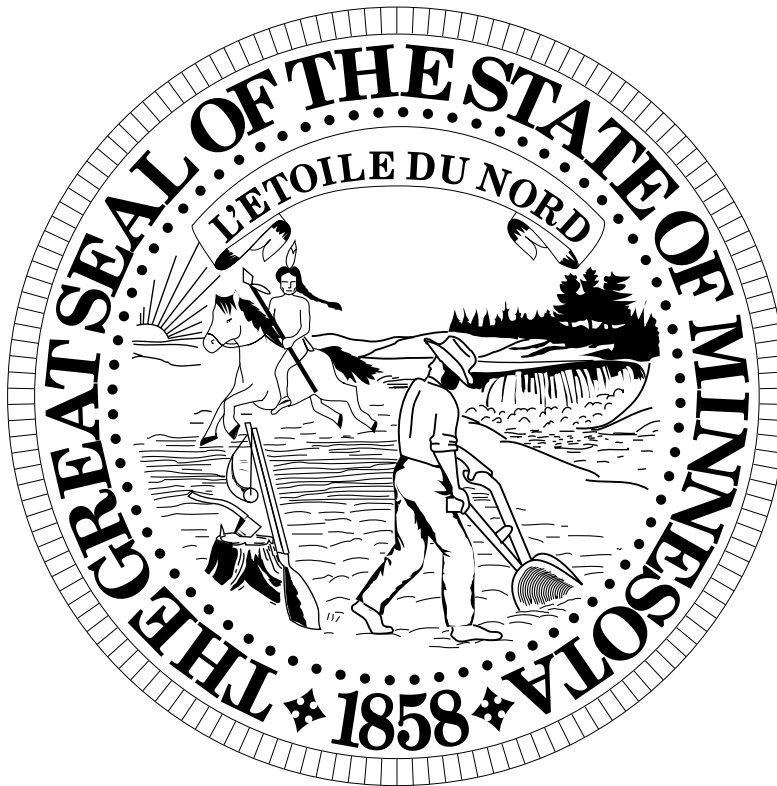


State of Minnesota

State Register

Rules and Official Notices Edition



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State Register

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

The *State Register* is the official publication of the State of Minnesota, 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- proposed, adopted, exempt, expedited emergency and withdrawn rules • executive orders of the governor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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Vol. 25 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
#8	Monday 21 August	Noon Wednesday 9 August	Noon Tuesday 15 August
#9	Monday 28 August	Noon Wednesday 16 August	Noon Tuesday 22 August
#10	TUESDAY 5 SEPTEMBER	Noon Wednesday 23 August	Noon Tuesday 29 August
#11	Monday 11 September	Noon Wednesday 30 August	Noon Tuesday 5 September

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Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media.

To be placed on the mailing list, write or call the offices listed below:

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Contact: House Information Office (651) 296-2146
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 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

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

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

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Proposed Rules

Comments on Planned Rules or Rule Amendments

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

Rules to be Adopted After a Hearing

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

Rules to be Adopted Without a Hearing

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

Board of Chiropractic Examiners

Proposed Permanent Rules Relating to Expired Licenses

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Rules Governing Terminated License Reinstatement, *Minnesota Rules*, 2500.1900

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

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Micki King at The Minnesota Board of Chiropractic Examiners, 2829 University Avenue S.E. Suite 300, Minneapolis, MN 55414; **phone:** (612) 617-2226; and **fax:** (612) 617-2224; or **email** at Micki.King@state.mn.us.

Subject of Rules and Statutory Authority. The proposed amendment to the current rule is about Terminated License Reinstatement. The current rule makes no provision for the reinstatement of a license terminated for reasons other than failure to obtain the required continuing education. This language change is intended to correct the oversight in the drafting of the original language. The amendment to this rule further changes the action taken against a licensee for failure to renew from a disciplinary action to an administrative function. The statutory authority to adopt the rule is *Minnesota Statutes*, section 148.08, Subd. 3. A copy of the proposed rule is published in the *State Register*.

Comments. You have until 4:30 p.m. on September 22, 2000 to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and be received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on September 22, 2000. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the with-

drawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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

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

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person or on the Board's website at **www.mn-chiroboard.state.mn.us**. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. Copies of the statement may be obtained at the cost of reproduction from the agency.

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

Dated: 8 August 2000

Larry A. Spicer, DC
MBCE Executive Director

2500.1110 LICENSE TERMINATION PROCEDURE.

Subpart 1. **For failure to renew license.** ~~The procedures in this part shall be followed by the board for all licensees who have failed to submit the annual renewal application according to parts 2500.1000 to 2500.2000 including, where applicable, required information about continuing education and applicable fees, except as provided in parts 2500.1000 to 2500.2000. A license which is not renewed by midnight of December 31 of any renewal year, pursuant to part 2500.1100, subpart 2, by reason of failure to pay fees, failure to submit a completed application, or failure to complete all continuing education requirements shall be considered expired. An expired license shall not be considered a disciplined license solely as a result of the expiration. An expired license which remains unrenewed shall be terminated according to this part.~~

An expired license which continues to remain expired by reason of failure to pay fees, failure to submit a completed application, or failure to complete required continuing education shall be terminated according to this part. A terminated license shall not be considered a disciplined license solely as a result of the termination.

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

2500.1900 LICENSE REINSTATEMENT.

The license of any licensee which is not renewed or which is revoked, suspended, or reduced in status by reason of failure to comply with the continuing education requirements of parts 2500.1200 to 2500.2000, or failure to submit a completed application as prescribed by the board may, at the election of the licensee or former licensee, be reinstated or restored to full status by either of the following procedures:

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

B. reexamination by the board at the time for which it next schedules license examinations. No such reexamination shall be conducted except upon a written application ~~therefor~~ received by the board executive director not less than ~~30~~ 14 days prior to the examination date.

The license of any licensee which is terminated by reason of failure to submit fees may be reinstated subject to the procedures in items A and B, provided that the appropriate renewal fees and all accrued penalty fees are also paid.

<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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Public Utilities Commission

Proposed Permanent Rules Relating to Competitive Local Telecommunications Providers

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

Planned Amendment to Rules Governing the Regulatory Treatment of Competitive Local Exchange Carriers (CLECs), *Minnesota Rules*, Chapters 7811 and 7812, Public Utilities Commission Docket No. P-999/R-98-1081

Introduction. The Public Utilities Commission intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. But if 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on September 20, 2000, a public hearing will be held at the Public Utilities Commission small hearing room, 121 Seventh Place East, Suite 350, St. Paul, Minnesota, starting at 9:30 a.m. on October 5, 2000. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after September 20, 2000 and before October 5, 2000.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to Eric Witte, Commission Attorney, Minnesota Public Utilities Commission, 121 Seventh Place East, Suite 350, St. Paul, MN 55101-2147, **voice:** (651) 296-7814; **fax:** (651) 297-7073; **TTY:** (651) 297-1200; **email:** eric@puc.state.mn.us.

Subject of Rules and Statutory Authority. The proposed rules pertain to the regulation of competitive local exchange carriers (CLECs), including the relationship between CLECs and incumbent local exchange carriers (LECs). The statutory authority to adopt the rules is *Minnesota Statutes*, sections 216A.05, 237.10 and 237.16. A copy of the proposed rules is published in the *State Register*.

Comments. You have until 4:30 p.m. on September 20, 2000, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and be received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period. Please include a reference to **Public Utilities Commission Docket No. P-999/R-98-1081** at the beginning of your comments.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the proposed rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on September 20, 2000. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose all of the proposed rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules. Again, please include a reference to **Public Utilities Commission Docket No. P-999/R-98-1081** at the beginning of your request.

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

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

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

Cancellation of Hearing. The hearing scheduled for October 5, 2000, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the proposed rules. If you request a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person after September 20, 2000, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the proposed rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time

and place listed above. The hearing will continue until all interested persons have been heard. The Administrative Law Judge assigned to conduct the hearing is Allan W. Klein, Office of Administrative Hearings, 100 Washington Square, Suite 1700, 100 Washington Avenue South, MINNEAPOLIS, MN 55401-2138, **voice:** (612) 341-7609; **fax:** (612) 349-2665.

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

Any person submitting written views or data to the Administrative Law Judge before the hearing, or during the comment or response periods, will also please submit a copy to the agency contact person at the address stated above. Please include a reference to **Public Utilities Commission Docket No. P-999/R-98-1081** at the beginning of the documents.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost. You may review the statement, or obtain copies 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, Centennial Building, First Floor South, 658 Cedar Street, ST. PAUL MN 55155, (651) 296-5148, (800) 657-3889.

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

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

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

Burl Haar,
Executive Secretary

7811.0700 GENERAL SERVICE QUALITY REQUIREMENTS.

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

Subp. 5. Service to CLECs. A LEC providing wholesale services to a CLEC shall notify the CLEC at least two days before implementing a change in service providers to an end-user customer of the CLEC.

7811.1900 DISPUTES ARISING UNDER EXISTING AGREEMENTS.

Disputes arising in the implementation of an agreement must be submitted to the commission for arbitration under part 7811.1700, unless:

<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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A. the agreement provides a different mechanism for resolving those disputes; or

B. the dispute is filed under *Minnesota Statutes*, section 237.462, and the commission orders an expedited proceeding under subdivision 6 of that section.

7811.2210 COMPETITIVE LOCAL EXCHANGE CARRIERS (CLECs).

Subpart 1. General scope of regulation. Competitive local exchange carriers (CLECs) are regulated as provided in this part.

A. The commission shall exercise its regulatory authority over the local services provided by CLECs only to the extent provided for in, or necessary to implement the requirements of, this chapter. Except as provided otherwise in this part or other commission rules, the commission shall exercise its authority over a CLEC's local services only upon complaint under subpart 17 and will not require prior approval of a CLEC's tariffs or service offerings.

B. This part applies to a CLEC affiliate of an incumbent local exchange carrier (LEC) only with respect to its operations in geographic areas outside the service area of the affiliated LEC. A CLEC's local service operations inside the service area of its affiliated LEC must be regulated in the same manner as the LEC's local service operations, unless specified otherwise in *Minnesota Statutes*, chapter 237.

Subp. 2. Tariff filings. For each local service offering, a CLEC shall file with the commission a tariff that contains the rules, rates, and classifications used by the CLEC in the conduct of its local service business, including limitations on liability. The tariff must be consistent with any terms and conditions in the CLEC's certificate of authority. The CLEC shall file six copies of its tariffs with the commission and shall serve one copy on the department and one copy on the Office of Attorney General - Residential Utilities Division (OAG-RUD). Amendments to the tariffs must be filed in the same manner. These filings are governed by the Minnesota Data Practices Act, *Minnesota Statutes*, chapter 13. Upon request, a CLEC shall provide a copy of its tariff or make its tariff available for review at a location convenient to the requesting person within five business days.

Subp. 3. Tariff changes. A CLEC may offer new local services or change the prices, terms, or conditions of existing local services by filing amendments to its tariffs in accordance with subpart 2. These tariff filings take effect as follows:

A. A new service, price decrease, promotion, or insubstantial change in the terms or conditions of a service may take effect immediately upon filing. A price decrease may take effect without notice to customers.

B. Except as provided in item C, a price increase, a substantial change in a term or condition of a service, or a discontinuation of a service other than basic local service may take effect 20 days after filing and providing written notice to affected customers as provided in subitems (1) and (2):

(1) The written notice of a price increase must be given in simple and clear language by bill insert, bill notice, or direct mail. To be simple and clear, the notice must bear the heading "NOTICE OF PRICE INCREASE."

(2) The written notice of a substantial change in a term or condition of service or of the discontinuance of a service other than basic local service must be given in simple and clear language by bill insert, bill notice, or direct mail. To be simple and clear, the notice must, at a minimum, bear a heading such as "NOTICE OF CHANGE IN TERMS" or "NOTICE OF DISCONTINUANCE," as appropriate.

