules and Statutory Authority. The proposed amendments are to rules for assessing penalties under the workers' compensation law. The proposed amendments implement 1995 legislative increases of penalty amounts for frivolous and non-specific denials of liability; improper discontinuance of compensation; the failure to pay or deny liability for compensation; the failure to timely pay certain benefits and medical charges; penalties payable to the employee; the penalty for failure to pay under order, and for delay in making payment; the penalty for failure to release medical data and to timely report an injury or make other reports; and the penalty against employers who fail to obtain insurance. There are additional changes to some of the penalty rules to provide for consistency with the workers' compensation statutes or to clarify or amend the procedures for assessing penalties. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 176.83, 175.17, 175.171 and 176.129, 176.138, 176.221, 176.225, 176.231, 176.238, and 176.84. 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.

Comments. You have until 4:30 p.m. on Wednesday, September, 16, 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 addressed and the

reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Wednesday, September 16, 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 rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed 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: 31 July 1998

Michael Houliston
Deputy Commissioner

5220.2570 DENIALS OF LIABILITY.

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

Subp. 2. **Denial of liability form.** A denial of primary liability under *Minnesota Statutes*, section 176.221, subdivision 1, except a letter denial under subpart 4 or 5, must be fully completed and on a form prescribed by the commissioner, containing substantially the following:

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

D. the ~~signature~~, name, and telephone number of the person who made the determination;

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

Subp. 3. **Notice of intention to discontinue benefits.** A denial of primary liability filed more than ~~30~~ 60 days after notice to or knowledge by the employer of a work-related injury which is required to be reported to the commissioner under *Minnesota Statutes*, section 176.231, subdivision 1, and for which benefits are being paid must be made by a notice of intention to discontinue benefits under part 5220.2630 and must clearly indicate that its purpose is to deny liability for the entire claim.

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

<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

Subp. 7. **Time for filing.** Denials of liability must be filed with the division within the following time limits:

A. Where appropriate, a denial under subpart 2 must be filed within 14 days of notice to or knowledge by the employer of an injury which is required to be reported to the commissioner under *Minnesota Statutes*, section 176.231, subdivision 1. Where appropriate, a denial under subpart 2 must be filed within 30 days after notice or knowledge where an extension has been requested in the event of a new period of temporary total or if payment has commenced. ~~After the 30-day period, where appropriate~~ When payment of compensation has commenced, a denial more than 60 days after notice or knowledge must be filed under subpart 3.

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

D. A denial under subpart 5 must be filed within the time frame required by statute for the type of benefit being denied.

[For text of subp 9, see M.R.]

Subp. 10. **Penalty; frivolous denial.**

A. A frivolous denial under *Minnesota Statutes*, section 176.225, subdivision 1, clause (a) or (e), includes one which:

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

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

Subp. 11. **Penalty; nonspecific denial.** A nonspecific denial as defined in subpart 2, item E; 4, item E; or 5, item E, may result in the assessment of a penalty in the amount of ~~\$300~~ \$500 under *Minnesota Statutes*, section 176.84, subdivision 2. A penalty for a nonspecific denial may be assessed without regard to the substantive validity of the denial of benefits. A penalty under this subpart may be assessed in addition to the penalties described in subparts 9 and 10 and is payable to the special compensation fund.

5220.2630 DISCONTINUANCE OF COMPENSATION.

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

Subp. 3. **Notice of benefit payment.**

A. The employer or insurer may make a lump sum or final payment of the benefit indicated by the filing of a notice of benefit payment with the division and service of the notice on the other parties at the time that the payment occurs when the payment represents:

[For text of subitem (1), see M.R.]

(2) a final periodic payment of permanent partial disability compensation, impairment compensation, or economic recovery compensation;

[For text of subitems (3) to (5), see M.R.]

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

[For text of subps 4 and 6, see M.R.]

5220.2720 IMPROPER DISCONTINUANCES; PENALTY.

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

Subp. 2. **Amount.** When the division makes a determination under subpart 1, notice will be given and fines assessed as follows:

A. (1) If an insurer has not had a penalty assessed in the ~~two-year~~ one-year period before the assessment for violation of a particular item in subpart 1, the division will send a warning notice to the insurer that the division has determined the discontinuance is improper. The warning notice will direct the insurer to pay the improperly discontinued benefits and serve and file any required notice of discontinuance within ten days of service of notice or a penalty will be assessed.

(2) If the improperly discontinued benefits are not paid and any proper discontinuance filed within the following time periods after the warning notice is served, the division will send notice that a penalty is imposed as follows:

(a) 11 to 20 days late, ~~\$100~~ \$200;

(b) 21 to 30 days late, ~~\$300~~ \$600;

(c) 31 to 60 days late, ~~\$400~~ \$800; and

(d) over 60 days late, ~~\$500~~ \$1,000.

B. If an insurer has had a penalty assessed in the ~~two-year~~ one-year period before the assessment for violation of an item in subpart 1 and again violates the same item, the following penalties apply if the improperly discontinued benefit is not paid and a discontinuance notice is not filed when required:

(1) one to ten days late, ~~\$200~~ \$400;

(2) 11 to 20 days late, ~~\$300~~ \$600;

(3) 21 to 30 days late, ~~\$400~~ \$800; and

(4) over 30 days late, ~~\$500~~ \$1,000.

C. ~~If that insurer has been issued five or more penalties for violations under part 5220.2720 in a six-month period, a separate penalty of \$500 for each additional violation within that six-month period will be assessed.~~

~~D.~~ Alternatively, a penalty may be assessed under *Minnesota Statutes*, section 176.221, subdivision 3, payable to the assigned risk safety account, of up to 100 percent of the amount of compensation to which the employee is entitled.

~~E.~~ D. In addition to a penalty payable to the special compensation fund or the assigned risk safety account under this part, a penalty may be assessed under part 5220.2760.

Subp. 3. **Payable to.** Penalties under this part are payable to the special compensation fund or the assigned risk safety account.

5220.2740 FAILURE TO PAY OR DENY MEDICAL CHARGES; PENALTY.

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

Subp. 2. **Amount.** Under *Minnesota Statutes*, section 176.221, subdivision 3a, a penalty of up to ~~\$1,000~~ \$2,000 shall be assessed as follows:

A. one to 15 days late, ~~\$250~~ \$500;

B. 16 to 30 days late, ~~\$500~~ \$1,000;

C. 31 to 60 days late, ~~\$750~~ \$1,500; and

D. over 60 days late, ~~\$1,000~~ \$2,000.

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

5220.2750 FAILURE TO MAKE TIMELY PAYMENT OF PERMANENT PARTIAL DISABILITY, ECONOMIC RECOVERY COMPENSATION, OR IMPAIRMENT COMPENSATION; PENALTY.

Subpart 1. **Basis.** A penalty may be assessed where payment of permanent partial disability compensation, economic recovery compensation, or impairment compensation is not made in a timely manner as provided in *Minnesota Statutes*, section 176.101, and part 5220.2550.

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

5220.2760 ADDITIONAL AWARD AS PENALTY.

Subpart 1. **Basis.** Penalties under *Minnesota Statutes*, section 176.225, subdivision 1, in an amount up to ~~25~~ 30 percent of the total amount of the compensation award ~~may~~ shall be assessed by the division on the grounds listed in that section, including:

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

C. other violations under *Minnesota Statutes*, section 176.225, subdivision 1, paragraph (a), (b), ~~(c)~~, (d), ~~or~~ (e), or (f).

This part does not affect the employee's independent right to seek penalties by filing a claim petition under *Minnesota Statutes*, section 176.271.

Subp. 2. **Amount.** A penalty assessed under this part will be for at least ~~five~~ six percent of the compensation owing and shall be assessed as follows:

A. one to five days late, ~~five~~ six percent;

B. six to 15 days late, ~~ten~~ 12 percent;

C. 16 to 30 days late, ~~15~~ 18 percent;

D. 31 to 60 days late, ~~20~~ 24 percent; and

E. over 60 days late, ~~25~~ 30 percent.

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

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.

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5220.2770 FAILURE TO PAY OR DENY; PENALTY.

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

Subp. 2. **Amount.** The commissioner's designee must use the following procedure to determine the amount of the penalty.

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

D. Where no compensation has been paid but the insurer has failed to file a denial of liability within the statutory 14- or 30-day limit on a claim required to be reported to the division, a penalty of up to ~~\$1,000~~ \$2,000 may be assessed under *Minnesota Statutes*, section 176.221, subdivision 3a, as follows:

- (1) one to 15 days late, ~~\$100~~ \$250;
- (2) 16 to 30 days late, ~~\$150~~ \$500;
- (3) 31 to 60 days late, ~~\$350~~ \$1,000; and
- (4) over 60 days late, ~~\$500~~ \$2,000.

~~If the insurer has been assessed five or more penalties for violation of this item in the two-year period before the assessment, a penalty of \$1,000 shall be assessed for a subsequent violation.~~

E. Where the insurer has filed a frivolous denial under part 5220.2570, subpart 10, a penalty may be assessed under *Minnesota Statutes*, section 176.221, subdivision 3a, as follows:

- (1) one to five violations in the two-year period before the assessment, ~~\$500~~ \$1,000; and
- (2) six or more violations in the two-year period before the assessment, ~~\$1,000~~ \$2,000.

