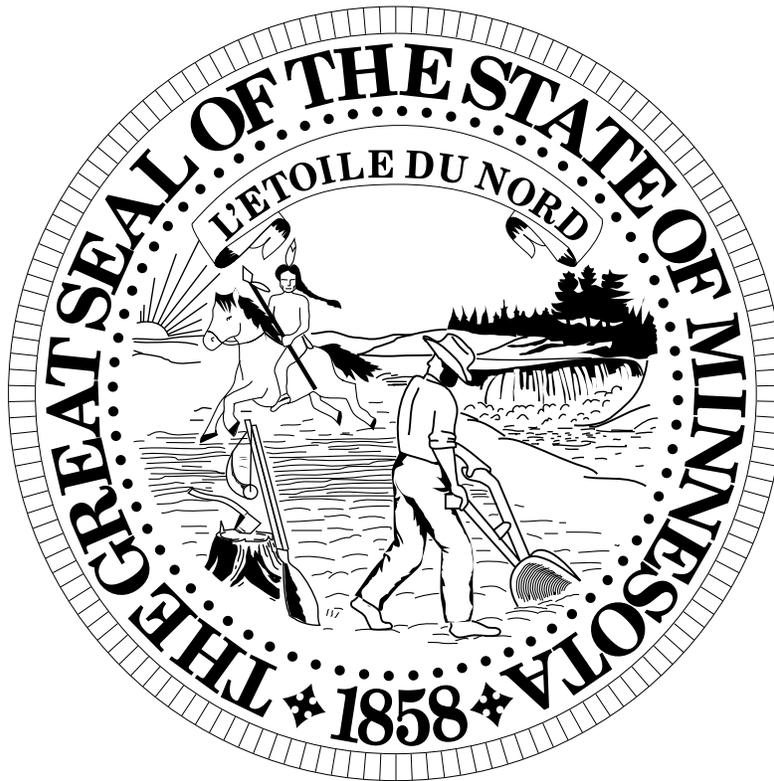


State of Minnesota

# 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- proposed, adopted, exempt, expedited emergency and withdrawn rules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
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Vol. 26 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
#13	Monday 17 September	Noon Wednesday 5 September	Noon Tuesday 11 September
#14	Monday 24 September	Noon Wednesday 12 September	Noon Tuesday 18 September
#15	Monday 1 October	Noon Wednesday 19 September	Noon Tuesday 25 September
#16	Monday 8 October	Noon Wednesday 26 September	Noon Tuesday 2 October

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

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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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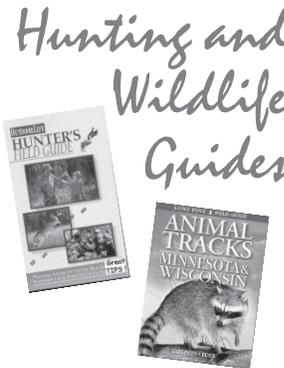
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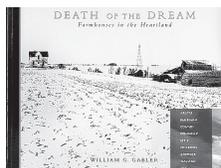
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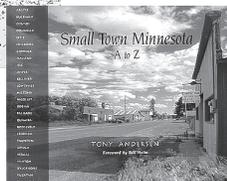


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# Proposed Rules

## 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*.

## Minnesota Board of Chiropractic Examiners (MBCE)

### NOTICE OF HEARING on Proposed Rules Governing the Definition of Doctor-Patient Relationship and Definition of Sexual Misconduct, *Minnesota Rules*, 2500.6000 and 2500.6050

**Public Hearing.** The Minnesota Board of Chiropractic Examiners (MBCE) intends to adopt rules after a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing on the above-entitled rules in the University Room, University Park Plaza, 2829 University Avenue SE, Minneapolis, Minnesota 55414-3220, starting at 9:30 a.m., on Monday, October 29, 2001, and continuing until the hearing is completed. Additional days of hearing will be scheduled if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

**Administrative Law Judge.** The hearing will be conducted by Administrative Law Judge Richard C. Luis, who can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **phone:** (612) 349-2542, and **fax:** (612) 349-2665. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge.

**Subject of Rules, Statutory Authority, and Agency Contact Person.** The proposed rules are about defining when a doctor-patient relationship exists and what constitutes sexual misconduct within the doctor-patient relationship *Minnesota Rules*, 2500.6000 and 2500.6050. The proposed rules are authorized by *Minnesota Statutes*, section 148.08 subd. 3. A copy of the proposed rules is published in the *State Register* dated July 23, 2001, and attached to this notice as mailed. The agency contact person is: Micki King at MBCE, 2829 University Avenue SE, Minneapolis MN, 55414-3220, **phone:** (612) 617-2226, **fax:** (612) 617-2224, and **email:** [micki.king@state.mn.us](mailto:micki.king@state.mn.us). **TTY** users may call the MBCE at phone 1-800-267-3529.

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

**Public Comment.** You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day rebuttal 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 rebuttal 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.

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

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

**Modifications.** The proposed rules may be modified as a result of the rule hearing process. Modifications must be supported by data and views presented during the rule hearing process, 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.

**Adoption Procedure after the Hearing.** 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 them with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings, and can make these requests at the hearing or in writing to the agency contact person stated above.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, **phone:** (612) 296-5148 or 1-800-657-3889.

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

Dated: 4 September 2001

Larry A. Spicer, DC  
Executive Director

## Higher Education Services Office

### Proposed Permanent Rules Governing Post-Secondary Child Care Grants

**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 Received**

**Proposed Amendment to Rules Governing the Post-secondary Child Care Grant Program, *Minnesota Rules*, 4830.7500, Subp. 2a**

**Introduction.** The Minnesota Higher Education Services Office intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m., on Friday, October 19, 2001, a public hearing will be held in Room 140, Energy Technology Center, 1450 Energy Park Drive, St. Paul, Minnesota 55108, starting at 9:00 a.m., on Tuesday, October 30, 2001. 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 October 19, 2001 and before October 30, 2001.

**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:

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

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Mary Lou Dresbach  
MN Higher Education Services Office  
1450 Energy Park Drive, Suite 350  
St. Paul, MN 55108  
**Phone:** (651) 642-0530  
**Fax:** (651) 642-0675

TTY users should contact the Minnesota Relay Service at 1-800-627-3529 and request assistance in contacting the Higher Education Services Office.

**Subject of Rules and Statutory Authority.** The proposed rules alter the formula used to create the annual maximum award chart used for this Program. The statutory authority to adopt the rules is *Minnesota Statutes*, section 136A., Subd. 2(8). A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m., on Friday, October 19, 2001, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m., on October 19, 2001. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

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

**Cancellation of Hearing.** The hearing scheduled for October 30, 2001, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (651) 642-0530 after October 19, 2001 to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Allan W. Klein is assigned to conduct the hearing. Judge Klein can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **phone:** (612) 341-7609, and **fax:** (612) 349-2665.

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

1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

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

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

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

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

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

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

Dated: 28 August 2001

Robert K. Poch  
Director

**4830.7500 AMOUNT AND TERM OF GRANTS.**

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

Subp. 2a. **Academic year award.** Beginning with the 2001-2002 academic year, the amount of the grant maximum award per eligible child for the academic year is the amount specified in *Minnesota Statutes*, section 136A.125, subdivision 4, multiplied by the percentage shown on the following chart rounded to the nearest ten dollars: minus a student expectation based on family income.

The formula used to calculate the child care grant award is as follows: the statutory maximum child care grant award amount minus ((family income minus 130 percent of the federal poverty level for the student's family size) multiplied by ten percent) equals the child care grant award. If the formulaic result is less than zero, the award is set to zero. If the formulaic result is greater than the maximum statutory award, the award amount is the statutory maximum award.

**CHILD CARE GRANTS PER ELIGIBLE CHILD**

Total Income less than	Family Size 2 (Percent)	Family Size 3 (Percent)	Family Size 4 (Percent)	Family Size 5 (Percent)
\$10,000	100	100	100	100
\$13,000	100	100	100	100
\$16,000	88.24	100	100	100

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# Proposed Rules

\$19,000	52.94	88.24	100	100	
\$22,000	35.29	70.59	88.24	100	
\$25,000	17.65	52.94	70.59	100	
\$28,000	0	35.29	52.94	100	
\$31,000	0	17.65	35.29	88.24	
\$34,000	0	0	17.65	70.59	
\$37,000	0	0	17.65	52.94	
\$40,000	0	0	0	35.29	
\$43,000	0	0	0	17.65	
\$46,000	0	0	0	0	
\$49,000	0	0	0	0	
\$52,000	0	0	0	0	
\$55,000+	0	0	0	0	
<b>Total Income less than</b>	<b>Family Size 6 (Percent)</b>	<b>Family Size 7 (Percent)</b>	<b>Family Size 8 (Percent)</b>	<b>Family Size 9 (Percent)</b>	<b>Family Size 10+ (Percent)</b>
\$10,000	100	100	100	100	100
\$13,000	100	100	100	100	100
\$16,000	100	100	100	100	100
\$19,000	100	100	100	100	100
\$22,000	100	100	100	100	100
\$25,000	100	100	100	100	100
\$28,000	100	100	100	100	100
\$31,000	100	100	100	100	100
\$34,000	88.24	88.24	100	100	100
\$37,000	70.59	70.59	88.24	100	100
\$40,000	52.94	52.94	70.59	70.59	88.24
\$43,000	35.29	35.29	52.94	52.94	70.59
\$46,000	17.65	17.65	35.29	35.29	52.94
\$49,000	17.65	17.65	17.65	17.65	35.29
\$52,000	0	0	0	17.65	17.65
\$55,000+	0	0	0	0	0

[For text of subs 2b to 3a, see M.R.]

# 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.

## Expedited and 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.

## Office of Administrative Hearings

### Adopted Permanent Rules Governing Rulemaking Procedure, Contested Case and Revenue Recapture Act Hearings, and Awards of Expenses and Attorneys Fees to Prevailing Parties

The rules proposed and published at *State Register*, Volume 25, Number 45, pages 1743-1771, May 7, 2001 (25 SR 1743), are adopted with the following modifications:

#### 1400.2040 PETITION FOR RULEMAKING.

Subpart 1. **Content of petition.** A petition to an agency requesting rulemaking under *Minnesota Statutes*, section 14.09, must contain the following information:

- A. the name and address of the ~~person petitioning the agency~~ petitioner;
- B. ~~if applicable, the group of persons represented in the petition;~~ the specific action (adoption, amendment, or repeal of an agency rule) requested by the petitioner; and
- ~~C. the address of the petitioning person or group represented;~~
- ~~D. whether the petitioning person or groups request an adoption, amendment, or repeal of an agency rule; and~~
- ~~E. C.~~ the need for the requested action.

Part 1400.2500 contains a recommended format for the petition.

#### 1400.2060 APPROVAL OF ADDITIONAL NOTICE PLAN.

Subpart 1. **Optional prior approval.** An agency may ask the office for approval of its plan for giving additional notice of its request for comments on possible rulemaking under *Minnesota Statutes*, section 14.101, or of its plan for giving additional notice of proposed rules under *Minnesota Statutes*, sections 14.131, 14.14, 14.22, and 14.23. If the agency requests approval of its additional notice plan, it must make the request and receive approval of its additional notice plan before it publishes the request for comments or the notice of proposed rules.

