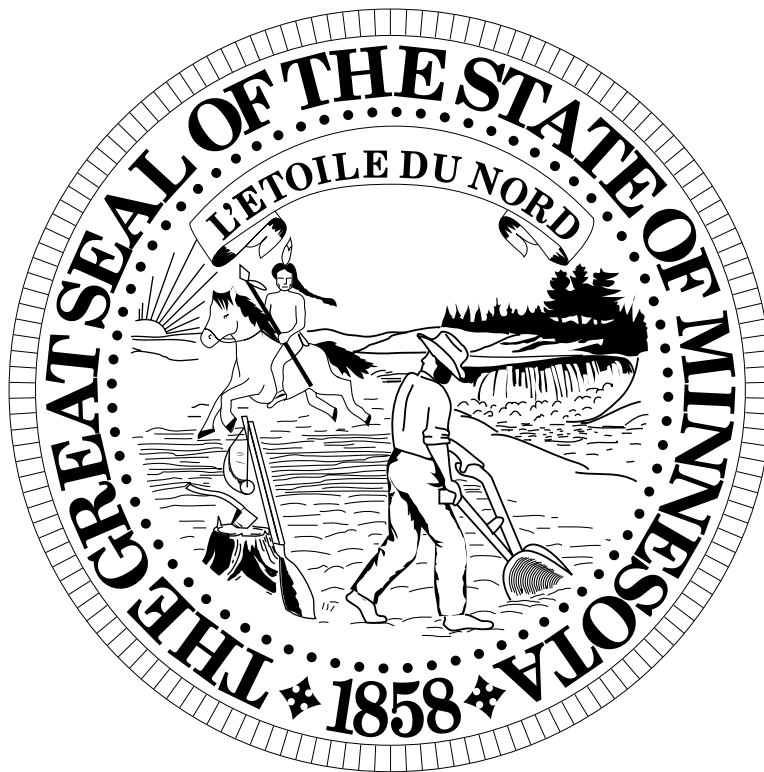


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State Register

Rules and Official Notices Edition



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State Register

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

The *State Register* is the official publication of the State of Minnesota, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes* § 14.46. The *State Register* contains:

- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
- certificates of assumed name, registration of insignia and marks

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#26	Monday 27 December	Noon Wednesday 15 December	Noon Tuesday 21 December
#27	Monday 3 January 2000	Noon Wednesday 22 December	Noon Tuesday 28 December
#28	Monday 10 January 2000	Noon Wednesday 29 December	Noon Tuesday 4 January 2000
#29	TUESDAY 18 JANUARY 2000	NOON WEDNESDAY 5 JANUARY	NOON TUESDAY 11 JANUARY 2000

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Room 175 State Office Building, St. Paul, MN 55155

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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 issue 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*.

Higher Education Services Office

Proposed Permanent Rules Relating to Licensure of Private Career Schools

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

Proposed amendment to the rules governing private career schools, *Minnesota Rules*, 4880.1500-4880.2800.

Introduction: The Minnesota Higher Education Services Office (MHESO) intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, section 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on January 31, 2000, a public hearing will be held in Veterans Conference Room B (located on the fifth floor of the Veterans Building on 20 West 12th Street, St. Paul, Minnesota, 55155) starting at 9:00 AM on February 16, 2000. You should contact the agency contact person after January 31, 2000 and before February 16, 2000 to find out whether the rules will be adopted without a hearing or if the hearing will be held.

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:

Paul F. Thomas
Minnesota Higher Education Services Office
1450 Energy Park Drive, Suite 350
St. Paul, MN 55108-5227
Phone: 651-642-0585
Fax: 651-642-0675

TTY users may call the Minnesota Relay Service at 1-800-627-3529 and request assistance in contacting the MHESO.

Subject of Rules and Statutory Authority: The proposed amendment to the rules relating to the licensure of private career schools pertains to the following major issues: establishing categories of Chapter 141 schools, scheduling fees and fines, and the use

of the terms "college" or "university" in a school's name. Section 4880.1700, Subp. 5, pertaining to license application fees is repealed because of the proposed schedule of fees, section 4880.2600. The statutory authority to adopt the rules is *Minnesota Statutes*, section 136A.01, Subd. 2 (8). A copy of the proposed amendment to the rules is published in the State Register and is attached to this notice as mailed.

Comments: You have until 4:30 p.m. on January 31, 2000 to submit written comment(s) in support of or in opposition to the proposed amendment to the rules including any part or subpart of the rules. Your comment(s) must be in writing and received by the agency contact person by the specified due date. Your comment(s) should identify the portion of the proposed amendment to the rules addressed, the reason for the comment(s) and any proposed change(s) is encouraged. Any comment that you would like to make on the legality of the proposed amendment to the rules must also be made during this comment period.

Request for a Hearing: In addition to submitting written comment(s) on the proposed amendment to the rules, you may request a hearing to be held. 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 January 31, 2000. Your written request for a public hearing must include your name and address. You must either identify the portion of the proposed amendment to the rules that you object to, or state that you oppose the entire set of proposed amendment to the rules in your written request for a public hearing. Any request that does not comply with these requirements is considered invalid and will not be counted by the agency for determination of whether a public hearing must occur. In addition, you are encouraged to include your reason for the request and any changes you want made to the proposed amendment to the rules.

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

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

Modifications: The proposed amendment to the rules may be modified either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by the data and the views submitted to the agency or presented at the hearing. The adopted amendment to the rules may not be substantially different from the proposed amendment to the rules.

Notice of Hearing: If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time specified in the Introduction section above. The hearing will conclude only after the Administrative Law Judge has heard from all interested persons. Administrative Law Judge Beverly Jones Heydinger is assigned to conduct the hearing. Judge Heydinger may be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, by telephone at 612-341-7606, and by fax at 612-349-2665.

Cancellation of Hearing: The hearing scheduled for February 16, 2000 will be canceled if the agency does not receive requests that a hearing be held on the rules from 25 or more persons. The agency will notify you before the scheduled hearing whether or not the hearing will be held if you requested a public hearing. You may also call the agency contact person after January 31, 2000 to find out whether the hearing will be held.

Hearing Procedure: All interested or affected persons, including representatives of schools, associations or other interested group, will have an opportunity to participate in the hearing if it is held. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed amendment to the rules. Also, written materials may be submitted to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended if ordered by the Administrative Law Judge, but is not to exceed 20 calendar days. There is a five working day response period during which the agency and any interested person may respond in writing to any new information submitted following the comment period. No additional evidence may be submitted during the five working day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by

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Minnesota Rules, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. All questions regarding procedure should be directed to the Administrative Law Judge.

The agency requests that any person submitting written views, opinions, or relevant data to the Administrative Law Judge prior to the hearing, during the comment period, or during the response period also submit a copy of the written views or data to the agency contact person at the address provided in the above Agency Contact Person section.

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

Lobbyist Registration: *Minnesota Statutes*, Chapter 10A, requires each lobbyist to register with the Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, by phone at 651-296-5148 or 1-800-657-3889.

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

Adoption Procedure if No Hearing: If a hearing is not required, then the agency may adopt the rules after the end of the comment period. The rules and supporting documentation will then be submitted to the Office of Administrative Hearings for review of legality. You may ask to be notified of the date the adopted amendment to the rules are submitted to the office. Submit a request to the agency contact person listed above if you want to be notified, want to receive a copy of the adopted amendment to the rules, or want to register with the agency to receive notice of future rule proceedings.

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

Dated: 14 December 1999

Robert K. Poch, Director
Minnesota Higher Education Services Office

4880.1500 SCOPE.

Parts 4880.1500 to ~~4880.2400~~ 4880.2800 govern licensing of private ~~business, trade, and correspondence~~ career schools.

4880.1700 APPLICATION FOR LICENSURE.

Subpart 1. **Name of school.** The title or name of the school as it appears on the application for licensure ~~shall~~ must be used in all advertising, catalogs, brochures, contracts, letterheads, electronic display, and any other written materials or oral ~~references~~ presentations made in Minnesota by school representatives.

Subp. 2. **Schools at more than one location.** Schools offering programs at more than one location must provide all information required under Minnesota Statutes, section 141.25, subdivision 3, for each school location, on forms provided by the office. If this information is the same for each location, the school ~~shall~~ must clearly indicate that on the forms.

Subp. 3. **Instructor and program administrator qualifications.** The school must provide the office with each instructor's name and academic degrees earned ~~or~~, applicable education and experience as specified in part 4880.1900, and ~~must also indicate which~~ courses each instructor teaches.

Subp. 4. **Program.** A program is a course or a grouping of courses that is advertised or listed in the school's catalog, brochures, electronic display, or other publications, or for which the school grants a degree, diploma, or certificate. A program is the same as a "course of instruction." For each program, the school ~~shall~~ must provide the following information:

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

F. curriculum required to complete the program, including:

- (1) outline of each course and its objectives, subjects, and units ~~in the course~~;
- (2) type of work or skill to be learned; and
- (3) approximate time, hours, or credits to be spent on each subject or unit;

G. employment opportunities for graduates;

H. physical resources ~~needed, including equipment currently available~~ that will be provided by the school;

I. ~~physical resources that students need to provide for themselves;~~

~~J. information services needed that will be provided by the school;~~

~~K. academic and administrative mechanisms for monitoring the quality of the program; and~~

~~L. documentation of availability, location, and supervision of clinical, internship, practicum, or externship sites, if applicable.~~

Subp. 5. [See repealer.]

Subp. 6. **Changes after issuance of license.** If a change occurs in any of the information required by *Minnesota Statutes*, section 141.25, subdivision 3, during the licensure year, the school ~~shall~~ must inform the office within 30 days of the change.

Subp. 7. **Change of ownership.** Within 30 days of a change in ownership or control, a school must submit a licensure renewal application with the appropriate fee to the office.

Subp. 8. **New program.** Prior to implementation of a new program, a school ~~shall~~ must submit the information required under subpart 4 to the office. The office ~~shall~~ must notify the school no later than 60 days after receipt of the required information whether the proposed new program meets the standards specified in *Minnesota Statutes*, section 141.25, subdivision 7, clause ~~(e)~~ (3), and whether the proposed new program can be added to the list of programs offered by the school.

4880.1800 STANDARDS FOR SCHOOL FACILITIES AND STUDENT HOUSING.

Subpart 1. **Sanitation and safety.** The premises and conditions under which students work and study and the living quarters that are owned or approved for student housing by a school ~~shall~~ must meet the sanitation and safety requirements of all local and state regulating agencies.

Subp. 2. **Inspection reports.** Copies of inspection reports by the local fire department; ~~or the state fire marshal, or Minnesota Industrial Commission shall, if furnished to the school,~~ must be filed with the office.

Subp. 3. **Clinical, internship, practicum, or externship sites.** The school ~~shall~~ must obtain sites for students to complete clinical, internship, practicum, or externship ~~requirements~~ activities if ~~required by the educational program~~ requires it.

Subp. 4. **Library and information services.** The school ~~shall~~ must furnish library resources and information services to support the educational programs it offers.

4880.1900 STANDARDS FOR INSTRUCTORS.

All instructors ~~shall~~ must have:

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

4880.2100 CONTENTS OF CATALOG ~~OR, BROCHURE, OR ELECTRONIC DISPLAY.~~

Subpart 1. **Refund policy.** The catalog ~~or~~ brochures, or electronic display of a school must state the refund policy that includes the requirements in *Minnesota Statutes*, section 141.271.

Subp. 2. **Clinical, internship, practicum, or externship sites.** The school must ~~publish in its catalog or brochures the most current locations of the~~ have available for review, by students and prospective students, a list of its current clinical, internship, practicum, or externship sites for programs that require this experience for completion of a program.

Subp. 3. **Supplementary pages information.** If supplementary information is added to printed medium, additional pages ~~are used, they~~ must be included as part of the catalog or brochures. The supplementary page or pages ~~shall~~ must be clearly identified as affecting Minnesota students. If information on supplementary pages contradicts the catalog or brochures, it ~~shall~~ must clearly indicate on these pages that the supplementary information supersedes information contained elsewhere in the catalog or brochures. Schools using electronic display must clearly indicate the changes that have occurred since the most recent update of the display and indicate the date the changes occurred.

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Subp. 4. **Submitting changes.** If a school proposes to change information required by *Minnesota Statutes*, section 141.25, subdivision 9, that is contained in the school catalog ~~or~~, brochures, or electronic display during the license year, the school must submit the revised catalog ~~or~~, brochures, or electronic display to the office for review and approval prior to distribution to students or prospective students. ~~No later than 30 days after receipt of the submitted materials, the office shall notify the school whether the changes are approved. The office must notify the school, to let the school know whether the changes have been approved, no later than 30 days after receipt of the submitted materials.~~

4880.2200 PLACEMENT.

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

Subp. 2. **Report.** A certified copy of the school's placement record of students who graduated in the year prior to the year for which the license is to be issued ~~shall~~ must be filed with the office with the licensure renewal application. In addition to the information specified in *Minnesota Statutes*, section 141.25, subdivision 10, the report must include the complete mailing address of each graduate's place of employment.

4880.2300 SOLICITORS.

A school ~~shall~~ must not authorize a solicitor to engage in sales activities until the solicitor provides evidence of a solicitor's permit. A person obtaining a solicitor's permit ~~shall~~ must be referred to orally and in writing as a "solicitor" or "representative." A school must not refer to a solicitor as a "counselor" or "registrar." A school may file a blanket surety bond to cover all of its solicitors instead of the solicitor's bond specified in *Minnesota Statutes*, section 141.26, subdivision 3, provided the amount of the blanket bond is not less than the amount specified in *Minnesota Statutes*, section 141.26, multiplied by the number of solicitors employed by the school.