C. Notwithstanding items A and B, the filing requirements for a CLEC must not be more stringent than the filing requirements governing any LEC with 50,000 or more subscribers in whose service area the CLEC is providing local service.

Subp. 4. Cost information. The commission shall not require a CLEC to file cost information unless the commission determines that cost information is needed to resolve a complaint alleging that the CLEC is violating a standard set forth in subpart 5 or 8.

Subp. 5. Discrimination. No CLEC may offer telecommunications service within the state on terms or rates that are unreasonably discriminatory. At a minimum, a CLEC must provide its telecommunications services in accordance with items A to D:

A. A CLEC shall charge uniform rates for local services within its service area. However, a CLEC may, upon a filing under subpart 2:

(1) offer unique pricing to certain customers or to certain geographic locations for promotions as provided in subpart 6;

(2) provide volume or term discounts;

(3) offer prices unique to particular customers, or groups of customers, when differences in the cost of providing a service, market conditions, or LEC pricing practices, justify a different price;

(4) offer different prices in different geographic areas when (a) differences in the cost of providing a service, or market conditions, justify a different price; (b) the areas are served by different LECs; (c) different prices are charged by the LEC serving the areas; or (d) an area is not served by an LEC;

(5) pass through any legislatively authorized local taxes, franchise fees, or special surcharges imposed by local or regional governmental units on the services provided by the CLEC in specific geographic areas from which the taxes, fees, or surcharges originate; or

(6) furnish service free or at a reduced rate to its officers, agents, or employees in furtherance of their employment.

B. A tariff providing for prices unique to particular customers or groups of customers under item A, subitem (3), shall identify the service for which a unique price is available and the conditions under which the unique price is available.

C. In addition to the exceptions provided in item A, a CLEC may also charge different rates for local services within its service territory upon a prior finding by the commission that the CLEC has good cause to do so.

D. To the extent prohibited by federal law or the commission, a CLEC shall not give preference or discriminate in providing services, products, or facilities to an affiliate or to its own or an affiliate's retail department that sells to consumers.

Subp. 6. **Promotions.** A CLEC may promote the use of a local service by offering a waiver of part or all of the recurring or non-recurring charge, a redemption coupon, or a premium with the purchase of a service. The promotion may be aimed at certain customers or to certain geographic locations. The customer group to which the promotion is available must be based on reasonable and nondiscriminatory distinctions among customers. Any single promotion in a given area must not be effective for longer than 90 days at a time. A promotion may take effect upon a tariff filing in accordance with subpart 2. The promotional tariff should include the dates of the promotion, prices, and a brief description of who is eligible for the promotion and the benefits, restrictions, and commitments of the promotion.

Subp. 7. **Packaging services.** A CLEC may offer local service as part of a package that may include goods and services other than telecommunications services. In addition to the tariff requirements that apply to the telecommunications elements of the package, the tariff must also contain a general description of the nontelecommunications components of the package. Nothing in this subpart is intended to give the commission or the department regulatory authority over the nontelecommunications services provided by a CLEC.

Subp. 8. **Prices.** A CLEC's local services are not subject to any rate or price regulation except that the commission may, upon complaint, order a CLEC to change a price or pricing practice or take other appropriate action if the commission determines, after an investigation under subpart 17, that:

A. the price or pricing practice unreasonably restricts resale in violation of *Minnesota Statutes*, section 237.121, paragraph (a), clause (5);

B. the price or pricing practice is unreasonably discriminatory in violation of subpart 5;

C. the price or pricing practice is deceptive, misleading, fraudulent as those terms are defined in state or federal law, or is otherwise unlawful under state or federal law;

D. the price or pricing practice will impede the development of fair and reasonable competition or reflects the absence of an effectively competitive market as determined on the basis of factors such as:

(1) the timely availability of comparable substitutes from other local service providers;

(2) the availability of facilities-based competitors; and

(3) evidence of rivalrous price competition, as demonstrated by the existence of multiple competitors competing on price for the same or similar services; or

E. the price or pricing practice has caused or will result in substantial customer harm.

Subp. 9. **Prohibited practices.** A CLEC must comply with *Minnesota Statutes*, section 237.121, which proscribes certain conduct in the provision of telecommunications services.

Subp. 10. **Interconnection.** A CLEC must allow physical connections to its network and pay appropriate compensation for interconnection with and access to the networks of other local service providers as determined by the commission consistent with the requirements of the federal act.

Subp. 11. **Commission approval to discontinue service or physical connection to another carrier.** In accordance with *Minnesota Statutes*, section 237.74, subdivisions 6, paragraph (a), and 9, a CLEC must obtain prior commission approval before

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discontinuing a service or physical connection to a telephone company or a telecommunications carrier if end users would be deprived of service because of the discontinuance or disconnection.

Subp. 12. Public right-of-way. To the extent that a CLEC owns or controls, or seeks to own or control, a facility in the public right-of-way that is used or is intended to be used for transporting telecommunications or other voice or data information, the CLEC shall comply with *Minnesota Statutes*, sections 237.162 and 237.163, which provide for the use and regulation of the public rights-of-way.

Subp. 13. 911/TACIP/TAP. Each CLEC is subject to *Minnesota Statutes*, sections 237.52 (Telecommunications Access for Communications-Impaired Persons), 237.70 and 237.701 (Telephone Assistance Program), and 403.11 (911 Emergency Services). Amounts collected as surcharges under these sections must be remitted to the Department of Administration in the manner prescribed in *Minnesota Statutes*, section 403.11.

Subp. 14. Consumer protection laws on disclosure, antislamming, cramming. A CLEC shall comply with the requirements of *Minnesota Statutes*, sections 237.66, 237.661, and 237.663.

Subp. 15. Regulatory expense assessment. A CLEC is subject to assessment by the department for the regulatory expenses of the department and the commission, as provided by *Minnesota Statutes*, section 237.295.

Subp. 16. Mergers and acquisitions. In accordance with *Minnesota Statutes*, section 237.74, subdivision 12, before acquiring ownership or control of any provider of local service in Minnesota, either directly or indirectly, a CLEC must demonstrate to the commission that the merger is consistent with the public interest, based on such factors as the potential impact of the merger on consumers, competition, rates, and service quality.

Subp. 17. Investigations and complaints; proceedings. Investigations and complaints regarding CLEC compliance with this chapter are governed by items A to H.

A. After giving notice to the CLEC, the commission may investigate any matter brought forth under its own motion or raised in a complaint against a CLEC of a possible violation of this chapter. A complaint may be brought by a telephone company; by a telecommunications carrier; by the department; by the OAG-RUD; by the governing body of a political subdivision; or by no fewer than five percent or 100, whichever is the lesser number, of the subscribers or spouses of subscribers of the CLEC.

B. If, after an investigation, the commission finds that a significant factual issue has not been resolved to its satisfaction, the commission may order that a contested case hearing be conducted under *Minnesota Statutes*, chapter 14, unless the complainant, the CLEC, and the commission agree that an expedited hearing under *Minnesota Statutes*, section 237.61 is appropriate, or the commission orders an expedited proceeding under *Minnesota Statutes*, section 237.462, subdivision 6.

C. In any complaint proceeding authorized under this subpart, the CLEC bears the burden of proof, unless:

(1) the complaint alleges the CLEC's prices fail to satisfy the price uniformity requirements of subpart 5, item A, in which case the burden is on the complainant to prove that the price differences are not justified; or

(2) the commission determines that the burden should be placed on the complainant based on factors such as which party has control of critical information regarding the issue in dispute.

D. A full and complete record must be kept by the commission of all proceedings before it upon any formal investigation or hearing. All testimony received or offered must be taken down by a stenographer appointed by the commission and a transcribed copy of the record furnished to any party to the investigation upon paying the expense of furnishing the transcribed copy.

E. If the commission finds by a preponderance of the evidence presented during the complaint proceeding that existing rates, tariffs, charges, schedules, or practices violate an applicable provision of this chapter, the commission shall take appropriate action, which may include ordering the CLEC to:

(1) change the rate, tariff, charge, schedule, or practice;

(2) make the service reasonable, adequate, or obtainable; or

(3) take other appropriate action.

F. A copy of an order issued under this subpart must be served upon the person against whom it is directed or the person's attorney, and notice of the order must be given to the other parties to the proceedings or their attorneys.

G. A party to a proceeding before the commission or the OAG-RUD may make and perfect an appeal from the order in accordance with *Minnesota Statutes*, chapter 14.

H. This subpart does not preclude the parties from pursuing voluntary mediation, arbitration, or other alternative dispute resolution. Upon the filing of a complaint, the commission may vary deadlines to allow for voluntary dispute resolution by the parties. However, in accordance with part 7829.1600, if the complainant desires formal action by the commission, the commission shall resolve the dispute.

Subp. 18. **Enforcement; penalties and remedies.** A CLEC is subject to the penalties and remedies provided in *Minnesota Statutes*, sections 237.461, 237.462, and 237.74, subdivision 11.

Subp. 19. **Annual reports.** On or before May 1 of each year, a CLEC shall complete and return to the department the annual report form prepared by the department.

7812.0700 GENERAL SERVICE QUALITY REQUIREMENTS.

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

Subp. 5. **Service to CLECs.** A LEC providing wholesale services to a CLEC shall notify the CLEC at least two days before implementing a change in service providers to an end-user customer of the CLEC.

7812.1900 DISPUTES ARISING UNDER EXISTING AGREEMENTS.

Disputes arising in the implementation of an agreement must be submitted to the commission for arbitration under part 7812.1700, unless:

A. the agreement provides a different mechanism for resolving those disputes; or

B. the dispute is filed under *Minnesota Statutes*, section 237.462, and the commission orders an expedited proceeding under subdivision 6 of that section.

7812.2210 COMPETITIVE LOCAL EXCHANGE CARRIERS (CLECs).

Subpart 1. **General scope of regulation.** Competitive local exchange carriers (CLECs) are regulated as provided in this part.

A. The commission shall exercise its regulatory authority over the local services provided by CLECs only to the extent provided for in, or necessary to implement the requirements of, this chapter. Except as provided otherwise in this part or other commission rules, the commission shall exercise its authority over a CLEC's local services only upon complaint under subpart 17 and will not require prior approval of a CLEC's tariffs or service offerings.

B. This part applies to a CLEC affiliate of an incumbent local exchange carrier (LEC) only with respect to its operations in geographic areas outside the service area of the affiliated LEC. A CLEC's local service operations inside the service area of its affiliated LEC must be regulated in the same manner as the LEC's local service operations, unless specified otherwise in *Minnesota Statutes*, chapter 237.

Subp. 2. **Tariff filings.** For each local service offering, a CLEC shall file with the commission a tariff that contains the rules, rates, and classifications used by the CLEC in the conduct of its local service business, including limitations on liability. The tariff must be consistent with any terms and conditions in the CLEC's certificate of authority. The CLEC shall file six copies of its tariffs with the commission and shall serve one copy on the department and one copy on the Office of Attorney General - Residential Utilities Division (OAG-RUD). Amendments to the tariffs must be filed in the same manner. These filings are governed by the Minnesota Data Practices Act, *Minnesota Statutes*, chapter 13. Upon request, a CLEC shall provide a copy of its tariff or make its tariff available for review at a location convenient to the requesting person within five business days.

Subp. 3. **Tariff changes.** A CLEC may offer new local services or change the prices, terms, or conditions of existing local services by filing amendments to its tariffs in accordance with subpart 2. These tariff filings take effect as follows:

A. A new service, price decrease, promotion, or insubstantial change in the terms or conditions of a service may take effect immediately upon filing. A price decrease may take effect without notice to customers.