Subp. 2. **Filing.** An agency asking the office for approval of an additional notice plan must file with the office:

- B. For additional notice plans under *Minnesota Statutes*, sections 14.131, 14.14, 14.22, and 14.23:

(1) a draft of the rules or ~~certified~~ a copy of the proposed ~~rule~~ rules certified as to form by the revisor;

Subp. 4. **Approval or disapproval.** An approved additional notice plan is the office's final determination that the additional notice plan is adequate if the agency implements the additional notice plan. If the additional notice plan is disapproved, the judge must explain why and tell the agency what changes are necessary for approval. The agency may resubmit the additional notice plan

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## Adopted Rules

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for review after changing it. The judge must review and approve or disapprove the revised additional notice plan within five working days after the office receives it.

### 1400.2070 STATEMENT OF NEED AND REASONABLENESS.

Subp. 3. **Timing.** The statement must be prepared ~~before the agency orders publication of its~~ on or before the signature date on the agency's notice of intent to adopt rules, notice of hearing, or dual notice. ~~This subpart is satisfied if the statement and the notice are dated on the same day.~~ The agency must send a copy of the statement to the Legislative Reference Library when ~~it becomes available for public review~~ the notice is mailed.

### 1400.2080 NOTICE OF PROPOSED RULE.

Subp. 3. **Additional contents for a notice of intent to adopt rules or dual notice.** A notice of intent to adopt rules without a public hearing or dual notice must state or include:

G. how persons must submit their comments or requests for hearing, including ~~whether~~ an e-mail address if the agency will accept e-mail comments or requests for hearing;

### 1400.2085 NOTICE OF PROPOSED EXPEDITED RULE.

Subp. 4. **Timing.** All notices for expedited rules must be mailed at least 33 days before the end of the comment period, and must be published in the *State Register* at least 30 days before the end of the comment period. Depositing a mailing in the state of Minnesota's central mail system for United States mail satisfies the mailing requirement of this subpart.

### 1400.2230 WRITTEN COMMENTS AFTER HEARING AND CLOSE OF HEARING RECORD.

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

Subp. 2. **Written responses.** The office must allow the agency and all interested persons to review the submissions received under subpart 1 and must allow them a rebuttal period of five working days to respond in writing to any new information submitted. The office must receive the responses no later than 4:30 p.m. on the last day. In its response, the agency may state whether there are rule modifications that the agency intends to adopt. Additional evidence may not be submitted during this ~~response~~ rebuttal period. The written responses are part of the hearing record.

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

### 1400.2240 ADMINISTRATIVE LAW JUDGE'S REPORT.

Subp. 10. **Rule adoption.** Once the judge or chief judge approves the rule or the review period for the legislative coordinating commission and the house of representatives and senate policy committees with primary jurisdiction over state governmental operations has passed, the office must file three copies of the rule with the secretary of state. The agency may adopt the rule by executing an order adopting the rule. ~~The agency must obtain the revisor's approval of the rule's form, file three copies of the rule with the secretary of state, and~~ After the rule is adopted, the agency may publish a notice of rule adoption in the *State Register*.

### 1400.2300 REVIEW OF RULES ADOPTED WITHOUT A PUBLIC HEARING.

Subp. 8. **Resubmission.** The agency must resubmit the rule to the chief judge for review after changing it. The agency may also request that the chief judge reconsider the disapproval. When the agency resubmits the rule for review, it must file with the office:

C. the agency's amended order adopting rules. The order must include an explanation of the changes, why they solve the problems identified by the chief judge, and why they do not result in a substantially different rule.

The chief judge may request that the agency also return the hearing rule record. The chief judge must review the resubmitted rule and decide whether it meets the standards of part 1400.2100 within five working days of receiving it. *Minnesota Statutes*, section 14.26, subdivision 3, governs the effect of any disapproval.

Subp. 8a. **New modifications to rule.** If the agency wants to adopt the rule with modifications other than those recommended by the judge or chief judge, the agency must submit to the chief judge the filings under subpart 8.

The chief judge may request that the agency also return the hearing rule record. The chief judge must review the agency's modifications to decide if they make the rule substantially different than the proposed rule. The chief judge must make a written decision within five working days after the office receives the rule.

### 1400.2400 REVIEW OF EXEMPT RULES.

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

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

Subp. 2. **Filing.** The agency must file with the office:

B. ~~an~~ a proposed order adopting the rule, which must include any explanation needed to support the legality of the rule, and:

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

**1400.2510 RECOMMENDED REQUEST FOR COMMENTS ON POSSIBLE RULE.**

Minnesota Department of \_\_\_\_\_

REQUEST FOR COMMENTS

Possible (Amendment to) (Repeal of) Rule Governing \_\_\_\_\_, *Minnesota Rules* \_\_\_\_\_ (citation to rule).

**Subject of Rule.** The \_\_\_\_\_ (name of department) requests comments on its possible (amendment to) (repeal of) rule governing \_\_\_\_\_. The department is considering (a rule) (rule amendments) (repealing its rule) that \_\_\_\_\_ (detailed description of subject matter of rule).

**Persons Affected.** The (amendment to) (repeal of) the rule would likely affect \_\_\_\_\_ (description of types of groups and individuals likely to be affected). (Optional): The department does (not) contemplate appointing an advisory committee to comment on the possible rule.

**Statutory Authority.** *Minnesota Statutes*, section \_\_\_\_\_ (section number), (authorizes) (requires) the department to adopt rules for \_\_\_\_\_ (brief description of statutory authority).

**Public Comment.** Interested persons or groups may submit comments or information on this possible rule in writing or orally until 4:30 p.m. on \_\_\_\_\_ (date). The department (insert either: (has) (has not yet) prepared a draft of the possible rule (amendment) (repeal) **OR** does not anticipate that a draft of the rule (amendment) (repeal) will be available before the publication of the proposed rule). Written or oral comments, questions (requests to receive a draft of the rule) (when it has been prepared), and requests for more information on this possible rule should be addressed to: \_\_\_\_\_ (name, address, telephone number, and e-mail address [optional] of staff person).

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

\_\_\_\_\_  
Commissioner

**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

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### 1400.2520 RECOMMENDED NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING.

Minnesota Department of \_\_\_\_\_

#### NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Proposed (Amendment to) (Repeal of) Rule Governing \_\_\_\_\_, *Minnesota Rules* \_\_\_\_\_ (citation to rule).

**Introduction.** The (department name) intends to adopt a ~~permanent~~ rule without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, parts 1400.2300 and 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You may submit written comments on the proposed rule and may also submit a written request that a hearing be held on the rule until \_\_\_\_\_ (date).

**Agency Contact Person.** Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to: \_\_\_\_\_ (name, agency, address, telephone number, and fax number [optional]). (You may submit e-mail comments, questions, or requests for a public hearing to: \_\_\_\_\_ (e-mail address)) [optional].

**Subject of Rule and Statutory Authority.** The proposed rule is about (subject of rule, and if applicable, that an entire rule is being repealed and a citation to the rule). The statutory authority to adopt this rule is (specific statutory citation). A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed. (If the proposed rule is not attached to the mailed notice, then this notice must include an ~~informative statement describing the nature and effect of the proposed rule~~ easily readable and understandable description of the rule's nature and effect and include the announcement that: A free copy of the rule is available upon request from the agency contact person listed above.)

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

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

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

**Modifications.** The proposed rule may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rule may not be substantially different than this proposed rule unless the procedure under part 1400.2110 has been followed. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

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

**Other notices required by law or chosen to be inserted in this notice.**

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## Adopted Rules

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

Dated: \_\_\_\_\_

\_\_\_\_\_  
Name  
Title

### 1400.2530 RECOMMENDED NOTICE OF HEARING.

Minnesota Department of \_\_\_\_\_

#### NOTICE OF HEARING

Proposed (Amendment to) (Repeal of) Rule Governing \_\_\_\_\_, *Minnesota Rules* \_\_\_\_\_ (citation to rule).

**Public Hearing.** The (department name) intends to adopt a rule after a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing on the above-entitled rule at (place), starting at (time hearing starts) on \_\_\_\_\_, \_\_\_\_\_, and continuing until the hearing is completed. Additional days of hearing will be scheduled if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

**Administrative Law Judge.** The hearing will be conducted by (name, address, telephone number, and fax number of judge). The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge.

**Subject of Rule, Statutory Authority, and Agency Contact Person.** The proposed rule is about (subject of rule and, if applicable, that an entire rule is being repealed and a citation to the rule). The proposed rules are authorized by *Minnesota Statutes*, section (specific section number). A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed. (If the proposed rule is not attached to the mailed notice, then this notice must include an ~~informative statement describing the nature and effect of the proposed rule~~ easily readable and understandable description of the rule's nature and effect and include the announcement that: A free copy of the rule is available upon request from the agency contact person.) The agency contact person is: (name, address, telephone number, fax number [optional], and e-mail address [optional]).

**Statement of Need and Reasonableness.** A Statement of Need and Reasonableness is now available for review at the agency offices and at the Office of Administrative Hearings. This statement contains a summary of the justification for the proposed rule, including a description of who will be affected by the proposed rule and an estimate of the probable cost of the proposed rule. The statement may be reviewed and copies obtained at the cost of reproduction from the agency.

**Other notices required by law or chosen to be inserted in this notice.**

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

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**Public Comment.** You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rule. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day ~~response~~ ~~rebuttal~~ 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~~ ~~rebuttal~~ 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.

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

**Accommodation.** If you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The proposed rules may be modified as a result of the rule hearing process. Modifications must be supported by data and views presented during the rule hearing process, and the adopted rule may not be substantially different than this proposed rule unless the procedure under part 1400.2110 has been followed. If the proposed rule affects you in any way, you are encouraged to participate.

**Adoption Procedure After Hearing.** After the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rule. 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 rule and files it with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings, and can make this request at the hearing or in writing to the agency contact person stated above.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: (address, telephone number).

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

Dated: \_\_\_\_\_

\_\_\_\_\_  
Name  
Title

### 1400.2540 RECOMMENDED DUAL NOTICE.

Minnesota Department of \_\_\_\_\_

DUAL NOTICE: NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING UNLESS 25 OR MORE PERSONS REQUEST A HEARING, AND NOTICE OF HEARING IF 25 OR MORE REQUESTS FOR HEARING ARE RECEIVED

Proposed (Amendment to) (Repeal of) Rule Governing \_\_\_\_\_, *Minnesota Rules* \_\_\_\_\_ (citation to rule).

**Introduction.** The (department name) intends to adopt a rule without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, parts 1400.2300 and 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rule by \_\_\_\_\_, \_\_\_\_\_, a public hearing will be held at (location), starting at (time) on \_\_\_\_\_, \_\_\_\_\_. (The date must

be at least ten days after the end of the comment period.) To find out whether the rule will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after (date comment period ends) and before (date of hearing).

**Agency Contact Person.** Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to: \_\_\_\_\_ (name, address, telephone number, and fax number [optional]). (You may submit e-mail comments, questions, or requests for a public hearing to: \_\_\_\_\_ (e-mail address) [optional]).