4880.2400 LICENSURE REQUIREMENTS FOR AVOCATIONAL SCHOOLS.

A school that promises, makes reference to, or advertises preparation for gainful employment upon completion of one of its programs shall not be considered as engaged exclusively in the teaching of purely avocational or recreational subjects under *Minnesota Statutes*, section 141.35, clause (j), and shall be subject to licensure under parts 4880.1500 to ~~4880.2400~~ 4880.2800.

4880.2500 CATEGORIES OF CHAPTER 141 SCHOOLS.

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

A. "Examination" means an examination administered by a national or state testing body, the state of Minnesota, or the federal government for licensure or other certification in a profession or occupation.

B. "Graduate" means an individual who has received a degree, diploma, or certificate for completion of a program during the most recent 12-month period that ended June 30 for which data are available.

C. "Passing rate" means the number of the school's graduates who passed the examination, as reported by the testing agency, as a percent of the number of the school's graduates who took the examination during the most recent 12-month period ending June 30 for which data are available.

D. "Placement" means a graduate who, within 12 months after graduation, has obtained a paid position of employment and the position is in an occupation related to the educational program, as reported by the graduate, the graduate's parent or guardian, spouse or domestic partner, adult sibling, employer, or instructional staff at the school.

E. "Placement rate" means the number of graduates in a cohort who obtained employment related to their education program as a percent of the total number of graduates in the cohort. For purposes of this item, a "cohort" is a class or group of students of the school that graduate in the same year.

F. "Program" means a vocational or professional program preparing students for an occupation which requires licensure or other certification by examination for entry into the occupation in Minnesota and completion of the program is required for admission to the examination.

Subp. 2. Categories of schools. Schools licensed under *Minnesota Statutes*, chapter 141, must qualify under one of the three following categories of schools:

A. A category A school must, for reporting purposes, satisfy all of the licensure requirements under parts 4880.1500 to 4880.2800 and *Minnesota Statutes*, chapter 141.

B. A category B school must, for reporting purposes, satisfy all of the licensure requirements under parts 4880.1500 to 4880.2800, *Minnesota Statutes*, chapter 141, and meet all of the following conditions:

(1) the school must offer at least one program for which a degree is granted to those who successfully complete the prescribed curriculum. A majority of the school's graduates must be graduates of its degree programs or programs where each course within that program is acceptable for full credit toward one of the degrees offered by the school;

(2) the school must verify that it has achieved full institutional reaccreditation with an accreditation agency recognized by the United States Department of Education; and

(3) the school must provide evidence that there has been no determination of limitation, suspension, or termination by the United States Department of Education within the past five years.

C. A category C school must, for reporting purposes, satisfy all of the licensure requirements under parts 4880.1500 to 4880.2800, *Minnesota Statutes*, chapter 141, and meet all of the following applicable performance indicators:

(1) the school must verify that it has achieved full institutional reaccreditation with an accreditation agency recognized by the United States Department of Education;

(2) the school must have a cohort default rate equal to or less than an average of 15 percent for the previous three consecutive years, as calculated by the United States Department of Education;

(3) the passing rate of the school's graduates on licensure or other certification examinations must be equal to or greater than 85 percent of the national or state passing rate, based on a minimum of ten graduates sitting for the examination in any one year;

(4) the school must have a placement rate equal to or greater than 70 percent, based on a minimum of ten graduates from the school in any one year;

(5) the school's withdrawal rate for the three most recent consecutive years, as established by the *Code of Federal Regulations*, title 34, section 668.16, paragraph (1), must not exceed 33 percent;

(6) the school must receive a satisfactory audit by the office for the three most recent consecutive years. The school must provide evidence that it has adhered to:

(a) the refund policy as specified in *Minnesota Statutes*, section 141.271, or that any discrepancies noted by each audit report have been corrected within 90 days of issuance of the report to the school; and

(b) the requirement for student records pursuant to *Minnesota Statutes*, chapter 141, including acceptable academic transcripts and student financial account records, or that any discrepancies noted in an audit report have been corrected within 90 days of issuance of the report to the school;

(7) the school must provide evidence that there has been no determination of limitation, suspension, or termination by the United States Department of Education during the past five years; and

(8) the school must verify annually there have been no unresolved student complaints related to *Minnesota Statutes*, chapter 141, or its attendant rules during the preceding 12 months immediately prior to the relicensure notification from the office.

Subp. 3. **Relicensure report.** Schools that meet the requirements of subpart 2, item A, are required to submit a full licensure report every year. Schools that meet the requirements of subpart 2, items B and C, are required to submit a full relicensure report once every four years and in the interim years will be exempt from the requirements of parts 4880.1700, subpart 6, and 4880.2100, subpart 4; and *Minnesota Statutes*, section 141.25, subdivision 3, clauses (4), (5), and (8).

4880.2600 SCHEDULE OF FEES.

Subpart 1. **Scope.** The following fees are applicable to schools regulated under *Minnesota Statutes*, chapter 141. A school is required to submit the amount specified in this part with each completed application.

When evaluation team members are selected, the school will be notified of the amount due. The amount must be received by the office before the team visits the school. When all other requirements for a license are met, the school will be billed for any additional evaluation team costs, if any are applicable.

A license or permit shall be granted only after receipt of all applicable fees. These fees are not refundable.

Subp. 2. **Application forms.** The fee for the application form is \$25.

Subp. 3. **Initial licensure fees.**

A. The office fee for processing licensure application is:

(1) \$1,000 for a school that will offer no more than one program its first year; or

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(2) \$2,000 for a school that will offer more than one program its first year.

B. Evaluation team fees, if applicable, must be paid in advance of team visit and are:

(1) \$300 for the team base fee; and

(2) \$300 for each day or part thereof on site per team member.

Subp. 4. Relicensure fees.

A. For a school that offers one program, the relicensure fee is:

(1) \$750 for a category A school; and

(2) \$375 for a category B or C school.

B. For a school that offers more than one program, the relicensure fee is:

(1) \$1,000 for a category A school; and

(2) \$500 for a category B or C school.

Subp. 5. Specific-purpose fees for licensed schools. At the office's discretion, a fact-finding visit may be directed to review proposed changes and additions. The fees related to these visits are as follows:

A. The office processing fee for adding degree levels to approved programs is \$2,000.

B. The office processing fee for the addition of a program that represents a significant departure in the objectives, content, or method of delivery of programs currently offered is \$500.

C. The evaluation team fee for items A and B must be paid in advance and is:

(1) \$300 for the team base fee; and

(2) \$300 for each day or part thereof on site per team member.

D. The fee for a modification of an existing program is \$100. This fee is due if there is:

(1) a substantial increase or decrease of 25 percent or more, from the original date of program approval, in clock hours, credit hours, or calendar length of an existing program;

(2) a change in academic measurement from clock hours to credit hours or vice versa; or

(3) addition or alteration of courses that represent a significant departure in the objectives, content, or methods of delivery.

Subp. 6. Solicitor permit. The solicitor permit fee is \$250 and must be paid annually.

Subp. 7. Miscellaneous fees. The following miscellaneous fees are as follows:

A. a student transcript request from a closed school is \$10, with a maximum of five transcripts per request; and

B. the cost for copying documents is:

(1) 25 cents a copy, plus shipping and handling for fewer than ten copies; and

(2) ten cents a copy, plus shipping and handling for ten or more copies.

4880.2700 SCHEDULE OF FINES.

Subpart 1. Penalties.

A. The office may assess any entity, which violates any provision of Minnesota Statutes, chapter 141, an administrative penalty in an amount not to exceed \$500 for each day for each violation. For purposes of this part, an "entity" is any natural person, board, partnership, association, corporation, or other entity, however organized.

B. The office must inform the entity of the alleged violation by certified mail, return receipt requested, prior to assessing an administrative penalty. This letter must specify the alleged violation, the steps that must be taken to correct the violation, the penalty that will be assessed if the violation is not corrected, and the time frame in which the corrections must occur.

C. If the entity does not respond to the office and make the required corrections in the specified time frame, the office will send a second certified letter, return receipt requested, and assess the penalty.

Subp. 2. Procedure. The total amount of an administrative penalty that is assessed must be specified in the second letter and calculated according to this subpart.

A. The number of days that an entity is in violation is the difference between the day on which the entity is notified, by receipt of certified letter, of its failure to correct the violation and the day on which the office notifies the entity that the violation has been corrected.

B. The total amount of an administrative penalty is the product of the number of days that an entity is in violation multiplied by the dollar amount per day penalty.

C. The office may assess an administrative penalty for each violation according to these procedures whenever one or more violations exists. Payment of the administrative penalty shall be due no later than seven business days after the receipt of the certified letter containing notice of assessment. The total amount of an administrative penalty shall be calculated on the number of days that the entity is in violation notwithstanding any appeals initiated by the entity. Failure to pay an administrative penalty within 30 days of its due date shall result in revocation of the license of the entity or denial of a license to an applicant.

Subp. 3. **Penalty amounts.** The office shall, for the purposes of determining and assessing an administrative penalty, use the following classifications:

A. Class 1 violation, \$500 per day:

- (1) entity operating without a license;
- (2) previously licensed school operating after expiration date of license;
- (3) previously licensed school operating multiple locations without authorization; or
- (4) previously licensed school operating without an adequate surety bond.

B. Class 2 violation by an existing school, \$250 per day:

- (1) failure to adhere to the refund policy stated in Minnesota Statutes, section 141.271, as noted in an annual office audit report;
- (2) failure to maintain student academic and financial aid record requirements as noted in an annual office audit report;
- (3) false statement about a material fact in application for initial or renewal license;
- (4) failure to file annual financial report within 120 days of the end of the institution's fiscal year unless such filing is not within the control of the institution; or
- (5) failure to file new or renewal solicitor's permit application and to pay applicable fee.

C. The assessment of an administrative penalty does not preclude the office from also revoking a school's license or denying a license to an applicant.

4880.2800 USE OF TERMS "COLLEGE" AND "UNIVERSITY"; AUTHORIZATION.

Subpart 1. **Affected schools.** Private career schools organized or created after November 15, 1969, not exempted according to Minnesota Statutes, section 141.28, subdivision 2, which desire to use the term "college" or "university" as part of the school name must apply to the office for authorization. Application forms will be provided by the office upon request.

Subp. 2. **Minimum requirements.** Schools must satisfy the following minimum requirements:

A. Private career schools desiring to use the term "college" as part of their business name or any other designation must:

- (1) be authorized to offer at least one program for which a degree is granted; and
- (2) be fully reaccredited for all degrees offered by a higher education accreditation agency that accredits degree-granting schools, and which is recognized by the United States Department of Education.

B. Private career schools desiring to use the term "university" as part of their business name or any other designation must:

- (1) be authorized to offer more than one program for which a baccalaureate degree is granted, and at least one graduate or professional degree; and
- (2) be fully reaccredited by a higher education accreditation agency that accredits degree-granting schools, and which is recognized by the United States Department of Education.

Subp. 3. **Out-of-state schools.** An out-of-state school which now uses the term "college" or "university" as part of its business name or any other designation in another state, which is authorized by the office to operate as a school in Minnesota, and which desires to use the term "college" or "university" as part of its business name or any other designation while operating in Minnesota, must satisfy the minimum requirements of subpart 2.

REPEALER. Minnesota Rules, part 4880.1700, subpart 5, is repealed.

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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.

Capitol Area Architectural and Planning Board

Adopted Permanent Rules Governing Capitol Area Zoning and Design

The rules proposed and published at *State Register*, Volume 23, Number 51, pages 2320-2358, June 21, 1999 (23 SR 2320), are adopted with the following modifications:

2400.0010 DEFINITIONS.

Subp. 2. **Accessory use.** "Accessory use" has the meaning given in part 2400.0160. means a use which is incidental to, customarily found in connection with, and, except in the case of off-street parking spaces and loading, located on the same zoning lot as the principal use to which it is related. Generally, an accessory use occupies less square footage than the principal use.

Among those specific uses that meet the definition of accessory use are:

A. residential accommodations for servants or caretakers;

B. a newsstand primarily for the convenience of the occupants of a building which is located wholly within the building and has no exterior signs or displays;

C. domestic storage in a shed, tool room, or similar accessory building no larger than 35 percent of the rear yard;

D. storage within a fully enclosed building of merchandise normally carried in stock in connection with a business or industrial use, unless storage is excluded for the appropriate districts;

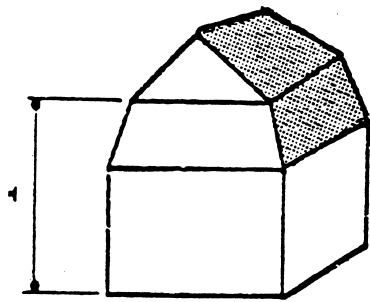
E. off-street parking spaces, open or enclosed, subject to the off-street parking rules for the district in which the zoning lot is located;

F. air conditioning condensers; and

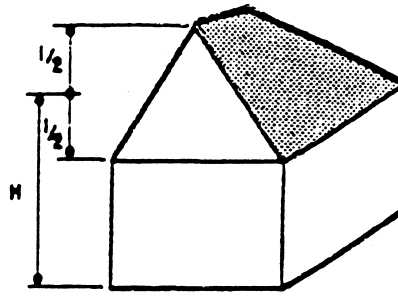
G. accessory apartments or additional dwelling units in or added to an existing one-family detached dwelling for use as a complete, independent living facility with provisions for cooking, eating, and sleeping.