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

5220.2780 FAILURE TO PAY UNDER ORDER; PENALTY.

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

Subp. 2. **Amount.** The penalty available under *Minnesota Statutes*, section 176.221, subdivision 3 or 3a, shall be assessed where there has been a failure to pay under an order which has not been appealed. If the payor chooses not to appeal the order, payments made more than 14 days after the order is served and filed are late. Each day after the 14th day is considered a day late. Penalties under *Minnesota Statutes*, section 176.221, subdivision 3a, shall be assessed as follows:

- A. one to 15 days late, ~~\$250~~ \$500;
- B. 16 to 30 days late, ~~\$500~~ \$1,000;
- C. 31 to 60 days late, ~~\$750~~ \$1,500; and
- D. over 60 days late, ~~\$1,000~~ \$2,000.

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

5220.2790 INEXCUSABLE DELAY IN MAKING PAYMENT, INCREASE IN PAYMENT.

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

Subp. 2. **Amount.** The amount of the increase in payment under *Minnesota Statutes*, section 176.225, subdivision 5, for a delay under subpart 1, item A, is calculated as ~~ten~~ 25 percent of the ~~amount in part 5220.2770, subpart 2, item B, subitem (4), unit (a) payment found to be delayed.~~

The amount of the increase in payment assessed under subpart 1, item B, will be calculated at ~~ten~~ 25 percent of the payment found to be delayed.

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

Subp. 4. **Assessment.**

A. ~~The procedure for assessment of a penalty under subpart 1, item A, must be made as provided in part 5220.2770 except that only ten percent of the amount delayed shall be assessed as a penalty under this part. The commissioner's designee must complete a delayed payment worksheet containing information identifying the claim and setting forth the time period of late payment.~~

B. The calculation of a penalty under ~~subpart 1, item B, this part~~ for late payment of temporary total, temporary partial, or permanent total disability benefits must be as follows:

[For text of subitems (1) to (3), see M.R.]

- (4) The penalty is calculated at ~~ten~~ 25 percent of the sum paid in an untimely manner.

C. The calculation of a penalty for late payment of permanent partial disability benefits, including economic recovery compensation and impairment compensation under subpart 1, item B, must be as follows:

(1) the due date specified in part 5220.2540 or 5220.2550 is determined;

(2) if payment of the sum due is not made within three business days of the due date on more than three occasions in any 12-month period, a penalty of ~~ten~~ 25 percent of the sum paid in an untimely manner is assessed.

5220.2810 FAILURE TO RELEASE MEDICAL DATA; PENALTY.

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

Subp. 3. **Amount.**

A. ~~If a collector or a possessor of medical data was not issued a warning under this part in the preceding 12-month period,~~ The division must send a warning letter before a monetary penalty is assessed unless the initial request for records is from the division. The warning letter must advise the collector or possessor against whom the penalty is sought of the obligation to provide medical data under *Minnesota Statutes*, section 176.138, and that a penalty will be assessed if it fails to provide the requested data within seven working days after the warning letter and to file written verification of the release of the data or a copy of the data with the division within that time.

B. If the requested data is not provided and written verification filed with the division within seven working days after receipt of a required warning letter or the division's request where no warning letter is required, a penalty of ~~\$100~~ \$300 shall be imposed. ~~If that collector or possessor has had more than three penalties assessed or warning letters sent for violation of this part in the preceding 12 months, the penalty will be \$200 as well as further penalties under items C and D.~~

C. If the requested data is not provided and written verification filed with the division within 30 days after the date of a required warning letter or the division's request where no warning letter is required, a penalty of ~~\$150~~ \$450 will be imposed.

D. If the requested data is not provided and written verification filed with the division within 60 days after the date of a required warning letter or the division's request where no warning letter is required, a penalty of ~~\$200~~ \$600 will be imposed.

[For text of subp 4, see M.R.]

5220.2820 FAILURE TO MAKE TIMELY REPORT OF INJURY; PENALTY.

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

Subp. 2. **Amount.** If the employer or insurer has violated subpart 1 and has had no similar violations in the 12-month period prior to the assessment, an advisory letter informing the employer or insurer of the violation and the statutory requirement must be sent. If the employer or insurer has had one violation of subpart 1 in the past 12 months, a penalty of ~~\$50~~ \$125 must be assessed. If the employer or insurer has had two violations in the past 12 months, a penalty of ~~\$100~~ \$250 must be assessed. If the employer or insurer has had three violations in the past 12 months, a penalty of ~~\$150~~ \$375 must be assessed. If the employer or insurer has had four or more violations in the past 12 months, a penalty of ~~\$200~~ \$500 must be assessed.

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

5220.2830 OTHER FAILURE TO FILE REPORT IN MANNER OR WITHIN TIME LIMITS PROVIDED; PENALTY.

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

Subp. 2. **Amount.**

A. If a report under subpart 1, item A, is not filed in the manner or within the time limitations prescribed, a penalty may be assessed under *Minnesota Statutes*, section 176.231, subdivision 10, as follows:

(1) if more than 30 days after the date due, \$125;

(2) if more than 90 days after the date due, \$375; and

(3) if more than 180 days after the date due, \$500.

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B. If, after a letter request from the commissioner or authorized designee, a report under this part is not received by the division within 21 days, a penalty of ~~\$50~~ \$125 must be assessed. A failure to file a report after a second request will result in an additional penalty assessment of ~~\$150~~ \$375. A subsequent failure will result in penalty assessments of ~~\$200~~ \$500.

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

5220.2840 FAILURE TO MAKE PAYMENT OR REPORT TO SPECIAL FUND; PENALTY.

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

Subp. 3. **Amount.** Within 30 days of the due date, the special compensation fund will give notice of penalty to those who have neither filed the completed assessment form and paid the assessment amount, nor submitted a certified reason for nonpayment by the due date as follows:

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

B. ~~\$500~~ \$1,000, whichever is greater; or

C. \$200 for failure to timely report under subpart 2, item B, that no assessment is due.

Subp. 4. **Payable to.** ~~Both the assessment amount and any~~ The penalty due under this part ~~are~~ is payable to the assigned risk safety account.

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

5220.2865 FAILURE TO INSURE; PENALTY.

Subpart 1. Definitions. For purposes of this part, the following terms have the meanings given them.

A. "Avoided premium" means the workers' compensation insurance premium computed pursuant to Minnesota Statutes, chapter 79, by multiplying the employer's payroll for the uninsured period by the applicable assigned risk plan workers' compensation insurance rate and adjusted for any applicable experience modification.

B. "Objection" means the written objection filed by an employer with the commissioner pursuant to Minnesota Statutes, section 176.181, subdivision 3.

C. "Order to comply and notice of penalty assessment" means the order to comply and notice of penalty assessment issued by the commissioner and issued to the employer under Minnesota Statutes, section 176.181, subdivision 3.

Subp. 2. Determination of penalty. In determining the amount of the administrative penalty for the failure to insure, the commissioner must take into consideration the factors listed in Minnesota Statutes, section 14.045. The basis for determining the penalty shall be the employer's avoided premium which shall be adjusted by the factors listed in Minnesota Statutes, section 14.045.

A. No uninsured employer shall be assessed an administrative penalty of less than \$200, nor more than \$1,000 per employee per week uninsured.

B. For purposes of this subpart, the ability to pay shall not be considered a factor for adjusting the penalty amount.

Subp. 3. Business license or permit penalty. In addition to the assessed administrative penalty, the commissioner shall assess the penalty amount specified in Minnesota Statutes, section 176.182, against the uninsured employer who did not report, or falsely reported, the required information about their workers' compensation insurance coverage to any state or local governmental agency when obtaining or renewing a license or permit to operate a business in Minnesota.

Subp. 4. Order to comply and penalty assessment. The commissioner shall, by certified mail, issue to the employer an order to comply and penalty assessment after conducting the investigation authorized by Minnesota Statutes, section 176.181, subdivision 8, paragraph (b).

Subp. 5. Contents of order. An order to comply and penalty assessment must describe the alleged violations and reference the statute or rule which the employer has violated. The order to comply and penalty assessment must state that the employer has ten working days to object to the order by filing a written objection with the commissioner and stating in detail its reasons for objecting.

Subp. 6. Objections. The objection must contain:

A. the employer's name and address;

B. the investigation number; and

C. a detailed statement of the reasons for objecting.

Subp. 7. Filing. The written objection must be filed with the commissioner within ten working days of the date the employer receives the order to comply and penalty assessment. Upon receipt of a timely objection, the commissioner shall attempt to settle informally an agreed upon penalty. If the parties fail to agree, the commissioner shall refer the matter to the Office of Administrative Hearings for an expedited hearing before a compensation judge. An objection may be filed with the commissioner by postage-paid first class mail, personal delivery, or facsimile transmission.