**Subject of Rule and Statutory Authority.** The proposed rule is about (subject of rule and, if applicable, that an entire rule is being repealed and a citation to the rule). The statutory authority to adopt the rule is (specific statutory citation). A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed. (If the proposed rule is not attached to the mailed notice, then this notice must include an informative statement describing the nature and effect of the proposed rule easily readable and understandable description of the rule's nature and effect and include the announcement that: A free copy of the rule is available upon request from the agency contact person listed above.)

**Comments.** You have until \_\_\_\_ p.m. on \_\_\_\_\_, \_\_\_\_\_, to submit written comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rule 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 rule 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 rule. Your request for a public hearing must be in writing and must be received by the agency contact person by \_\_\_\_ p.m. on \_\_\_\_\_, \_\_\_\_\_. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rule to which you object or state that you oppose the entire rule. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rule.

**Withdrawal of Requests.** If 25 or more persons submit a valid 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.** If you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The proposed rule 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 rule may not be substantially different than this proposed rule unless the procedure under part 1400.2110 has been followed. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing.** The hearing scheduled for \_\_\_\_\_, \_\_\_\_\_, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rule. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (telephone number) after (date comment period ends) to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rule, 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. An Administrative Law Judge is assigned to conduct the hearing. The judge can be reached at: (name, address, telephone number, and fax number).

**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 rule. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the

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

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Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day ~~response~~ rebuttal 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~~ rebuttal period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

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

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

**Other notices required by law or chosen to be inserted in this notice.**

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at (address and telephone number).

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

**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 rule. 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 rule and ~~files~~ it is filed with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

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

Dated: \_\_\_\_\_

\_\_\_\_\_  
Name  
Title

### 1400.2550 RECOMMENDED CERTIFICATES.

NOTE: This part contains the format of a certificate and language that: certifies the accuracy of the rulemaking mailing list, certifies the mailing of a notice or proposed rule, certifies the mailing of the statement of need and reasonableness to the Legislative Reference Library, certifies the mailing of a notice of submission of a rule adopted without a public hearing to the office, and certifies the mailing of the notice and the statement to legislators. When making certificates using this part, use only the language that applies. If two or more people performed the various actions, create a separate certificate for each person that includes only the actions done by each individual.

Proposed Rule Governing \_\_\_\_\_, *Minnesota Rules* \_\_\_\_\_ (citation to rule).

(Certificate of accuracy of the mailing list) I certify that the list of persons and associations who have requested under *Minnesota Statutes*, section 14.14, subdivision 1a, that their names be placed on the department of \_\_\_\_\_ rulemaking mailing list is accurate, complete, and current as of \_\_\_\_\_, \_\_\_\_.

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## Adopted Rules

(Certificate of mailing notice to rulemaking mailing list) I certify that on \_\_\_\_\_, \_\_\_\_\_, at least 33 days before the end of the comment period, at the City of \_\_\_\_\_, County of \_\_\_\_\_, State of Minnesota, I mailed the \_\_\_\_\_ (state what was mailed, for example: (1) Notice of Intent to Adopt Rules, Dual Notice, or Notice for Hearing, and (2) the proposed rule) by depositing a copy thereof in [the state of ~~Minnesota~~ Minnesota's central mail system for] United States mail, with postage prepaid, to all persons and associations on the rulemaking mailing list established by *Minnesota Statutes*, section 14.14, subdivision 1a.

(Certificate of giving additional notice) I certify that on \_\_\_\_\_, \_\_\_\_\_, the following additional notice was given by the agency:

(Certificate of mailing the statement of need and reasonableness to the Legislative Reference Library - change the title on the upper right of document) I certify that on \_\_\_\_\_, \_\_\_\_\_, when the statement of need and reasonableness became available to the public, I mailed a copy of the statement to the Legislative Reference Library by depositing it in [the state of ~~Minnesota~~ Minnesota's central mail system for] United States mail, with postage prepaid.

(Certificate of mailing notice of submission of rule adopted without a public hearing to the Office of Administrative Hearings - change the title on the upper right document) I certify that on \_\_\_\_\_, \_\_\_\_\_, when the adopted rule was submitted to the Office of Administrative Hearings, I mailed the notice of submission of the rule to the office by depositing it in [the state of ~~Minnesota~~ Minnesota's central mail system for] United States mail, with postage prepaid, to all persons and groups who requested this notice.

(Certificate of mailing the notice and the statement of need and reasonableness to legislators) (An agency may submit a copy of the transmittal letter instead of this certificate.) I certify that on \_\_\_\_\_, \_\_\_\_\_, when the department mailed Notice of Intent to Adopt Rules under *Minnesota Statutes*, section 14.14 or 14.22, I mailed a copy of the Notice and the Statement of Need and Reasonableness to certain legislators by depositing it in [the state of ~~Minnesota~~ Minnesota's central mail system for] United States mail, with postage prepaid. The mailing was done to comply with *Minnesota Statutes*, section 14.116. (List the legislators contacted, or attach copy of cover letter sent to legislators.)

\_\_\_\_\_  
Name  
Title

### 1400.2570 RECOMMENDED NOTICE OF INTENT TO ADOPT EXPEDITED RULE WITHOUT A PUBLIC HEARING.

Minnesota Department of \_\_\_\_\_

#### NOTICE OF INTENT TO ADOPT EXPEDITED RULES WITHOUT A PUBLIC HEARING

Proposed (Amendment to) (Repeal of) Rule Governing \_\_\_\_\_ (topic), *Minnesota Rules* \_\_\_\_\_ (citation to rules).

**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

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**Introduction.** The \_\_\_\_\_ (agency name) intends to adopt rules under the expedited rulemaking process set forth in the rules of the Office of Administrative Hearings, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until \_\_\_\_\_ (date).

**Agency Contact Person.** Comments or questions on the rule must be submitted to: \_\_\_\_\_ (name, agency, address, telephone number, and fax number [optional]). (You may submit e-mail comments, questions, or requests for a public hearing to: \_\_\_\_\_ (e-mail address) [optional].)

**Subject of Expedited Rule and Statutory Authority.** The proposed expedited rule is about \_\_\_\_\_ (subject of rule and, if applicable, that an entire rule is being repealed and a citation to the repealed rule). The statutory authority to adopt this rule is (citation to specific statutory authority). The statutory authority to adopt this rule under the expedited rulemaking process is \_\_\_\_\_ (citation to statutory authority to adopt rules under *Minnesota Statutes*, section 14.389). A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed. (If the proposed rule is not attached to the mailed notice, then this notice must include an ~~informative statement describing the nature and effect of the proposed expedited rule~~ easily readable and understandable description of the rule's nature and effect and include the announcement that a free copy of the rule is available upon request from the agency contact person listed above.) The proposed expedited rule may be viewed at: \_\_\_\_\_ (applicable Web site address) [optional].

**Comments.** You have until \_\_\_\_\_ (time) on \_\_\_\_\_ (date) to submit written comment in support of or in opposition to the proposed expedited rule and any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed expedited rule addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rule must also be made during this comment period.

(If the agency is accepting requests for a public hearing, the following paragraph must be included.)

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by \_\_\_\_\_ (time) on \_\_\_\_\_ (date). Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rule to which you object or state that you oppose the entire rule. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rule.

(If the agency is accepting requests for a public hearing, the following paragraph must be included.)

**Withdrawal of Requests.** If 100 or more persons submit a valid 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 100, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Modifications.** The agency may modify the proposed expedited rule if the modifications do not make the rule substantially different as defined in *Minnesota Statutes*, section 14.05, subdivision 2, paragraphs (b) and (c), unless the procedure under part 1400.2110 has been followed. If the final rule is identical to the rule originally published in the *State Register*, the agency will publish a notice of adoption in the *State Register*. If the final rule is different from the rule originally published in the *State Register*, the agency must publish a copy of the changes in the *State Register*. If the proposed expedited rule affects you in any way, you are encouraged to participate in the rulemaking process.

**Other notices required by law or chosen to be inserted in this notice.**

**Adoption and Review of Expedited Rule.** (If no hearing is required, the) or (The) agency may adopt the rules at 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: \_\_\_\_\_

\_\_\_\_\_  
Name  
Title

### 1400.5550 SERVICE AND FILING PROCEDURE.

Subpart 1. **Certificate of service.** A certificate of service must be made by the person making the service. A certificate of service must bear the ~~signature~~ name of the person certifying that service has been made, but need not be signed or notarized.

Subp. 2. **Service by mail.** Service by mail or licensed overnight express mail service is ~~complete~~ effective upon placing the item to be served in the mail or delivering it to the authorized agent of the express mail service. Postage must be prepaid. Mail to a person other than a state agency shall be addressed to the last known address of the person. Agencies of the state of Minnesota may also deposit the document with the ~~Central Mailing Section, Publications Division, Department of Administration~~ state of Minnesota's central mail system for United States mail.

Subp. 5. **Filing by facsimile and other means.** Any paper relating to hearings conducted by an administrative law judge under *Minnesota Statutes*, chapter 14, may be filed with the office by fax transmission. Filings are effective on the date that the office receives the fax transmission if the transmission is begun before 4:30 p.m. on that date. The filing of a fax has the same force and effect as the filing of the original document. Filings made by other means described in part 1400.5100, subpart 3a, are effective on the date the office receives the filing.

#### **1400.6600 MOTIONS.**

Any application to the judge for an order shall be by motion which, unless made during a hearing, shall be made in writing, shall state with particularity the grounds therefor, and shall set forth the relief or order sought. Motions provided for in parts 1400.5100 to 1400.8400 shall be served on all parties, the agency, if it is not a party, and the judge. The written motion shall advise other parties that should they wish to contest the motion they must file a written response with the judge and serve copies on all parties, within ten working days after it is received. No memorandum of law submitted in connection with a motion may exceed 25 pages, except with the permission of the judge. If any party desires a hearing on the motion, they shall make a request for a hearing at the time of the submission of their motion or response. A response shall set forth the nonmoving party's objections. A hearing on a motion will be ordered by the judge only if it is determined that a hearing is necessary to the development of a full and complete record on which a proper decision can be made. Motions may be heard by telephone. All orders on such motions, other than those made during the course of the hearing, shall be in writing and shall be served upon all parties of record and the agency if it is not a party. In ruling on motions where parts 1400.5100 to 1400.8400 are silent, the judge shall apply the Rules of Civil Procedure for the District Court for Minnesota to the extent that it is determined appropriate in order to promote a fair and expeditious proceeding.

#### **1400.8401 EXPENSES AND ATTORNEY FEES.**

Subp. 3. **Application.** A party seeking an award of expenses and attorney's fees shall submit to the judge an application that shows:

A. ~~that the party is a prevailing party and is eligible to receive an award under this part. The applicant must show that it meets all conditions of eligibility set out in *Minnesota Statutes*, sections 15.471 to 15.474 and this part;~~

~~(1) In determining who is an eligible party, the judge shall consider the provisions of *Minnesota Statutes*, section 15.471, subdivision 6, and the following:~~

~~(a) The annual revenues shall mean the party's annual gross revenue.~~

~~(b) The number of employees of an applicant includes all persons who regularly perform services for remuneration for the applicant under the applicant's direction and control. Part time employees shall be included on a proportional basis.~~

~~(c) An applicant who appears pro se in a proceeding is ineligible for an award of attorney fees. However, eligibility for other expenses is not affected by pro se representation.~~

~~(d) An applicant who appears individually as a partner, officer, shareholder, member, or owner of an entity eligible under the provisions of *Minnesota Statutes*, section 3.761, subdivision 6, paragraph (a), clauses (1) and (2) may only assert a claim to the extent the entity which they own or control can assert such claim and may not assert a claim if the issues on which the applicant prevails are related primarily to personal interests rather than to business interests.~~

~~(2) In determining whether an applicant is a prevailing party, the following standards shall be applied:~~

~~(a) In order to be eligible for an award, the applicant need not have succeeded on every issue raised but must have at least been successful on the central issue or received substantially the relief requested.~~

~~(b) No presumption arises that the agency's position was not substantially justified simply because the agency did not prevail.~~

~~B.~~ an itemization of the amount of fees and expenses sought. This shall include full documentation of fees and expenses,

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including an affidavit from each attorney, agent, or expert witness representing or appearing on behalf of the applicant stating the actual time expended and the rate at which fees have been computed and describing the specific services performed.