Subp. 2a. **Adult uses.** "Adult uses" means those uses that are not open to the general public but exclude members of the public by means of age and in which there is an emphasis on the presentation, display, depiction, or description of specific sexual activities or specific anatomical areas. Among adult uses include, but are not limited to, are adult bookstores, adult motion or mini-motion picture theaters, adult massage parlors, adult saunas, adult health clubs, cabarets, and other similar uses.

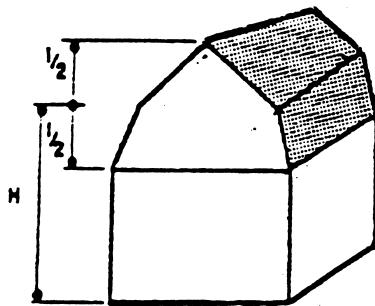
Subp. 9. **Building height.** The height of a building is the distance measured from the mean grade of the sidewalk or a given grade elevation to the highest point of parapet coping for flat roofs, to the deck line of mansard roofs, to the average height between eaves and ridge of the highest gable for pitched or hipped roofs, or to the highest point of any equipment mounted on the building, with the exception of antennas, towers, and flagpoles.



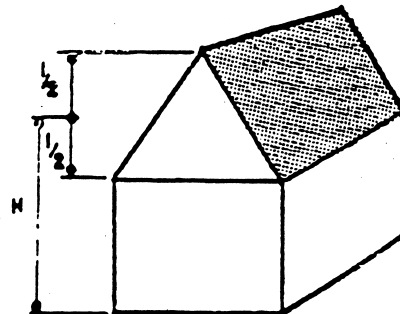
MANSARD ROOF



HIP ROOF



GAMBREL ROOF



GABLE ROOF

H = HEIGHT OF BUILDING

Subp. 13a. **Conditional use.** “Conditional use” ~~has the meaning given in part 2400.0160.~~ means a land use or development as defined by this chapter that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that (1) certain conditions as detailed in this chapter exist, and (2) the use or development conforms to the comprehensive land use plan of the board, and is compatible with the existing neighborhood.

Subp. 27. **Floor area ratio (FAR).** “Floor area ratio (FAR)” means the total floor area of all buildings or structures on a zoning lot divided by the area of ~~said~~ that lot.

Subp. 50. **Parking space.** “Parking space” means an area of definite length and width, exclusive of drives, aisles, or entrances giving access, that is fully accessible for the ~~storage or~~ parking of permitted vehicles.

Subp. 57. **Fast food restaurant.** “Fast food restaurant” means a business establishment whose principal business is the selling of standardized, prepared, quick-order, and packaged foods in a ready-to-consume state, packaged in nonreturnable, disposable containers or wrappings, where the customer may consume these foods while seated at fixed tables or counters located within a building or in a vehicle after being served at a drive-through window. All restaurants with drive-through windows are considered fast food restaurants.

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

Adopted Rules

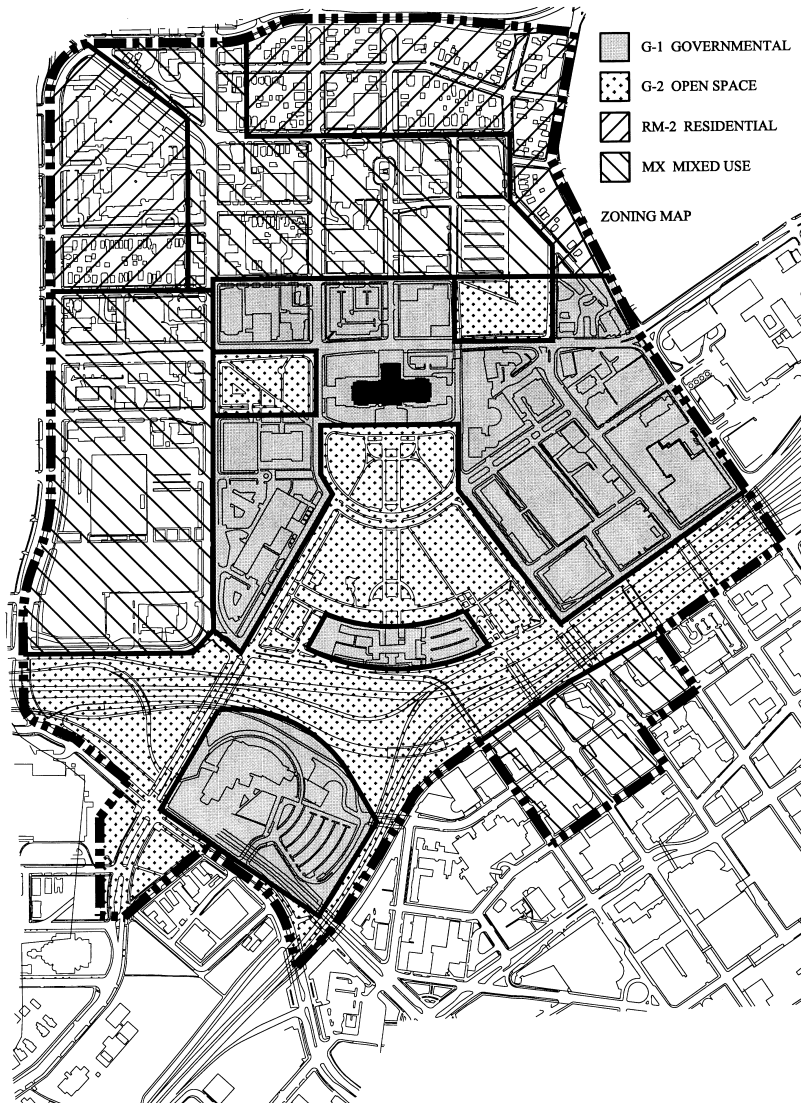
Any restaurant whose design or principal method of operation includes four or more of the following characteristics shall be deemed a fast food restaurant for zoning purposes:

- A. 45 percent or more of the floor area is devoted to food preparation, employee work space, and the customer service area;
- B. a permanent menu board is provided;
- C. if a chain or franchised restaurant, standardized food plans are used over several locations;
- D. customers pay for food before consuming it;
- E. a self-serve condiment board is provided;
- F. trash receptacles are provided for self-serve bussing;
- G. plans indicate hard finished, stationary seating arrangements; and
- H. most main course food items are prepackaged rather than made to order.

Subp. 69. **Zoning administrator.** "Zoning administrator" means an employee of the board designated by the board upon the recommendation of the executive secretary as zoning administrator. The executive secretary shall serve as the zoning administrator in the designee's absence.

2400.0140 ZONING MAP.

Subp. 2b. Zoning districts for capitol area.



2400.0160 PERMITTED USES.

Subpart 1. **In general.** Except as otherwise provided by this chapter, no building or tract of land may be devoted to any use other than a principal use or a conditional use permitted in the zoning district in which the building or tract of land is located. Accessory uses, as described in ~~subpart 4~~ part 2400.0010, subpart 2, are permitted in all districts.

Subp. 3. **Conditional use.** ~~Any use which is not a principal use may be permitted as a conditional use~~ A conditional use is permitted upon a finding by the board that the use is specifically enumerated as a conditional use for the district and that, if established, the use:

~~Subp. 4. **Accessory use.** "Accessory use" means a use which is incidental to, customarily found in connection with, and, except in the case of off street parking spaces and loading, located on the same zoning lot as the principal use to which it is related. Generally, an accessory use occupies less square footage than the principal use.~~

~~Accessory uses include, but are not limited to, the following:-~~

- ~~A. residential accommodations for servants or caretakers;~~
- ~~B. a newsstand primarily for the convenience of the occupants of a building which is located wholly within the building and has no exterior signs or displays;~~
- ~~C. domestic storage in a shed, tool room, or similar accessory building no larger than 35 percent of the rear yard;~~
- ~~D. storage within a fully enclosed building of merchandise normally carried in stock in connection with a business or industrial use, unless storage is excluded for the appropriate districts;~~
- ~~E. off street parking spaces, open or enclosed, subject to the off street parking rules for the district in which the zoning lot is located;~~
- ~~F. air conditioning condensers; and~~
- ~~G. accessory apartments or additional dwelling units in or added to an existing one family detached dwelling for use as a complete, independent living facility with provisions for cooking, eating, and sleeping.~~

2400.0170 GOVERNMENTAL DISTRICT (G-1); PRINCIPAL USES.

Only those uses which are consistent with the orderly growth of the facilities of state government, the preservation and enhancement of existing structures, especially the state capitol, and the creation and preservation of open space within the capitol area are permitted as principal uses in the governmental district. Among the uses that are principal uses include, but are not limited to, the following in the governmental district are:

H. accessory buildings, structures, and uses. Outside storage is ~~prohibited~~ a conditional use that must be approved under the standards of parts 2400.0160, subpart 3, and 2400.0180, item F.

2400.0180 GOVERNMENTAL DISTRICT (G-1); CONDITIONAL USES.

The following conditional uses are permitted in the governmental district pursuant to part 2400.0160, subpart 3, and subject to the conditions imposed for each use:

- C. museums;
- D. historical and cultural centers;
- ~~D.~~ E. tourist information facilities; and
- ~~E.~~ F. outside storage of materials or equipment on a short-term basis if contained within a fully enclosed and/or landscaped area;
- ~~F.~~ G. antennas and amateur radio towers provided that:
- ~~G.~~ H. other uses reasonably necessary and convenient for the satisfactory and efficient operation of the facilities of state government and to provide adequate public access to them.

<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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Adopted Rules

2400.0200 GOVERNMENTAL DISTRICT (G-2); CONDITIONAL USES.

A. Underground structures containing uses, as regulated in G-1 zone, are permitted provided that the following criteria are met:

~~(4) at least 75 percent of surface areas will be devoted to G-2 uses;~~

~~(5) vistas of the capitol will remain intact; and~~

~~(5) only aboveground uses which are essential to the operation of underground structures shall be permitted; these may include ventilation shafts. These aboveground accessory uses shall in no way detract from the capitol area~~

~~(6) accessory aboveground uses that do not detract from the beauty and dignity of the capitol.~~

2400.0235 MIXED USE DISTRICT (MX); PRINCIPAL USES.

Those uses which primarily serve the individual shopping, office, or service needs of area residents, visitors, or employees, and those uses permitted as principal uses in the medium-density, multiple-family residential district (RM-2), and the governmental district (G-1) are permitted as principal uses in a mixed use district. ~~Those Among the uses that are principal uses include, but are not limited to, in the mixed use district are the following:~~

C. personal service establishments which perform services on the premises, ~~including, but not limited to: such as~~ repair of watches, radios, ~~and~~ televisions, ~~and the like;~~ tailor shops, beauty parlors, or barbershops; photographic studios; but excluding tattoo shops; ~~and~~ pawn shops, ~~and check cashing facilities not a part of an established bank or other financial institution;~~

I. banks and similar financial institutions, ~~except for check cashing facilities not a part of an established bank or other financial institution;~~

2400.0245 MIXED USE DISTRICT (MX); CONDITIONAL USES.

Those uses which serve the secondary needs of residents, visitors, or employees, as well as those uses which are permitted as conditional uses in the medium-density, multiple-family residential district (RM-2) and one governmental district (G-1), subject to the conditions imposed as a conditional use in the RM-2 and G-1 districts, are allowed. ~~The Among permitted conditional uses include, but are not limited to, are those listed in~~ items A to Q permitted pursuant to part 2400.0160, subpart 3, and subject to conditions imposed for each use.

A. Public utility buildings and telephone exchange buildings, but without storage yards ~~that do not comply with the standards found in item P.~~

2400.0420 HEIGHT DISTRICTS.

Subpart 1. **Requirement.** In order to preserve the state capitol building as the dominant structure in the capitol area, no building shall be constructed to a height greater than the maximum height permitted in the height district, as shown on the map in subpart 2a. The maximum height is stated as elevation above sea level, in contrast to Saint Paul datum. Conversion is accomplished by adding 694.1 feet to the Saint Paul datum in order to determine elevation above sea level. The maximum heights are as described in items A ~~and B~~ to D.