Subp. 8. **Hearing.** The compensation judge shall use the contested case procedures contained in *Minnesota Statutes*, sections 14.57 to 14.62, in conducting the expedited hearing under *Minnesota Statutes*, section 176.181, subdivision 3.

5220.2870 PENALTY OBJECTION AND HEARING.

A party to whom notice of assessment has been issued may object to the penalty assessment by filing a written objection with the division on the form prescribed by the commissioner. The objection must also be served on the ~~special compensation fund if the penalty is payable to the special compensation fund or the assigned risk safety account~~ in addition to filing the objection with the division, and on the employee if the penalty is payable to the employee. The objection must be filed and served within 30 days after the date the notice of assessment was served on that party by the division. The written objection must contain a detailed statement explaining the legal or factual basis for the objection and including any documentation supporting the objection. Upon receipt of a timely objection, unresolved issues shall be referred for a hearing to determine the amount and conditions of any penalty. Objections which are not served and filed within the 30-day objection period must be dismissed by a compensation judge.

REPEALER. *Minnesota Rules*, part 5220.2860, is repealed.

Adopted Rules

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

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

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

Exempt Rules

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

Emergency Expedited Rules

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

Board of Animal Health

Adopted Permanent Rules Relating to Diseases of Domestic Animals

The rules proposed and published at *State Register*, Volume 22, Number 33, pages 1393-1396, February 17, 1998 (22 SR 1393), are adopted as proposed.

Secretary of State

Adopted Permanent Rules Relating to Registration Procedures

The rules proposed and published at *State Register*, Volume 22, Number 30, pages 1290-1294, January 26, 1998 (22 SR 1290), are adopted with the following modifications:

8200.3100 NOTICE OF INEFFECTIVE REGISTRATION.

Subp. 2. **Notice of ineffective registration.**

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.

NOTICE OF INEFFECTIVE REGISTRATION
IMPORTANT INFORMATION
ABOUT YOUR VOTER REGISTRATION

To: _____

Your Voter Registration cannot be accepted by this office for the following reason(s):

A. _____ Incomplete: _____

B. ___ Your registration was received fewer than 20 days before the upcoming election. It will be effective on ___/___/___ (day after next election).

You may register to vote at the polling place on election day by presenting either:

- (1) this mailed notice;
- (2) a valid Minnesota Driver's License, Learner's Permit or receipt for either that contains the voter's valid address in the precinct;
- (3) a Minnesota Identification Card or receipt thereof that contains the voter's valid address in the precinct;
- (4) one document from the list in (a) and one document from the list in (b):
 - (a) an original bill in your name for gas, electric, telephone, cable television, solid waste, water, or sewer services showing your current address and due up to 30 days before or after election day, and
 - (b) your Minnesota Driver's License or Identification Card, United States Passport, United States Military Identification Card with your photograph, or Minnesota postsecondary student identification card with your photograph;
- (5) a current student identification card that contains the student's valid address in the precinct;
- (6) a current student fee statement that contains the student's valid address in the precinct;
- (7) a copy of a current student registration card that contains the student's valid address in the precinct;
- (8) a registered voter in your precinct who can attest to your address; or
- (9) a valid registration in the same precinct under a different address.

Your Polling Place is _____, _____ County Auditor (signature), ___/___/___ (date)

8200.5100 REGISTRATION AT PRECINCT ONLY.

Subp. 2. **Additional proof of residence allowed.** An eligible voter may prove residence under this subpart by presenting one of the photo identification cards listed in item A and one of the additional proofs of residence listed in item B.

B. An original bill for gas, electric, telephone, cable television, solid waste, water, or sewer services is acceptable as an additional proof of residence under this subpart if:

8210.9920 INSTRUCTIONS TO ABSENTEE VOTERS, SPECIFIED BY PART 8210.0500.

INSTRUCTIONS TO ABSENTEE VOTERS

Follow these instructions carefully.

Before you vote by absentee ballot you must have a witness.

Step 1. Locate one of the following people to serve as your witness:

- a. an eligible voter who lives in your county;
- b. a notary public;
- c. any person having authority to administer oaths; or
- d. a United States Postal Service official, if available.

Step 2. Fill out the voter registration card. You must provide all the information marked in red. Remember to sign your name at the bottom of the card.

Step 3. Show your witness your proof of residence in the precinct. The following documents may be used as proof of residence:

- a. a valid Minnesota driver's license, permit, or identification card, or a receipt for any of these forms, that contains your current address;
- b. one document from the list in (i) and one document from the list in (ii):
 - (i) an original bill in your name for gas, electric, telephone, cable television, solid waste, water, or sewer services showing your current address and due up to 30 days before or after election day, and
 - (ii) your Minnesota driver's license or identification card, United States passport, United States military identification card with your photograph, or Minnesota postsecondary student identification card with your photograph;
- c. the signature of a registered voter who lives in your precinct; if your witness is registered to vote in your precinct, your witness may also vouch for you;
- d. a student identification card, registration card, or fee statement that contains the student's current address in the precinct; or
- e. current valid registration in the same precinct.

Step 4. Show your witness the unmarked ballots.

Step 5. Mark the ballots in secrecy. If you are disabled or otherwise unable to mark the ballots, you may ask your witness to assist you.

Step 6. Fold each ballot so that your votes cannot be seen. Do not put any identifying marks on the ballot.

Step 7. Place all voted ballots in the tan ballot envelope and seal the envelope. Do not write on the ballot envelope.

Step 8. Place the tan secrecy envelope and your completed voter registration card into the white ballot return envelope and seal the envelope. An unsealed envelope will not be accepted.

Step 9. Print your name and address and sign your name on the back of the white ballot return envelope. The name, address, and signature of your witness is required as well.

Step 10. Your ballot may be returned in one of the following ways:

- a. by mail;
- b. in person to your county auditor or municipal clerk at the address on the front of the white ballot return envelope; or
- c. by agent delivery to your county auditor or municipal clerk.

You may mark and return your ballots at any time after you receive them.

If your ballots are mailed, enough time should be allowed to permit the ballots to be delivered by the postal service no later than election day.

If you or your agent return your ballots in person, your county auditor or municipal clerk must receive them no later than 7:00 p.m. on the day before the election.

Note: Follow these instructions carefully. An improperly completed ballot, or statement of voter or witness, will invalidate your votes.

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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; Refuges; Archery; Falconry; Migratory Birds

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13(b). The statutory authority for the contents of these rules is *Minnesota Statutes*, sections 97A.091, 97B.105, 97B.305, 97B.311, 97B.731, and 97B.803.

Dated: 10 August 1998

Rodney W. Sando

Commissioner of Natural Resources

By Gail Lewellan, Assistant Commissioner of
Human Resources and Legal Affairs

6230.0400 SPECIAL PROVISIONS FOR STATE GAME REFUGES.

[For text of subps 1 to 29, see M.R.]

[For text of subp 30, see 22 SR 316]

Subp. 31. **Nerstrand Woods Game Refuge, Rice county.** That portion of the Nerstrand Woods Game Refuge in Rice county that is within the Nerstrand Big Woods State Park and the Prairie Creek Woods Scientific and Natural Area is open to deer hunting by muzzleloader special permit only. The remainder of the refuge is open to ~~deer hunting by archery during the archery season and deer hunting by muzzleloader during the muzzleloader season.~~

A. trapping;

B. deer and bear hunting by firearms; and

C. deer and bear hunting by archery.

[For text of subps 32 to 49, 51, and 52, see M.R.]

[For text of subps 50 and 53, see 22 SR 317]

Subp. 54. Mud-Bardwell Game Refuge, Martin county. The Mud-Bardwell Game Refuge in Martin county is open to special goose hunts.

Subp. 55. Collegeville Game Refuge, Stearns county. The Collegeville Game Refuge in Stearns county is open to firearms deer hunting during the established season in 1998.

Subp. 56. Carlton Refuge, Dakota and Rice counties. The Carlton Game Refuge in Dakota and Rice counties is open for deer hunting by archery from November 26, 1998, to December 31, 1998.

6232.0900 CAMP RIPLEY ARCHERY HUNT.

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

Subp. 3. Antlerless deer and legal bucks. In 1998, Camp Ripley is open for the taking of antlerless deer and legal bucks. Not more than 1,750 permits shall be issued for each two-day hunting period, provided the total number of permits issued for both hunting periods does not exceed 3,000.

6234.0800 HUNTING BY FALCONRY.

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

Subp. 4. **Open season and hours for migratory game birds.** Woodcock, sora and Virginia rails, and common snipe; ducks; coots, and moorhens (gallinules) may be taken by falconry from September 1 to December 16. Ducks, coots, and moorhens (gallinules) may be taken by falconry from the Saturday nearest October 1 to the Saturday nearest January 14. Geese may be taken by falconry from the Saturday nearest October 1 to ~~December 16~~ the Friday nearest December 30. Crows may be taken by falconry during the open season. Falconry hours are from one-half hour before sunrise to sunset, except during the regular waterfowl season when falconry hours are the same as waterfowl shooting hours.