B. Except as provided in item C, a price increase, a substantial change in a term or condition of a service, or a discontinuation of a service other than basic local service may take effect 20 days after filing and providing written notice to affected customers as provided in subitems (1) and (2):

(1) The written notice of a price increase must be given in simple and clear language by bill insert, bill notice, or direct mail. To be simple and clear, the notice must bear the heading "NOTICE OF PRICE INCREASE."

<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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(2) The written notice of a substantial change in a term or condition of service or of the discontinuance of a service other than basic local service must be given in simple and clear language by bill insert, bill notice, or direct mail. To be simple and clear, the notice must, at a minimum, bear a heading such as "NOTICE OF CHANGE IN TERMS" or "NOTICE OF DISCONTINUANCE," as appropriate.

C. Notwithstanding items A and B, the filing requirements for a CLEC must not be more stringent than the filing requirements governing any LEC with 50,000 or more subscribers in whose service area the CLEC is providing local service.

Subp. 4. **Cost information.** The commission shall not require a CLEC to file cost information unless the commission determines that cost information is needed to resolve a complaint alleging that the CLEC is violating a standard set forth in subpart 5 or 8.

Subp. 5. **Discrimination.** No CLEC may offer telecommunications service within the state on terms or rates that are unreasonably discriminatory. At a minimum, a CLEC must provide its telecommunications services in accordance with items A to D:

A. A CLEC shall charge uniform rates for local services within its service area. However, a CLEC may, upon a filing under subpart 2:

(1) offer unique pricing to certain customers or to certain geographic locations for promotions as provided in subpart 6;

(2) provide volume or term discounts;

(3) offer prices unique to particular customers, or groups of customers, when differences in the cost of providing a service, market conditions, or LEC pricing practices, justify a different price;

(4) offer different prices in different geographic areas when (a) differences in the cost of providing a service, or market conditions, justify a different price; (b) the areas are served by different LECs; (c) different prices are charged by the LEC serving the areas; or (d) an area is not served by an LEC;

(5) pass through any legislatively authorized local taxes, franchise fees, or special surcharges imposed by local or regional governmental units on the services provided by the CLEC in specific geographic areas from which the taxes, fees, or surcharges originate; or

(6) furnish service free or at a reduced rate to its officers, agents, or employees in furtherance of their employment.

B. A tariff providing for prices unique to particular customers or groups of customers under item A, subitem (3), shall identify the service for which a unique price is available and the conditions under which the unique price is available.

C. In addition to the exceptions provided in item A, a CLEC may also charge different rates for local services within its service territory upon a prior finding by the commission that the CLEC has good cause to do so.

D. To the extent prohibited by federal law or the commission, a CLEC shall not give preference or discriminate in providing services, products, or facilities to an affiliate or to its own or an affiliate's retail department that sells to consumers.

Subp. 6. **Promotions.** A CLEC may promote the use of a local service by offering a waiver of part or all of the recurring or non-recurring charge, a redemption coupon, or a premium with the purchase of a service. The promotion may be aimed at certain customers or to certain geographic locations. The customer group to which the promotion is available must be based on reasonable and nondiscriminatory distinctions among customers. Any single promotion in a given area must not be effective for longer than 90 days at a time. A promotion may take effect upon a tariff filing in accordance with subpart 2. The promotional tariff should include the dates of the promotion, prices, and a brief description of who is eligible for the promotion and the benefits, restrictions, and commitments of the promotion.

Subp. 7. **Packaging services.** A CLEC may offer local service as part of a package that may include goods and services other than telecommunications services. In addition to the tariff requirements that apply to the telecommunications elements of the package, the tariff must also contain a general description of the nontelecommunications components of the package. Nothing in this subpart is intended to give the commission or the department regulatory authority over the nontelecommunications services provided by a CLEC.

Subp. 8. **Prices.** A CLEC's local services are not subject to any rate or price regulation except that the commission may, upon complaint, order a CLEC to change a price or pricing practice or take other appropriate action if the commission determines, after an investigation under subpart 17, that:

A. the price or pricing practice unreasonably restricts resale in violation of *Minnesota Statutes*, section 237.121, paragraph (a), clause (5);

B. the price or pricing practice is unreasonably discriminatory in violation of subpart 5;

C. the price or pricing practice is deceptive, misleading, fraudulent as those terms are defined in state or federal law, or is otherwise unlawful under state or federal law;

D. the price or pricing practice will impede the development of fair and reasonable competition or reflects the absence of an effectively competitive market as determined on the basis of factors such as:

(1) the timely availability of comparable substitutes from other local service providers;

(2) the availability of facilities-based competitors; and

(3) evidence of rivalrous price competition, as demonstrated by the existence of multiple competitors competing on price for the same or similar services; or

E. the price or pricing practice has caused or will result in substantial customer harm.

Subp. 9. Prohibited practices. A CLEC must comply with *Minnesota Statutes*, section 237.121, which proscribes certain conduct in the provision of telecommunications services.

Subp. 10. Interconnection. A CLEC must allow physical connections to its network and pay appropriate compensation for interconnection with and access to the networks of other local service providers as determined by the commission consistent with the requirements of the federal act.

Subp. 11. Commission approval to discontinue service or physical connection to another carrier. In accordance with *Minnesota Statutes*, section 237.74, subdivisions 6, paragraph (a), and 9, a CLEC must obtain prior commission approval before discontinuing a service or physical connection to a telephone company or a telecommunications carrier if end users would be deprived of service because of the discontinuance or disconnection.

Subp. 12. Public right-of-way. To the extent that a CLEC owns or controls, or seeks to own or control, a facility in the public right-of-way that is used or is intended to be used for transporting telecommunications or other voice or data information, the CLEC shall comply with *Minnesota Statutes*, sections 237.162 and 237.163, which provide for the use and regulation of the public rights-of-way.

Subp. 13. 911/TACIP/TAP. Each CLEC is subject to *Minnesota Statutes*, sections 237.52 (Telecommunications Access for Communications-Impaired Persons), 237.70 and 237.701 (Telephone Assistance Program), and 403.11 (911 Emergency Services). Amounts collected as surcharges under these sections must be remitted to the Department of Administration in the manner prescribed in *Minnesota Statutes*, section 403.11.

Subp. 14. Consumer protection laws on disclosure, antislamming, cramming. A CLEC shall comply with the requirements of *Minnesota Statutes*, sections 237.66, 237.661, and 237.663.

Subp. 15. Regulatory expense assessment. A CLEC is subject to assessment by the department for the regulatory expenses of the department and the commission, as provided by *Minnesota Statutes*, section 237.295.

Subp. 16. Mergers and acquisitions. In accordance with *Minnesota Statutes*, section 237.74, subdivision 12, before acquiring ownership or control of any provider of local service in Minnesota, either directly or indirectly, a CLEC must demonstrate to the commission that the merger is consistent with the public interest, based on such factors as the potential impact of the merger on consumers, competition, rates, and service quality.

Subp. 17. Investigations and complaints; proceedings. Investigations and complaints regarding CLEC compliance with this chapter are governed by items A to H.

A. After giving notice to the CLEC, the commission may investigate any matter brought forth under its own motion or raised in a complaint against a CLEC of a possible violation of this chapter. A complaint may be brought by a telephone company; by a telecommunications carrier; by the department; by the OAG-RUD; by the governing body of a political subdivision; or by no fewer than five percent or 100, whichever is the lesser number, of the subscribers or spouses of subscribers of the CLEC.

B. If, after an investigation, the commission finds that a significant factual issue has not been resolved to its satisfaction, the commission may order that a contested case hearing be conducted under *Minnesota Statutes*, chapter 14, unless the complainant, the CLEC, and the commission agree that an expedited hearing under *Minnesota Statutes*, section 237.61 is appropriate, or the commission orders an expedited proceeding under *Minnesota Statutes*, section 237.462, subdivision 6.

C. In any complaint proceeding authorized under this subpart, the CLEC bears the burden of proof, unless:

(1) the complaint alleges the CLEC's prices fail to satisfy the price uniformity requirements of subpart 5, item A, in which case the burden is on the complainant to prove that the price differences are not justified; or

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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Proposed Rules

(2) the commission determines that the burden should be placed on the complainant based on factors such as which party has control of critical information regarding the issue in dispute.

D. A full and complete record must be kept by the commission of all proceedings before it upon any formal investigation or hearing. All testimony received or offered must be taken down by a stenographer appointed by the commission and a transcribed copy of the record furnished to any party to the investigation upon paying the expense of furnishing the transcribed copy.

E. If the commission finds by a preponderance of the evidence presented during the complaint proceeding that existing rates, tariffs, charges, schedules, or practices violate an applicable provision of this chapter, the commission shall take appropriate action, which may include ordering the CLEC to:

- (1) change the rate, tariff, charge, schedule, or practice;
- (2) make the service reasonable, adequate, or obtainable; or
- (3) take other appropriate action.

F. A copy of an order issued under this subpart must be served upon the person against whom it is directed or the person's attorney, and notice of the order must be given to the other parties to the proceedings or their attorneys.

G. A party to a proceeding before the commission or the OAG-RUD may make and perfect an appeal from the order in accordance with *Minnesota Statutes*, chapter 14.

H. This subpart does not preclude the parties from pursuing voluntary mediation, arbitration, or other alternative dispute resolution. Upon the filing of a complaint, the commission may vary deadlines to allow for voluntary dispute resolution by the parties. However, in accordance with part 7829.1600, if the complainant desires formal action by the commission, the commission shall resolve the dispute.

Subp. 18. **Enforcement; penalties and remedies.** A CLEC is subject to the penalties and remedies provided in *Minnesota Statutes*, sections 237.461, 237.462, and 237.74, subdivision 11.

Subp. 19. **Annual reports.** On or before May 1 of each year, a CLEC shall complete and return to the department the annual report form prepared by the department.

REPEALER. *Minnesota Rules*, parts 7811.2200; and 7812.2200, are repealed.

Adopted Rules

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

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

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

Exempt Rules

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

Emergency Expedited Rules

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

Department of Health

Adopted Permanent Rules Relating to WIC

The rules proposed and published at *State Register*, Volume 24, Number 43, pages 1510-1527, April 24, 2000 (24 SR 1510), are adopted with the following modifications:

4617.0002 DEFINITIONS.

[For text of subps 1 to 14a, see M.R.]

Subp. 14b. **Expired or damaged food.** "Expired or damaged food" means a food item which is in stock and available for purchase after the date stamped on the food item, ~~or~~ is dented, rusted, unlabeled or otherwise damaged, ~~or~~ has become moldy or otherwise spoiled, or has been recalled by the manufacturer.

[For text of subps ~~1~~ 14c to 19a, see M.R.]

4617.0084 VENDOR SANCTIONS.

Subp. 12. **Six-month disqualification for two violations.**

A. This subpart applies to the violations described in subitems (1) to (5). Violations described in each subitem are accumulated separately to determine the number of violations:

(5) allowing a WIC customer to return or exchange any infant formula bought with a voucher, unless the customer is exchanging ~~spoiled or damaged~~ infant formula that is expired or damaged food for the identical size, type, brand, and level of iron fortification.

Subp. 13. **Three-month disqualification for three violations.**

A. This subpart applies to the violations described in subitems (1) to (6). Violations described in each subitem are accumulated separately to determine the number of violations:

(4) except as provided in subpart 12, item A, subitem (5), allowing a customer to return or exchange any food bought with a voucher, unless the customer is exchanging ~~a spoiled~~ expired or damaged ~~item~~ food for the identical size and type of food;

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

Department of Human Services

Adopted Permanent Rules Relating to the Merit System

The rules proposed and published at *State Register*, Volume 24, Number 45, pages 1614-1620, May 8, 2000 (24 SR 1614), are adopted as proposed.

Pollution Control Agency

Adopted Permanent Rules Relating to Storage Tanks

The rules proposed and published at *State Register*, Volume 24, Number 41, pages 1443-1450, April 10, 2000 (24 SR 1443), are adopted with the following modifications:

7151.1200 DEFINITIONS.

Subp. 14a. **Facility.** “Facility” means an assemblage of one or more aboveground storage tanks, including any indoor tanks, together with any associated secondary containment areas, appurtenances, and substance transfer areas, that are located at a single property or multiple contiguous properties.