C. Height district #3a: No building shall be constructed:

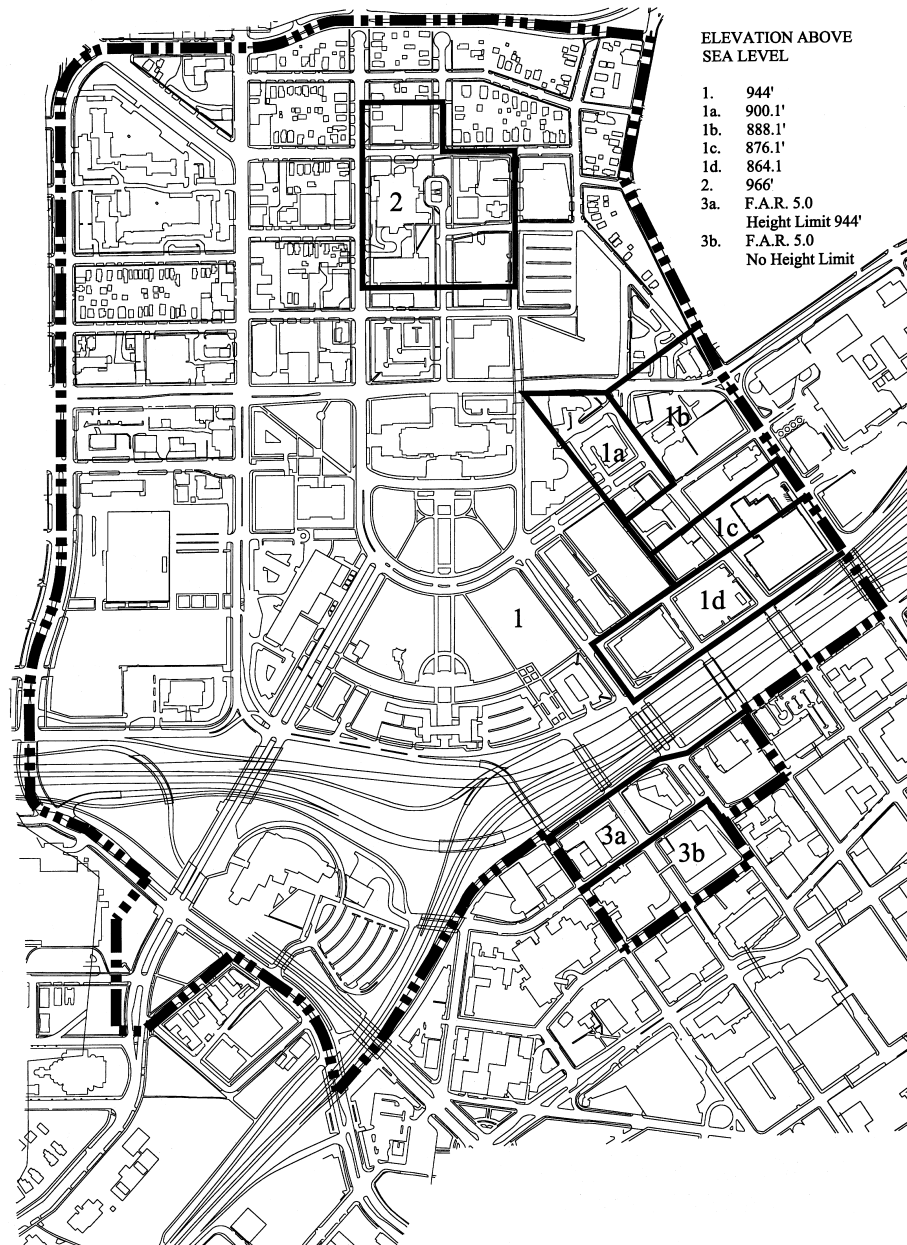
~~(1) to a height greater than 944.0 feet above sea level; and~~

~~(2) with a floor area ratio greater than 5.0.~~

~~Boundaries for this district are described in the map in subpart 2a.~~

D. Height district #3b: No building shall be constructed with a floor area ratio greater than 5.0. Boundaries for this district are described in the map in subpart 2a.

Subp. 2a. **Map of height districts in capitol area.**



2400.0460 LOCATION OF OFF-STREET PARKING SPACES.

Off-street parking for other than residential use shall be either on the same lot or within the same district and within 1,000 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. ~~Satellite~~ In state owned lots, parking not directly related to a state government office need in the capitol area or downtown Saint Paul shall not be permitted.

Off-street parking for residential use must not be within the required front yard setback.

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Adopted Rules

2400.0530 MINIMUM REQUIRED OFF-STREET PARKING SPACES.

The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall require one parking space. For that part of the capitol area south of Interstate Highway 94, there shall be no off-street parking requirements.

2400.0710 VISUAL SCREENS FOR OFF-STREET PARKING.

For all off-street parking areas of more than four parking spaces there shall be provided and maintained a visual screen of sufficient height and density to visually separate the parking area from adjacent property. Visual screens shall be ~~of a minimum three to four feet in height of four feet, six inches,~~ when constructed or, in the case of plant materials, when mature. The minimum height shall be dependent on unique site conditions or program requirements.

Visual screens, whether constructed or planted, shall screen the lower half of vehicles parked along the outer edge of off-street parking areas ~~but not except where such screening would obstruct visibility into the lot in general. This will be significant if a parking area is elevated or depressed in relation to neighboring public rights-of-way.~~

~~Throughout the area, the board seeks to maximize feasible development of landscaped setback areas, pedestrian walks and plazas, courtyards, and interrelated open spaces between buildings. The board has prepared a set of advisory guidelines entitled: "Parking Area Design Framework" (July 1991) and "On Grade Parking in the Capitol Area: Parking Area Design Framework" (January 1993), including graphic representations of suggested application of these controls. They are incorporated by reference and are available at the board's office and at the state law library. Any new construction must comply with these documents. They are not subject to frequent change. A minimum of 60 percent of front setback areas along streets or rights of way shall consist of planted materials including turfgrass, and a minimum of 40 percent of these planted areas shall consist of shrubs or trees. Planting areas shall be separated from vehicular surfaces by either curbing or by wheel stops. A minimum of 60 percent of front setback areas along streets or rights-of-way shall consist of planted materials including turfgrass, and a minimum of 40 percent of these planted areas shall consist of shrubs or trees. Planting areas shall be separated from vehicular surfaces by either curbing or by wheel stops.~~

In approving the construction of off-street parking, the zoning administrator shall apply the standards in this chapter and, to the extent feasible, applicable standards contained in the board documents Parking Area Design Framework (July 1991) and On Grade Parking in the Capitol Area: Parking Area Design Framework (January 1993), which are incorporated by reference. Copies of these documents are available at the board's office and at the state law library. The documents are not subject to frequent change.

2400.0740 CONSTRUCTION OF VISUAL SCREENS.

Subp. 2. ~~Masonry walls~~ Visual screens. ~~Masonry walls~~ Visual screens or other landscape devices that are constructed must be erected on a concrete or cement block foundation which must have a foundation depth that meets the state building code, and must not be of less width than the width of the wall, and must be placed in an area at least four feet in width.

Subp. 3. ~~Decorations.~~ Walls or fences may be constructed with decorative openings above grade, provided the openings are not larger than 72 square inches each and do not comprise more than one-third of the total area of the wall or fence.

Subp. 4. **Plants.** The species, size, location, and spacing of plant materials must be appropriate for the purpose intended, and must be planted within 180 days from the date of issuance of a certificate of occupancy and must thereafter be maintained to provide a visual screen to abutting properties.

At the time of planting minimum plant sizes are as follows: medium and large trees must be balled and burlapped stock, 2-1/2 inch caliper; small trees must be six to eight feet overall height; and shrubs intended to accomplish the actual screening must be 15 to 18 inches overall height.

Wherever plant materials are used to satisfy a visual screen requirement, planting must be sufficiently dense to provide an unbroken visual barrier within a maximum of two growing seasons after the time of planting.

~~Planting areas~~ Wherever plant materials are used to satisfy a visual screen requirement on the periphery of the lots, planting areas must be at least six feet in width.

The genus and species of all plant materials must be identified on all plans submitted for permit approval.

The owners are responsible for maintaining all landscaping in a healthy and growing condition and keeping it free from refuse and debris. Dead plant materials must be removed within a reasonable time and replaced during the normal planting seasons.

For parking lots larger than 150 spaces, front yard setback with landscaping must be ten feet. For every parking lot lot of 50 or more spaces, there must be one or more landscaped islands. For each additional 25 spaces over 50, there must be a minimum of 150 square feet of landscape islands, none of which shall be smaller. No single landscaped island can be less than 300 square feet, for every 25 parking spaces in area.

2400.0800 EXTERIOR LIGHTING.

The board has established a set of guidelines, "Lighting Design Framework, (August 1991)" for all exterior lighting in the capitol area relating to off street parking areas, building facades, and other sites. The guidelines are incorporated by reference and are available at the state law library. ~~Any new construction must comply with these documents. They are not subject to frequent change. In approving the construction of exterior lighting, the zoning administrator shall apply the standards in this chapter and, to the extent feasible, applicable standards contained in the board's Lighting Design Framework (August 1991) which is incorporated by reference. Copies of this document are available at the board's office and at the state law library. The document is not subject to frequent change.~~

Outdoor lighting used to light the general area of a specific site must be shielded to reduce glare and must be arranged to reflect lights away from all adjacent residential districts or adjacent residences.

~~Outdoor lighting must be directed toward and confined to the ground areas of lawns and parking lots.~~

Lighting in nonresidential districts used for the external illumination of buildings must be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.

Illumination of signs must be directed or shaded downward so as not to interfere with the vision of persons on the adjacent highways or adjacent property.

Illumination of signs and any other outdoor feature must not be of a flashing, moving, or intermittent type. Artificial light must be maintained stationary and constant in intensity and color at all times when in use.

2400.0860 SIGNS; REQUIRED CONDITIONS.

No sign is permitted in the capitol area except as provided in part 2400.0870 and without first obtaining the requisite permit for the sign. Signs permitted by part 2400.0870 must satisfy the conditions in items A to M.

L. For parking lot areas, one identification sign not to exceed a total of 15 square feet in area is permitted per parking lot entrance. An identification sign up to 25 square feet in area, however, is permitted if the sign incorporates the following uniform parking symbol: 50 percent of the total sign area of the parking identification sign must bear a blue rectangle or circle with a white letter "P" with the letter "P" being not less than 40 percent of the area of the blue rectangle or circle.

The remaining portion of the sign incorporating the parking symbol may be used for other pertinent information. In addition to the one identification sign per parking lot entrance, however, one directional sign not to exceed a total of four square feet is permitted per entrance or exit. Directional signs may be up to ten square feet in area if they also incorporate the parking symbol "P". These parking identification and directional signs are in addition to other signs permitted in each zoning district.

M. Temporary signs ~~must meet the following criteria~~ are allowed so long as the sign meets the criteria of one of the following categories:

(2) for religious, civic, or other centers, portable and/or temporary signs directly related to events on the premises are permitted so long as ~~they are the face of the sign is~~ not flashing, ~~and the sign is not~~ in the public right-of-way, not obstructing vision at an intersection, or used more than three times per calendar year per organization; and

(3) for balloons and other inflatables with a commercial message of any kind shall not be considered a permitted temporary sign and are prohibited in the capitol area provided they are not in the public right-of-way, not obstructing vision at an intersection, not used more than three events per calendar year per organization, and not used more than five consecutive days at any one event.

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Adopted Rules

2400.0870 CHART OF PERMITTED SIGNS.

In addition to the signs described in part 2400.0860, the following signs are permitted in the districts indicated on the following chart.

Regulated Signs by District	Use District		
	G-1/G-2 Govern- mental	RM-2 Multiple Family	MX Mixed Use
1. Nonaccessory signs			
a. Advertising sign	0	0	0
b. Billboard	0	0	0
c. Bus shelter/ bench sign	0	0	0
d. Political sign	0	X	X
2. Accessory signs			
a. Announcement	20	0	20
b. Business signs	0	0	100
c. Canopy	0	0	100
d. Directional	25	0	15
e. Identification & name plate	21	7	50
f. Marquee	0	0	0
g. Real estate	0	12	25
h. Real estate development	0	50	50
i. Temporary	0 X	0	12
j. Window	0	6	20
3. Structure types			
a. Flashing, animated, or moving	0	0	0
b. Freestanding	X	X	X
c. Ground	X	X	X
d. Illuminated	X	X	X
e. Projecting	0	0	X
f. Pylon	0	0	X
g. Roof	0	0	0
h. Vehicle or portable sign	0	X	X
i. Wall	X	X	X

A number represents the total surface square footage permitted.

“X” means permitted.

“0” means not permitted.

2400.1050 IN GENERAL.

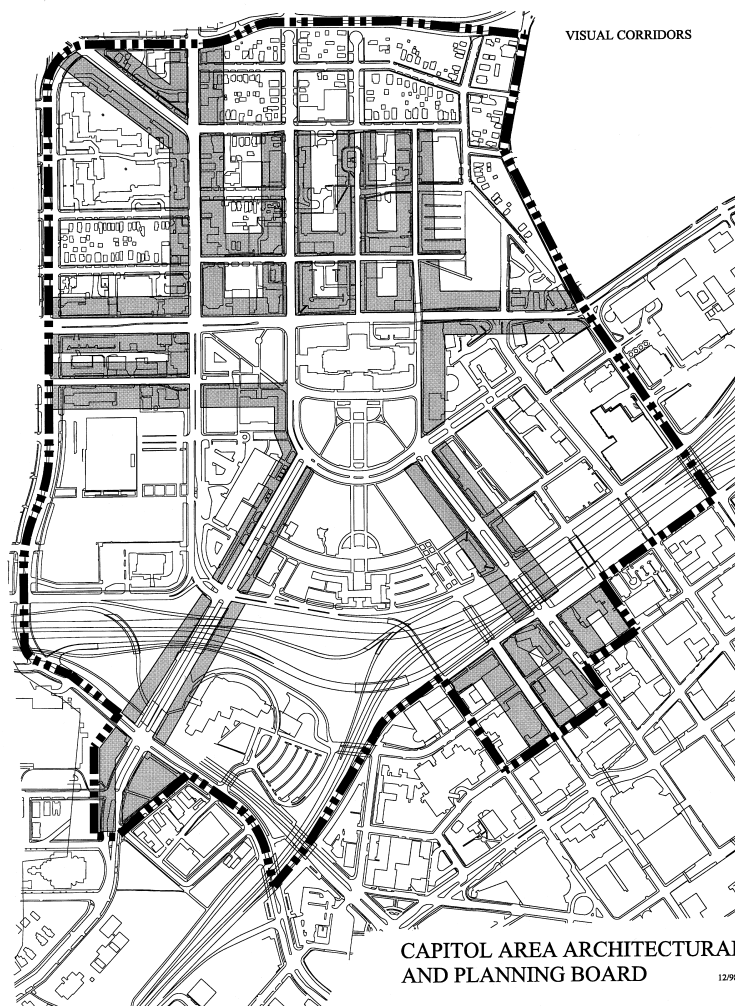
Nonconforming buildings, structures, including but not limited to signs, and uses incompatible with permitted uses in the districts in which they are located must not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

To avoid hardship, nothing in this chapter may be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of the applicable rule or amendment, whichever is later, and upon which actual building construction has been diligently carried on. "Actual construction" includes placing construction materials in permanent position and fastening them in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, the demolition or removal shall be considered to be actual construction, provided that work is diligently carried on until completion of the building involved.