6240.0610 YOUTH WATERFOWL HUNTING DAY.

Ducks, geese, mergansers, coots, and moorhens may be taken statewide on September 19, 1998, by hunters age 15 or younger who are accompanied by an adult age 18 or over. The accompanying adult may not take waterfowl. No hunting license or waterfowl stamps are required. Shooting hours are one-half hour before sunrise to 4:00 p.m. The daily bag limit for ducks is six ducks, and may not include more than four mallards, of which not more than two may be female mallards; one pintail; two wood ducks; two redheads; one black duck; and one canvasback. The daily bag limit for mergansers is five, of which no more than one may be a hooded merganser. The daily bag limit for coots and moorhens is 15 in combination. The daily bag limit for geese is one, all species combined.

6240.0700 TAKING GEESE IN WEST CENTRAL GOOSE ZONE.

The West Central Goose Zone is the area lying within the following boundary:

Beginning at the intersection of State Trunk Highway (STH) 29 and U.S. Highway 212; thence West along U.S. Highway 212 to U.S. Highway 59; thence South along U.S. Highway 59 to STH 67; thence West along STH 67 to U.S. Highway 75; thence North along U.S. Highway 75 to County State Aid Highway (CSAH) 30, Lac qui Parle County; thence West along CSAH 30 ~~to County Road 70, Lac qui Parle County; thence West along County Road 70~~ to the west boundary of the state; thence North along the west boundary of the state to the point due south of the intersection of STH 7 and CSAH 7, Big Stone County; thence due North to said intersection; thence North along CSAH 7 to CSAH 6, Big Stone County; thence East along CSAH 6 to CSAH 21, Big Stone County; thence South along CSAH 21 to CSAH 10, Big Stone County; thence East along CSAH 10 to CSAH 22, Swift County; thence East along CSAH 22 to CSAH 5, Swift County; thence South along CSAH 5 to U.S. Highway 12; thence East along U.S. Highway 12 to CSAH 17, Swift County; thence South along CSAH 17 to CSAH 9, Chippewa County; thence South along CSAH 9 to STH 40; thence East along STH 40 to STH 29; thence South along STH 29 to the point of beginning.

6240.1200 SPECIAL PROVISIONS ON TAKING GEESE DURING EARLY SEASONS.

Subpart 1. **Taking near water.** Taking Canada geese during the early seasons is prohibited on or within 100 yards of all surface waters, except:

A. in the West Goose Zone, including the West-Central and Lac qui Parle Goose Zones, beginning the second Saturday in September; or

B. on those waters described or shown on a map provided by the commissioner.

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

6240.1600 TAKING GEESE IN ~~FOUR~~ FIVE GOOSE ZONE.

[For text of subs 1 and 2, see 22 SR 317]

Subp. 3. **Zone description.** The ~~Four~~ Five Goose Zone is described as follows:

~~That portion of the state lying west of Interstate Highway 35 (I-35) and south of I-94, except that area included in Those areas of the state not included in the Northwest Goose Zone described in part 6240.0860, the Twin Cities Metro Canada Goose Zone described in part 6240.1500, subpart 3, or the Two Goose Zone described in part 6240.1700, subpart 3.~~

[For text of subp 4, see M.R.]

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.

Withdrawn Rules

6240.1700 TAKING GEESE IN TWO GOOSE ZONE.

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

Subp. 3. **Zone description.** The Two Goose Zone is described as follows:

~~Beginning at the intersection of the southern border of the state and Interstate Highway 35 (I-35); thence north on I-35 to I-35W; thence north on I-35W to I-94; thence west on I-94 to the western boundary of the state; thence following the west, north, east, and south boundaries of the state to the point of beginning, excluding the Twin Cities Metro Canada Goose Zone as described in part 6240.1500, subpart 3; and excluding the Northwest Goose Zone as described in part 6240.0860. That part of the state lying east of Interstate Highway 35 and south of the Twin Cities Metro Canada Goose Zone as described in part 6240.1500, subpart 3.~~

6240.1850 GAME REFUGES OPEN TO THE TAKING OF GEESE.

The following refuges are open to the taking of geese, as specified:

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

B. The Fox Lake Game Refuge in Martin County and the Saint James Game Refuge in Watonwan County are open to goose hunting during the first three days of the regular goose season in the ~~remainder of the state as described in part 6240.1100~~ respective zones in which they are located. The Fox Lake Game Refuge is also open to goose hunting ~~for the last 14 days of the from the Saturday on or nearest November 20 to the end of the~~ regular goose season in the ~~remainder of the state as described in part 6240.1100~~ zone in which it is located, except there is no goose hunting within 100 yards of Fox and Temperence Lakes. The Mud-Bardwell Game Refuge in Martin County is open to Canada goose hunting from November 1 to the end of the regular goose season.

C. The Harstad Slough Waterfowl Refuge in Stevens County is open to Canada goose hunting during the early September goose season.

EFFECTIVE DATES. The emergency amendments to *Minnesota Rules*, parts 6230.0400, 6232.0900, 6234.0800, 6240.0700, 6240.1200, 6240.1600, 6240.1700, and 6240.1850 expire December 31, 1998. After the emergency amendments expire, the permanent rules as they read prior to those amendments again take effect, except as they may be amended by permanent rule. *Minnesota Rules*, part 6240.0610, expires December 31, 1998.

Withdrawn Rules

Board of Chiropractic Examiners

Notice of Withdrawal of Proposed Amendments to *Minnesota Statute 148.08*, Subdivision 3, Relating to a Planned Rule Governing Temporary Licensure

The proposed amendments to *Minnesota Statute 148.08*, Subdivision 3 as published on April 7, 1997 at 21 *State Register* 1429 are withdrawn.

Larry A. Spicer, D.C.
Executive Director

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 Children, Families and Learning

Notice of Request for Persons Interested in Rulemaking

The Commissioner for the Department of Children, Families and Learning is developing a list of all persons who are interested in receiving notice of rule proceedings in accordance with *Minnesota Statutes* 14.14, Subd. 1a. Persons currently on the rulemaking mailing list for the Board of Education will automatically be included in the Commissioner's list. If you are interested in registering with the Commissioner for this purpose, you may mail or FAX your name and address to: Mary Lynne McAlonie; 731 Capitol Square Building; 550 Cedar Street; Saint Paul, MN 55101 or FAX: (651) 282-6779.

Dated: 10 August 1998

Robert Wedl
Commissioner

Board of Chiropractic Examiners

Request for Comments on Planned Amendment to Rules Governing Dual Acupuncture Registration with the Board of Medical Practice, *Minnesota Rules*, 148.08

The Minnesota Board of Chiropractic Examiners (MBCE) requests comments on its planned amendment to rules governing dual acupuncture registration with the Board of Medical Practice. The MBCE is considering rule amendments regarding dual acupuncture registration for Doctors of Chiropractic wishing to perform acupuncture independent of their chiropractic license.

The amendment to the rules would likely affect licensed chiropractors with acupuncture registration, who wish to perform acupuncture without concurrent chiropractic care.

Minnesota Statutes, section 148.08, subdivision 3 authorizes the MBCE to adopt rules necessary to administer its legislative authority.

Interested persons or groups may submit comments or information on these planned rules in writing until 4:30 p.m. on October 19, 1998. The MBCE does not contemplate appointing an advisory committee to comment on the planned rules.

The MBCE does not anticipate that a draft of the rules amendments will be available before the publication of the proposed rules.

Written comments, questions, and requests for more information on these planned rules should be addressed to: Teri Longstrom, MBCE, 2829 University Avenue SE, Suite 300, Minneapolis, MN 55414, (612) 617-2222. TTY users may call the MBCE at 1-800-627-3529.

Upon request, this Request for Comments 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.

Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: 3 August 1998

Larry A. Spicer, D.C., Executive Director
MN Board of Chiropractic Examiners

Board of Chiropractic Examiners

Request for Comments on Planned Amendment to Rules Governing Fee Increases, *Minnesota Rules, 148.08*

The Minnesota Board of Chiropractic Examiners (MBCE) requests comments on its planned amendment to rules governing fee increases. The MBCE is considering rule amendments that are related to fee increases for the following:

- Licensure Examination;
- Graduate Preceptorship Program;
- License Renewal;
- License Renewal Penalty;
- Inactive Licensure;
- Reinstatement of Inactive License;
- Independent Examination Registration;
- Independent Examination Renewal;
- Acupuncture Registration;
- Acupuncture Registration Renewal;
- Individual Sponsorship of Continuing Education;
- Annual Sponsorship of Continuing Education;
- Letter of Good Standing;
- Computer Lists and Printed Labels; and
- Regional Computer Lists and Printed Labels.

The amendment to the rules would likely affect licensed chiropractors.

Minnesota Statutes, section 148.08, subdivision 3 authorizes the MBCE to adopt rules necessary to administer its legislative authority.

Interested persons or groups may submit comments or information on these planned rules in writing until 4:30 p.m. on October 19, 1998. The MBCE does not contemplate appointing an advisory committee to comment on the planned rules.