7151.1300 APPLICABILITY.

Subp. 2. **Exclusions.** The following aboveground storage tank systems are excluded from the requirements of this chapter:

- Q. an aboveground storage tank that ~~stores a substance~~ is located at a site for a period of 30 days or less.

7151.4100 TEMPORARY STORAGE.

Subpart 1. **Scope.** This part applies to storage of a substance in an aboveground storage tank that is located at a site for a period of more than 30 days but less than one year. Temporary storage tanks regulated under this part are exempt from all other requirements except as provided in subparts 2, 3, and 4.

7151.5600 CORROSION PROTECTION.

Subpart 1. **Tanks.** The floor of a steel aboveground storage tank must be protected from corrosion using one of the following methods:

- D. the tank is double-bottomed with ~~a vacuum pulled on the interstitial space;~~
 - (1) a vacuum pulled on the interstitial space; or
 - (2) a cathodic protection system installed in the interstitial space;

7151.6600 CORROSION PROTECTION.

Subp. 2. **Tanks.** The floor of an existing steel aboveground storage tank must be protected from external corrosion using one or more of the following methods:

- D. the tank is double-bottomed with ~~a vacuum pulled on the interstitial space;~~
 - (1) a vacuum pulled on the interstitial space; or
 - (2) a cathodic protection system installed in the interstitial space;

Expedited Emergency Rules

Provisions exist for the Commissioners of some state agencies to 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. Specific *Minnesota Statutes* citations accompanying these emergency expedited rules detail the agency's rulemaking authority.

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules; Special Provisions for State Game Refuges; Controlled Hunting Zones; Camp Ripley Archery Hunt; Fisher and Pine Marten Limits; Youth Waterfowl Hunting Day; Goose Hunting

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of these rules is *Minnesota Statutes*, sections 97A.091, 97A.092, 97B.305, 97B.311, 97B.605, 97B.731, and 97B.803.

Dated: 9 August 2000

Allen Garber
Commissioner of Natural Resources

6230.0400 SPECIAL PROVISIONS FOR STATE GAME REFUGES.

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

Subp. 8. **East Minnesota River Game Refuge, Blue Earth and Le Sueur counties.** The East Minnesota River Game Refuge in Blue Earth and Le Sueur counties is open to deer, wild turkey, and bear hunting by archery.

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

Subp. 11. **Evansville Game Refuge, Douglas county.** The Evansville Game Refuge in Douglas county is open to:

- A. trapping; ~~and~~
- B. Canada goose hunting during the early goose season; and
- C. deer and bear hunting by firearms.

[For text of subps 12 to 21, see M.R.]

Subp. 22. **Lake Ripley Game Refuge, Meeker county.** The Lake Ripley Game Refuge in Meeker county is open to:

- A. small game hunting, except waterfowl, after the ~~waterfowl~~ duck season; and
- B. trapping after the ~~waterfowl~~ duck season.

[For text of subps 23 to 28, see M.R.]

Subp. 29. [See repealer.]

[For text of subps 30 to 53, see M.R.]

[For text of subps 54 to 56, see 24 SR 275

8/30/99]

Subp. 57. **Talcot Lake Game Refuge, Cottonwood county.** The following special provisions apply to the Talcot Lake Game Refuge, Cottonwood county:

A. Those portions within the Talcot Lake Game Refuge that are posted to prohibit trespassing are closed to hunting. The remainder of the refuge is open to waterfowl hunting during the open Canada goose seasons only at designated hunting stations as provided by parts 6230.0500 to 6230.1100.

B. Designated hunting stations within the refuge must be spaced no less than 200 yards apart and must be no more than 100 yards inside the refuge, as measured from the posted boundary.

6230.0600 DESCRIPTIONS OF CONTROLLED HUNTING ZONES.

[For text of subps 1 to 6, see M.R.]

Expedited Emergency Rules

Subp. 7. **Talcot Lake Zone, Cottonwood county.** On the Talcot Lake Game Refuge and Sanctuary in Cottonwood county, the controlled hunting zones include the East Side Zone and the West Side Zone:

A. The East Side Zone is:

(1) the 200 yard wide area which is ~~outside of the Talcot Lake Game Refuge and Sanctuary and immediately adjacent to the following described boundary as posted:~~ east of the west right-of-way boundary of that portion of county state-aid highway (CSAH) 7, Cottonwood county, described as follows:

Beginning ~~along county state aid highway (CSAH) 7, Cottonwood county~~ at the center of Section 17, Township 105 North, Range 38 West; thence South along CSAH 7 to state trunk highway (STH) 62; and

(2) the West Half of the East Half of Section 29, Township 105 North, Range 38 West, Cottonwood county.

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

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

6230.0700 THIEF LAKE (EARLY) AND LAC QUI PARLE SPECIAL PROVISIONS.

Subpart 1. **Time periods for special provisions.** In addition to the regulations provided by part 6230.0500, the following subparts apply to all persons. In the Thief Lake controlled hunting zone, the regulations in this part apply during the period from the opening day of the regular goose season to the Monday nearest October 22. In the Lac qui Parle controlled hunting zones, these regulations apply during the open season for taking geese in the Lac qui Parle Goose Zone.

[For text of subps 2 to 7, see M.R.]

6230.0800 THIEF LAKE (LATE) SPECIAL PROVISIONS.

Subpart 1. **Time period for special provisions.** In addition to the general regulations, the following subparts apply to waterfowl hunters in the Thief Lake controlled ~~Hunt~~ hunting zone during the early goose season, the Youth Waterfowl Hunting Day, and the period from the Tuesday nearest October 23 to the close of the goose season.

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

6230.1100 TALCOT LAKE SPECIAL PROVISIONS.

Subpart 1. **Time period for special provisions.** In addition to the general regulations, the following subparts apply to all persons in the Talcot Lake controlled hunting ~~zone zones~~ during ~~the~~ open Canada goose ~~season seasons~~.

Subp. 2. **Hunting prohibited.** Hunting, other than waterfowl, is prohibited ~~in the West Side controlled hunting zone~~ on public land in the Talcot Lake controlled hunting zones.

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

6232.0900 CAMP RIPLEY ARCHERY HUNT.

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

Subp. 3. **Antlerless deer and legal bucks.** In 2000, Camp Ripley is open for the taking of antlerless deer and legal bucks. Not more than 2,500 permits shall be issued for each two-day hunting period, provided the total number of permits issued for both hunting periods does not exceed 4,000.

6234.1700 TAKING FISHER.

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

Subp. 2. **Bag limits.** The combined limit for fisher and pine marten is four per season, in aggregate. A person may not take more than ~~two~~ four fisher per season or possess more than ~~two~~ four fisher at a time, except that a person may possess additional pelts that the person lawfully took, tagged, and registered during previous seasons.

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

6234.1800 TAKING PINE MARTEN.

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

Subp. 3. **Bag limits.** The combined limit for fisher and pine marten is four per season, in aggregate. A person may not take more than ~~two~~ four pine marten per season or possess more than ~~two~~ four pine marten at a time, except that a person may possess additional pelts which the person has lawfully taken, tagged, and registered during previous seasons.

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

6240.0610 YOUTH WATERFOWL HUNTING DAY.

Subpart 1. **Dates, eligibility, and license requirements.** Ducks, mergansers, coots, and moorhens may be taken statewide on September 16, 2000, by hunters 15 years of age or younger who are accompanied by an adult 18 years of age or older. The accompanying adult may not hunt. No hunting license or waterfowl stamps are required.

Subp. 2. **Shooting hours.** Shooting hours are one-half hour before sunrise to 4:00 p.m.

Subp. 3. **Bag limits.** The daily bag limit for ducks is six ducks, and may not include more than four mallards, of which not more than two may be female mallards; three greater or lesser scaup combined; one pintail; two wood ducks; two redheads; one black duck; and one canvasback. The daily bag limit for mergansers is five mergansers, of which no more than one may be a hooded merganser. The daily bag limit for coots and moorhens is 15 in combination. The daily bag limit for geese is one Canada goose, except in the West Zone, where the daily bag limit is five Canada geese.

6240.1000 TAKING GEESE IN SOUTHEAST GOOSE ZONE.

Subpart 1. **Zone.** The Southeast Goose Zone is comprised of Isanti, Chisago, Washington, Anoka, Hennepin, Carver, Scott, Ramsey, Dakota, Rice, Goodhue, Wabasha, Winona, Olmsted, Dodge, Steele, Freeborn, Mower, Fillmore, and Houston counties that part of the state within the following described boundaries: beginning at the intersection of U.S. Highway 52 and the south boundary of the Twin Cities Metro Canada Goose Zone; thence along U.S. Highway 52 to state trunk highway (STH) 57; thence along STH 57 to the municipal boundary of Kasson; thence along the municipal boundary of Kasson to county state-aid highway (CSAH) 13, Dodge county; thence along CSAH 13 to STH 30; thence along STH 30 to U.S. Highway 63; thence along U.S. Highway 63 to the south boundary of the state; thence along the south and east boundaries of the state to the south boundary of the Twin Cities Metro Canada Goose Zone; thence along said boundary to the point of beginning.

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

6240.1200 SPECIAL PROVISIONS ON TAKING GEESE DURING EARLY SEASONS.

Subpart 1. **Taking near water.** Taking Canada geese during the early seasons is prohibited on or within 100 yards of all surface waters, except on those described or shown on a map provided by the commissioner, and except:

A. in the West Goose Zone, including the West-Central and Lac qui Parle Goose Zones; and

B. for youth hunters participating in the Youth Waterfowl Hunting Day.

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

6240.1500 TAKING GEESE IN TWIN CITIES METRO CANADA GOOSE ZONE.

Subpart 1. **Open season.** Canada geese may be taken in the Twin Cities Metro Canada Goose Zone beginning the first Saturday in September to September ~~15~~ 22.

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

6240.1600 TAKING GEESE IN FIVE GOOSE ZONE.

Subpart 1. **Open season.** Canada geese may be taken in the ~~Four~~ Five Goose Zone beginning the first Saturday in September to September ~~15~~ 22.

Subp. 2. **Daily limits.** A person may not take more than ~~four~~ five Canada geese per day during the early season.

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

6240.1700 TAKING GEESE IN ~~TWO~~ GOOSE SOUTHEAST ZONE EARLY SEASON.

Subpart 1. **Open season.** Canada geese may be taken in the ~~Two-Goose~~ Goose Southeast Zone beginning the first Saturday in September to September ~~15~~ 22.

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

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

That part of the state lying east of Interstate Highway 35 and south of the Twin Cities Metro Canada Goose Zone as described in part 6240.1500, subpart 3. ~~Southeast~~ Zone is that portion of the state described in part 6240.1000.

6240.1750 TAKING GEESE IN NORTHWEST GOOSE ZONE.

Subpart 1. **Open season.** Canada geese may be taken in the Northwest Goose Zone, described in part 6240.0860, beginning the first Saturday in September to September 15.

Expedited Emergency Rules

Subp. 2. Daily limits. A person may not take more than two Canada geese per day during the early season.

REPEALER. *Minnesota Rules*, part 6230.0400, subpart 29, is repealed. The expedited emergency amendments to *Minnesota Rules*, part 6230.0600, subpart 7, published in the *State Register*, volume 24, page 275, August 30, 1999, are repealed.

EFFECTIVE PERIOD. The emergency amendments to *Minnesota Rules*, parts 6232.0900, 6234.1700, 6234.1800, and 6240.1200, expire December 31, 2000. The emergency amendments to parts 6230.0400, 6230.0600, 6230.0700, 6230.0800, 6230.1100, 6240.1000, 6240.1500, 6240.1600, and 6240.1700, expire 18 months after adoption. After the emergency amendments expire, the permanent rules as they read prior to those amendments again take effect, except as they may be amended by permanent rule. *Minnesota Rules*, part 6240.0610, expires December 31, 2000. *Minnesota Rules*, part 6240.1750, expires 18 months after adoption.