The affidavit shall itemize in detail the services performed by the date, number of hours per date, and the services performed during those hours. In order to establish the hourly rate, the affidavit shall state the hourly rate which is billed and paid by the majority of clients for similar services during the relevant time periods.

The documentation shall also include a description of any expenses for which reimbursement is sought and a statement of the amounts paid and payable by the applicant or by any other person or entity for the services provided.

~~C. B.~~ a statement that explains with specificity how or why the position of the state agency was not substantially justified. ~~No presumption arises that the agency's position was not substantially justified simply because the agency did not prevail.~~

~~D. C.~~ if the claim for attorney's fees exceeds \$125 per hour, a statement of facts showing that the excess award qualifies under *Minnesota Statutes*, section 15.471, subdivision 5, paragraph (c); and

~~E. D.~~ a proof of service showing that the state agency and all other parties have been served, either personally or by first class mail, with a copy of the application.

The application must be signed and sworn to by the party and the attorney or other agent or representative submitting the application on behalf of the party, showing the addresses and phone numbers of all persons signing the application.

### 1400.8545 SERVICE AND FILING PROCEDURE.

Subpart 1. **Certificate of service.** A certificate of service must be made by the person making the service. A certificate of service must bear the name of the person certifying that service has been made, but need not be signed or notarized.

Subp. 2. Service by mail. Service by mail or licensed overnight express mail service is ~~complete effective~~ upon placing the item to be served in the mail or delivering it to the authorized agent of the express mail service. Postage must be prepaid. Mail to a person other than a state agency shall be addressed to the last known address of the person. Agencies of the state of Minnesota may also deposit the document with the ~~Central Mailing Section, Publications Division, Department of Administration~~ state of Minnesota's central mail system for United States mail.

~~Subp. 2. 3. Personal service.~~ Personal service may be accomplished by either delivering the document to the person or by leaving the document at the person's home or place of business with someone of suitable age and discretion who resides in the same house or who is located at the same business address as the person to be served.

~~Subp. 3. 4. Service upon a confined person.~~ If a person is confined to a federal or state institution, a copy of the document must also be served upon the chief executive officer of the institution.

~~Subp. 4. 5. Filing by facsimile and other means.~~ Any paper relating to hearings conducted by an administrative law judge under these rules may be filed with the office by fax transmission. Filings are effective on the date that the office receives the fax transmission if the transmission is begun before 4:30 p.m. on that date. The filing of a fax has the same force and effect as the filing of the original document. Filings made by other means are effective on the date the office receives the filing.

## Minnesota Department of Revenue

### NOTICE OF DETERMINATION NOT TO PUBLISH NOTICE ADOPTING RULES

#### Will Not Publish the Notice of Adoption of Rules Governing Deed Tax, *Minnesota Rules*, Chapter 8123; Rules Will Not Become Effective

**Reasoning Behind Determination Not to Publish the Notice Adopting Rules Governing Deed Tax, *Minnesota Rules*, Chapter 8123:** On June 7, 2001, the Department adopted the Administrative Law Judge's Report dated December 20, 2000, and incorporated the Report into its Order. On June 8, 2001, the Department filed the rule with the Secretary of State, gave proper notice to the Governor's Office and to those requesting notice. On June 14, 2001, the Department submitted a notice of adoption of the rule to the *State Register*, to avoid an automatic withdrawal, and asked the Editor to refrain from publishing the notice pending legislation that proposed to delete certain statutory terms which the rule's sole purpose was to define. On June 30, 2001, a law was enacted that amended *Minnesota Statutes 2000*, Section 287.20, subdivision 2, deleting the terms which the rule was to define, effective for deeds acknowledged and recorded after July 31, 2001, thereby eliminating the need for the rule.

**THEREFORE,**

**IT HAS BEEN DETERMINED** that the above-captioned unpromulgated rules, originally adopted June 7, 2001, and filed with the Secretary of State June 8, 2001, in the form set out in the *State Register* on September 17, 2000, with the modifications as indicated in the Revisor's draft, file number AR3121 dated June 5, 2001, are no longer needed, and therefore the notice of adoption WILL NOT BE PUBLISHED, so that the adopted rules WILL NOT BECOME EFFECTIVE.

Dated: 4 September 2001

Patrick Finnegan, Attorney  
Minnesota Department of Revenue

## 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; Waterfowl Hunting Regulations

**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 97B.731, 97B.802, and 97B.803.

Dated: 10 September 2001

Allen Garber  
Commissioner of Natural Resources

#### **6240.0200 GENERAL RESTRICTIONS FOR TAKING AND POSSESSION OF MIGRATORY GAME BIRDS.**

Subpart 1. **Shooting hours.** Shooting hours for migratory game birds are one-half hour before sunrise to sunset, except as follows:

A. on ~~the opening day of the duck season~~ September 29, shooting hours for all migratory game birds, except woodcock, are 12:00 noon to 4:00 p.m.; and

B. from ~~the opening day of the migratory waterfowl season~~ September 30 to ~~the Friday nearest October 19~~ 6, shooting hours end at 4:00 p.m.

[For text of subps 2 to 6, see M.R.]

#### **6240.0650 TAKING DUCKS, COOTS, AND MOORHENS.**

Subpart 1. **Open season.** Ducks, coots, and moorhens may be taken statewide during the 60-day period from September 29 to November 27, 2001, except canvasbacks may be taken statewide only during the 20-day period from October 13 to November 1, 2001.

Subp. 2. **Daily limits.** A person may not in any one day take more than six ducks, other than mergansers; five mergansers; and a total of 15 coots and moorhens. The daily limit of ducks other than mergansers may not include more than four mallards, of which not more than two may be female mallards; one black duck; two redheads; one pintail; three lesser or greater scaup; and two wood

**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.

## Expedited Emergency Rules

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ducks. The daily limit may not include more than one canvasback and only during the open season in subpart 1. The daily limit of mergansers may not include more than one hooded merganser.

### **6240.0950 TAKING CANADA GEESE IN THE WEST, WEST CENTRAL, LAC QUI PARLE, AND NORTHWEST GOOSE ZONES.**

Subpart 1. Open season in the West Goose Zone. Canada geese may be taken during the 40-day period from September 29 to November 7, 2001, except in the West Central Goose Zone and in the Lac qui Parle Goose Zone as provided in subparts 2 and 3.

Subp. 2. Open season in the West Central Goose Zone. Canada geese may be taken during the 40-day period from October 6 to November 14, 2001, except that the season may close earlier in the Lac qui Parle Goose Zone as provided in subpart 3.

Subp. 3. Open season in the Lac qui Parle Goose Zone. Canada geese may be taken during the 40-day period from October 6 to November 14, 2001, except that the season shall be closed earlier than November 14, 2001, if and when the harvest index reaches 12,000. The commissioner shall provide public notice of the closing no less than 48 hours prior to the effective time of closing by:

A. issuing a news release specifying the time of closing and describing the zone; and

B. posting written notices of the closing at the headquarters of the Lac qui Parle wildlife management area and at four other points around the perimeter of the zone.

Subp. 4. Open season in the Northwest Goose Zone. Canada geese may be taken during the 40-day period from September 29 to November 7, 2001.

Subp. 5. Daily limit. A person may not take more than one Canada goose in the West, West Central, Lac qui Parle, and Northwest Goose Zones.

### **6240.1000 TAKING CANADA GEESE IN SOUTHEAST GOOSE ZONE.**

[For text of subpart 1, see 25 SR 557]

Subp. 2. [See repealer.]

### **6240.1100 TAKING CANADA GEESE IN REMAINDER OF STATE.**

Subpart 1. Zone and season. The remainder of the state consists of all areas not within the ~~Southeast~~, Northwest, and West Goose Zones. Canada ~~and white-fronted~~ geese ~~and brant~~ may be taken during the 70-day period beginning the Saturday on or nearest October 1.

Subp. 2. Daily limit. A person may not take more than two Canada geese each day.

### **6240.1150 TAKING SNOW, BLUE, ~~AND ROSS'~~, AND WHITE-FRONTED GEESE AND BRANT.**

Subpart 1. Seasons. Snow, blue, ~~and Ross'~~, and white-fronted geese and brant may be taken statewide during the ~~80-day~~ 86-day period beginning the Saturday on or nearest October 1, except that the season in the Lac qui Parle Goose Zone will be closed when the season for Canada ~~and white-fronted~~ geese is closed.

Subp. 2. Daily limit. A person may not take more than 20 snow, blue, and Ross' geese in combination; two white-fronted geese; and one brant each day.

### **6240.1900 LATE SEASON FOR TAKING CANADA GEESE.**

Subpart 1. Daily limit. A person may not take more than ~~two~~ five Canada geese per day during the late season, except that no more than two Canada geese per day may be taken in the Southeast Goose Zone.

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

Subp. 3. Seasons. Canada geese may be taken ~~in the Twin Cities Metro Canada Goose Zone and the Fergus Falls/Alexandria Goose Zone and in Olmsted county during the ten day period beginning the second Saturday in December~~ statewide except in the West Central Goose Zone and the Lac qui Parle Goose Zone, from December 8 to December 17, 2001, except for the Southeast Goose Zone where Canada geese may be taken from December 14 to December 23, 2001. Taking Canada geese on or within 100 yards of all surface waters, excluding ice, is prohibited in the Twin Cities Metro Canada Goose Zone during the late season.

Subp. 4. Special Canada goose license required. A special Canada goose season license is required for participation in the late season established in this part, as provided in Minnesota Statutes, section 97B.802.

**REPEALER.** Minnesota Rules, part 6240.1000, subpart 2, is repealed.

**EFFECTIVE PERIOD.** The emergency amendments to Minnesota Rules, parts 6240.0200; 6240.1000; 6240.1100; 6240.1150; and 6240.1900, expire December 31, 2001. 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, parts 6240.0650 and 6240.0950, expire December 31, 2001.

# Official Notices

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

## Department of Agriculture

### Agronomy and Plant Protection Services Division

#### Notice of Cancellation of Minnesota Agricultural Response Compensation Board Meeting

The October 17, 2001, Agricultural Chemical Response Compensation Board (ACRRA Board) meeting has been cancelled, due to a possible AFSCME and MAPE state employee strike. Sufficient time must be given for a meeting to be cancelled in order for interested and affected parties to be notified and to allow cases brought before the board to be adequately prepared. The next regular Board meeting will be held Wednesday, November 21, 2001 at the Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, Minnesota, first floor Conference Room 1 at **9:30 a.m.**

Please call the ACRRA Program, (651) 297-3490 or (651) 296-3349, should you require additional information.