The MBCE does not anticipate that a draft of the rules amendments will be available before the publication of the proposed rules.

Written comments, questions, and requests for more information on these planned rules should be addressed to: Teri Longstrom, MBCE, 2829 University Avenue SE, Suite 300, Minneapolis, MN 55414, (612) 617-2222. TTY users may call the MBCE at 1-800-627-3529.

Upon request, this Request for Comments 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.

Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: 3 August 1998

Larry A. Spicer, D.C., Executive Director
MN Board of Chiropractic Examiners

Board of Chiropractic Examiners

Request for Comments on Planned Amendment to Rules Governing Modification of “Intern” to “Extern”, *Minnesota Rules, 148.08*

The Minnesota Board of Chiropractic Examiners (MBCE) requests comments on its planned amendment to rules governing the modification of “Intern” to “Extern”. The MBCE is considering rule amendments that would serve to clarify the designations of participants in the Graduate Preceptorship Program.

The amendment to the rules would likely affect licensed chiropractors and graduates wishing to participate in the Graduate Preceptorship Program.

Minnesota Statutes, section 148.08, subdivision 3 authorizes the MBCE to adopt rules necessary to administer its legislative authority.

Interested persons or groups may submit comments or information on these planned rules in writing until 4:30 p.m. on October 19, 1998. The MBCE does not contemplate appointing an advisory committee to comment on the planned rules.

The MBCE does not anticipate that a draft of the rules amendments will be available before the publication of the proposed rules.

Written comments, questions, and requests for more information on these planned rules should be addressed to: Teri Longstrom, MBCE, 2829 University Avenue SE, Suite 300, Minneapolis, MN 55414, (612) 617-2222. TTY users may call the MBCE at 1-800-627-3529.

Upon request, this Request for Comments 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.

Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: 3 August 1998

Larry A. Spicer, D.C., Executive Director
MN Board of Chiropractic Examiners

Board of Chiropractic Examiners

Request for Comments on Planned Repeal of Rules Governing Fees Related to Stipulation and Order, *Minnesota Rules, 148.08*

The Minnesota Board of Chiropractic Examiners (MBCE) requests comments on its planned repeal of rules governing fees related to Stipulation and Order. The MBCE is considering repealing its rules related to the charge for copies of Stipulation and Order.

The repeal of the rules would likely affect members of the public, or other consumers.

Minnesota Statutes, section 148.08, subdivision 3 authorizes the MBCE to adopt rules necessary to administer its legislative authority.

Interested persons or groups may submit comments or information on these planned rules in writing until 4:30 p.m. on October 19, 1998. The MBCE does not contemplate appointing an advisory committee to comment on the planned rules.

The MBCE does not anticipate that a draft of the rules repeal will be available before the publication of the proposed rules.

Written comments, questions, and requests for more information on these planned rules should be addressed to: Teri Longstrom, MBCE, 2829 University Avenue SE, Suite 300, Minneapolis, MN 55414, (612) 617-2222. TTY users may call the MBCE at 1-800-627-3529.

Upon request, this Request for Comments 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.

Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: 3 August 1998

Larry A. Spicer, D.C., Executive Director
MN Board of Chiropractic Examiners

Official Notices

Department of Revenue

Presumed Legal Cigarette Prices

The presumed prices for wholesaler and retailers as provided for by *Minnesota Statutes* 325D are shown in this schedule. The computations are based on manufacturer's list prices available as of August 4, 1998. All cigarettes in a wholesaler's or retailer's inventory must be priced to reflect the new presumed prices within 7 calendar days after the manufacturer's price change is reflected on a purchase invoice. A wholesaler or retailer may sell for less if they can show that their actual costs of doing business is lower than the presumed minimum.

	Presumed Minimum Wholesale Price Per Carton	Presumed Minimum Retail Price Per Carton	Presumed Minimum Retail Price Per Pack
Major Brands (Kings, Regulars 100's, 120's) Examples of major brands: Marlboro, Winston, Merits, Virginia Slims, Kools, Capri, Kent, Newport, Carlton	\$20.63	\$22.28	\$2.23
Players Lights 25's (Kings, 100's)	\$20.63	\$22.28	\$2.23
Marlboro 25's (Kings)	\$20.63	\$22.28	\$2.79
Old Gold, Richland 20's, Best Value, GPC'S, Basics, Mistys, Raliegh Extra, Viceroy, Doral, Riviera, Magna, Sterling, Cambridge, Am Light, Montclair, Pyramid, Bristol, Alpine, Bucks, Stars & Bars, Quality Lights, Class A, Black and Yellow (Kings, Regulars 100's, 120's)	\$17.81	\$19.23	\$1.92
Ligget Private Label (Kings, Regulars, 100's)	\$17.81	\$19.23	\$1.92

Department of Trade and Economic Development

Minnesota Agricultural and Economic Development Board

Notice of Public Hearing on Proposed Project and the Issuance of Bonds Under *Minnesota Statutes*, Chapter 41A 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 September 3, 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) south of 1811 Wier Drive 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: 4 August 1998

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

Paul Moe
Executive Director
Minnesota Agricultural and Economic Development Board

Department of Transportation

Office of Aeronautics

Request for Comments on Planned Amendment to Rules Governing Aeronautics, *Minnesota Rules*, chapter 8800

Subject of the Rule. The Minnesota Department of Transportation, Office of Aeronautics requests comments on its planned amendment to the rule governing air navigation obstructions, including the regulation of structure heights; the taxation of converted military aircraft; the licensing of airports, heliports, and seaplane bases; airport zoning standards; seaplane operations in the seven-county metropolitan area; commercial operations licensing; and flying clubs. The Department is considering rule amendments that would update the rules; bring them into compliance with *Minnesota Statutes*, make them more consistent with federal regulations; correct clerical errors; establish a new classification of recreational airport; eliminate the licensing of aircraft charter operations, air ambulance services, and commuter air carriers; as well as making the rule easier to read, to understand and apply.

Persons Affected. The amendment to the rule would affect persons licensed by the Minnesota Department of Transportation, Office of Aeronautics, as commercial operators and those persons holding airport licenses; seaplane operators; operators of recreational aircraft including ultralight vehicles; flying club members; aircraft owners; and all persons using the airports in Minnesota. The Office is considering forming an advisory committee to comment on the planned rule.

Statutory Authority. *Minnesota Statutes*, sections 360.015 subd 3, and 360.018 subd 1, authorizes the Commissioner to adopt rules governing the criteria for determining air navigation obstructions; airports; airmen; seaplane operations; commercial operations; and flying clubs. *Minnesota Statutes*, section 360.90 requires the commissioner to adopt rules for the regulation of structure heights; *Minnesota Statutes*, section 360.531 authorizes the commissioner to fix the base value for taxation purposes of converted military aircraft.

Agency Contact Person. Written comments, questions, and requests for more information on these planned rules should be addressed to: Larry Myking, Director, Aviation Operations Section, Mn/DOT-Office of Aeronautics, 222 E Plato Blvd., Saint Paul, MN 55107-1618. Phone, 651-296-8056, E-mail: larry.myking@aero.dot.state.mn.us.

Public Comment. Interested persons or groups may submit comments or information on this planned rule in writing or orally until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the planned rulemaking. Written or oral comments, questions, requests to receive a copy of the draft rule, when one is available, and requests for more information on this planned rule should be addressed to the agency contact person listed above. Comments submitted in response to this notice will not necessarily be included in the formal rulemaking record when a proceeding to adopt a rule is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed, and published in the *State Register*.

Official Notices

Alternative Format. Upon request, this Request for Comments 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.

Dated: 4 August 1998

Raymond J. Rought, Director
Office of Aeronautics

Department of Transportation

Request for Comments on Planned Amendments to Rules Governing Applications for Financial Assistance for Public Transit in Greater Minnesota

Subject of Rules. The Minnesota Department of Transportation, Office of Transit requests comments on its planned amendments to rules governing public transit in Greater Minnesota. The department is considering rule amendments to *Minnesota Rules*, chapter 8835, which governs applications for financial assistance for the public transit participation program under *Minnesota Statutes*, sections 174.21 to 174.24.

Chapter 8835 was adopted in 1984. Subsequent legislative changes and changes to the application process for financial assistance dictate the need for updating, clarifying, reorganizing and renumbering these rules. The purposes of this rulemaking are to:

- Clarify the contents of the application for financial assistance, including the management plan;
- Describe the term “public transit”;
- Describe allocation and evaluation criteria for financial assistance;
- Clarify terms, including passenger trips, mileage reimbursement and local share;
- Clarify the terms “total operating cost” and “unallowable expenses”;
- Describe capital costs, the criteria for evaluating capital requests, and the vehicle replacement or disposition policy;
- Provide for the handling of reserve accounts;
- Clarify procurement procedures;
- Update definitions;
- Repeal obsolete rule parts and subparts; and
- Renumber rule parts and subparts for ease of use.