ERRATA

Corrections to agency errors in rules or in following the rulemaking processes, as well as incomplete notices, mislabeled rules, incorrect notices and citations will appear in this section. Whenever an error is corrected in this section, it's corresponding rule number(s) will also appear in the *State Register's* index to rulemaking activity, **Minnesota Rules: Amendments and Additions**.

Minnesota Department of Labor and Industry

Workers' Compensation Division

Correction to Proposed Permanent Rules Governing Workers' Compensation Medical Fee Schedule, *Minnesota Rules*, Parts 5221.0100 to 5221.4070

Please note that two errors have been identified in the proposed rules as published on August 7, 2000 in the *State Register*, Volume 25, Number 6 (25 SR 419 and 25 SR 448):

- On page 419, the heading for proposed *Minnesota Rules*, part 5221.4030, subp. 2b, item J should read as follows:
J. Procedure code numbers A0021 to R0076 relate to miscellaneous services and supplies.
- On page 448, the proposed *Minnesota Rules* part 5221.4030, subp. 2b, item K contains a code that should not have been included: Code S9090, vertebral axial decompression, and the corresponding indicators for this code in columns 1 to 12, were erroneously included in the table.

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.

Minnesota Department of Agriculture

Dairy and Food Division

REQUEST FOR COMMENTS on Planned Repeal of Rules Governing Obsolete Milk and Milk Product and Cheese and Cheese Product Standards, *Minnesota Rules*, Chapters 1530 and 1535

Subject of the Rule. The Minnesota Department of Agriculture requests comments on its planned repeal of rules governing milk and milk product and cheese and cheese product standards. The department is considering repealing rules that have been replaced by federal standards.

Persons Affected. The rules would likely affect processors, packagers and sellers of dairy products. The department does contemplate appointing an advisory committee to comment on the planned rules.

Statutory Authority. *Minnesota Statutes*, section 31.10 requires the commissioner to adopt standards of quality, purity, identity, composition analysis content and strength of article of food. *Minnesota Statutes*, section 32.484 allows the commissioner to promulgate rules necessary to enforce *Minnesota Statutes* sections 32.481 to 32.483, which deal with cheese.

Public Comment. Interested persons or groups may submit comments or information on the planned rules in writing or orally until 4:30 p.m. on October 20, 2000. The department has not prepared a draft of the planned repeal. Written or oral comments, questions, requests to receive a draft of proposed rules, and requests for more information on the planned rules should be addressed to: Dave Weinand, Minnesota Department of Agriculture, 90 W. Plato Blvd., St. Paul, MN 55107: **Phone:** (651) 215-3946, **Fax:** (651) 297-5637. TTY users may contact the Department of Agriculture through Minnesota Relay Service at (800) 627-3529.

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

Dated: 8 August 2000

Sharon Clark
Deputy Commissioner

Minnesota Comprehensive Health Association

Notice of Meeting of Executive Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA) **Executive Committee** will be held on Tuesday, August 22, 2000, at MCHA's executive office, 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN, at 10:00 a.m.

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

Emergency Medical Services Regulatory Board

Notice of Completed Application in the matter of the License Application of North Ambulance-Cross Lake, Cross Lake, Minnesota

PLEASE TAKE NOTICE that the Emergency Medical Services Regulatory Board (hereinafter "EMSRB") has received a completed application from **North Ambulance-Cross Lake, Cross Lake, Minnesota**, for a new type of service, part-time advanced ambulance service.

NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes* 144E.11, subd. 3, each municipality, county, community health board, governing body of a regional emergency medical services system, ambulance service and other person wishing to make recommendations or comments concerning the disposition of the application shall make written recommendations or comments opposing the application to the EMSRB within 30 days or by September 21, 2000, 4:30 p.m. Written recommendations or comments opposing the application should be sent to: Mary Hedges, Executive Director, EMSRB, 2829 University Ave. SE, # 310, Minneapolis, Minnesota 55414-3222.

If fewer than six comments opposing the application are received during the comment period, and the EMSRB has determined, after considering the factors in *Minnesota Statutes* 144E.11, subd. 6, that the proposed service is needed, the applicant will be exempt from a contested case hearing, pursuant to *Minnesota Statutes* 144E.11, subd. 4. If six or more recommendations or comments in opposition to the application are received during the comment period or the EMSRB denies the application, the applicant shall be given the option of immediately proceeding to a contested case hearing or trying to resolve the objections within 30 days, pursuant to *Minnesota Statutes* 144E.11, subd. 5(a)(b). If the applicant is unable to resolve the objections within 30 days, or if the applicant initially requests a hearing, a contested case hearing will be scheduled and notice of the hearing given pursuant to *Minnesota Statutes* 144E.11, subd. 5(c)(e).

Dated: 8 August 2000

Mary F. Hedges, Executive Director

Department of Human Services

New Minnesota Family Investment Program Transitional Standard with Food Stamp COLA Adjustment

Minnesota Statute 256J.24, Subd. 5a requires the Commissioner of Human Services to adjust the food portion of the Minnesota Family Investment Program (MFIP) transitional standard by October 1 of each year to reflect the cost-of-living adjustments to the Food Stamp program. The statute also requires the Commissioner to annually publish the adjusted transitional standard for assistance units size one to ten. The new MFIP transitional standard effective October 1, 2000 through September 30, 2001 is listed below.

NEW MFIP TRANSITIONAL STANDARD WITH FOOD STAMP COLA ADJUSTMENT

October 1, 2000 – September 30, 2001

Family size	1	2	3	4	5	6	7	8	9	10	over 10
Transitional Standard w/COLA	\$361	\$640	\$801	\$949	\$1,076	\$1,225	\$1,338	\$1,475	\$1,610	\$1,740	+ \$129

Minnesota Department of Public Safety

Driver and Vehicle Services Division

REQUEST FOR COMMENT on Planned Rule Governing Applications for Reduced Fee State Identification Cards, *Minnesota Rule* part 7410.0700

Subject of rule. The Minnesota Department of Public Safety, Driver and Vehicle Services Division (DVS), requests comment on a planned rule governing applications for a reduced fee state identification card.

Under *Minnesota Statutes*, section 171.07, subdivision 3, paragraph (c), an individual who has mental retardation, a physical disability or serious and persistent mental illness, may apply for a reduced fee state identification card. A definition of the conditions that qualify for the 50-cent card are defined or described in state law. The planned rules clarify how applications may be made, who verifies the condition, and whether or not condition reversion is needed when an identification card must be renewed. The rule also addresses the privacy of information provided to DVS.

Persons affected. These rules affect or may be of interest to persons applying for an initial state identification card, renewing such card or obtaining a duplicate of such card. In particular, persons with mental retardation, a physical disability, or mental illness may find these rules of interest. Interested parties include those who provide services to, work with or are related to persons with the above conditions; advocacy associations, DVS licensing agents and state staff who accept applications for state identification cards; persons or entities who rely on state-issued identification documents; persons concerned about public safety; and the general public.

Statutory authority. *Minnesota Statutes*, section 171.07, subdivision 3, paragraph (c) mandates the issuance of a reduced fee state identification card. Further authority for these rules is found in sections 14.06, 171.061, and 299A.01, subdivision 7.

Public comment. Interested persons or groups may submit comment or information on the planned rule in writing or orally until further notice that DVS intends to adopt or withdraw the rule is published in the *State Register*.

DVS does not contemplate appointing an advisory committee to comment on the planned rule. Copies of this notice, draft rule language and a sample verification form will be sent to parties on the agency rulemaking list, the Department of Human Services, representatives and advocates of groups representing persons with mental retardation, mental illness or who have a physical disability, persons responsible for verifying the condition, various legislators, and department application sites and appointed licensing agents.

Rule drafts. DVS has prepared a draft of the planned rule that is available from the agency contact person.

Agency contact person. Written or oral comment, questions and requests for more information on the planned rule amendment should be addressed to: Jane A. Nelson, Minnesota Department of Public Safety, Driver and Vehicle Services Division, Suite 196, 445 Minnesota Street, St. Paul, Minnesota 55101-5196, **Phone:** (651) 296-2608; **Fax:** (651) 296-3141; **email:** Jane.Nelson@state.mn.us.

Alternative format. This Request for Comment can be made available in an alternative format such as large print, Braille, or cassette tape. To make such a request, contact the agency contact person listed above.

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

Dated: 3 August 2000

Charles R. Weaver, Commissioner
Minnesota Department of Public Safety

Teachers Retirement Associaton

Notice of Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Thursday, September 14, 2000 at 9:30 a.m. in Suite 500, Gallery Building, 17 W. Exchange Street, St. Paul, MN to consider matters which may properly come before the Board.

State Grants & Loans

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

Department of Economic Security

Rehabilitation Services Branch

Notice of Availability of Funds for Extended Employment Programs in Minnesota

The Department of Economic Security announces a request for proposals to provide the ongoing support services necessary for supported employment of persons with the most severe disabilities in Minnesota. Requests for proposals will be available to interested parties on September 29, 2000.

Any city, town, county, non-profit organization or combination of these that operates or proposes to operate a community rehabilitation facility pursuant to *Minnesota Statutes*, Chapter 268A.06, 268A.08, and 268A.15 may apply for funding.

A minimum of \$236,000 in Extended Employment funds will be made available through this RFP. Continued funding will be available based on the vendor's ability to meet annual contracted performance requirements. Contract performance is based on the total work hours of the supported employees reported to the Department of Economic Security by the vendor during the state fiscal year. Payments on the contract are made monthly, based on the number of work hours of the supported employees reported to the Department of Economic Security by the vendor in the previous month.

To be an Extended Employment Program provider, an organization must be certified by the Rehabilitation Services Branch of the Department of Economic Security in accordance with *Minnesota Rule* 3300.2010. The Extended Employment funding system is described in *Minnesota Rule* 3300.2035. Provisions for new and expanded programs are defined in *Minnesota Rule* 3300.2030. Funding for new and expanded programs is contingent upon the availability of funds. Questions regarding this RFP should be directed to Abigail Neuman (651) 296-9157. (See **contact information below.**)

Bidder's conferences will be held at the following three locations and times:

September 25, 2000

2:00 - 4:00 p.m.

MN Department of Economic Security

Annex Room C

390 N. Robert Street

St. Paul, MN

October 5, 2000

1:00 - 3:00 p.m.

Hawthorne Suites

325 Lake Ave South

Duluth, MN 55802

October 12, 2000

1:00 - 3:00 p.m.

Best Western Riverport Inn

900 Bruski Drive

Winona MN 55987

State Grants & Loans

For information on the Request for Proposals for Extended Employment Services, contact:

Abigail Neuman
Program Coordinator
Rehabilitation Services – Extended Employment
390 North Robert Street - 1st Floor
St. Paul, MN 55101
Phone: (651) 296-9157 **Fax::** (651) 297-5159
Toll free: 1 (800) 328-9095 **TTY:** (651) 296-3900
Email: abigail.neuman@state.mn.us

Completed applications for funding will be due on **October 31, 2000**, by 4:30 p.m., CST.

Minnesota Housing Finance Agency Request for Proposals

Preservation of Federally Assisted Housing at Risk of Being Lost as Affordable Housing

The Minnesota Housing Finance Agency (MHFA) announces the availability of \$200,000 in grant funds to support tenant organizing and education activities for the purpose of preserving federally assisted low-income housing at risk of being lost as affordable housing. The funding is part of a grant awarded by the U.S. Department of Housing and Urban Development (HUD).