## Minnesota Department of Health

### REQUEST FOR COMMENTS on Planned Rules Governing Collection of Encounter Level Data

**Subject of Rules.** The Minnesota Department of Health (MDH) requests comments on its possible development of rules governing collection of encounter level data, including administrative claims data from group purchasers and providers. MDH is considering rules that define reporting requirements for collection of encounter level data. Issues to be considered include all aspects of data processing including data security provisions; applicability (which entities must submit data); data elements (what elements must be submitted); feasibility, development and use of a de-duplication key; data submission process; and uses and retention of the data collected.

**Persons Affected.** The planned rules will directly affect group purchasers and providers as defined in *Minnesota Statutes*, section 62J.03 that are required to submit administrative claims data. Also affected are public purchasers including the Department of Human Services and the Department of Employee Relations, several divisions of the MDH, including Health Policy and Systems Compliance, Center for Health Statistics, Family Health, Chronic Disease Prevention and Control, and Infectious Disease Prevention and Control as well as public or private associations with whom MDH may choose to contract to collect encounter level data. The planned rules will likely indirectly affect Minnesota Health Data Institute, the University of Minnesota, local public health agencies, counties, and Minnesota citizens.

**Statutory Authority.** *Minnesota Statutes*, section 62J.321, subdivision 6 authorizes MDH to adopt rules to implement sections 62J.301 to 62J.452.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing until further notice is published in the *State Register* that MDH intends to adopt or to withdraw the rules. MDH plans to create an advisory committee to comment on the possible rules. The first meeting is scheduled for Wednesday, October 3, 2001.

**Rules Drafts.** MDH has not yet prepared a draft of the possible rules.

**Agency Contact Person.** Written comments, questions, and requests for more information on these possible rules should be directed to: Sharon Hammer at the Minnesota Department of Health, 121 East Seventh Place, P.O. Box 64975, St. Paul, Minnesota 55164-0975, **email:** [sharon.hammer@health.state.mn.us](mailto:sharon.hammer@health.state.mn.us), **phone:** (651) 282-6352, and **fax:** (651) 282-5628. **TTY** users may call MDH at (651) 215-8980.

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

## Official Notices

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**Note:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is 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: 11 September 2001

Jan K. Malcolm, Commissioner  
Department of Health

## Metropolitan Airports Commission

### Notice of Public Hearing on the Operations of the Air Operations Area at the Minneapolis-St. Paul International Airport

**NOTICE IS HEREBY GIVEN** that on the 3rd day of October, at 1:00 p.m., in the Lindbergh Terminal Building at Minneapolis-St. Paul International Airport, Commission Conference Center Room 3040, the Metropolitan Airports Commission Management and Operations Committee will hold a public hearing to receive testimony relative to the adoption of:

#### AOA DRIVING ORDINANCE

An Ordinance to promote and conserve public safety, health, peace, convenience and welfare, by regulating operations on the Air Operations Area at the Minneapolis-St. Paul International airport, which is owned by or under the supervision and control of the Metropolitan Airports Commission; and prescribing the penalties for Violation thereof and repealing Ordinance 82.

The Ordinance sets forth driving rules on the Air Operations Area at the Minneapolis-St. Paul International airport.

Copies of the draft Ordinance may be obtained by contacting:

Tammy Rader, Legal Department  
Metropolitan Airports Commission  
6040 - 28th Avenue South  
Minneapolis, MN 55450  
**Phone:** (612) 794-4466  
**Fax:** (612) 726-5306  
**Email:** [trader@mspmac.org](mailto:trader@mspmac.org)

Written comments about this ordinance must be received at the above address **by 4:00 p.m., on October 11, 2001.**

Dated this 10th day of September, 2001.

Mr. Jeffrey W. Hamiel  
Executive Director  
Metropolitan Airports Commission  
6040 - 28th Avenue South  
Minneapolis, MN 55450

## Metropolitan Council

### Metro Mobility Annual Public Forums for Riders Set for Early November

The Metropolitan Council will hold two public forums in early November to gather information from riders and other consumers on how well the Metro Mobility program is meeting their transportation needs.

Public forums are scheduled as follows:

- Thursday, November 1, 2001  
7:30 - 9:00 p.m.  
Minneapolis Convention Center – Room 103-F  
1301 2nd Avenue S., Minneapolis

- Friday, November 2, 2001  
12 noon - 1:30 p.m.  
Mears Park Centre Bldg., Chambers  
230 E. 5th Street, St. Paul

All interested persons are encouraged to attend the forums and offer comments. People may register in advance to speak by calling Metro Mobility Customer Services at (651) 602-1111, or **TTY:** (651) 221-9886. Riders may also wait and sign up to speak at the forums. Sign language interpreter services will be provided at the forums. Upon request, reasonable accommodations to persons with disabilities will be provide if requested by October 19.

The forums are designed so people can comment on how Metro Mobility is working for them and offer ideas for improvement. Metro Mobility staff members will be on hand to answer general questions and respond to comments. Riders seeking follow-up on a specific incident or concern are asked to contact the Metro Mobility Customer Services department at (651) 602-1111, **TTY:** (651) 221-9886.

Riders who do not attend a forum can still participate as follows:

- Dave Jacobson, Metropolitan Council Metro Mobility Service Center, 230 East Fifth Street, St. Paul, MN 55101
- **Fax** comments to Dave Jacobson at (651) 602-1660
- Send **TTY** comments to Dave Jacobson's attention at (651) 221-9886
- **Email** comments to: *data.center@metc.state.mn.us*

**Comments will be accepted until Friday, December 14, 2001.**

## **Metropolitan Council**

### **Public Hearing Empire Wastewater Treatment Plant Expansion and Effluent Outfall Facility Plan at Dakota County Extension and Conservation Center 4100 220th Street, Farmington**

**Monday, October 22, 2001 at 7:00 p.m.**

Metropolitan Council will hold a public hearing on the Empire Wastewater Treatment Plant and Effluent Outfall Facility Plan, MCES Project No. 800900. The public hearing outlines the expansion of the Empire Wastewater Treatment Plant (WWTP) and the alignment of the outfall pipe from the plant to the Mississippi River. The Empire WWTP serves Lakeville, Farmington, and parts of Apple Valley and Empire Township. The proposed effluent outfall pipe will run through the rural Dakota County Townships of Empire, Vermillion, Marshan and Ravenna and along the south side of the City of Vermillion and the east side of the City of Hastings. Metropolitan Council Environmental Services (MCES) has prepared a Draft Facility Plan for the Empire WWTP and the 20 mile long outfall pipe to the Mississippi River, southeast of Hastings.

Copies of the Draft Facility Plan are available for review at:

- Metropolitan Council's Data Center, 230 East Fifth Street, St. Paul
- Apple Valley City Hall, 14200 Cedar Ave., Apple Valley
- Empire Township Town Hall, 3385 197th St., Farmington
- Farmington City Hall, 325 Oak St., Farmington
- Lakeville City Hall, 20195 Holyoke Ave., Lakeville
- Rosemount City Hall, 2875 145th St. W., Rosemount
- Galaxie Library, 14955 Galaxie Ave., Apple Valley
- Farmington Library, 508 Third Street, Farmington
- Pleasant Hill Library, 1490 South Frontage Road, Hastings.

All interested persons are encouraged to attend the hearing and provide comments.

Comments, which must be received by Pauline Langsdorf prior to November 2, 2001, may also be submitted as follows:

## Official Notices

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- Send written comments to: Pauline Langsdorf at Metropolitan Council Environmental Services, 230 East Fifth Street, St. Paul, MN 55101
- **Fax** comments to Pauline Langsdorf at (651) 602-1003
- Record comments on the council's Public Comment Line at (651) 602-1500
- **Email** comments to [data.center@metc.state.mn.us](mailto:data.center@metc.state.mn.us)
- Send **TTY** comments to (651) 291-0904

Upon request the Council will provide reasonable accommodations to persons with disabilities. These requests must be received prior to October 16, 2001.

## Minnesota Racing Commission

### **REQUEST FOR COMMENTS on Planned Amendment to Rules Governing Televised Horse Racing Days, *Minnesota Rules, 7871*; Pari-Mutuel Rules, *Minnesota Rules, 7873*; Class C Licenses, *Minnesota Rules, 7877*; Horse Races, *Minnesota Rules, 7883*; Horse Medication, *Minnesota Rules, 7890*; Prohibited Acts, *Minnesota Rules, 7897*; other rule amendments proposed by industry groups**

**Subject of Rules.** The Minnesota Racing Commission requests comments on its planned amendment to rules governing the consideration of lost pari-mutuel tickets, a new pari-mutuel pool (Pick Four), various occupational licensing issues, requirements regarding entering and claiming of horses, changing rule to comply with state statute regarding medication, procedures for the supervision of horses having exercise induced pulmonary hemorrhage, distributions of the Minnesota Thoroughbred Breeders' Fund awards, stipulations regarding the process for an appeal of a Stewards' ruling, the deletion of obsolete rules, and other rule amendments as proposed by industry groups.

**Persons Affected.** The amendment to the rules would likely affect licensed racetracks; horse owners, trainers, jockeys, and other individuals competing and performing work at a licensed racetrack, individuals throughout the state who participate in the horse racing and breeding industry, and the wagering public.

**Statutory Authority.** The commission's statutory authority to amend these rules is set out in *Minnesota Statutes*, sections 240.08 Subd. 1, Occupational Licenses; 240.13 Subd. 3, Pari-Mutuel Betting; 240.23, Rule Making Authority; and 240.24, Medication.

**Public Comment.** Interested persons or groups may submit comments or information on these planned rules in writing or orally until further notice is published in the *State Register* that the commission intends to adopt or to withdraw the rules. The commission has appointed an advisory committee to comment on the planned rules.

**Rules Drafts.** The commission has not yet prepared a draft of the planned rules amendments.

**Agency Contact Person.** Written or oral comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these planned rules should be directed to:

Richard G. Krueger, Executive Director  
Minnesota Racing Commission  
P.O. Box 630  
Shakopee, MN 55379  
**Phone:** (952) 496-7950  
**Fax:** (952) 496-7954  
**Email:** [richard.krueger@state.mn.us](mailto:richard.krueger@state.mn.us)  
**TTY** users may call the commission at 1-800-627-3529.

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

**NOTE:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is 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: 16 August 2001

Richard G. Krueger  
Executive Director  
Minnesota Racing Commission

## 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.

## Minnesota Department of Corrections

### Education Unit

#### Notice of Availability of Funds

The Minnesota Department of Corrections, Adult Facilities Division, Education Unit, announces the availability of state grant funds for a two-year pilot project for the following category:

**Offender Employment Services:** One grant of \$55,000 for the first year of the biennium. The second year will provide \$30,000 to continue with just the employment services piece. A total of \$85,000 is available for the purpose of conducting a pilot project to provide employment services to offenders released from one or more Minnesota correctional facilities. Services must include recruitment, assessment, job readiness, job placement and follow-up services. The applicant will also be required to research how the Department of Corrections can create an integrated and complimentary service for those leaving DOC facilities while identifying services already available through other state agencies.

This grant will be for the twenty-one (21) month period from October 15, 2001, through June 30, 2003.