Groups and Individuals Affected. These planned amendments to *Minnesota Rules*, Chapter 8835 are likely to affect current and future eligible recipients of financial assistance for public transit who are located outside the metropolitan area. *Minnesota Statutes*, section 174.24, subdivision 2 provides that a “public transit commission or authority, any county or statutory or home rule charter city providing financial assistance to or operating public transit, any private operator of public transit, or any combination thereof is eligible to receive financial assistance through the public transit participation program”.

Statutory Authority. *Minnesota Statutes*, section 174.23, subdivisions 2 and 7 require the commissioner to adopt rules for the procedures and standards for review and approval of applications for financial assistance, including defining “total operating cost” for purposes of the public transit participation program under section 174.24.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing or orally to the department until the department publishes a notice in the *State Register* that it intends to adopt rules.

Advisory Committee. The department intends to form an advisory committee to comment on the planned amendments to the public transit rules. Advisory meetings are public meetings. If you would like to be notified of their time and place, contact the agency contact person provided below.

Rule Drafts. The department has not yet prepared a draft of the planned amendments to these rules. A draft of the planned amendments will be available before the rules are published in the *State Register* along with the Notice of Intent to Adopt Rules.

Agency Contact Person. Please address written or oral comments, questions, or requests for information about the planned rule, or for a copy of the proposed rule when it is available to:

Maryanne Hruby
Office of Transit, Department of Transportation
Third Floor - Mail Stop 430
395 John Ireland Blvd.
St. Paul, MN 55155
(612) 296-0372
maryanne.hruby@dot.state.mn.us

Alternative Format. To ask that this *Request for Comments* be made available in an alternative format, such as large print, Braille or cassette tape, please contact the agency contact person provided above.

Note. Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is begun. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed and published in the *State Register*.

Dated: 10 August 1998

Donna Allan, Director
Office of Transit
Department of Transportation

State Grants & Loans

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

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

Department of Corrections

Notice of Availability of Funds to Establish and Operate Day Reporting Service Centers in Hennepin and Ramsey Counties

The Minnesota Department of Corrections, Community Services Division, announces the availability of funds for programs to establish and operate Day Reporting Service Centers in Hennepin and Ramsey Counties for offenders on release status from the Minnesota Department of Corrections adult correctional facilities.

Public human service agencies, community corrections agencies, for-profit organizations, or non-profit organizations are eligible to apply for these funds. The contract program will provide funding of \$150,000 for the six-month period January 1, 1999-June 30, 1999 in state fiscal year 1999. The amount of any contract may vary depending on number of clients and services provided.

There is no assurance of continued funding for following fiscal years.

The deadline for proposal submission is October 16, 1998, 4:30 p.m. To receive a copy of the request for proposal which describes in detail how to apply for this funding, contact Lynda Davis, Minnesota Department of Corrections, Community Services Division, 1450 Energy Park Drive, Suite 200, St. Paul, Minnesota 55108-5219. Telephone (651) 642-0235; TTY (651) 643-3589. To receive an electronic copy send an e-mail request to *ldavis@doc.state.mn.us*.

State Grants & Loans

Department of Health

AIDS/STD Prevention Services Section

Request for Proposals for HIV/STD Prevention Research/Evaluation Projects or Innovative Pilot Projects

Purpose

The Minnesota Department of Health (MDH) anticipates that funds will be available for a 24 month period (April 1, 1999 through March 31, 2001) for activities related to Human Immunodeficiency Virus (HIV) and Sexually Transmitted Disease (STD) within two program areas. The two program areas for which proposals are requested are:

- (1) Research or Evaluation Projects for HIV/STD Prevention
 - Research Projects are intended for the study of individual and/or environmental factors and health-related behaviors of persons at risk for acquiring or transmitting HIV or STD infection. The application of study results can be used to target prevention programs and develop specific and appropriate intervention and/or strategies in order to promote long-term behavior change and maintenance.
 - Evaluation Projects are intended to evaluate existing HIV and STD prevention programs.
- (2) Innovative Pilot Projects for HIV/STD Prevention
 - Projects are intended to stimulate the design and implementation of new interventions and/or strategies for the prevention of HIV and STDs that have not previously been tried or demonstrated to be effective.

Amount

The total amount available is up to \$239,684 (for a 24 month period). The respective funding amounts for the program areas are as follows:

- (1) Research or Evaluation Projects for HIV/STD Prevention up to \$119,842 (for a 24 month period)
- (2) Innovative Pilot Projects for HIV/STD Prevention up to \$119,842 (for a 24 month period) and maximum of \$7,500 per 12 month period per project.

Duration

The funding period is for 24 months, April 1, 1999 - March 31, 2001. Funded agencies may be eligible to apply for additional future funding. This continuation or expansion funding will be dependent upon the availability of state and/or federal HIV/STD prevention funds to the MDH and satisfactory performance during the first two years. This funding also may be available to agencies submitting qualifying proposals in this competitive process that do not receive an award from the MDH for awards made beginning April 1, 1999, nor are funded for the proposed project from any other source subsequent to this process.

Eligibility

Program Area 1, Research or Evaluation Projects for HIV/STD Prevention:

Any public or private agency (not-for-profit, 501-C3) that can demonstrate administrative, organizational, programmatic, and fiscal capability to plan, develop, implement, and assess the proposed project is eligible to submit a proposal. Organizations or individuals who are not registered as a 501-C3 and are interested in submitting a proposal are required to identify an eligible agency to be the applicant agency (sole fiscal agent), and collaborate with this agency to submit the proposal on their behalf.

Furthermore, for Evaluation Projects only, any public or private agency (not-for-profit, 501-C3) that can provide evidence of an evaluable HIV/STD prevention program that is currently funded and fully implemented, or that will be funded and fully implemented by April 1, 1999, is eligible.

Program Area 2, Innovative Pilot Projects for HIV/STD Prevention:

Any public or private agency (not-for-profit, 501-C3) that can demonstrate administrative, organizational, programmatic, and fiscal capability to plan, develop, implement, and assess the proposed project is eligible to submit a proposal. Organizations or individuals who are not registered as a 501-C3 and are interested in submitting a proposal are required to identify an eligible agency to be the applicant agency (sole fiscal agent), and collaborate with this agency to submit the proposal on their behalf.

Any public or private agency (not-for-profit, 501,C3) that can provide evidence of, or a plan for: a) ongoing input into the program development, implementation, and evaluation from the target populations(s); b) a minimum of 50% of current/expected clients are from the target populations(s) proposed to be reached; and c) a program and staff development plan for management, board, program staff, and program volunteers that builds sensitivity to and/or encourages representation from the target populations(s) proposed to be reached is eligible.

Procedure for Grant Application**Letters of Intent:**

Agencies intending to submit a proposal are required to submit a *Letter of Intent* by **4:00 p.m., Monday, September 14, 1998.**

Applicants are strongly encouraged to obtain the full Request for Proposals (RFP) packet to assist them in preparing a Letter of Intent. Letters of Intent should follow the format presented on the Letter of Intent Outline (see Attachment A of the RFP packet) and a separate Letter of Intent must be submitted for each program area for which a proposal will be written. Letters of Intent must have a legible postmark from the United States Postal Service, or legible pick-up or drop-off time from a private carrier with a date and time that precedes 4:00 p.m., Monday, September 14, 1998.

Only those agencies submitting a Letter of Intent are eligible to submit a proposal. Letters of Intent are used by the MDH to assist staff in planning the pre-proposal meeting and the proposal review meetings; they are not used as a screening tool. Therefore, all applicants who submit a Letter of Intent are eligible to submit a proposal. All applicants who submit a Letter of Intent should begin their work on a proposal as soon as possible after submitting their Letter of Intent. Applicants will not be contacted by MDH staff to discuss their Letter of Intent.

Proposals:

All agencies that can meet the eligibility criteria outlined above and submit a Letter of Intent by the deadline are eligible to submit a proposal. Agencies wishing to submit a proposal should request the RFP packet as soon as possible. To obtain the RFP packet, please contact Ms. Ruth Dauffenbach-Kotrba at (612) 623-5698. This packet includes important instructions, format, necessary forms, and the Minnesota Comprehensive HIV/STD Prevention Plan, Supplement 1997 - 1998. Proposals will be accepted if they address at least one of the two program areas described above. Applicants may apply for funding under more than one program area provided that a separate proposal is submitted for each program area.

Proposals will only be accepted if the applicant agency also is the fiscal agent. Only one fiscal agent is allowed per proposal.

Agencies are required to submit an original and 10 copies of the complete proposal that arrives at the MDH on or before **4:00 p.m., Friday, November 6, 1998**, or that has a legible postmark from the United States Postal Service, or a legible pick-up or drop-off time from a private carrier with a date and time that precedes 4:00 p.m. Friday, November 6, 1998.

All submissions are final. Proposals that are incomplete or are not received by the deadlines outlined above will not be considered.

Letters of Intent and complete proposals are to be submitted by the specified date and time to:

Peter Carr, M.P.H.
AIDS/STD Prevention Services Section
Minnesota Department of Health
717 Delaware Street S.E.
P.O. Box 9441
Minneapolis, Minnesota 55440-9441
(612) 623-5698

Questions regarding the application process and content of this RFP may *only* be directed to Mr. Peter Carr at (612) 623-5698.