The MHFA will accept applications from eligible applicants, due at the MHFA no later than 4:30 P.M. September 29, 2000, for funding to support tenant organizing and education activities for the purpose of preserving federally assisted low-income housing, located in Minnesota, that is at risk of being lost as affordable housing.

MHFA anticipates tentatively selecting one or more eligible applicants by approximately October 31, 2000. Final selection will occur after negotiations between MHFA and the applicants regarding the Request For Proposals (RFP) are complete.

Eligible Applicants

Eligible applicants are organizations which:

1. have a tax exemption ruling from the Internal Revenue Service under section 501(c)(3) or (4) of the Internal Revenue Code of 1986;
2. have the capacity to service the tenants in projects the organization and MHFA identify as most at risk of being lost as affordable housing within one year after the term of this activity, regardless of their location within Minnesota, or the ability to develop such capacity;
3. have previous experience organizing/educating tenants about their rights and options with respect to federally assisted housing;
4. have the capacity to comply with the uniform administrative requirements of 24 CFR part 84, OMB Circular A-122, and OMB Circular A-133 and Treasury Circular 1075;
5. will comply with all Federal Statutes relating to nondiscrimination;
6. will comply with anti-lobbying requirements in 24 CFR Part 87, including the requirement to provide certain certifications and/or disclosures to the MHFA;
7. will comply with 24 CFR Part 84 requirements related to retention of records, open access to records by HUD and MHFA, reporting, project close-out, later disallowances and adjustments, and collection of amounts due;
8. will comply with 24 CFR 24.510(b) regarding ineligibility, suspension and debarment;
9. will provide any additional information or documentation required by MHFA.

Program Description

- Amount available: Up to \$200,000
- Term of Program: Up to 24 months
- Eligible Costs:
 - Staff salary
 - Staff fringe benefits

- Travel
- Supplies
- Office space
- Ineligible Costs include, but are not limited to the purchase of the following; office equipment, furniture, machines, communication equipment, legal fees associated with bringing an action against an owner, HUD, or MHFA. MHFA reserves the sole right to make the final determination regarding the eligibility of any costs.
- Needs that will be addressed by the proposal.

Federally-assisted housing for low-income families is increasingly at risk of conversion to other uses. Conversion decreases the supply of affordable housing for the lowest income families. Although federal assistance is available today in the form of tax credits to construct new apartment housing, the type of federal assistance that was used to construct the housing that serves this income group is not available today, making its replacement impossible.

Organizing and educating tenants may be conducted in any type of housing receiving project-based assistance from any department of the federal government that is at risk of conversion to other use because of the issuance of a legal notice by the owner of their intention to not renew a federal housing assistance payment contract or prepay a federally assisted mortgage. Section 8 mark-to-market eligible properties would be immediately eligible for tenant organizing.

The purpose of organizing and educating tenants is to empower them to participate in changes occurring at the affected property, and to affect decisions about the future of their housing.

Key Components of an Application for Funding

1. Identify properties your organization has identified as most at risk of being lost as affordable housing during the term of this program, and one year thereafter, and their locations;
2. Describe your methodology for identifying the properties in number 1, above;
3. Describe your assessment of the needs of tenants;
4. Describe how your organization will address the needs you've described in number 3, above, including the organization's capacity to address those needs;
5. Define your priority properties for each year and target developments for organizing;
6. Describe a typical work plan and schedule for targeted developments;
7. Identify the major components of your proposed activities and an estimated begin and end date for each. You may use a format similar to the example "Component Schedule" below;
8. Provide a cost estimate for each of the major components of this activity;
9. Provide an annual budget for each of the eligible costs that are described under Program Description;
10. Identify how soon activities funded under this program will begin after execution of an agreement with MHFA, and when they will end;
11. Submit the above, and additional information you feel is necessary, together with a cover letter with the sponsoring organization name, address, phone number, and contact person, no later than the application date.

Component Schedule

(For example, only)

Component	Start (Months after date of agreement)	Completion (Months after date of agreement)
Establish priorities for each year of this project and target developments for organizing	4	5
Assess needs of tenants	6	7
Develop work plans for each targeted development	8	24

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Execute work plans	9	24
Provide Reports to MHFA	6 months, and every 6 months thereafter	30

Submit Application to:

Minnesota Housing Finance Agency
400 Sibley Street, Suite 300
St. Paul, MN 55101-1998
Attention: Mr. Robert L. Odman

If you have any questions please contact John Madson at (651) 296-3434 or toll free at 1 (800) 657-3701.

Application Deadline: Must be received at MHFA by 4:30 P.M. September 29, 2000.

MHFA reserves the right to reject any or all proposals, to modify or withdraw this RFP at any time, and is not able to reimburse any applicant for costs incurred in the preparation or submittal of proposals.

Department of Public Safety

Office of Drug Policy and Violence Prevention

Grants Available for Justice Training Partnerships

Coordinating State Agency: Department of Public Safety, Office of Drug Policy and Violence Prevention (ODPVP).

Eligible Applicants: Limited to cities, counties, tribal governments and state agencies. Not-for-profit organizations and professional associations are encouraged to partner with a local unit of government to apply. Priority will be given to training projects that involve a partnership between two or more agencies.

Source of funds and legislative authority: This training project is funded through the Byrne Memorial Grant Program, U.S. Bureau of Justice Assistance, P.L. 100-690 and P.L. 104-208.

Program Requirements: These training funds are intended to support new criminal justice and community training projects that increase public safety and improve the criminal justice system. Priority will be given to training projects that support one or more of the goals of Minnesota's Byrne Grant Program, including:

- Local problem-solving partnerships between citizens and the criminal justice system
- Coordination and strategic planning for all components of the criminal justice system
- Information sharing across jurisdictions and between criminal justice agencies
- Chemical dependency treatment as a cost-effective strategy to reduce crime
- Effective crime and violence prevention programs

Copies of *Creating a Safer Minnesota: Byrne Advisory Committee Report* are available upon request.

Total available funding: \$300,000

Estimated size of awards: \$5,000 - \$50,000

Matching fund requirement: 25% hard cash match of total project costs (1/3 of grant amount requested). These matching funds must be new non-federal funds to support this new training project. If grant funds are awarded, the grantee must certify the source and amount of all match funds.

Project dates: January 1 - December 31, 2001.

Application materials: All applications must include an application cover sheet (Form 1), project narrative (Form 2) and budget request (Form 3). Application materials may be downloaded from the SAFE **website** at: www.dps.state.mn.us/safe/index.html. Additional certifications and a resolution will be required if funds are awarded.

Questions: Direct any questions about this application process to Kristin Lail, (651) 284-3324.

Deadline: Applications must be postmarked no later than Friday, September 29, 2000.

Send 5 copies to: Boyd Rasmussen, Minnesota Department of Public Safety
Office of Drug Policy and Violence Prevention
444 Cedar Street, Suite #100
St. Paul, MN 55101-5100

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 \$25,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: agency name and address, name of agency contact person, description of project and tasks, cost estimate and final submission date and time of completed proposal. Certain quasi-state agencies and MnSCU institutions are exempted from these provisions. In accordance with *Minnesota Rules* 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. Certified Economically Disadvantaged Businesses and individuals shall receive the equivalent of a 4% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (651) 296-2600 or [TTY (651) 282-5799.]

Department of Children, Families and Learning Coordinated School Health

Notice of Request for Proposals to Provide Technical Assistance on School-Based Tobacco Use Prevention Programming

The Department of Children, Families and Learning, Coordinated School Health, is soliciting proposals from qualified vendors to develop a system for and implement training and technical assistance to schools regarding school-based tobacco use prevention programs. This contract is related to two grants received from the Minnesota Department of Health Youth Tobacco Endowments.

The Department has estimated the cost of this project should not exceed \$60,000. The anticipated project period is September 18, 2000, or as soon as a contract is executed to June 30, 2001.

For a complete copy of the Request for Proposal please contact:

Deborah Wells
Office of Community Services, Coordinated School Health
Minnesota Department of Children, Families and Learning
1500 Highway 36 West
Roseville, MN 55113
Phone: (651) 582-8472
Fax: (651) 582-8495
Email: deborah.wells@state.mn.us

Responses are due no later than 3:00 p.m. CDT September 15, 2000. Late responses will not be considered.

Board of Electricity

Notice of Request for Proposals for Providing Electrical Inspection Service for Fiscal Year 2001 (July 1, 2000 through June 30, 2001) in Specific Geographical Areas of the State

The Board of Electricity is requesting proposals to provide electrical inspection service in the following geographical areas of the state: (1) the counties of Nicollet and Le Sueur, with the exception of New Prague and Lanesburg township; (2) the counties of Cook, Lake, with the exception of Silver Bay and T61 and T62, R8 to R11 and all townships north of and including T63, and in St. Louis county, the townships of Alden, Ault, Canosia, Cotton, Duluth, Ellsburg, Fairbanks, Fredenberg, Gnesen, Grand Lake, Lakewood, Normanna, Pequaywan, Rice Lake, T53, R15 and R16, T54 R13 to R15, T55 R14 and R15; (3) the counties of Kittson, Marshall, Roseau, and in Beltrami county, the NW corner with post office box at Grygla, T153 to T156 R34 to R38, T157 and T158 R36 to R38, T153 to T156 R34 to R38, T157 and T158 R36 to R38; and (4) the counties of Big Stone, Grant, Stevens and Traverse.

In accordance with *Minnesota Statutes* section 326.241, subdivision 2(2), all individuals providing inspection service must be licensed as journeyman or master electricians.

A detailed Request for Proposals has been prepared by the Board that defines geographical inspection areas, minimum service requirements, and other related information.

Prospective responders who are interested in submitting a proposal for this service should request the detailed Request for Proposals. Requests for the detailed Request for Proposals and related questions should be directed to the following person:

John Williamson, Assistant Executive Secretary
Minnesota Board of Electricity

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Griggs-Midway Building, Suite S-128
1821 University Avenue
St. Paul, MN 55104
Telephone: (651) 642-0800
Fax: (651) 642-0441
Email: john.williamson@state.mn.us

Proposals must be received at the Board office by 4:30 p.m. Central Time, September 1, 2000. Late proposals will not be considered.

Minnesota Historical Society

Request for Proposals for Parking Lot and Trail Construction at Historic Fort Snelling

NOTICE TO CONTRACTORS – Sealed proposals will be RECEIVED until 2:00 p.m., August 28, 2000, by Chris M. Bonnell, Contracting Officer, Finance and Administration Division, Minnesota Historical Society, 4th Floor, History Center, 345 Kellogg Boulevard West, St. Paul, Minnesota 55102 on behalf of the Commissioner of Transportation as agent for said Agency for the construction of the county project(s) listed below. Proposals will be opened and read publicly by the Commissioner of Transportation or his representative at the History Center, St. Paul, Minnesota, immediately after the hour set for receiving bids.

Minimum wage rates to be paid by the Contractors have been predetermined and are subject to the Work Hours Act of 1962, P.L. 87-581 and implementing regulations.

READ CAREFULLY THE WAGE SCALES AND DIVISION A OF THE SPECIAL PROVISIONS AS THEY AFFECT THIS PROJECT(S)

The Minnesota Department of Transportation hereby notifies all bidders:

in accordance with Title VI of the Civil Rights Act of 1964 (Act), as amended and Title 49, *Code of Federal Regulations*, Subtitle A Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation, it will affirmatively assure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded maximum opportunity to participate and/or to submit bids in response to this invitation, and will not be discriminated against on the grounds of race, color, disability, age, religion, sex or national origin in consideration for an award;

in accordance with Title VI of the Civil Rights Act of 1964 as amended, and Title 23, *Code of Federal Regulations*, Part 230 Subpart A-Equal Employment Opportunity on Federal and Federal-Aid Construction Contracts (including supportive services), it will affirmatively assure increased participation of minority groups and disadvantaged persons and women in all phases of the highway construction industry, and that on any project constructed pursuant to this advertisement equal employment opportunity will be provided to all persons without regard to their race, color, disability, age, religion, sex or national origin;

in accordance with the Minnesota Human Rights Act, *Minnesota Statute* 363.03 Unfair Discriminatory Practices, it will affirmatively assure that on any project constructed pursuant to this advertisement equal employment opportunity will be offered to all persons without regard to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, or age;

in accordance with the Minnesota Human Rights Act, *Minnesota Statute* 363.073 Certificates of Compliance for Public Contracts, and 363.074 Rules for Certificates of Compliance, it will assure that appropriate parties to any contract entered into pursuant to this advertisement possess valid Certificates of Compliance.