Employment organizations, including for-profit businesses, governmental employment services and non-profit employment programs or agencies are eligible to apply.

Applicants with a physical presence in the Twin Cities area that is accessible by public transportation will be given preference.

**All applications are due September 25, 2001.**

To request a copy of the Request for Proposals, which describe in detail how to apply for funding, contact:

Marcie Sorensen, Director of Education  
Minnesota Department of Corrections  
Adult Facilities Division, Education Unit  
1450 Energy Park Drive, Suite 200  
St. Paul, MN 55108-5219  
**Phone:** (651) 642-0244  
**TTY:** (651) 603-0150  
**Email:** [marcie.sorensen@co.doc.state.mn.us](mailto:marcie.sorensen@co.doc.state.mn.us)

This RFP is also available on the DOC website at [www.doc.state.mn.us](http://www.doc.state.mn.us), under What's New.

## State Grants & Loans

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### Department of Economic Security

#### Rehabilitation Services - Vocational Rehabilitation Program

#### Notice of Availability of Grant Funding Relating to HIV Workplace Education

The Minnesota Vocational Rehabilitation Program is requesting proposals to develop and implement a project of HIV Workplace Education for medium-size and small employers in the state.

Eligible applicants shall demonstrate competence to carry out HIV workplace education projects in collaboration with other organizations to meet needs of Minnesota employers and workers. The state's community-based AIDS service organizations, organizations providing vocational rehabilitation services leading to employment for persons with disabilities, and other organizations that can demonstrate competence to establish and carry out an HIV workplace education project are encouraged to submit proposals. For the guidance of applicants *HIV/AIDS workplace education* is deemed to include but is not necessarily limited to the five elements of workplace education as defined by the national Centers for Disease Control "Business Responds to AIDS" initiative, and described in application instructions.

Priority shall be given to proposals that focus clearly on the needs of medium-sized and small employers, that employ relationships and strategies of collaboration to both increase the potential impact of the project and to improve the likelihood that the objectives of a successful project may continue to be achieved after the period of the grant. Priority may also be given to projects utilizing innovative and promising approaches to one or more components of HIV Workplace Education that identify *best practices* or a model likely to be perpetuated in the community beyond the funding period.

A total of \$175,000 may be awarded. Up to three projects may be funded. Whether only one project or up to three are funded will be determined after review of submitted proposals. Funds will be awarded based on the merits of individual proposals, or on the complimentary merits of proposals when examined together.

Completed applications must be submitted to no later than 4:00 p.m., on Thursday October 18, 2001. Grant award/s will be announced on or about November 9, 2001. Additional information about this request for proposal and application materials are available from Steve Serkland, Rehabilitation Specialist, Vocational Rehabilitation Program, 390 North Robert St., St. Paul MN, 55101-1812, (651) 296-7869 (voice), (651) 296-3900 (TTY), **email:** [steve.serkland@state.mn.us](mailto:steve.serkland@state.mn.us)

## State 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.]

## Hibbing Community College

### Sale of Hibbing Community College: List Price: \$1,800,000

The Minnesota State Colleges and Universities offer for sale by sealed bid the "Central Campus" property located at 2900 East Belt Line, Hibbing, MN 55746.

The property contains roughly 12.59 acres with an 81,211 sq.ft. multi-functional education facility and a 6,000 sq.ft. storage building.

**LOCATION:** 65 miles north of Duluth, Minnesota  
165 miles north of Minneapolis/St. Paul  
Hibbing is located on the "Iron Range"  
Population of Hibbing is approximately 18,000

**SPACE UTILIZATION:** Multi-functional education facility once included the following programs; nursing, welding, heating and refrigeration repair, automotive repair, and restaurant/cooking.

**YEAR BUILT:**

Original Building - 22' Ceiling Height	1966
High Bay Space Addition - 27' Ceiling Ht.	1975/76
Industrial Space Addition - 14' Ceiling Ht.	1981
Admin. Offices Addition - 16' Ceiling Ht.	1986
3-Free Standing/Portable Classrooms	NA

**HEATING/COOLING:** Natural gas fired, steam boiler system installed in 1981 with supplemental unit heaters in some areas. Rooftop air handling units serving part of the facility.

**ZONING:** I-1 Industrial Park and R-1 Residential

A complete sealed bid must be received in the Office of the President, Hibbing Community College, 1515 East 25th Street, Hibbing, MN, 55746 by 11:30 a.m., Friday, October 12, 2001. Bids will be opened at 12:00 p.m. (noon) on October 12, 2001 at the same address.

For additional information, contact Ron Blakesley at (218) 262-6734 or **email:** [r.blakesley@hcc.mnscu.edu](mailto:r.blakesley@hcc.mnscu.edu). MnSCU reserves the right to reject any and all bids and waive the formalities therein. MnSCU reserves the right to withdraw the subject property from sale up to and including the date of the sale.

## Department of Commerce

### Request for Proposals for Assistance in Conducting an Investigation of Qwest Corporation

The Minnesota Department of Commerce (herein "Department") seeks proposals from qualified firms to assist the Department in conducting an investigation of Qwest Corporation's (Qwest) compliance with section 251 of the Telecommunications Act of 1996 (Act), and any investigation associated with Qwest's application to the Minnesota Public Utilities Commission (MPUC) or the FCC for authority to enter the inter-LATA long distance market under section 271 of the Act. For a copy of the complete Request for Proposals (RFP) please contact Tony Mendoza, Deputy Commissioner - Telecommunications, 85 7th Place East, Suite 500, St. Paul, MN, 55101-2198, **phone:** (651) 296-2266. **Proposals are due no later than 3:30 Central Daylight time, October 8, 2001.**

## Department of Health

### Request for Proposals for Contract for Bacteriological Analysis of Drinking Water in 10 Postal Distribution Center Areas

The Minnesota Department of Health is requesting proposals for a two year contract for the bacteriological analysis of drinking water samples in each of 10 different Postal Distribution Center areas within Minnesota. The contract may be extended for an additional three years. Currently, mailing times from remote Distribution Center areas to a central point cause samples to go over the EPA mandated time limit of 30 hours. By using laboratories within each distribution center, preferably in the same city as the distribution center, travel times will be shorter and the 30 hour time limit will be met. All analyses will use Colilert. The following are the ten Postal Distribution Centers, the zip codes they serve and the estimated number of coliform samples over a twelve month period.

## State Contracts

USPS Distribution Center	ZIP Codes	Estimated Annual Samples
Bemidji	566	400
Brainerd	564	600
Detroit Lakes	565	250
Duluth	1200	556, 557, 558
Thief River Falls/Grand Forks	200	567
Mankato	560, 561	800
Rochester	559	550
St. Cloud	563	850
St. Paul	553, 554, 555	750
Wilmar	562	375

Proposals must be received by **4 p.m., CDT, October 15, 2001**. To obtain a copy of the RFP, contact:

Douglas J. Mandy  
Drinking Water Protection Section  
Environmental Health Division  
P.O. Box 64975  
St. Paul, Minnesota 55164-0976  
**Phone:** (651) 215-0757  
**Email:** [douglas.mandy@health.state.mn.us](mailto:douglas.mandy@health.state.mn.us)

## Minnesota Historical Society

### Request for Bids for Construction of an Interpretive Center Addition and Related Site Work Charles A. Lindbergh Historic Site

#### S.P. 94-595-08: Minn. Proj. No. MHS MUSM (006)

The Minnesota Historical Society is seeking bids from qualified firms and individuals for Construction of an Interpretive Center Addition and Related Site Work at the Charles A. Lindbergh Historic Site, Little Falls, Minnesota.

A **MANDATORY PRE-BID MEETING** will be held at the Charles A. Lindbergh Historic Site 10:00 a.m., Local Time, on Monday, October 1, 2001. The Request for Bids is available by calling or writing Chris M. Bonnell, Contracting Officer, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102. **Phone:** (651) 297-5863, **email:** [chris.bonnell@mhs.org](mailto:chris.bonnell@mhs.org)

Bids must be submitted in the format that will be described in the Request for Bids. Sealed bids must be received by Chris M. Bonnell, Contracting Officer, or an authorized agent, at the Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102 by **2:00 p.m., Local Time, on Tuesday, October 9, 2001**. Late bids will not be accepted.

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/THESE PROJECT/PROJECTS**

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 issue 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 Statutes*, 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 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.”

A minimum goal of 2.7% Good Faith Effort to be subcontracted to Disadvantaged Business Enterprises.

Dated: 17 September 2001

## Minnesota Historical Society

### Request for Bids for Mothball and Stabilization Building #17 and #18 Historic Fort Snelling

The Minnesota Historical Society is seeking bids from qualified firms to mothball and stabilize Building #17 and #18 at Historic Fort Snelling. The work is to protect the buildings from weather and vandalism. Work will include repairs of existing slate roofs, construction of a temporary shed roof structure over parts of existing buildings, removal of unnecessary mechanical equipment, repair and replacement of building soffits, fascias, gutters and downspouts, selective tuck pointing of brick masonry walls, and installation of window louvers for passive ventilation of the building.

**A mandatory pre-bid meeting** will be held at the Historic Fort Snelling site, in the Interpretive Center, at 1:00 p.m., Local time, on Wednesday, September 26, 2001.

The bidder shall indicate on the outside of the envelope the document is a “Sealed Bid” along with the Project Name and the Bidder’s Name. Sealed bids must be received by Chris M. Bonnell, Contracting Officer, or an authorized agent, at the Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, Minnesota 55102 by **Thursday, October 4, 2001 at 2:00 p.m., Local Time**. Late bids will not be accepted.

Bidding Documents may be examined at the office of the architect for the project; LHB Engineers and Architects, 250 Third Avenue North, Suite 450, Minneapolis, MN 55401, and the following plan rooms:

- St. Cloud Builder Exchange
- Minneapolis Builders Exchange
- Rochester Builders Exchange
- Builders Exchange of St. Paul
- F. W. Dodge
- Construction Market Data

## State Contracts

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Copies of the Bidding Documents may be obtained at the Architects Office in accordance with the Instructions to Bidders upon deposit of the sum of \$75 refundable deposit and \$25 nonrefundable deposit for each set of documents.

The Owner reserves the right to reject any and all bids and to waive any informality in the bidding and to accept the bid that is the most advantageous to the Owner. No bid shall be withdrawn for a period of thirty days (30) days after the time set for receipt of bids.

Dated: 17 September 2001

## Minnesota Historical Society

### Request for Proposals for the Mill City Museum Food Service, Minneapolis, Minnesota

The Minnesota Historical Society is seeking proposals from firms and individuals qualified to partner with the society in developing an innovative, high quality, "signature" on-site restaurant that will act in synergy with the museum to create a "destination" for museum patrons, residential neighbors, adjacent businesses and discriminating diners. While the Society has already determined a number of operating aspects of the Mill City Museum that are required to fulfill the mission of the museum program, it strongly encourages respondents to be creative and innovative in how they approach this unique opportunity.

The Request for Proposals is available by calling or writing Chris M. Bonnell, Contracting Officer, or his agent, 345 Kellogg Boulevard West, St. Paul, Minnesota 55102. **Phone:** (651) 297-5863, **email:** [chris.bonnell@mnhs.org](mailto:chris.bonnell@mnhs.org)

A **mandatory** pre-proposal meeting will be held on **Thursday, September 20, 2001 at 1:00 p.m., Local Time**. The meeting will be held at the Mill city Museum site, located at 704 Second Street south, Minneapolis, Minnesota. The meeting will convene on the side of the building facing the riverfront.