Disclaimer

The MDH and Proposal Review Committees reserve the right to withhold the distribution of funds if proposals submitted do not meet the necessary criteria.

Department of Trade and Economic Development

Notice of Request for Proposals for the Taconite Mining Grant Program

Background

Minnesota Statutes 116J.992 mandates that the Commissioner of Trade and Economic Development establish a program to make grants to taconite mining companies to enable them to research technologies that

- (1) reduce energy consumption;
- (2) reduce environmental emissions;
- (3) improve productivity; or
- (4) improve pellet quality.

This grant program is open to the following taconite mining companies operating in Minnesota:

- National Steel Pellet Company
- Hibbing Taconite Company
- Minnesota Ore Operations of USS Group, USX Corporation
- Inland Steel Mining Co.
- EVTAC, Inc.
- LTV Steel Mining Company
- Northshore Mining Company

The Minnesota legislature appropriated \$650,000 during the 1997 legislative session to implement the program. These funds are a one time appropriation which is available until June 30, 1999. During the 1998 session, the Legislature allocated an additional \$500,000 which is available until expended. Therefore, a total of \$1,150,000 is available through this request for proposals.

Proposal Submission

This request for proposals does not obligate the state to issue a contract, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest. A full request for proposals is being sent directly to the seven eligible taconite mining companies. Others requesting information about the program may contact:

Mark Lofthus, Director
Office of Marketing and Business Development
Department of Trade and Economic Development
500 Metro Square, 121 E. 7th Place
St. Paul, MN 55101
Telephone: (651) 297-4567

Other state employees are not allowed to discuss this Request for Proposals with anyone including responders, before the proposal submission deadline.

All proposals must be received not later than 4:30 p.m. October 2, 1998. Late proposals will not be accepted.

Professional, Technical & Consulting Contracts

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

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

Department of Children, Families and Learning

Office of Community Services

Notice of Request for Proposal to Provide the Development and Implementation of a Long Range Design and Marketing Plan for the Coordinated School Health Program

The Department of Children, Families & Learning is soliciting proposals from qualified parties to provide the development and implementation of a long range design and marketing plan for Coordinated School Health Programs.

The Department of Children, Families & Learning has received funding from the Centers for Disease Control for the purpose of this project.

The goal of this project is to assist in the development and implementation of a long range design and marketing plan for Coordinated School Health Programs in Minnesota schools.

The Department has estimated that the cost of this project should not exceed \$100,000. The initial project period runs November 1, 1998 through November 30, 1999. With the agreement of both parties and continued funding, the contract may be extended through November 30, 2002.

For a complete copy of the Request for Proposal, please contact Joan Prueter at the Department of Children, and Learning, 234 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101-2273, telephone (651) 296-2870, FAX (651) 296-5224.

Completed proposals are due by 4:00pm on September 10, 1998.

In compliance with *Minnesota Statutes* 16C.07, the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state employee along with other responses to this Request for Proposal.

Office of Environmental Assistance

Notice of Availability of Request for Proposals to Analyze Alternatives and Recommend a System for the Storage, Handling and Transportation of Waste Paint

The Minnesota Office of Environmental Assistance (OEA) announces the availability of an RFP. The RFP, for up to \$35,000, involves a project manager to analyze the alternatives and recommend a system for the storage, handling and transportation of waste paint generated from large generators (approximately 22 gallons or more a month) - including but not limited to residential and commercial paint contractors and other paint generating businesses in Minnesota. The waste paint that this system will handle will be delivered to and processed by a recycling facility that plans on locating a facility in the Metropolitan area. The outcomes of the proposed collection/transportation system include: increasing the volume of paint recycled in Minnesota, creating jobs, and providing businesses with a paint management system that is cost effective, useable and efficient for all parties. For a copy of the complete RFP, please contact Linda Lindquist at the Minnesota Office of Environmental Assistance at 651.215.0210. No other OEA staff are authorized to discuss or distribute this RFP.

Proposals are due in the OEA no later than 4:00 p.m. Tuesday, September 8, 1998.

Professional, Technical & Consulting Contracts

Department of Natural Resources (DNR)

Trails and Waterways Unit

Request for Proposals (RFP) for a Feasibility Study for a Mississippi River Whitewater Park

The Minnesota Department of Natural Resources is requesting proposals from qualified firms and individuals to conduct a feasibility study for a proposed Whitewater Park on the Mississippi River at the Lower St. Anthony Falls in Minneapolis.

The goal of the study is to determine the feasibility of developing a Whitewater Park. The information will be used to evaluate the costs and benefits of the proposed project. The study will define a compelling mission, identify potential users and articulate the benefits of developing the Whitewater Park.

The intent of the study is to evaluate the feasibility of developing a whitewater park. The park would increase water recreation opportunities by providing a whitewater course for kayaking, canoeing, and rafting. The park will improve public access to the river for observation and fishing. It would also offer an opportunity to restore the natural resource qualities of the river and to upgrade the general environment for public enjoyment. The study will include analysis of potential impacts on the river, analysis of market and economic impacts, recommendations on site design and natural resource protection and enhancement, a plan for operation and maintenance, construction cost estimates and proposed funding alternatives. The study shall provide at least three scenarios with different proposed levels of development which utilize the site area to a different extent.

The project is located in Minneapolis, Minnesota (Hennepin County). The proposed area is on property mostly owned by the University of Minnesota. Northern States Power Company (NSP) owns the existing lower St. Anthony Falls Dam and the adjacent land. Some road right of way is owned by the Minnesota Department of Transportation and the City of Minneapolis. The site is adjacent to the U.S. Army Corps of Engineers Lower St. Anthony Falls Lock and Dam.

There is a large amount of existing information available about the site. The DNR and other stakeholders have committed to providing information.

Tasks Required For The Study:

1. Literature search and precedents
2. Stakeholders/public input process
3. Impacts analysis
 - A. Social impacts
 - B. Economic impacts/Market analysis
 - C. Environmental land and water impacts
 - D. Cultural and historical resources impacts
4. Design and engineering
 - A. Site design requirements
 - B. Engineering/hydraulics
 - C. Permits compliance, and approvals
5. Natural resource protection and enhancement
6. Education and interpretation
7. Public safety concerns
8. Management and operation of the park
9. Financial
10. Final report

This is a summary of the RFP. Prospective responders can obtain a complete RFP and have questions answered regarding this RFP by contacting:

Michael C. McDonough, Water Recreation Program Coordinator
Minnesota DNR - Trails and Waterways Unit
DNR Building - 500 Lafayette Road
St. Paul, Minnesota 55155-4052
(651) 297-2798 FAX (651) 297-5475 E-mail: Michael.McDonough@dnr.state.mn.us

All proposals must be sent to and received by Mr. McDonough no later than 4:00 p.m. on Wednesday, September 23, 1998.

Professional, Technical & Consulting Contracts

All final deliverables from this project will be submitted to Mr. McDonough by June 30, 1999.

The DNR has estimated that the cost of this project shall not exceed \$90,000 (ninety-thousand dollars).

In compliance with *Minnesota Statutes* 16B.167, the availability of this contracting opportunity is being offered to state employees. We will evaluate the response of any state employee along with other responses to this Request for Proposal.

Department of Natural Resources

Division of Parks and Recreation

Request for Proposals for Nerstrand Big Woods State Park Visitor Center Displays

The Minnesota Department of Natural Resources, Division of Parks and Recreation wishes to contract for the design modification, fabrication, and installation of interpretive exhibits for the Nerstrand Big Woods State Park Visitor Center built in 1994. The department wishes to contract for this service since an exhibit project of this size cannot be accomplished in-house.

This contract will provide the following services: Design and prepare art/objects from the exhibit plan previously developed to include the display, fabrication and installation of new Nerstrand Big Woods Visitor Center natural history exhibits in existing Visitor Center Building.

In compliance with *Minnesota Statutes* 16B.167, the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state employee along with other responses to this Request for Proposal.

To obtain a copy of the entire Request For Proposal, contact:

Elaine Feikema
Sakatah Lake State Park
Rt. 2, Box 19
Waterville, MN 56096
Phone: 507/362-4950
FAX: 507/362-4558
elaine.feikema@dnr.state.mn.us

Proposals are due at **4:00 p.m. September 11, 1998** at the above address. Late proposals will not be considered.

Office of the Revisor of Statutes

Request for Proposals for Financial Audit for Fiscal Year 1998

The Office of the Revisor of Statutes is requesting proposals to audit the financial statements of the Office for fiscal year 1998. The audits are to be performed by an independent certified public accounting firm licensed to do business in the State of Minnesota. A copy of the RFP can be obtained by contacting: Lorna Breiter, Acting Revisor, Office of the Revisor of Statutes, 700 State Office Building, 100 Constitution Avenue, St. Paul, MN 55155. (651) 296-2778.

Proposals must be received by the Office at the above address no later than 4:00 p.m., Friday, August 28, 1998.