If you are not a current holder of a compliance certificate issued by the Minnesota Department of Human Rights and intend to bid on any job in this advertisement you must contact the Department of Human Rights immediately for assistance in obtaining a certificate.

The following notice from the Minnesota Department of Human Rights applies to all contractors:

“It is hereby agreed between the parties that *Minnesota Statute*, section 363.073 and *Minnesota Rules*, parts 5000.3400 to 5000.3600 are incorporated into any contract between these parties based on this specification or any modification of it. A copy of *Minnesota Statute* 363.073 and *Minnesota Rules*, parts 5000.3400 to 5000.3600 is available upon request from the contracting agency.”

“It is hereby agreed between the parties that this agency will require affirmative action requirements be met by contractors in relation to *Minnesota Statutes* 363.073 and *Minnesota Rules* 5000.3600. Failure by a contractor to implement an

Professional, Technical & Consulting Contracts

affirmative action plan or make a good faith effort shall result in revocation of its certificate or revocation of the contract (*Minnesota Statute 363.073, Subd., 2 and 3*)."

Parking Lot and Trail Construction – Grade, Aggregate Base, Bituminous Surface, Modular Block Retaining Wall, Pipe Culvert, Pipe Sewer, Concrete Walk, Concrete Curb & Gutter, Revise Lighting System, Chain Link Fence, Pavement Markings, Landscaping and Turf Establishment.

S.P. 94-100-17 (Fort Snelling), Minnesota Project No. TEAF 2797(029), located at Historic Fort Snelling. The major items of work are 9913 m3 of common Excavation, 1563 m3 of Aggregate Base, 501 t of Type 41 Wearing Course Mixture, 481 t of Type 41 binder Course Mixture, 295 m2 of Modular Block Retaining Wall, 37.9 m of 560 and 725 mm Span Reinforced Concrete Pipe Arch Culvert, 95.3 m of 430 mm Span Corrugated Steel Pipe Arch Culvert, 233 m. of 300, 375 and 600 mm Reinforced Concrete Pipe Sewer, 21 m of Construct Drainage Structures, 147 m3 of Random Riprap, 662 m2 of Special Concrete Walk, 1537 m of Concrete Curb & Gutter, 37 each Information Signs, Revise Lighting System, Relocate Utility Facilities (Lump Sum), 162 m of Chain Link Fence, 1326 m of Pavement Markings – Paint, 220 m2 of Pavement Marking – Epoxy, 14 Trees, 100 Shrubs, 513 m of Silt Fence, and 1.6 ha of Turf Establishment.

NOTICE TO BIDDERS: A Pre-Letting Conference will be held at the Project Site on August 21, 2000, at 10:00 a.m. All interested parties are invited to attend. Any questions regarding this Project should be directed to Deb Bartels at (651) 222-5754.

A minimum goal 9% Good Faith Effort to be subcontracted to Disadvantaged Business Enterprises.

<u>Item</u>	<u>Counter Price</u>
Plans and 1 Proposal	\$29.75
Proposals only, per copy	\$12.00

Proposals, plans and specifications may be examined and secured in Room 109 of the Minnesota Department of Transportation Building, St. Paul, Minnesota 55155. The Contracting Officer of the Minnesota Historical Society, St. Paul, Minnesota will have copies of the above for examination only.

REQUESTS FOR PLANS AND PROPOSALS MAY BE SUBMITTED ON CONSTRUCTION FORM NO. 21120, ACCOMPANIED BY CHECK, DRAFT OR MONEY ORDER, PAYABLE TO THE COMMISSIONER OF TRANSPORTATION. ALL MAIL ORDERS SHOULD BE ADDRESSED TO PLANS AND PROPOSALS, 395 JOHN IRELAND BOULEVARD, MAIL STOP 694, ST. PAUL, MN 55155.

Bids must be accompanied by a certified check made payable to the Commissioner of Transportation, or a corporate surety bond made in favor of the State of Minnesota in an amount as designated on the proposal form.

PLEASE NOTE

7% MINNESOTA SALES TAX MUST BE INCLUDED ON ALL COUNTER PURCHASES MAIL ORDERS WITHIN ST. PAUL. 6.5% SALES TAX MUST BE INCLUDED ON ALL ORDERS SHIPPED TO POINTS IN MINNESOTA.

COUNTER PURCHASES MAY BE MADE BETWEEN 7:30 a.m. AND 4:00 p.m.

VISA AND MASTERCARD ARE NOT ACCEPTED.

Elwyn Tinklenberg
Commissioner of Transportation

Minnesota State Lottery

Request for Bids for Promotional Merchandise

The Minnesota State Lottery will purchase a variety of promotional items for the purpose of marketing lottery games. Those items will be purchased under provisions of *Minnesota Statutes 349A.07* which states in part:

"The director shall utilize an open bid process and shall take into account the particularly sensitive nature of the state lottery and shall consider the competence, quality of product, experience, and timely performance of each potential vendor in order to promote and ensure security, honesty, fairness, and integrity and the operation and administration of the lottery."

Since time frames of these purchases will often be extremely constrained, the Lottery will establish a list of vendors willing to deliver specific items or groups of items. Invitations to bid on specific items will then be mailed to these vendors and responses mailed directly to the Lottery offices in Roseville.

Companies interested in being included on the Minnesota State Lottery vendor list for promotional merchandise should submit: business name, address, contact person, phone number, fax number, and brief description of your product line.

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All responses should be sent to: Susie Kivi, Minnesota State Lottery, 2645 Long Lake Road, Roseville, Minnesota 55113. Vendors may request their names and product lines be added to the list at anytime.

Department of Natural Resources Office of Management and Budget Services Environmental Planning and Review

Notice of Availability of Request for Proposal for Preparation of an Environmental Impact Statement for the Pine Island Bog Horticultural Peat Mining Project in Koochiching County, Minnesota

NOTICE IS HEREBY GIVEN that the Minnesota Department of Natural Resources, a state agency, seeks the services of a professional consultant to assist in preparing an environmental impact statement for the Pine Island Bog Horticultural Peat Mining Project in Koochiching County, Minnesota.

The proposed project will include 840 acres of commercial horticultural peat harvesting fields, portions of 320 acres for drainage ditches and settling basins, and 64 acres for associated processing facilities, all at the bog site, and 39 acres for a shipping and distribution stockpile yard near the City of Big Falls. The project also necessitates upgrading the Pine Island Forest road.

An environmental impact statement is mandatory for the proposed project. The statement will analyze impacts associated with construction and operation of all mining, processing, and storage facilities, and impacts associated with road upgrading and use. The statement will suggest mitigation for negative impacts.

The department seeks the services of a consultant with expertise in preparing environmental review documents, peat mining engineering, peatland ecology, surface and ground water hydrology, water and air quality analysis, wildlife biology, state and federal regulatory processes, and socioeconomics. The consultant must conduct necessary data collection and analysis, and prepare draft and final environmental impact statements that fulfill the requirements of *Minnesota Rules* parts 4410.0200 to 4410.6500.

The department estimates environmental impact statement preparation costs at \$85,000.00. This Request for Proposal does not obligate the agency to spend the estimated dollar amount nor to complete the environmental impact statement; the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

In accordance with *Minnesota Rules* part 1230.1810, subpart B and *Minnesota Rules* part 1230.1830, certified Targeted Group Businesses and individuals submitting proposals as prime contractors will receive up to six percent preference in the evaluation of their proposal, and certified Economically Disadvantaged Businesses and individuals submitting proposals as prime contractors will receive up to six percent preference in the evaluation of their proposals. For information regarding certification, contact the Department of Administration, Materials Management **Helpline:** at (651) 296-2600, **TTY:** (651) 282-5799.

The full Request for Proposal contains detailed information about the proposed mining project and proposal content requirements. Call or write for the full request, which will be sent free of charge to interested vendors. Contact:

Rebecca Wooden
Department of Natural Resources
Office of Management and Budget Services
500 Lafayette Road
St. Paul, MN 55155-4010
(651) 297-3355

Other personnel are not allowed to discuss the Request for Proposal with anyone, including responders, before the proposal submission deadline.

Proposals from interested parties must be submitted to the department by 4:00 p.m. on Friday, September 22, 2000.

Dated: 7 August 2000

Rebecca Wooden, Environmental Planner
Office of Management & Budget Services
Department of Natural Resources

Office of the Secretary of State

Request for Proposals for Vote Registration System

The Office of the Secretary of State is seeking to acquire and implement a statewide voter registration system for the Office of the Secretary of State of Minnesota (OSS). The OSS is interested in obtaining packaged software that will enable a rapid implementation before June 30, 2001. The new software will replace an existing Unisys MAPPER system. OSS plans to replace the current voter registration system with a state of the art application system that enables a streamlined access to election services. Additionally, a new voter registration system will provide a broader range of services, more easily accessed at a lower cost through use of current technology. In order to rapidly convert and deploy a new voter registration system, an existing software package is required.

For a copy of the Voter Registration Request for Proposal, please contact:

Sue Swanson
State Office Building
100 Constitution Ave.
St. Paul, MN. 55155
Voice: (651) 297-8250
Fax: (651) 296-0127
Email: susan.k.swanson@state.mn.us

Minnesota Board of Water and Soil Resources

Request for Proposals for Implementing a Vegetation Planting and Management Plan for a Wetland Restoration in Scott County

The Minnesota Board of Water and Soil Resources (BWSR) requests proposals to implement a native vegetation and management plan as part of a project to restore 100 acres of wetland on a 195-acre wetland site four miles south of Belle Plaine in Scott County. The project involves the planting of specific seed mixes and special plant materials in three planting zones comprising a total of about 142 acres of land. The estimated project cost is \$53,000. This proposal does not obligate the BWSR to spend the estimated dollar amount. The deadline for submitting proposals is September 7, 2000. A copy of the complete Request For Proposal and project specifications can be obtained by contacting Bruce Sandstrom at the following location:

Minnesota Board of Water and Soil Resources
Attn: Bruce Sandstrom, Wetland Bank Administrator
One West Water Street, Suite 200
St. Paul, MN 55107
Phone: (651) 297-4958
Fax: (651) 297-5615
Email: bruce.sandstrom@bwsr.state.mn.us

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.

Anoka County

Advertisement for Request for Proposals for an Automated Interactive Phone System for the Division of Property Records and Taxation Including Hardware, Software and Professional Services

The County of Anoka is soliciting sealed proposals from qualified organizations to provide professional services, software and hardware for an Interactive Phone System for the division of Property Records and Taxation.

Sealed proposals will be received at the office of the Anoka County Administrator, Anoka County Government Center, 2100 Third Avenue, Anoka, Minnesota 55303, 11:00 a.m., on September 21, 2000, at which time they will be publicly opened and read aloud in room 710, Seventh Floor, Anoka County Government Center.

Proposal documents may be obtained from Jolene Jorgensen, Project Manager, Division of Property Records and Taxation, Anoka County Government Center, 2100 Third Avenue, Anoka Minnesota 55303, **telephone:** (763) 323-5432 or **email:** Jolene.Jorgensen@co.anoka.mn.us.

A pre-proposal meeting will be held at the Anoka County Government Center on Wednesday, September 6, 2000, at 9:00 a.m. The meeting will take place in the Administration Reception Area, Room 710, Anoka County Government Center, 2100 Third Avenue, 7th Floor, Anoka, Minnesota. Proposers are encouraged to attend this meeting to ask questions and gain clarification regarding this Request for Proposals.