All proposals must be received by Chris M. Bonnell, Contracting Officer for the Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102 or an authorized agent, **no later than 2:00 p.m., Local Time, Wednesday, October 3, 2001**. A proposal opening will be conducted at the time. Proposals must be submitted in a sealed envelope with the project name clearly written on the envelope.

Authorized agents for receipt of proposals are the following: Mary Green-Toussaint, Contracting and Procurement Technician or any Work Service Center staff member in the Finance and Administration Division on the 4th floor of the History Center. Proposals may not be delivered to the information desk, to the guard or to any location or individual other than as specified above.

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

Dated: 4 September 2001

## Department of Human Services

### Adult Supports Division

### Notice of Availability of Contracts for Services to Help Minnesota Public Assistance Clients Apply for Supplemental Security Income

The Department of Human Services seeks qualified providers to help General Assistance, Group Residential Housing, and Minnesota Supplemental Aid applicants and recipients apply to the Social Security Administration for Supplemental Security Income (SSI). A qualified provider must be:

- A nonprofit legal assistance organization; or
- An agency that employs
  - licensed practitioners, or
  - accredited counseling staff, or
  - staff with a master's degree from an accredited program in social work, psychology, counseling, occupational therapy, or physical therapy; or

- A private attorney at law; or
- Another organization or person determined by the State to have sufficient training or experience to be effective in assisting persons to apply for and establish eligibility for SSI benefits; and
- Able to assist clients through the entire SSI application process, from initial application through approval or final denial; a non-attorney, at a step requiring an attorney, must arrange legal representation through county or state contracted legal services or other legal services knowledgeable about the SSI process; and
- Able to provide services to clients in a multi-county area of no less than two counties.

The Department will pay contracted providers up to \$75 per hour for services plus actual reasonable out-of-pocket expenses for clients approved for SSI and for whom interim assistance reimbursement has been received. An additional incentive payment will be made if funds are available. The maximum payment is limited to 100% of the interim assistance reimbursement for each client.

This is an open solicitation and proposals may be submitted beginning November 8, 1999, up to November 1, 2003.

For a copy of the Request for Proposals, contact:

Suzana Cobic-Ivkovic, DHS / SSI Coordinator  
Adult Supports Division  
Minnesota Department of Human Services  
444 Lafayette Road North  
St. Paul, MN 55155-3837  
**Phone:** (651) 296-1476

## Department of Human Services

### Notice of Request for Proposals for Reimbursement System for Nursing Facilities, Time Study for a RUG-III Classification System, Staffing Standards for Nursing Facilities and a Quality Profile System for Long Term Care

The Department of Human Services is soliciting proposals from qualified vendors for: a) recommendations and developmental work on a new reimbursement system for long-term care nursing facility services, b) a study to determine the amount of time that various nursing facility staff spend on each case mix category, c) recommendation regarding minimum staffing requirements, and d) development and implementation of a quality profile system for nursing facilities and other long-term care services.

The *Laws of Minnesota 2001*, First Special Session, Chapter 9, Article 5, Sections 35 and 36 authorizes the Commissioner of Human Services to develop a new reimbursement system to replace the current nursing facility reimbursement system established under *Minnesota Statutes*, sections 256B.431, 256B.434, and 256B.435; to conduct a time study to determine staff time being spent on various case mix categories, and make recommendations for adjustments to the case mix weights; determine whether current staffing standards are adequate for providing quality care based on professional best practice and consumer experience; and, whether the current case mix adjusted staffing standard should be translated to a minimum nurse staffing requirement upon the transition to the RUG-III classification system. *Minnesota Statutes*, Section 256B.439 authorizes the Commissioner of Human Services to develop and implement a quality profile system for nursing facilities and, beginning no later than July 1, 2003, other providers of long-term care services.

Requests for copies of the complete RFP, "Development of New Reimbursement System for Nursing Facilities, Time Study to Determine Case Mix Weights for a RUG-III based Classification System, Study Staffing Standards for Nursing Facilities and Development of a Quality Profile System for Long-term Care Setting," should be directed to Bev Milotzky at (651) 296-2673. The original and seven (7) copies of your proposal in response to this RFP must be submitted to Valerie Cooke, Minnesota Department of Human Services, Continuing Care for the Elderly Division, 444 Lafayette Road, St. Paul, MN 55155-3836, **no later than 4:00 p.m., on Wednesday, October 17, 2001.**

The Department of Human Services and the State of Minnesota reserve the right to reject any and all proposals submitted. This Request for proposals does not obligate the Department of Human Services to complete the project, and the department reserves the right to cancel the solicitation if it is considered to be in its best interest.

### Office of the Legislative Auditor

#### Notice of Request for Proposal for Financial Audit for Fiscal Year 2000 and 2001

NOTICE IS HEREBY GIVEN that the Office of the Legislative Auditor is requesting proposals to audit the financial statements of the Office for the fiscal year ending June 30, 2000, and the fiscal year ending June 30, 2001. The audit is to be performed by an independent certified public accounting firm licensed to do business in the State of Minnesota. Additionally, the audit firm may not have contracted to provide an audit opinion on the financial statements of individual state funds or component units included in the comprehensive annual financial report of the State of Minnesota for fiscal year 2000 or 2001.

This contract does not obligate the state to any particular vendor, nor to renewal, other than terms and conditions of the original contracting instrument.

For a copy of the full Request for Proposal, or more information, contact:

Claudia Gudvangen  
Office of the Legislative Auditor  
140 Centennial Building  
658 Cedar Street  
St. Paul, MN 55155  
**Phone:** (651) 296-1727  
**Email:** *claudia.gudvangen@state.mn.us*

No one other than the person listed above may answer questions or provide information regarding this proposal. **Deadline for proposals is 4:00 p.m., on October 12, 2001.** No late proposals will be considered.

### Minnesota Department of Public Safety

#### Office of Traffic Safety

#### Request for Proposals (RFP) for Traffic Safety Media Campaigns

The Minnesota Department of Public Safety's Office of Traffic Safety is requesting proposals to develop and produce multi-faceted media campaigns on seat belt use, impaired driving and aggressive driving. Estimated cost of the contract is \$1,297,000 including at least \$400,000 of media buys.

Details are contained in a complete Request for Proposals that may be obtained by calling or writing:

Terri Thill  
Department of Public Safety/Office of Traffic Safety  
444 Cedar Street  
St. Paul MN 55101-5150  
**Phone:** (651) 284-3708

All questions concerning this RFP must be in writing and submitted to the above address no later than 2:00 p.m. on September 26, 2001. All answers to questions will be in writing and sent to all entities requesting a complete RFP. **Proposals are due at 2:00 p.m. on October 8, 2001.** Late proposals will not be considered. This Request for Proposal does not obligate the State to complete the proposed project and the State reserves the right to cancel the solicitation if it is considered to be in the State's best interest. All expenses incurred in responding to this notice shall be borne by the responder.

### Department of Revenue

#### Amendment to the Request for Proposals to Research and Design a Method for Producing a Tax Gap Estimate for the Minnesota Department of Revenue

Amendment to the Request for Proposals announced in the September 10, 2001 issue of the State Register, page 376. In the announcement the due date for responses to the RFP was specified as 2:00 p.m., on September 26, 2001. The due date for responses to the RFP has been amended to **2:00 p.m., on October 8, 2001.** All other information stated in the September 10, 2001 announcement is unchanged.

## Department of Transportation

### Office of Public Relations and Communications

#### Notice of availability of Contract for Media Buying - Work Zone Safety Campaign

The Minnesota Department of Transportation (Mn/DOT) is soliciting proposals and statements of qualifications for a media buying, public awareness safety campaign. Each year Mn/DOT creates two statewide work-zone-safety public awareness and education campaigns. One campaign begins in the winter and focuses on snow and ice removal operations. The other campaign begins in the spring and continues through the summer focusing on highway maintenance and construction activities. The campaigns are designed to educate travelers about dangers in work zones and provide them with information they can use to protect themselves and workers against injury and death in work zone accidents. The total budget for media buying in the year 2002 for the winter and summer campaigns combined is \$150,000.00.

A written request (direct mail, Fax, or Email) is required to receive the Request for Proposals (RFP). Requests must be received before 2:00 p.m. on October 2, 2001. Requests made after that date must be in person. Request for the RFPs may be mailed, faxed, or emailed to:

Steve Porter, Agreement Administrator  
Minnesota Department of Transportation  
Consultant Services Unit - 7th Floor North  
395 John Ireland Boulevard, Mail Stop 680  
St. Paul, MN 55155  
**Fax:** (612) 282-5127  
**Email:** [steve.porter@dot.state.mn.us](mailto:steve.porter@dot.state.mn.us)

All proposals, in response to the Request for Proposals in this announcement, must be received **no later than 2:00 p.m., Central Daylight Saving Time on October 9, 2001**, according to the time and date stamp on Consultant Services receptionist's desk, 7th floor north - Transportation Building. Late proposals will not be considered.

All proposals will become public information after selection, under the Minnesota Data Practices Act, and will remain the property of the Minnesota Department of Transportation.

This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice, and the department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

## Department of Transportation

### Program Support Group

### Office of Consultant Services

#### Notice of Availability of Contract for TH 14 from Rochester to Eyota, Preliminary Design

The Minnesota Department of Transportation (Mn/DOT) is soliciting the proposals for the Preliminary Design services for the reconstruction of the portion of TH 14 located between Rochester and Eyota, Minnesota.

Work is proposed to start December 1, 2001.

Request for Proposals will be available by mail from this office through September 28, 2001. **A written request (direct mail or FAX) is required to receive the Request for Proposal.** After September 28, 2001, the Request for Proposal must be picked up in person.

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

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

## State Contracts

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Proposals in response to the Request for Proposals in this advertisement must be received at the above address no later than 2:00 p.m., CDT on October 11, 2001. **Late proposals will not be considered.**

This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice, and the Department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice will be borne by the responder.

## Department of Transportation

### Program Support Group

### Project Delivery Streamlining Team

#### **Intent to Publish a Request for Qualifications and Make Draft Project Documents Available for Public Review and Comment for a Design-Build Contract on Minnesota State Trunk Highway 100 in Golden Valley, Minnesota, S. P. 2735-172**

The Minnesota Department of Transportation ("Mn/DOT") intends to publish a Request for Qualifications ("RFQ") in the near future for the proposed State Trunk Highway 100 Design-Build project, S.P. 2735-172, ("Project") in Golden Valley, Minnesota.

The Project involves reconstructing Trunk Highway 100 - approximately one mile in length from just south of Duluth Street to 29th Avenue North in Golden Valley, Duluth Street under and adjacent to Trunk Highway 100, and local access connections. The new Trunk Highway 100 roadway will be a limited access, six-lane, high-speed highway facility on existing alignment. The work is expected to include several types of construction: grading, bituminous and concrete surfacing, utility relocations, water line, drainage systems, ponding areas, retaining walls, noise walls, signals, signing, lighting, bridge, bypass, and embankment. A separate, fully-designed pedestrian bridge is also expected to be part of the Project. The current estimated cost for design and construction is approximately \$19 million.