2400.1150 VISUAL CORRIDORS.

Subpart 1. **Designation.** That part of University Avenue and adjacent land, Aurora Street and vacated Aurora from Rice Street to Constitution Avenue and adjacent land, Cedar Street and adjacent land, John Ireland Boulevard and adjacent land, Park Street and adjacent land, Constitution Avenue and adjacent land, Sherburne Avenue and adjacent land, and Rice Street and adjacent land, ~~as well as that area along the less defined viewshed keyed to the central axis that stretches down to Seven Corners and eventually the south bank of the High Bridge~~ and corridors as identified on the map in subpart 2a are designated as visual corridors in the capitol area.

Subp. 2a. **Map.**



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Adopted Rules

2400.1330 CONSIDERATION OF SITE PLAN.

In reviewing the site plan the board shall consider:

A. the location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic subject to final approval by the city of Saint Paul;

2400.1370 CONSIDERATION OF APPLICATIONS.

Subp. 2. **Timing.** Once the application is complete, the application must be approved or denied within 60 days of receipt of the complete application, except as described in items A to C.

A. If the zoning administrator extends the consideration period, the zoning administrator ~~may~~ **shall** provide written notice to the applicant that the time is being extended, the anticipated length of the extension, and the reasons for the extension. The extension may not exceed 60 days unless approved by the applicant.

2400.1430 FEES.

Fees for inspection and the issuance of permits, certificates, copies, required or issued under this chapter, shall be collected by the zoning administrator in advance of issuance. The amount of the fees shall be established by resolution of the board and shall cover the cost of notification, inspection, and supervision resulting from enforcement of this chapter. The fee schedule is available on request at the board offices.

When any fees are not paid within six months of authorization of any permit or certificate, the authorization is null and void.

2400.1460 COMMEMORATIVE WORKS.

All commemorative works for the capitol area must meet the following objectives: to preserve the integrity of the capitol area; to ensure that such works are appropriately designed, constructed, and located; to maintain the dignity of existing memorials; to ensure that the subject is of lasting significance to the people of the state; to reflect the diversity of the state's people and culture yet not be partisan in nature; and to provide an enriching experience that illuminates underlying values and broadens understanding of the state's heritage and culture.

The commemorative work must be consistent with and meet the conditions of the following board documents: Comprehensive Plan for the State Capitol Area and Specific Actions for Implementation of the Comprehensive Plan for the State Capitol Area (February 1998), Summit Park Area Design Framework Study (February 16, 1990), East Capitol Area Design Framework Study for Urban Development (November 1990), and Commemorative Works in the Capitol Area: A framework for Initiation, Evaluation and Implementations of Commemorative Works in the Capitol Area (May 1993). In addition, the commemorative work must also be consistent with the administration department's Strategic Plan for Locating State Agencies (1993 and 1995 supplement). These documents are incorporated by reference and all of which are available at both the board office and the state law library. They are not subject to frequent change.

2400.1520 DISPOSITION OF VARIANCE REQUESTS.

The board shall grant or deny a variance request pursuant to the procedures in items A to E and the standards in part 2400.1530.

A. Upon receipt of a variance request or the determination by the zoning administrator in review of an application for a zoning permit that a variance is needed, the zoning administrator shall send written notice to all persons who have registered their names with the board for the purpose of being notified of rulemaking proceedings or variance requests as well as all parties who may be affected by the decision. The notice must be sent to all owners and possessors of record of property within ~~150~~ 100 feet of the premises in question for minor variances, and 350 feet for major variances. The board may not act upon the variance request until after the comment period.

The notice shall contain a brief description of the variance request, a statement that any person wishing to comment on the request may do so in writing, and a statement that the board will not act on the variance request until interested persons have been afforded at least 30 calendar days after the issuance of the notice to submit their comments.

INSTRUCTION TO REVISOR. The revisor shall renumber Minnesota Rules, part 2400.0010, in alphabetical order.

REPEALER. *Minnesota Rules*, parts 2400.0010, subparts 11, 12, 15, ~~27~~, 41, and 45; 2400.0020; 2400.0140, subpart 2a; 2400.0230; 2400.0240; 2400.0250; 2400.0260; 2400.0270; 2400.0280; 2400.0290; 2400.0300; 2400.0310; 2400.0410, subpart 2; 2400.0420, subpart 2; 2400.0540, subpart 2; 2400.0740, subpart 3; 2400.1080; 2400.1090; 2400.1150, subpart 2; 2400.1390; and 2400.1410, are repealed.

Exempt Rules

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

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

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

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the State Register. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only.

The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

Department of Human Services

Adopted Exempt Permanent Rules Relating to Chemical Dependency Care for Public Assistance Recipients

9530.6605 DEFINITIONS.

[For text of subps 1 to 17, see M.R.]

Subp. 18. **Inappropriate and harmful use.** "Inappropriate and harmful use" means use of a chemical which exceeds social or legal standards of acceptability, the outcome of which is characterized by three or more of the following:

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

E. loss of friends due to behavior while intoxicated; ~~or~~

F. chemical use that prohibits one from meeting work, school, family, or social obligations; or

G. continued use of chemicals by a woman after she has been informed that she is pregnant and that continued use may harm her unborn child.

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

Subp. 20. **Pathological use.** "Pathological use" means the compulsive use of a chemical characterized by three or more of the following:

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

E. amnesic periods for events occurring while intoxicated; ~~and~~

F. continuing use despite a serious physical disorder that the individual knows is exacerbated by continued use; or

G. continued use of chemicals by a woman after she has been informed that she is pregnant and that continued use may harm her unborn child.

[For text of subps 21 to 25, 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

An agency may choose to withdraw rules it has proposed, thus cancelling any time-sensitive schedule for public comment, hearing, or further movement toward the rules' adoption. These rules will be listed as withdrawn by their individual rules numbers in the *State Register's* index to rulemaking activity. **Minnesota Rules: Amendments and Additions.** An agency that chooses to withdraw proposed rules, may reintroduce those same rules at a later date.

Board of Chiropractic Examiners

Notice of Withdrawal of Proposed Rules Governing

Fees – Independent Examiner – Late Registration

Registrations – Acupuncture Suspension

Registrations – GPP Suspension

Registrations – IE Suspension

Rendering of Opinions

Minnesota Rules 2500

NOTICE IS HEREBY GIVEN regarding the withdrawal of proposed changes to the following rules that were published as indicated:

Fees – Independent Examiner – Late Registration on Monday 14 August 1995 at 20 *State Register* 324.

Registrations – Acupuncture Suspension on Monday 14 August 1995 at 20 *State Register* 324.

Registrations – GPP Suspension on Monday 14 August 1995 at 20 *State Register* 324.

Registrations – IE Suspension on Monday 14 August 1995 at 20 *State Register* 324; and

Rendering of Opinions on Monday 10 April 1995 at 19 *State Register* 2093.

Dated: 20 December 1999

Larry Spicer
Executive Director
Board of Chiropractic Examiners

Revenue Notices

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

Department of Revenue

Revenue Notice # 99-16: Sales and Use Tax - Sales Tax Exemption for Towns

Effective July 1, 1998, changes to *Minnesota Statutes*, sections 297A.25, subdivision 11, and 297B.03, subdivision 10 provide a sales tax exemption to towns for certain road and bridge maintenance purchases. Specifically, the exemption applies to purchases made by towns of gravel, machinery, equipment, and accessories used exclusively for road and bridge maintenance and certain motor vehicles used exclusively for road maintenance. The exemption only applies to purchases made by towns (previously referred to as townships). The exemption does not extend to purchases made by contractors performing road or bridge maintenance on behalf of a town or to purchases made by other local government entities, such as cities or counties.

A. Gravel

The term "gravel" is defined to include crushed rock, sand, or pebbles. It does not include dirt, clay or soil. Since gravel is often not usable in its virgin state, if the town also pays to have the gravel crushed for use on roads, the charge for crushing the gravel is also exempt from the tax. The exemption does not apply to building materials such as culverts, bridge decking, railings, or structural steel, or road surface materials such as asphalt, concrete, or chloride used as a dust retardant or binder.

B. Machinery and Equipment

The sales tax exemption applies to a town's purchase or lease of machinery and equipment used by a town exclusively for road and bridge maintenance. Machinery and equipment includes off road vehicles, such as graders, roadside mowers and construction signage. The exemption does not apply to fuels or lubricants, office and administrative supplies or equipment, or road signage.

C. Motor Vehicles

Minnesota Statutes, section 297B.03, subdivision 10, provides an exemption from the sales tax on motor vehicles for the purchase or use of a motor vehicle by a town for use exclusively for road maintenance, including snowplows and dump trucks. This exemption does not apply to automobiles, vans, or pickup trucks.

D. Accessories

The sales tax exemption also includes accessories that are attached, connected or fastened to qualifying machinery or equipment, or motor vehicles. Examples of qualifying accessories include front-end loaders, CB radios, tire chains, and on-board computers. In addition, the exemption also applies to repair and replacement parts for the qualifying machinery and equipment.

Dated: 27 December 1999

Jennifer L. Engh
Assistant Commissioner for Tax Policy

Department of Revenue**Revenue Notice # 99-17: Corporate Franchise Tax – Claim for Refund**

In the 1999 legislative session, the legislature amended *Minnesota Statutes*, section 289A.50, subdivision 7(d), deleting the requirement that a taxpayer bring an action in district court or tax court within four years of filing a claim for refund and enacting a new subdivision, subdivision 1a. The new subdivision required the Commissioner of Revenue to prepare a Claim for Refund form by January 1, 2000. Any claims for refund made before January 1, 2000, or within ten days of the Claim for Refund form being made available to taxpayers, comply with the filing requirement. The Department of Revenue, Corporate Franchise Tax Division, has prepared a Claim for Refund form for claiming a corporate franchise tax refund. Because the Claim for Refund form is prepared and available to taxpayers, that form should be used after January 1, 2000.

The Claim for Refund form, Form M4-X, may be obtained by: (1) requesting the form from the Department of Revenue; (2) reproducing it from the Department of Revenue's website at www.taxes.state.mn.us; or, (3) reproducing it from the year 2000 Package XM. A corporate franchise taxpayer may comply with the statutory requirements for filing a claim for refund by using the Form M4-X.

Dated: 27 December 1999

Jennifer L. Engh
Assistant Commissioner for Tax Policy

Official Notices

Pursuant to Minnesota Statutes §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking. The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Department of Administration**Construction Codes Advisory Council****Notice of Year 2000 Regular Meeting Schedule**

NOTICE IS HEREBY GIVEN that the Construction Codes Advisory Council meets the first Thursday of each month in the offices of the Building Codes & Standards Division of the Department of Administration. The division is located in Suite 408, Metro Square Building, 121 7th Place East, St. Paul.

Official Notices

Regular meetings of the Construction Codes Advisory Council will be held on the following days in the Year 2000:

January 6	May 4	September 7
February 3	June 1	October 5
March 2	July 6	November 2
April 6	August 3	December 7

Minnesota Agricultural and Economic Development Board

Notice of Public Hearing on Proposed Project and The Issuance of Bonds Under *Minnesota Statutes* 1986, Chapter 116M and *Minnesota Statutes*, Chapter 41A

NOTICE IS HEREBY GIVEN that the Minnesota Agricultural and Economic Development Board (the "Board") or its designated representative, shall meet on January 12, 2000, at 9:00 a.m. o'clock, 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 Primera Foods Corporation, a Wisconsin 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 to be financed consists of the acquisition, construction and equipping of an existing manufacturing plant to be used primarily for the manufacture of dried food ingredients on the west side of Main Street and Center Street in the City of Altura, Minnesota (the "Project"). The initial owner of the Project will be Primera Foods Corporation or a related entity of the Applicant and the Project is expected to be leased to, operated and managed by the Primera Foods Corporation. It is contemplated that the Project will be used primarily for the manufacture of dried food ingredients. The estimated amount of the Board's proposed bond issue is an amount not to exceed \$5,000,000. 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. In addition, the Bonds and the Project may be subsequently considered by the Board for financial assistance to be provided by the Economic Development Fund created and established under *Minnesota Statutes* 1986, Chapter 116M or other financial or special assistance from the Board. 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.

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.