Department of Transportation

Engineering Services Division

Notice of Availability of Contract for Toxicity Testing and Analytical Testing of Media

Notice of Availability of Contract for Highway Related Technical Activity. Responses to this advertisement become public information under the Freedom of Information Act. This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice, and the department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

Professional, Technical & Consulting Contracts

The Minnesota Department of Transportation (Mn/DOT) is soliciting expressions of interest and statements of qualifications for toxicity testing and analytical testing of media. These services will be used on an as-needed basis by Mn/DOT for toxicity testing, analytical testing, and bioaccumulation. This will be a statewide T-Contract Program wherein multiple firms will be under contract to perform work. Selected firms will receive work orders on a rotation basis as set forth in Mn/DOT policy. The term of this program is three years and is estimated at approximately \$1,000,000.

Requests for Proposals (RFP) is available by mail or fax. Please submit, in writing, a request for the RFP to provide toxicity testing and analytical testing of media. Requests must be received before 2:00 p.m., September 2, 1998. Requests made after that date must be in person. Request for the RFP may be mailed or faxed to:

Dawn D. Thompson, Associate Agreement Administrator
Consultant Services Unit
Transportation Building
Seventh Floor, Mail Stop 680
395 John Ireland Boulevard
St. Paul, MN 55155
FAX: (651) 282-5127

Note: PROPOSALS WILL BE DUE ON SEPTEMBER 9, 1998 BY 2:00 P.M.

Department of Transportation

Engineering Services Division

Notice of Solicitation of Expressions of Interest and Statements of Qualifications for Both Communication Services and Market Research Services

Notice of Availability of Contract for Transportation Related Technical Activity. Responses to this advertisement become public information under the Freedom of Information Act. This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice, and the department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

The Minnesota Department of Transportation (Mn/DOT) is soliciting expressions of interest and statements of qualifications for both Communication Services and Market Research Services.

The Communication Services Request for Proposal (RFP) is soliciting firms that provide the following services: Marketing, Advertising/Promotion, Public Relations, Media Buying, Mailing/Distribution, and Website Design/ Development.

The Market Research Services RFP is soliciting firms that provide Qualitative Market Research and Quantitative Market Research. Both programs will be a pre-qualified list of firms who will receive RFPs on a project or multiple project basis.

Request for Proposals (RFP) is available by mail or fax. **Please submit in writing, the specific RFP you are interested in receiving, the Communications RFP and/or the Market Research RFP.** Requests must be received before September 3, 1998 at 2:00 p.m. Requests made after that date must be in person.

Request for the RFPs may be mailed or faxed to:

Dawn D. Thompson, Associate Agreement Administrator
Minnesota Department of Transportation
Consultant Services Unit, Seventh Floor North, Mail Stop 680
395 John Ireland Boulevard
St. Paul, MN 55155
FAX: (651) 282-5127

Note: PROPOSALS WILL BE DUE ON THURSDAY, SEPTEMBER 10, 1998 AT 2:00 P.M.

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.

Metropolitan Council

Notice of Availability of Funds from the Metropolitan Livable Communities Act Tax Base Revitalization Account

Purpose: The Metropolitan Livable Communities Act (*Minnesota Statutes* Ch. 473.25) created a **Tax Base Revitalization Account** for the Metropolitan Council to make grants to clean up contaminated land for subsequent commercial/industrial redevelopment, job retention and job growth. Applications will be prioritized to the extent that they address the following: increase local tax base; create net gain in regional jobs; demonstrate market demand for proposed site; preserve and/or increase living wage jobs; promote compact development; provide living wage jobs; demonstrate public/private partnerships; and make more efficient use of current infrastructure capacity. This program is being coordinated with complementary programs at the MN Pollution Control Agency (MPCA) and MN Department of Trade and Economic Development (DTED).

Eligible Applicants: Statutory or home rule charter cities participating in the Metropolitan Livable Communities Housing Incentives Program are eligible to apply. Metropolitan counties (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington) and development authorities (e.g., Housing and Redevelopment Authority, Economic Development Authority or Port Authority) may apply for projects in eligible communities.

Submission Date: An original and two (2) copies of each application are due at the Metropolitan Council, Attn: Wayne Nelson, 230 E. Fifth St., St. Paul, MN 55101, by 5 p.m. November 2, 1998.

Amount Available: Approximately \$3 million will be available for grants awarded this cycle. Grants will be awarded on a competitive basis. If applications for grants exceed the available funds for this cycle, no more than one-half of the funds may be granted to projects in a single city, and no more than three-quarters of the funds may be granted to projects located in cities of the first class.

For More Information: For a copy of the grant application guide and format, contact Wayne Nelson, Metropolitan Council at 602-1406 or 291-0904 (TTY) or via e-mail wayne.nelson@metc.state.mn.us. The application form may be copied from the Metropolitan Council web site at www.metrocouncil.org under the topic "Planning".

Metropolitan Council

Invitation for Bid on Compaq Proliant Server and Accessories

Sealed bids will be received at the offices of the Metropolitan Council, Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota 55101, on August 31, 1998, at 3:00 P.M., at which time and place they will be publicly read, for the acquisition of Compaq Proliant Server Equipment and Accessories.

Copies of the specifications and bid instructions may be obtained from the offices of the Metropolitan Council or by calling 651-602-1499 or via Fax request at 651-602-1083. 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.

Non-State Public Bids, Contracts & Grants

Metropolitan Council

Invitation for Bid on Used (or New) Standby Power Generator

Sealed bids will be received at the offices of the Metropolitan Council, Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota 55101, on August 31, 1998, at 2:00 P.M., at which time and place they will be publicly read, for the acquisition of a used (or new) standby power generator.

Copies of the specifications and bid instructions may be obtained from the offices of the Metropolitan Council or by calling 651-602-1499 or via Fax request at 651-602-1083. 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.

Minnesota Historical Society

Request for Bids for Restoration of Carriage Barn, Ice House, and Gazebo LeDuc/Simmons House Hastings, Minnesota

The Minnesota Historical Society is seeking bids from qualified firms to provide all labor, materials, equipment, and supplies to complete the restoration of the Carriage Barn, Ice House, and Gazebo at the LeDuc/Simmons House in Hastings, Minnesota. Work will include stone foundation work on the carriage barn, lumber repairs to the barn, ice house, and gazebo, electrical upgrades and installations, and site work. All work will be in accordance with the Technical Specifications, Instructions to Bidders, Supplementary Conditions, General Conditions, the Contract, and the Request for Bids.

The Request for Bid is available by calling or writing Jenna Gruen, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone is (612) 297-5863 (jenna.gruen@mnhs.org).

All bids must be received by Jenna E. Gruen, Contracting Officer for the Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102 or an authorized agent no later than 2:00 p.m. Central Time, Tuesday September 8, 1998. A bid opening will be conducted at that time. Bids must be submitted in a sealed envelope with the project name clearly written on the envelope. A Bid Bond must be included in the amount of 5% of the total base bid if the total base bid is over \$50,000. Late bids will not be considered.

Authorized agents for receipt of bids are the following: Jenna E. Gruen, Contracting Officer or any Work Service Center staff member in the Finance and Administration Division on the 4th floor of the History Center. Bids may not be delivered to the information desk, to the guard or to any location other than as specified above.

There will be a MANDATORY pre-bid meeting for all interested parties on August 26, 1998 at 10:00 a.m. at the site. The site is located in the City of Hastings right off highway 61 at the corner of highway 61 and East 17th Street.

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

Minnesota Historical Society

Request for Proposals for Contract Writer for Revision of MHS History Curriculum, *Northern Lights*

The Minnesota Historical Society seeks a contract Writer for a revision of its successful *Northern Lights* Minnesota history curriculum, used by sixth-grade students across the state. Originally published in 1989, the first edition consisted of two volumes: *The Story of Minnesota's Past*, a narrative of the state's history, and *Going to the Sources*, a history activity book. The revision will retain the popular narrative style and the historical-research activities, but will combine these two components into one volume. The Writer will work on contract with the Society to revise the narrative using a revision plan developed in conjunction with the Society. MHS will provide original research files from the first edition and the services of a part-time researcher who will conduct additional research as necessary and under the guidance of the Writer. The duration of the writing is expected to take from twelve to eighteen months, depending on the extent of revisions required of each chapter. The Writer will be working under the supervision of the Education Publications Manager.

The Request for Proposal is available by calling or writing Jenna Gruen, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone is (612) 297-5863 (jenna.gruen@mnhs.org).

All proposals must be received by Jenna E. Gruen, Contracting Officer, or an authorized agent, at the Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102 by the closing time for receipt of proposals, which is Thursday, September 3, 1998 at 2:00 p.m. Late proposals will not be considered.

Authorized agents for receipt of bids are the following: Jenna E. Gruen, Contracting Officer or any Work Service Center staff member in the Finance and Administration Division on the 4th floor of the History Center. Bids may not be delivered to the information desk, to the guard or to any location or individual other than as specified above.

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

University of Minnesota

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

The University of Minnesota offers 24 hour/day, 7 day/week access to all 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.