The RFQ will provide information about the Project scope, schedule, and weighted qualifications criteria that Mn/DOT will use to establish a short list. The RFQ will invite interested design-build teams to submit statements of qualifications that show how each team satisfies certain criteria relevant to the Project, including but not limited to the following items: construction experience, design experience, design-build team organizational structure, project approach, project management, project administration, quality control plan, and financial profile.

Responders will have approximately four weeks to reply once the RFQ is issued. Mn/DOT will evaluate and score all statements of qualifications and compile a short list of at least two but not more than five firms. Mn/DOT intends to issue a Request for Proposals ("RFP") after the short list is established. Only short-listed firms will be eligible to respond to the RFP, although other interested individuals may purchase copies of the RFP for information. Mn/DOT will offer a stipend of approximately 0.2% of the estimated Project design and construction cost to each unsuccessful short-listed team that submits a proposal that Mn/DOT considers responsive.

Mn/DOT intends to publish information in the near future about the Project on its **website**: [www.dot.state.mn.us/designbuild](http://www.dot.state.mn.us/designbuild) for public review and comment. This information will include drafts of the RFQ, drafts of the RFP, and other Project information.

All questions and comments about the Project must be submitted by e-mail or in writing to Liz Benjamin, Mn/DOT Project Manager, to one of the following addresses: [Elizabeth.Benjamin@dot.state.mn.us](mailto:Elizabeth.Benjamin@dot.state.mn.us) or 2055 North Lilac Drive, Golden Valley, MN 55422. Mn/DOT will only accept written questions or comments.

## Non-State Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

## Metropolitan Council

### Invitation for Prequalification to Supply Compressed Air Systems

Prequalification Submittal Documents (PSDs) are solicited by the Metropolitan Council ("Council") for the purpose of establishing a list of qualified vendors to supply the Council with Compressed Air Systems to be installed by others at the Council's Metropolitan Wastewater Treatment Plant (MWWTP).

The Council intends to procure six compressors, two dryer assemblies, related controls and accessories. Delivery of three compressors and one dryer assembly will occur approximately May 2002, with an additional three compressors and one dryer assembly delivered in approximately July 2003.

The Council intends to use a two-step process to procure these systems. In this first step, vendors are invited to submit PSDs which will be evaluated based upon required specifications. In the second step, the Council will issue an Invitation for bids only to Vendors whose PSD was determined to be acceptable, either initially or as a result of further discussions. Bids submitted by Vendors in the second step must be based on the vendor's approved PSD, without any changes, additions, deletions, or exceptions.

Vendors interested in obtaining an Invitation for Prequalification should contact:

Sunny Jo Emerson, Senior Administrative Assistant  
Metropolitan Council  
230 East Fifth Street  
St. Paul, Minnesota 55101  
**Phone:** (651) 602-1499  
**Fax:** (651) 602-1083  
**Email:** [sunny.jo.emerson@metc.state.mn.us](mailto:sunny.jo.emerson@metc.state.mn.us)

The tentative schedule for this procurement is as follows:

<b><i>Invitation for Prequalification Issued</i></b>	<b>September 17, 2001</b>
<b><i>PSD Due</i></b>	<b>October 16, 2001 at 2:00 p.m., local time</b>
<b><i>Notification of Successful Prequalification</i></b>	<b>November 2001</b>
<b><i>Invitation for Bids</i></b>	<b>November 2001</b>
<b><i>Due Date of Bids</i></b>	<b>November 2001</b>
<b><i>Award of Contract</i></b>	<b>December 2001</b>

## Metropolitan Council

### Notice of Two-Step Solicitation Process 30-Foot Low-Floor Model Transit Buses

#### Solicitation No. 01P100

**NOTICE IS HEREBY GIVEN** that the Metropolitan Council is soliciting proposals from manufacturers to provide thirteen (13) 30-foot low-floor model transit buses with an option for twenty (20) additional buses over a period of three years (through December 2005).

The solicitation will be conducted in a two-phase process. In the pre-qualification phase, all prospective offerors must submit a technical proposal and a separate, sealed price proposal. Upon evaluation, a competitive range will be established and sealed bids will be requested in the form of Best and Final Offers (BAFOs). All proposals must be submitted in accordance with the Solicitation Package. The tentative schedule for this procurement process is:

## Non-State Contracts & Grants

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<i>Solicitation Package Release Date</i>	<b>September 14, 2001</b>
<i>Teleconference Pre-Proposal Date</i>	<b>September 26, 2001</b>
<i>RSVP for Teleconference Due</i>	<b>September 20, 2001</b>
<i>Proposal Due Date</i>	<b>October 15, 2001</b>

All firms interested in this project should request a copy of the solicitation through:

Amanda Petersen, Administrative Assistant, Contracts and Procurement Unit  
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](mailto:amanda.petersen@metc.state.mn.us)

Please provide contact point; complete company name; address/city/state/zip along with phone/fax/mobile/cell phone and pager numbers as well as email information if you wish to be placed on the Solicitation List. **All inquiries** regarding this procurement shall be directed by **email** to: [mary.demers@metc.state.mn.us](mailto:mary.demers@metc.state.mn.us)

The Metropolitan Council provides mass transit bus services to the Twin Cities of Minneapolis/St. Paul metro and outlying areas. The buses will be supplied to contract providers for use on contract routes outside of the Metro Transit system through its Transportation and Transit Development Division. *Minnesota Statutes*, Section 473.144 and 363.073 and *Minnesota Rules*, Part 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Proposal or any modifications to it.

## Metropolitan Council – Metro Transit

### Sealed Bids Sought for Alarm Monitoring and Maintenance

The Metropolitan Council is soliciting sealed bids to monitor and maintain the fire and security alarm systems at thirteen Metro Transit facilities. Site visits will take place on Wednesday, October 3, 2001 starting at 7:00 a.m., at the Metro Transit Heywood Garage, 560 6th Ave., N., Minneapolis, MN 55411. Bids are due at 2:00 p.m., on October 15, 2001.

Bids must be submitted in accordance with the Invitation for Bids document available from:

Metropolitan Council  
Metro Transit Purchasing Department  
515 N. Cleveland Avenue  
St. Paul, MN 55114  
**Phone:** (612) 349-5070

## University of Minnesota

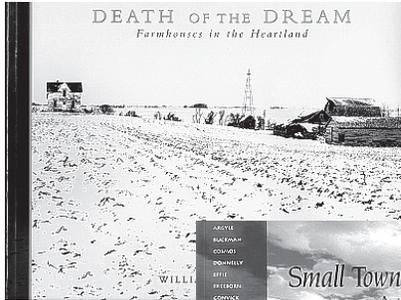
### Notice of Bid Information Service (BIS) Available for All Potential Vendors

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](http://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.

Available at Minnesota Bookstore  
Order form on back page

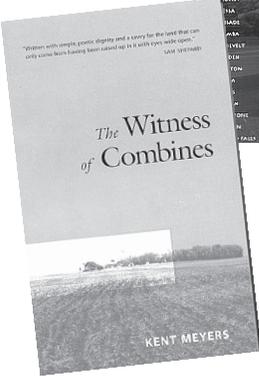
## Celebrating our Rural Heritage



### Death of the Dream: *Farmhouses in the Heartland*

*Death of the Dream* tells the story of America's rural past and a forgotten lifestyle-- the vanishing farmhouse of the Midwest and the rich lives that were lived in them. Trace the evolution of the classic farmhouse --from its humble origins through the high tech present-- and learn about the impact that changing economies have had on lives of midwestern farm families. 87 illustrations, including 72 tritone photo plates. Softcover, 128pp.

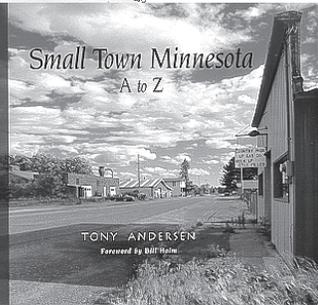
Stock No. 19-19 \$24.95 + shipping & sales tax



### Small Town Minnesota: A to Z

Author and photographer Tony Andersen toured Minnesota focusing on 26 communities - one for each letter in the alphabet - that are home to less than 1,000 residents. Follow along with Tony as he writes of the generosity and friendly curiosity of the people on the rural landscape and be reminded of the beauty a small town offers through 160 color photographs.

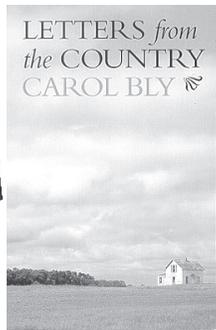
Stock No. 19-2 \$24.95 + shipping & sales tax



### The Witness of Combines

Author Kent Meyers speaks of human kindness, family forgiveness, neighborly helpfulness, insightfulness in fixing a huge and crucial peice of equipment and more. Follow him as he tells the story of growing up on the farm, from the joys of playing in the hayloft as a boy to the obstacles and the steady pattern of chores standard to all farm families. Softcover, 229pp.

Stock No. 19-80 \$16.95 + shipping & sales tax



### Letters from the Country

Award-winning author, Carol Bly, welcomes readers to life in the small town of Madison, MN through 30 essays about cultural and daily life in the countryside. Critics have said "No one in this country writes of rural life with more understanding, love, and anger... "Fierce and funny... she's the best thing to come out of rural Minnesota since Sinclair Lewis left Sauk Centre". Softcover, 184pp.

Stock No. 19-42 \$14.95 + shpg & sales tax

Visit our web site:  
[www.minnesotasbookstore.com](http://www.minnesotasbookstore.com)

From Rockford Publishing and Cloud Cartographics, these county plat map books are great for the hunter/adventurer or the prospective land owner seeking property sites. Includes key county government offices as well as an alphabetized business directory, city maps and an index to owners.

COUNTY	Stock No./Price	COUNTY	Stock No./Price
Aitkin County	12-66 \$35.00	Lake County	12-28 \$30.00
Becker County	12-79 \$30.00	Meecker County	12-29 \$30.00
Beltrami County	12-67 \$30.00	Mille Lacs County	12-30 \$30.00
Blue Earth County	12-20 \$25.00	Morrison County	12-31 \$30.00
Carlton County	12-68 \$30.00	Otter Tail County	12-33 \$30.00
Carver County	12-21 \$30.00	Pine County	12-73 \$40.00
Cass County	12-22 \$30.00	St. Louis Co. (North)	12-74 \$35.00
Chisago County	12-23 \$30.00	St. Louis Co. (South)	12-75 \$35.00
Cook County	12-24 \$25.00	Scott County	12-40 \$25.00
Crow Wing County	12-70 \$30.00	Sherburne County	12-41 \$30.00
Dakota County	12-80 \$35.00	Stearns County	12-42 \$25.00
Douglas County	12-81 \$30.00	Steele County	12-43 \$25.00
Fillmore County	12-25 \$30.00	Todd County	12-44 \$30.00
Freeborn County	12-78 \$25.00	Wabasha County	12-82 \$40.00
Hubbard County	12-71 \$30.00	Wadena County	12-46 \$30.00
Isanti County	12-26 \$30.00	Winona County	12-77 \$30.00
Itasca County	12-76 \$35.00		
Kanabec County	12-27 \$30.00		
Koochiching County	12-72 \$35.00		

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