Dated: 17 December 1999

BY ORDER OF THE MEMBERS OF THE MINNESOTA
AGRICULTURAL AND ECONOMIC DEVELOPMENT BOARD
Paul Moe, Executive Director
Minnesota Agricultural and Economic
Development Board

Minnesota Agricultural and Economic Development Board

Notice of Public Hearing on Proposed Project and The Issuance of Bonds Under *Minnesota Statutes* 1986, Chapter 116M and *Minnesota Statutes*, Chapter 41A

NOTICE IS HEREBY GIVEN that the Minnesota Agricultural and Economic Development Board (the "Board") or its designated representative, shall meet on January 12, 2000, at 9:00 a.m. o'clock, 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 Systematic Refrigeration, Inc., a Minnesota corporation, Mateski Properties, LLC, a

Minnesota limited liability company and Ted Mateski, (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 to be financed consists of the acquisition, construction and equipping of a new manufacturing plant to be used primarily for the manufacture of refrigeration equipment north of the intersection of 140th Avenue NW and Radium Street in the City of Ramsey, Minnesota (the "Project"). The initial owner of the Project will be Mateski Properties, LLC or a related entity of the Applicant and the Project is expected to be leased to, operated and managed by the Systematic Refrigeration, Inc.. It is contemplated that the Project will be used primarily for the manufacture of refrigeration equipment. The estimated amount of the Board's proposed bond issue is an amount not to exceed \$3,500,000. 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. In addition, the Bonds and the Project may be subsequently considered by the Board for financial assistance to be provided by the Economic Development Fund created and established under *Minnesota Statutes* 1986, Chapter 116M or other financial or special assistance from the Board. 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.

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.

Dated: 20 December 1999

BY ORDER OF THE MEMBERS OF THE MINNESOTA
AGRICULTURAL AND ECONOMIC DEVELOPMENT BOARD
Paul Moe, Executive Director
Minnesota Agricultural and Economic
Development Board

Minnesota Agricultural and Economic Development Board

Notice of Public Hearing on Proposed Project and The Issuance of Bonds Under Minnesota Statutes 1986, Chapter 116M and *Minnesota Statutes*, Chapter 41A

NOTICE IS HEREBY GIVEN that the Minnesota Agricultural and Economic Development Board (the "Board") or its designated representative, shall meet on January 12, 2000, at 9:00 a.m. o'clock, 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 Twin City Die Castings Company, a Minnesota 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 to be financed consists of the acquisition, construction and equipping of a new manufacturing plant to be used primarily for the manufacture of precision magnesium die casting at 520 Chelsea Road in the City of Monticello, Minnesota (the "Project"). The initial owner of the Project will be Twin City Die Castings Company or a related entity of the Applicant and the Project is expected to be operated and managed by the Applicant. It is contemplated that the Project will be used primarily for the manufacture of precision magnesium die casting. The estimated amount of the Board's proposed bond issue is an amount not to exceed \$5,000,000. 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. In addition, the Bonds and the Project may be subsequently considered by the Board for financial assistance to be provided by the Economic Development Fund created and established under *Minnesota Statutes* 1986, Chapter 116M or other financial or special assistance from the Board. 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.

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.

Official Notices

Dated: 20 December 1999

BY ORDER OF THE MEMBERS OF THE MINNESOTA
AGRICULTURAL AND ECONOMIC DEVELOPMENT BOARD
Paul Moe, Executive Director
Minnesota Agricultural and Economic
Development Board

Minnesota Auto Theft Prevention Program

Notice of Meeting of the Board of Directors

The Minnesota Auto Theft Prevention Program, will be holding its Board of directors meeting on the following date: Thursday, January 13, 2000. Meetings will begin at 9:00 a.m. and will be held at the Minnesota Auto Theft Prevention Program (MATPP) office located at 1110 Centre Pointe Curve, Suite 405, Mendota Heights, MN (Hwy. 110 and Lexington Avenue, west of Hwy. 35W South on the south side of the GNB Technologies Bldg. Meetings are open to the public. For more information you may contact the MATP:P office at :(651) 405-6155.

Minnesota Board of Chiropractic Examiners

REQUEST FOR COMMENTS on a Planned Rule Governing The Rendering of Opinion Constituting The Practice of Chiropractic

Subject of Rule. The Minnesota Board of Chiropractic Examiners (MBCE) requests comments on its planned rule governing The Rendering of Opinion Constituting The Practice of Chiropractic. The MBCE is considering a rule which would allow the rendering of an opinion constituting the practice of chiropractic. The MBCE does not intend to appoint an advisory committee to comment on the planned rule.

Persons Affected. The new rule would affect Minnesota licensed chiropractors.

Statutory Authority. *Minnesota Statutes*, section 148.08, subd. 3 authorizes the MBCE to promulgate rules necessary to administer its legislative authority.

Public Comment. Interested persons or groups may submit comments or information on this planned rule in writing or orally until 4:30 p.m. on Wednesday, March 1, 2000. The MBCE does not anticipate that a draft of the rule will be available before the publication of the proposed rule. Written or oral comments, questions, requests to receive a draft of the rule when it has been prepared, and requests for more information on these planned rule should be addressed to: Karen Dorff, MBCE, 2829 University Ave SE, #300, Minneapolis, MN 55414-3220, telephone (612) 617-2222.

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

Larry A. Spicer, D.C.
Executive Director

Minnesota Board of Chiropractic Examiners

REQUEST FOR COMMENTS on a Planned Rule Governing Registration/Suspension – Graduate Preceptor Program Summary Suspension of Registration When a Violation of that Registration Has Occurred

Subject of Rule. The Minnesota Board of Chiropractic Examiners (MBCE) requests comments on its planned rule governing Registration/Suspension - Graduate Preceptor Program Summary Suspension of Registration When a Violation of that Registration Has Occurred. The MBCE is considering a rule which would allow summary suspension of registration when a violation of that registration has occurred. The MBCE does not intend to appoint an advisory committee to comment on the planned rule.

Persons Affected. The new rule would affect Minnesota licensed chiropractors and participants in the graduate preceptor program.

Statutory Authority. *Minnesota Statutes*, section 148.08, subd. 3 authorizes the MBCE to promulgate rules necessary to administer its legislative authority.

Public Comment. Interested persons or groups may submit comments or information on this planned rule in writing or orally until 4:30 p.m. on Wednesday, March 1, 2000. The MBCE does not anticipate that a draft of the rule will be available before the publication of the proposed rule. Written or oral comments, questions, requests to receive a draft of the rule when it has been prepared, and requests for more information on these planned rule should be addressed to: Karen Dorff, MBCE, 2829 University Ave SE, #300, Minneapolis, MN 55414-3220, telephone (612) 617-2222.

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

Larry A. Spicer, D.C.
Executive Director

Minnesota Board of Chiropractic Examiners

REQUEST FOR COMMENTS on a Planned Rule Governing Registration/Suspension – Independent Examiner Summary Suspension of Registration When a Violation of that Registration Has Occurred

Subject of Rule. The Minnesota Board of Chiropractic Examiners (MBCE) requests comments on its planned rule governing Registration/Suspension – Independent Examiner Summary Suspension of Registration When a Violation of that Registration Has Occurred. The MBCE is considering a rule which would allow Summary Suspension of Registration When a Violation of that Registration Has Occurred. The MBCE does not intend to appoint an advisory committee to comment on the planned rule.

Persons Affected. The new rule would affect Minnesota licensed chiropractors who are also registered to perform independent examinations.

Statutory Authority. *Minnesota Statutes*, section 148.08, subd. 3 authorizes the MBCE to promulgate rules necessary to administer its legislative authority.

Public Comment. Interested persons or groups may submit comments or information on this planned rule in writing or orally until 4:30 p.m. on Wednesday, March 1, 2000. The MBCE does not anticipate that a draft of the rule will be available before the publication of the proposed rule. Written or oral comments, questions, requests to receive a draft of the rule when it has been prepared, and requests for more information on these planned rule should be addressed to: Karen Dorff, MBCE, 2829 University Ave SE, #300, Minneapolis, MN 55414-3220, telephone (612) 617-2222.

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

Larry A. Spicer, D.C.
Executive Director

Minnesota Board of Chiropractic Examiners

REQUEST FOR COMMENTS on a Planned Rule Governing Registration Suspension – Acupuncture Summary Suspension of Registration When a Violation of that Registration Has Occurred

Subject of Rule. The Minnesota Board of Chiropractic Examiners (MBCE) requests comments on its planned rule governing Registration Suspension – Acupuncture Summary Suspension of Registration When a Violation of that Registration Has Occurred. The MBCE is considering a rule which would allow summary suspension of registration when a violation of that registration has occurred. The MBCE does not intend to appoint an advisory committee to comment on the planned rule.

Persons Affected. The new rule would affect Minnesota licensed chiropractors who are also registered to perform acupuncture.

Official Notices

Statutory Authority. *Minnesota Statutes*, section 148.08, subd. 3 authorizes the MBCE to promulgate rules necessary to administer its legislative authority.

Public Comment. Interested persons or groups may submit comments or information on this planned rule in writing or orally until 4:30 p.m. on Wednesday, March 1, 2000. The MBCE does not anticipate that a draft of the rule will be available before the publication of the proposed rule. Written or oral comments, questions, requests to receive a draft of the rule when it has been prepared, and requests for more information on these planned rule should be addressed to: Karen Dorff, MBCE, 2829 University Ave SE, #300, Minneapolis, MN 55414-3220, telephone (612) 617-2222.

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

Larry A. Spicer, D.C.
Executive Director

Minnesota Board of Chiropractic Examiners

REQUEST FOR COMMENTS on a Planned Rule Governing Independent Examiner Fees Late Registration/Renewal

Subject of Rule. The Minnesota Board of Chiropractic Examiners (MBCE) requests comments on its planned rule governing Independent Examiner Fees Late Registration/Renewal. The MBCE is considering a rule which would allow change in fees required of independent examiners registering or renewing registrations late. The MBCE does not intend to appoint an advisory committee to comment on the planned rule.

Persons Affected. The new rule would affect Minnesota licensed chiropractors who are also registered to perform independent examinations.

Statutory Authority. *Minnesota Statutes*, section 148.08, subd. 3 authorizes the MBCE to promulgate rules necessary to administer its legislative authority.

Public Comment. Interested persons or groups may submit comments or information on this planned rule in writing or orally until 4:30 p.m. on Wednesday, March 1, 2000. The MBCE does not anticipate that a draft of the rule will be available before the publication of the proposed rule. Written or oral comments, questions, requests to receive a draft of the rule when it has been prepared, and requests for more information on these planned rule should be addressed to: Karen Dorff, MBCE, 2829 University Ave SE, #300, Minneapolis, MN 55414-3220, telephone (612) 617-2222.

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

Larry A. Spicer, D.C.
Executive Director

Minnesota Comprehensive Health Association

Notice of Meeting of the Enrollee Appeal Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Enrollee Appeal Committee will be held at 10:00 a.m. on Wednesday, December 29, 1999, at the MCHA executive office located at 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

This meeting may be closed to the public, if so requested by the appellant, pursuant to Minn. Stat. 62E, 10, subd. 4.

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

Health Technology Advisory Committee

Notice of: 1) Availability of Preliminary "The Use of Human Growth Hormone for Children with Idiopathic Short Stature" Evaluation Report; and 2) Solicitation of Written Comments

The Health Technology Advisory Committee (HTAC) is charged under *Minnesota Statutes* 62J.152 with conducting evaluations of specific technologies and their specific use and application. For the purposes of evaluation, the definition of technologies in statute includes "... drugs, devices, procedures, or processes applied to human health care" As part of the evaluation process, HTAC is required to submit a report to the Legislative Oversight Commission on Health Care Access and to solicit written comments on the report. Before completing its final comments and recommendations on the HTAC technology evaluation report, HTAC solicits public comment on the report.

The Health Technology Advisory Committee (HTAC) has recently completed the preliminary evaluation report, "The Use of Human Growth Hormone for Children with Idiopathic Short Stature".

Brief Summary of the Preliminary HTAC Report: The Use of Human Growth Hormone for Children with Idiopathic Short Stature.

This report evaluates available data on the efficacy, safety, and costs of human growth hormone for children with idiopathic short stature, summarizes study findings, and summarizes government agencies and professional associations recommendations of the use of recombinant human growth hormone products.

Recommendations

The long-term safety, efficacy, and cost-effectiveness of the use of rhGH for ISS should be established through additional studies.

At this time, rhGH should be used for ISS only in controlled settings that generate data on the intervention's safety and efficacy.

Individuals responsible for determining the benefits set for public or private insurance products should carefully weigh the value of the use of rhGH for ISS as safety and efficacy data evolve.

Health professionals should help parents and children address the problems that stem from ISS.

Individuals or organizations requesting information or a copy of the report should contact HTAC. Written comments regarding the report are due within 30 days from the publication of this notice. Any written material received by HTAC shall be subject to the requirements of the Minnesota Data Practices Act (*Minnesota Statutes*, Section 13) and should be forwarded to:

Nancy Cusick
Health Technology Advisory Committee
121 East 7th Place, Suite 400
St. Paul, MN 55101
Phone: 651-282-6374
Fax: 651/282-5628
<http://www.health.state.mn.us/htac/index.htm>

Minnesota Higher Education Facilities Authority

Notice of Public Hearing on Revenue Obligations on Behalf of Minneapolis College of Art and Design

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds or other obligations **on behalf of the Minneapolis College of Art and Design**, a Minnesota nonprofit corporation and institution of higher education (the "College"), at the Authority's offices at Suite 450 Galtier Plaza, 175 East Fifth Street, St. Paul, Minnesota on January 19, 2000 at 2:00 p.m. Under the proposal, the Authority would issue its revenue bonds or other obligations in an original aggregate principal amount of up to approximately \$16,000,000 to finance a project generally described as the (a) construction of a college commons building and a studio addition totaling approximately 24,000 square feet, (b) roof replacement, (c) improvement of central air handling system and (d) construction of a 200 bed student residence hall totaling approximately 82,000 square feet, and related site improvements (collectively, the "Project"), owned or to be owned and operated by the College and located at 2501 Stevens Avenue South, Minneapolis, Minnesota 55404.