All proposals shall be accompanied by a bidder's bond or a certified cashier's check made payable to the: Treasury Manager of Anoka County in the amount of 5% of proposal amount. No proposal may be withdrawn within 60 days after opening of proposals.

The right is reserved to reject or waive any irregularities of any or all proposals, or reject any or all proposals.

If you need an accommodation because of a disability, such as an interpreter or printed material in an alternate format (i.e., braille or large print), please contact Jolene Jorgensen at (763) 323-5432.

Metropolitan Council

Invitation for Bid for Elevator Maintenance – Preventive and Emergency Service

Sealed bids for elevator maintenance, preventive and emergency services, will be received at the offices of the Metropolitan Council, Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota 55101, on Thursday, September 14, 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 (651) 602-1499 or **via fax:** request at (651) 602-1083.

The Metropolitan Council shall consider all bids received and intends to award a service contract to the responsive and responsible bidder(s) submitting the lowest total cost to the Council, by the due date and time. The Metropolitan Council reserves the right to reject all bids, to investigate the qualifications and experience of any bidder, to reject any provisions in any bid, to obtain new bids, or to proceed to do the work otherwise.

Metropolitan Council

Request for Bids for Coarse Bubble Diffuser Equipment and Fittings

Sealed bids will be received in the office of the Metropolitan Council, Environmental Services Division, (MCES), 230 East 5th Street, St. Paul, Minnesota 55101, for the furnishing and delivery of COARSE BUBBLE DIFFUSER EQUIPMENT AND FITTINGS.

Bids will be received until THURSDAY, SEPTEMBER 7, 2000 at 2:00 p.m., at which time and place the bids will be publicly opened and read aloud.

Copies of the specifications and bid instructions may be obtained from the offices of the Metropolitan Council or by calling (651) 602-1032 or **via Fax:** request at (651) 602-1083.

All bids to be considered must be submitted on **Council approved bid forms.**

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

The Metropolitan Council shall consider all bids received and intended to award a contract to the responsive and responsible bidder submitting the lowest total cost to the Council, by the due date and time, provided, however, that the Metropolitan Council reserves the right to reject all bids, to investigate the qualifications and experience of any bidder, to reject any provisions of any bid, to obtain new bids, or to proceed to do the work otherwise.

Metropolitan Council

Notice of Request for Proposals for Professional Real Estate Services

Contract 00P0109

NOTE: This modifies previous ad for this scope of services.

The Metropolitan Council is soliciting proposals for professional real estate services for the Council's implementation of its public housing initiative, the Family Affordable Housing Program. Over the next 18 months, the Council plans to acquire approximately 209 housing units to own and operate as HUD-assisted public housing. A variety of housing types will be acquired (and renovated as necessary), including single family homes, townhomes, and multi-family structures with less than eight dwelling units. Properties will be purchased in accordance with Council-adopted location criteria in suburban cities throughout Anoka, Hennepin, and Ramsey Counties. The Council will only pursue acquisitions in cities that have executed Cooperation/Participation Agreements with the Council.

Services required may include some or all of the following:

- Identifying properties to be acquired; coordinating site visits by Council staff (contractor must have direct MLS access);
- Coordinating thorough property inspections and determining scope of work necessary to bring property up to HUD and Council standards; estimating costs of identified necessary improvements;
- Coordinating or preparing formal scope of work; coordinating work by construction contractors;
- Negotiating all purchase agreements within identified Council parameters;
- Coordinating all required title work, environmental testing, appraisals, surveys, etc., with Council identified firms;
- Preparing all related HUD-required forms;
- Preparing and transmitting all acquisition documents required by the Council and HUD, and affected associations (required for townhomes purchases for example); forward same to appropriate parties.

Because the Council must complete this acquisition and lease-up by April 2002, the Council may choose to retain one or several contractors to ensure completion as required.

The council intends to select contractors for these services based on the following tentative schedule:

Non-State Public Bids, Contracts & Grants

Issue Request for Proposal
Proposals Due
Contract Award

August 14, 2000
September 8, 2000
September 30, 2000

All firms/individuals interested in providing these services should request a copy of the Request for Proposals. Send or fax requests to:

Amanda Petersen, Administrative Assistant
Contracts and Procurement
Metropolitan Council
Mears Park Centre
230 East Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1585
Fax: (651) 602-1138
Email: amanda.petersen@metc.state.mn.us

Metropolitan Council

Notice of Request for Proposals for Various Professional and Technical Transit Support Services

Contract 00P0080

The Metropolitan Council is soliciting proposals for various professional and technical services to support the Council's Metro Transit Division in completing smaller projects on an as-needed basis. These services include:

- Geotechnical Investigations and Materials Testing;
- Environmental Assessment and Investigations;
- Surveying;
- Traffic Studies;
- Architectural and Engineering Design and Construction Support Services;
- Traffic Engineering Services;
- Public and Community Relations Services;
- Market Analysis for Commercial Development;
- Land Use Planning;
- ADA Design and Evaluation Services;
- Appraisal Services;
- Testing and Inspection Services;
- Construction Support Services;
- Rights-of-Way Investigation and Negotiation Services;

The Council intends to execute professional service contracts with ten to fifteen Proposers that are able to provide one or more of these services. Each contract will have a maximum value between \$100,000 and \$200,000 and a term of three years. The contracts will be structured to allow the Council to request specific professional services, generally valued at less than \$25,000, on an as needed basis by issuing Work Orders. Each Work Order will include a specific scope of services, specified cost for those services, and a designated Council Project Manager.

The Council intends to select firms for these services based on the following tentative schedule:

Non-State Public Bids, Contracts & Grants

Issue Request for Proposal
Proposals Due
Selection of Firms
Execution of Contracts

August 14, 2000
September 13, 2000
September 2000
October 2000

All firms interested in providing these services should request a copy of the Request for Proposals. Send or fax requests to:

Administration Assistant, Contracts and Documents Unit
Metropolitan Council
Mears Park Centre
230 East Fifth Street
St. Paul, MN 55101
Fax: (651) 602-1138

Metropolitan Council

Notice of Request for Proposals for Professional Computer Software Training Services

Contract 00P0106

The Metropolitan Council is soliciting proposals to provide computer software training to its employees. The Metropolitan Council is a large multi-divisional public agency located in the Twin Cities with about 1,500 computer users with widely varying skill levels.

The training will consist almost exclusively of Microsoft Office 97 and 2000 and Novel GroupWise. There will be approximately 40 to 60 days of training each year. The contract will run through December 2002.

Proposals are due September 12, 2000 at 12:00 p.m., at the 2nd Floor Reception Desk of Mears Park Centre located at 230 E. Fifth Street in St. Paul, MN 55101.

For a copy of the Request for Proposals please contact:

Amanda Petersen, Administrative Assistant
Contracts and Procurement
Metropolitan Council
Mears Park Centre
230 East Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1585
Fax: (651) 602-1138
Email: amanda.petersen@metc.state.mn.us

Metropolitan Council

Public Notice for Request for Qualifications Statements for Professional Services

NOTICE IS HEREBY GIVEN that the Metro Transit Division of the Metropolitan Council, which provides mass transit bus services to the Twin Cities of Minneapolis and St. Paul, Minnesota, is soliciting qualifications statements to provide professional services to assist the Council in undertaking a joint development project.

The Council owns the property in St. Paul upon which the Snelling Avenue Bus Garage Facility is located. The Council has begun exploration of a joint development venture with private sector, which would involve replacement of the existing bus garage facility in combination with other development. This joint development would be funded in part by the Federal Transit Authority (FTA). In order to continue with exploring, evaluating, and implementing this joint development venture concept, the Council is seeking qualifications statements from consultants who can provide Joint Development Management Services. These services would include, but not be limited to, providing assistance in the following areas:

Non-State Public Bids, Contracts & Grants

- Coordination with FTA;
- Coordination with other grantors, lenders, etc.;
- Financing issues;
- Real estate issues;
- Risk management issues;
- Land use planning issues;
- Zoning issues;
- Site planning, project size, and configuration issues;
- Integration of public and private uses;
- RFQ and RFP development guidance for joint development proposals;
- Council policy and procedure development guidance and;
- Coordination of public and community relations.

These services, and others as identified, would be to assist the Council in identifying, understanding, and traversing various policies, procedures, rules, regulations, and related issues to successfully implement a joint development venture.

The Council intends to select a firm for this project using a two-step process consisting of receiving qualifications statements and prequalifying firms, followed by requesting proposals only from the prequalified firms and selecting a firm. The tentative schedule for this process is:

<i>Issue Request for Qualifications Statements</i>	August 14, 2000
<i>RFQ Packages available for distribution by</i>	August 25, 2000
<i>Qualifications Statements Due Date</i>	September 13, 2000
<i>Pre-Qualification of Firms</i>	September 2000
<i>Issue Request for Proposals</i>	October 2000
<i>Proposals Due Date</i>	November 2000
<i>Selection of Consultant</i>	December 2000

All firms interested in this project should submit a Letter of Interest requesting a copy of the Request for Qualifications package. Send or fax requests to:

Administration Assistant, Contracts and Documents Unit
Metropolitan Council
Mears Park Centre
230 East Fifth Street
St. Paul, MN 55101
Fax: (651) 602-1138

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.

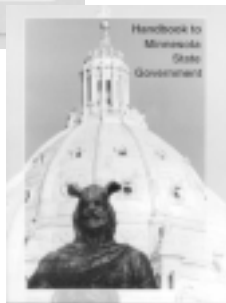
Requests for Bids/Proposals are available to the public at no charge each business day from 8:00 a.m. to 4:30 p.m. in Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls., MN 55454.

New State Phone Directory & Handbook!



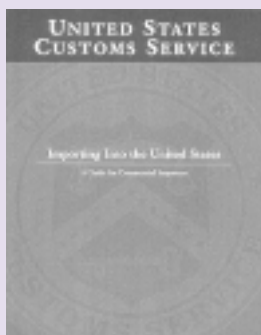
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Alphabetical listings of all Minnesota state employees plus state department listings (both metro area and greater Minnesota) including fax numbers, email addresses and TTY numbers. Softcover, 388pp. **Stock No. 1-87 \$13.95**



Handbook to Minnesota State Government

A great companion to the phone book, this easy-to-use handbook features the state agencies under the current Ventura administration. A tremendous resource for all state citizens, this reference will provide the information you need to best utilize the many services and programs provided by our state agencies. Each agency listing features contact information needed to reach the commissioner and other key contacts. You'll find hundreds of addresses, phone numbers, web sites, e-mail addresses, FAX numbers plus a brief outline of what each state agency does for you and photos of several commissioners. Softcover, pp. **Stock No. 1-1 \$7.95**



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Minnesota Almanac 2000

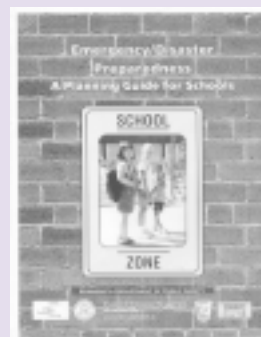
You're familiar with the Farmer's Almanac. Now check out the new Minnesota Almanac. From employment to sports records, geography to vital statistics, weather facts to business and organized labor-- you'll find scores of interesting facts in this handy reference. Softcover, 394pp. **Stock No. 19-106 \$15.95**



Emergency/Disaster Preparedness: A Planning Guide for Schools

Developed by the Dept. of Public Safety and Children, Families, and Learning, this guide offers a quick reference for school officials to help them prepare for and respond to a variety of emergencies and other concerns. Topic include: severe weather, suicide, fire, assault/fights, bomb threats, shooting, hazardous materials, and more. Looseleaf with reinforced tabs, 26pp.

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