Official Notices

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

Dated: 27 December 1999

By Order Of the Minnesota Higher
Education Facilities Authority
Elaine Yungerberg
Acting Executive Director

Minnesota Higher Education Facilities Authority

Notice of Public Hearing on Revenue Obligations on Behalf St. Mary's University of Minnesota

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds or other obligations **on behalf St. Mary's University of Minnesota**, a Minnesota nonprofit corporation and institution of higher education (the "University"), at the Authority's offices at Suite 450 Galtier Plaza, 175 East Fifth Street, St. Paul, Minnesota on January 19, 2000 at 2:00 p.m. Under the proposal, the Authority would issue its revenue bonds or other obligations in an original aggregate principal amount of up to approximately \$5,200,000 to finance a project generally described as the construction, furnishing and equipping of a four level student residence building of approximately 41,000 square feet and related site improvements (the "Project:"), owned or to be owned and operated by the University and located between Gilmore Creek Residence Hall and the Brothers Residence on its main campus, the principal street address of which is 700 Terrace Heights, Winona, Minnesota, 55987.

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

Dated: 27 December 1999

By Order Of the Minnesota Higher
Education Facilities Authority
Elaine Yungerberg
Acting Executive Director

Department of Labor and Industry

Labor Standards Unit

Notice of Addition to Highway/Heavy Prevailing Wage Rates

An additional rate has been added to the Highway/Heavy Prevailing Wage Rates certified 10/25/99, for **Labor Code 415, Painter in Region 8.**

Copies of the corrected certifications may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306, or by calling (651) 296-6452. Charges for the cost of copying and mailing are \$.65 for each page. Make check or money order payable to the State of Minnesota.

Gretchen Maglich
Commissioner

Secretary of State

Notice of Membership of Rulemaking Advisory Committee for Planned Amendment to Rules Governing Training of County Auditors, Local Election Officials, and Election Judges, *Minnesota Rules*, chapter 8240

Pursuant to *Minnesota Statutes*, section 14.101, the Secretary of State is publishing the membership of the rulemaking advisory committee formed to help the Secretary draft amendments to the election official training rules in *Minnesota Rules*, chapter 8240. The committee members are Keith Brekken, Becker County Auditor; Marge Christianson, Hennepin County Elections Director; Jeffrey Cox, Duluth City Clerk; Gregg Engdahl, St. Cloud City Clerk; Dorothy McClung, Ramsey County Property Records and Revenue Director; Barb Menne, Mankato School District #77; Sam Modderman, Kandiyohi County Auditor; Patty O'Connor, Blue Earth County Election Director; Gary Poser, Anoka County Elections Director; Cindy Schultz, McLeod County Auditor; Nancy Sirois, Hermantown City Clerk; Harvey Tewes, Douglas County Auditor; Philip Thompson, Mille Lacs County Auditor; Mike Torkelson, Minnesota School Board Association; Morli Weldon, Stillwater City Clerk.

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 to be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute. In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals are prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (651) 296-2600 or [TTY (651) 297-5353 and ask for 296-2600].

Department of Administration

Request for Proposal (RFP) to establish a contract for a Registration Renewal OCR Scanning System for the Department of Public Safety, Driver & Vehicle Services.

There will **NOT** be a pre-proposal vendor conference.

Questions concerning the RFP terms and conditions or technical requirements must be sent to the Acquisition Management Specialist listed in the RFP by January 3, 2000.

Proposals will be due on January 18, 2000, at 3:00 p.m.

Contact the Materials Management Division

50 Sherburne Avenue.
St. Paul, MN 55155
651-296-2600 – Phone
651-297-3966 – Fax

to request a copy of the complete Request for Proposal.

Department of Commerce

Request for Proposals on Specifications for Organizations and individuals Wishing to Act as Market Conduct Examiners on Behalf of the Minnesota Commerce Department in Northeastern United States *Minnesota Statute 60A.031, Subd. 3*

I. Introduction and Background

The Minnesota Department of Commerce (hereinafter the "Department") is soliciting bids from individuals or organizations qualified to perform market conduct examinations pursuant to Minnesota Statute, section 60A.031, subdivision 3. The individuals

Professional, Technical & Consulting Contracts

or organizations (hereinafter the "examiners") will conduct an examination of a foreign domiciled insurance company conducting business in Minnesota.

Selection of the examiners will be made in the best interest of the Department based upon the proposals submitted and the quality of service necessary. The Department intends to select the examiners as soon as reasonably possible.

II. Examiner Responsibilities

The examiners, in accordance with state examination policies and procedures and the procedures specified within the National Association of Insurance Commissioners *Market Conduct Examiners Handbook*, may:

- A. Conduct a review of the Company's operations and management, including, but not limited to;
History, Profile, Managing general agent oversight, Internal audits, Antifraud plan, Certificates of authority and Litigation
- B. Conduct a review of complaint handling practices to include, but not be limited to;
Complaint register; Complaint response times; Disposition of complaint.
- C. Conduct a review of advertising and sales practices to include, but not be limited to;
Advertising file; Advertising and sales material; Producer and marketing channel training material; Surveys of producers and customers.
- D. Conduct a review of producer licensing practices to include, but not be limited to;
Licensing; Appointments; Terminations; Agent rehabilitations; Supervision; and Accounting
- E. Conduct a review of policyholder service practices to include, but not be limited to;
Refunds; Policy issuance; Cancellation/nonrenewals; and Escheat.
- F. Conduct a review of underwriting and rating practices to include, but not be limited to;
Rating practices; Underwriting practices; Use of correct and properly filed and approved rates, forms and endorsements; Termination practices; Unfair discrimination; Use of proper disclosures, buyers' guides and delivery receipts and Statistical coding
- G. Conduct a review of claim practices to include, but not be limited to;
Acknowledgment, investigation and settlement times; Claim investigation; Denied; Unfair claims; Claims form review; Escheat and Review of other procedures, as deemed necessary.
- H. An examination report will be drafted in a factual unbiased manner, and written the format required by the Commissioner of Commerce and that relates directly to statutory and regulatory standards or requirements.

Contractor will perform examination procedures as required by the Department and act as the Examiner-in-Charge while conducting the examination. The contractor will draft the preliminary examination report in the format required by the Department. Contractor will need an understanding of Minnesota statutes and regulations as well as the ability to understand applicable case law. In addition, knowledge about ERISA and group health benefits is necessary. Contractor may be required to testify at an administrative hearing or other legal proceedings involving the Company.

III. Information Required in Proposal

In addition to agreeing to and detailing how it intends to fulfill the preceding itemized responsibilities, any prospective examiners must provide the following information:

A. Qualifications and Background

The contractor must possess management and organizational skills and experience, oral and written communication skills; report drafting skills; a familiarity with organizing and conducting market conduct examinations; problem-solving skills.

B. References and Current Operations

A list of other state departments of insurance for which the contractor has conducted market conduct examinations, or is now conducting examinations for, similar to those sought by this Request for Proposal and the nature of the services provided to each. Departments listed as references may be contacted by the Department as part of the evaluation of this Request for Proposal.

IV. Form of Compensation

The examiners will be paid by direct billing of the company on either a bi-weekly or monthly billing cycle. Travel reimbursement will be in accordance with the Commissioners Plan and as otherwise agreed to in the contract.

V. Duration of Contract

The proposed contract period for the examination will be for a maximum of six months commencing on, or about, January 10, 2000, and expiring on, or about, June 10, 2000.

VI. Additional Proposal and Contract Requirements

The Commissioner of Commerce reserves the right to request clarification or elaboration of any segment of any proposal and to negotiate in the best interest of the department.

All proposals must indicate that they are valid for ninety (90) days. This period may be extended by mutual agreement between the examiners and the Department.

All proposals submitted in response to this Request for Proposals will become the property of the Department. Such proposals will also constitute public records and will be available for view and reproduction by any person after the choice of the examiners has been made.

VII. Schedule for Proposals

All proposals submitted in response to this Request for Proposals must be received in the Commerce Department by January 5, 2000, at 4:30 pm. The Department of Commerce will make its decision on which examiners proposal to accept as soon thereafter as reasonably possible.

VIII. Further Contract Information

For purposes of inquiry, contact:

Paul Hanson, Chief Examiner
Enforcement Division
133 East 7th Street
St. Paul, MN 55101
(651) 297.5281
paul.hanson@state.mn.us

Statute mandates that examinations are confidential and nonpublic data under the Minnesota government data practices act. The Company is a large insurer specializing in the disability insurance markets. The examination site will be located in a state in the northeastern United States. The examination is expected to last from four to six weeks. It is estimated that two examiners will be needed. Travel expenses will be at the rates promulgated by the Commissioner of Employee Relations (DOER) for the Commissioners Plan publicized at www.doer.state.mn.us/lr-cmrpl/chptr-15.htm on the DOER web site. In compliance with Minn. Stat. § 16C.08, 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.

Department of Commerce

Request for Proposals on Specifications for Organizations and individuals Wishing to Act as Market Conduct Examiners on Behalf of the Minnesota Commerce Department in Southeastern United States *Minnesota Statute 60A.031, Subd. 3*

I. Introduction and Background

The Minnesota Department of Commerce (hereinafter the "Department") is soliciting proposals from individuals or organizations qualified to perform market conduct examinations pursuant to Minnesota Statute, section 60A.031, subdivision 3. The individuals or organizations (hereinafter the "examiners") will conduct an examination of a foreign domiciled insurance company conducting business in Minnesota.

Selection of the examiners will be made in the best interest of the Department based upon the proposals submitted and the quality of service necessary. The Department intends to select the examiners as soon as reasonably possible.

II. Examiner Responsibilities

The examiners, in accordance with Department examination policies and procedures and the procedures specified within the National Association of Insurance Commissioners *Market Conduct Examiners Handbook*, may:

- A. Conduct a review of the Company's operations and management, including, but not limited to;

History, Profile, Managing general agent oversight, Internal audits, Antifraud plan, Certificates of authority and Litigation

Professional, Technical & Consulting Contracts

- B. Conduct a review of complaint handling practices to include, but not be limited to;
Complaint register; Complaint response times; Disposition of complaint.
- C. Conduct a review of advertising and sales practices to include, but not be limited to;
Advertising file; Advertising and sales material; Producer and marketing channel training material; Surveys of producers and customers.
- D. Conduct a review of producer licensing practices to include, but not be limited to;
Licensing; Appointments; Terminations; Agent rehabilitations; Supervision; and Accounting
- E. Conduct a review of policyholder service practices to include, but not be limited to;
Refunds; Policy issuance; Cancellation/nonrenewals; and Escheat.
- F. Conduct a review of underwriting and rating practices to include, but not be limited to;
Rating practices; Underwriting practices; Use of correct and properly filed and approved rates, forms and endorsements; Termination practices; Unfair discrimination; Use of proper disclosures, buyers' guides and delivery receipts and Statistical coding
- G. Conduct a review of claim practices to include, but not be limited to;
Acknowledgment, investigation and settlement times; Claim investigation; Denied; Unfair claims; Claims form review; Escheat and Review of other procedures, as deemed necessary.
- H. Conduct an actuarial review of rates to include, but not be limited to;
The analysis and validation of (1) premium and policy count data; (2) loss data; (3) expense data; and (4) investment income data and the company's loss analysis and ratemaking methodology.
- I. An examination report will be drafted in a factual unbiased manner, and written in the format required by the Commissioner of Commerce and that relates directly to statutory and regulatory standards or requirements.

Contractor will perform examination procedures as required by the Department while conducting the examination. The contractor will draft certain sections of the examination report in the format required by the Department. Contractor will need an understanding of Minnesota statutes and regulations as well as the ability to understand applicable case law. Contractor may be required to testify at an administrative hearing or other legal proceedings involving the Company.

III. Information Required in Proposal

In addition to agreeing to and detailing how it intends to fulfill the preceding itemized responsibilities, any prospective examiners must provide the following information:

A. Qualifications and Background

The contractor must possess management and organizational skills and experience, oral and written communication skills; actuarial skills, report drafting skills; a familiarity with organizing and conducting market conduct examinations; problem-solving skills.

B. References and Current Operations

A list of other state departments of insurance for which the contractor has conducted market conduct examinations, or is now conducting examinations for, similar to those sought by this Request for Proposal and the nature of the services provided to each. Departments listed as references may be contacted by the Department as part of the evaluation of this Request for Proposal.

IV. Form of Compensation

The examiners will be paid by direct billing of the company on either a bi-weekly or monthly billing cycle. Travel reimbursement will be in accordance with the Commissioners Plan and as otherwise agreed to in the contract.

V. Duration of Contract

The proposed contract period for the examination will be for a maximum of six months commencing on, or about, January 10, 2000, and expiring on, or about, June 10, 2000.

VI. Additional Proposal and Contract Requirements

The Commissioner of Commerce reserves the right to request clarification or elaboration of any segment of any proposal and to negotiate in the best interest of the State.

Professional, Technical & Consulting Contracts

All proposals must indicate that they are valid for ninety (90) days. This period may be extended by mutual agreement between the examiners and the Department.

All proposals submitted in response to this Request for Proposals will become the property of the State. Such proposals will also constitute public records and will be available for view and reproduction by any person after the choice of the examiners has been made.

VII. Schedule for Proposals

All proposals submitted in response to this Request for Proposals must be received in the Commerce Department by January 5, 2000, at 2:30 pm. Late proposals will not be considered. The Department of Commerce will make its decision on which examiners proposal to accept as soon thereafter as reasonably possible.

VIII. Further Contract Information

For purposes of inquiry, contact:

Paul Hanson, Chief Examiner
Enforcement Division
133 East 7th Street
St. Paul, MN 55101
(651) 297.5281
paul.hanson@state.mn.us

Statute mandates that examinations are confidential and nonpublic data under the Minnesota Government Data Practices act. The Company consists of several large insurers specializing in niche, or specialty, insurance markets with an emphasis on credit insurance. The examination site will be located in a state in the southeastern United States. The examination is expected to last from two to three months. It is estimated that two examiners and an actuary will be needed. Travel expenses will be at the rates promulgated by the Commissioner of Employee Relations (DOER) for the Commissioners Plan publicized at www.doer.state.mn.us/lr-cmrpl/chptr-15.htm on the DOER web site. In compliance with Minn. Stat. § 16C.08, 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.

Minnesota Historical Society

Request for Proposals for Architectural Design, Construction Documents and Engineering Services for the Fort Snelling International Hostel

The Minnesota Historical Society (Society) is seeking proposals from qualified firms and individuals for architectural design, construction documents and engineering services as related to developing a Hostelling International overnight facility and educational program center in Building #17, and for hazardous material abatement and mothballing of Building #18. Both buildings are located at Historic Fort Snelling, Saint Paul, Minnesota.

A **PRE-PROPOSAL MEETING** will be held at Historic Fort Snelling, at 1:00 p.m., Local Time, on Thursday, January 13, 2000.

The Request for Proposals, including attachments, is available by calling or writing Chris M. Bonnell, Contracting Officer, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102. Telephone is (651) 297-5863 chris.bonnell@mnhs.org

Bids must be submitted in the format that will be described in the Request for Proposals. Sealed bids must be received by Chris M. Bonnell, Contracting Officer, or an authorized agent, at the Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102 by **Wednesday, January 26, 2000 at 2:00 p.m. Local Time**. Late proposals will not be accepted.

Professional, Technical & Consulting Contracts

Minnesota Historical Society

Requests For Proposals for Consulting Services to Prepare and Process Appropriate Documentation to Access Federal Highway Administration Funds

The Minnesota Historical Society is seeking proposals from qualified consultants with experience in preparing and processing the appropriate project documentation through the Minnesota Department of Transportation's State Aid Division to access Federal Highway Administration funds.

The Society anticipates using \$750,000 of funds "earmarked" in TEA-21 for a project at the Charles A. Lindbergh Boyhood Home, Historic Site, located adjacent to Lindbergh State Park, in Little Falls, Minnesota. In order for this project to be eligible for Federal funds, the social, economic and environmental impacts of the project must be assessed in accordance with State and Federal laws and regulations including, but not limited to, the National Environmental Policy Act (NEPA) and The Code of Federal Regulations for processing transportation projects. The consultant will work with the Society to gather information, prepare the appropriate project documentation in accordance with the MN/DOT State Aid Division guidelines, advise the Society and the project architect on meeting the Mn/DOT State Aid Division guidelines for the architectural plans, coordinate to completion the social, economic and environmental studies necessary, submit the document for State and Federal approval, and track the project document until it is approved. The consultant will also work with the Society and the project architect to assure that the project plans are approved.

An mandatory pre-proposal meeting will be held on Thursday, January 13, 2000 at 1:30 p.m. at the Minnesota History Center, 345 Kellogg Blvd., W., St. Paul, MN 55102

The Request for Proposal is available by contacting or writing, Chris Bonnell, Contracting Officer, Minnesota Historical Society, 345 Kellogg Boulevard West, Saint Paul, Minnesota 55102. Telephone number (651) 297-5863 or e-mail address: chris.bonnell@mnhs.org

Proposals must be submitted in accordance with the instructions that will be part of the Request for Proposals. Proposals must be received by Chris M. Bonnell, Contracting Officer, or an authorized agent, at the Minnesota Historical Society, 345 Kellogg Boulevard West, Saint Paul, Minnesota 55102, no later than Monday, January 31, 2000 at 2:00 p.m.

Minnesota Historical Society

Notice of Request for Proposals for Electrical Contracting Services

The Minnesota Historical Society is seeking proposals from qualified electrical contracting firms interested in providing electrical service(s) for the Society, in the metropolitan area. The selected vendor(s) will be qualified to provide service on an as needed basis, primarily at the Minnesota History Center, for a time period from February 1, 2000 through June 30, 2001.

The Request for Proposals is available by calling or writing Chris M. Bonnell, Contracting Officer, Minnesota Historical Society, 345 Kellogg Boulevard West, Saint Paul, MN 55102. Telephone (651) 297-5863 or e-mail chris.bonnell@mnhs.org

Proposals must be received no later than 2:00 P. M., Local Time, Wednesday, January 19, 2000, and be submitted in the format provide for in the Request for Proposals. Late proposals will not be accepted.

Department of Transportation

Program Support Group

Office of Land Management

Notice of Availability to Contract for Aerial Photography Services

The Minnesota Department of Transportation (Mn/DOT) is soliciting proposals for: Aerial Vertical Photography, Photographic Laboratory Services, Photogrammetric Scanning, and Photogrammetric Data/Services. The Contractors selected will have Master Agreements under the Transportation (T-Contract) Program.

This will be a three year program. The total program is estimated to be \$1,200,000.00.

Please submit in writing, a request for the Aerial Photography Services Request for Proposal (RFP).

Professional, Technical & Consulting Contracts

Your request, must be received before January 10, 2000, for mailings. After January 10, 2000, the Request for Proposal must be obtained in person from the Agreement Administrator:

Calvin C. Robinson
Minnesota Department of Transportation
The Transportation Building, 7th Floor North
Consultant Services Unit, Mail Stop 680
395 John Ireland Boulevard
Saint Paul, Minnesota 55155-1899
Fax: (651) 282-5127

Proposals must be received at the above address no later than 2:00 p.m., Central Standard Time, on January 21, 2000. Late proposals will not be considered. No time extensions will be granted.

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 will be borne by the Contractor.

Department of Transportation

Program Support Group

Office of Technical Support

Notice of Availability of Contract for TH 336 Final Design in D-4

The Minnesota Department of Transportation (Mn/DOT) is soliciting the proposals for Final Design services for the reconstruction of TH 336 located between TH 10 and I-94 in MN/DOT District 4.

Work is proposed to start March 13, 2000.

Request for Proposals will be available by mail from this office through January 10, 2000. **A written request (direct mail or FAX) is required to receive the Request for Proposal.** After January 10, 2000, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from the Mn/DOT Agreement Administrator:

Alex Chernyaev, P.E.
Consultant Services Unit - 7th Floor North
Minnesota Department of Transportation
395 John Ireland Boulevard, MailStop 680
St. Paul, MN 55155
Fax: (651) 282-5127

Proposals in response to the Request for Proposals in this advertisement must be received at the above address no later than 2:00 P.M. CDT on January 25, 2000. **Late proposals will not be considered.** No time extensions will be granted.

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 will be borne by the responder.

Department of Transportation

Program Support Group

Office of Maintenance

Availability of Statewide Contract for Education Program for Equipment Maintenance Personnel

The Minnesota Department of Transportation (Mn/DOT) is soliciting proposals for a statewide T-Contract program for the Mn/DOT Office of Maintenance wherein multiple consultants will be under contract to provide coaching, training and education to

Professional, Technical & Consulting Contracts

the Minnesota Department of Transportation's (Mn/DOT) equipment maintenance personnel. Work will be issued through work order contracts.

This T-Contract program will run for approximately three years and has a total value of \$2,500,000.00.

Work is proposed to start after February 29, 2000.

Request for Proposals will be available by mail from this office through January 3, 2000. **A written request (direct mail or FAX) is required to receive the Request for Proposal.** After January 3, 2000, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from the Agreement Administrator:

Mark Hagen
Consultant Services Unit - 7th Floor North
Minnesota Department of Transportation
395 John Ireland Boulevard, MailStop 680
St. Paul, MN 55155
Fax: (651) 282-5127

Proposals submitted in response to this Request for Proposals must be received at the above address no later than 2:00 P.M. CST on January 18, 2000. **Late proposals will not be considered.** No time extensions will be granted.

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.

Department of Transportation

Financial Operations Group

Netprophet Training and Instruction Certification

Notice of Request for Proposals for Training on NetProphet® 2.7 Software

The Minnesota Department of Transportation (Mn/DOT) Activity Based Costing Project is requesting proposals from a qualified firm or individuals for training on NetProphet® 2.7 software and certification of one or two employees as NetProphet/Hyperion HABM Instructors.

To receive a copy of the formal Request for Proposal (RFP) and attachment contact:

Nancy Worline
Activity Based Costing Project
M.S. 340
117 University Avenue, 2nd Floor Ford Building
St. Paul, MN 55155
phone: (651) 282-2474

All proposals must be received at the above address no later than (2:30 p.m. CST) January 14, 2000. Late proposals will not be considered.

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 *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of 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 Airports Commission

Notice of Call for Proposals for Radio Equipment Maintenance and Miscellaneous Services

Sealed proposals will be received by the Metropolitan Airports Commission at its office at 6040 28th Avenue South, Minneapolis MN 55450-2799, until 2:00 p.m. Local Time, TUESDAY, FEBRUARY 1, 2000, for the procurement of **RADIO EQUIPMENT MAINTENANCE 7 MISCELLANEOUS SERVICES**.

Mandatory Pre-Proposal Conference: A Mandatory Pre-proposal conference will be held at 1:30 p.m. Minnesota Time Wednesday, JANUARY 12, 2000, at the MAC Maintenance Facility, 6025 – 28th Avenue South, Minneapolis, MN 55450. The purpose of this meeting is for the Commission Staff to receive and review comments on this Specification form all prospective vendors.

At that time and place the proposals will be publicly opened and the names and address of those responding read aloud. If mailed the Commission's mailing address is 6040 28th Avenue South, Minneapolis, MN 55450-2799, and *proposals to be considered must be received by the Commission by the date and hour set for opening of proposals.*

Proposals shall be according to the specifications. The Commission reserves the right to reject any or all proposals or portions thereof, and to waive any minor irregularities or informalities therein. Copies of the Specifications may be obtained at the office of the Commission, 6040 28th Avenue South, Minneapolis, Minnesota 55450. (phone: 612-726-8146)

Dated: 21 December 1999

METROPOLITAN AIRPORTS COMMISSION
JoAnn Brown/Buyer-Administrator

Metropolitan Council

Invitation for Bid Micro-Soft MS Office 2000 Licenses

Sealed bids for Micro-Soft MS 2000 Pro Licenses will be received at the offices of the Metropolitan Council, Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota, 55101, on January 10, 2000, at 2:00 p.m., at which time and place they will be publicly read.

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

Award(s) will be made to the low, responsive, responsible bidder(s), who meet criteria outlined in bid documents supplied by 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.

Project Interconnect

Request for Proposal (Bid) for Telecommunications Services and Equipment

Project Interconnect is soliciting proposals from providers to supply telecommunication services and equipment for video, data, and internet connections. Sealed responses are due by 3:00 p.m. on January 13, 2000.

CONTACT: Call Bill Leto at 612-585-1954 for Request for Proposal (Bid) Document.

Non-State Public Bids, Contracts & Grants

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 Request for Bids/Proposals through its web based Bid Information Services (BIS). Subscriptions to BIS are \$75/year. Visit our web site at bidinfo.umn.edu or call the BIS Coordinator at 612-625-5534.

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

Certificates of Assumed Name; Registration of Insignia and Marks

Minnesota Statutes Chapter 333 requires the filing of an assumed name with the Secretary of State. This filing does not protect a users exclusive right to that name. The filing is required as a consumer protection, in order to enable consumers to be able to identify the true owner of a business. For more information, or to register an assumed name, insignia or mark, contact the Office of the Secretary of State, Business Services Division, (651) 297-1455.

Certificate of Assumed Name

First Run: File # 0229852 - Cornerstone Appraisals

1. The exact assumed name under which the business is or will be conducted is: **Cornerstone Appraisals**
2. The address of the principal place of business is: **598 Summit Avenue #2, St. Paul, MN 55102**
3. The names and complete street addresses of all persons conducting business under the above Assumed Name are:
 - **Edwin A. Caffrey, 598 Summit Avenue #2, St. Paul, MN 55102**

I certify that I am authorized to sign this certificate and I further certify that I understand that by signing this certificate, I am subject to the penalties of perjury as set forth in *Minnesota Statutes* section 609.48 as if I had signed this certificate under oath.

Dated: 22 November 1999

Edwin A. Caffrey (612) 618-9000, owner

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M-F, 8am-5pm Metro: 651-297-3000

Greater Minnesota: 1.800.657.3757

FAX: 651.215.5733

