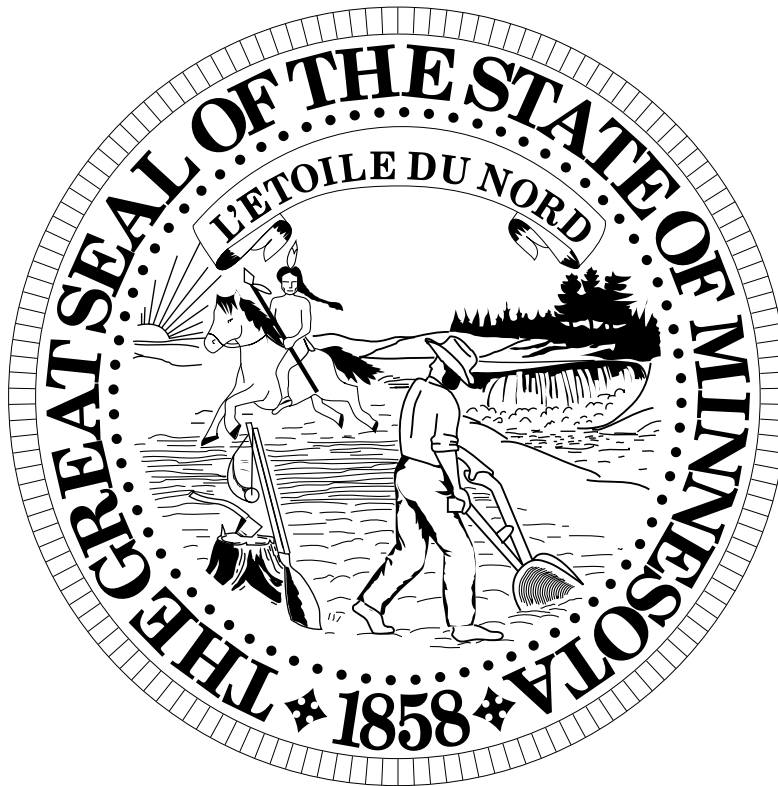


State of Minnesota

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- proposed, adopted, exempt, expedited emergency and withdrawn rules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
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Vol. 25 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
#15	Monday 1 October	Noon Wednesday 19 September	Noon Tuesday 25 September
#16	Monday 8 October	Noon Wednesday 26 September	Noon Tuesday 2 October
#17	Monday 15 October	Noon Wednesday 3 October	Noon Tuesday 9 October
#18	Monday 22 October	Noon Wednesday 10 October	Noon Tuesday 16 October

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Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

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

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

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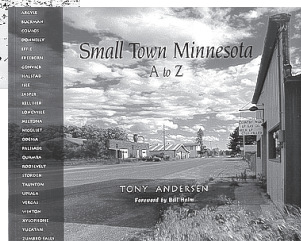
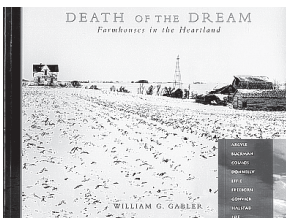
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Proposed Rules

Comments on Planned Rules or Rule Amendments

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

Rules to be Adopted After a Hearing

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

Rules to be Adopted Without a Hearing

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

Department of Human Services

Proposed Permanent Rules Relating to Medical Assistance Eligibility; Repealers

NOTICE OF INTENT TO ADOPT EXPEDITED RULES WITHOUT A PUBLIC HEARING

Proposed Amendment to *Minnesota Rules*, Parts 9505.0010 to 9505.0150 and Repeal of *Minnesota Rules*, Parts 9505.0015, subparts 2, 7, 10, 15, 26, 29, 30, 35, 43; 9505.0016; 9505.0020; 9505.0030, subparts 2 and 3; 9505.0040; 9505.0044; 9505.0055, subparts 1 to 4; 9595.0058; 9505.0059; 9505.0060; 9505.0061; 9505.0062; 9505.0063; 9505.0064; 9505.0065, subparts 2 to 11; 9505.0070, subpart 9; 9505.0071, subparts 3 and 4; 9505.0075, subparts 1 to 3 and 5 to 10; 9505.0090, subpart 1; 9505.0110, subpart 2; 9505.0115, subparts 3 and 5; 9505.0120; 9505.0130, subpart 3; 9505.0135, subparts 5 and 6; 9505.0145; and 9505.0150, Governing Medical Assistance [MA] Eligibility

Introduction. The Department of Human Services intends to adopt expedited rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.389, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2410. You may submit written comments on the proposed rules until November 1, 2001, at 4:30 p.m.

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: Robert Klukas at the Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816, **phone:** (651) 296-2794, **fax:** (651) 297-3173. **TTY** users may call the Department of Human Services at **TTY phone:** (651) 297-1506, and **TDD phone:** (651) 296-2794.

Subject of Rules and Statutory Authority. The proposed rule amendments and repeal are for the purpose of repealing obsolete Medical Assistance [MA] eligibility rules and the amendment of some of those obsolete eligibility rules to make the rules consistent with the Minnesota Family Investment Program [MFIP] and other DHS operated programs which require a similar eligibility standard. The rules were last amended in 1990. Changes in state and federal law regarding MA eligibility have made the repealed rules obsolete. The rules which are proposed for repeal were originally drafted to fit the Aid to Families with Dependant Children program [AFDC] which has been replaced by the MFIP program. The repealed rules either conflicted with the state MFIP law or federal so-called "welfare reform" laws and regulations, or were no longer necessary to operate related state programs. The statutory authority to adopt the existing rules is *Minnesota Statutes*, section 256B.04, subdivision 2. The statutory authority to adopt this rule under the expedited rulemaking process is *Laws of Minnesota, 2000*, Chapter 340, section 17. A copy of the proposed rule repeal and amendments is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Thursday, November 1, 2001, to submit written comment in support of or in opposition to the proposed expedited rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed

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

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

Modifications. The 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). 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 rules affect you in any way, you are encouraged to participate in the rulemaking process.

Adoption and Review of Rules. 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.

Michael O'Keefe
Commissioner

9505.0045 RESIDENTS OF INSTITUTIONS FOR TREATMENT OF MENTAL DISEASES.

A resident of an institution for the treatment of mental diseases is eligible for medical assistance only if ~~he or she~~ the resident is receiving inpatient psychiatric care in a psychiatric facility accredited by the joint commission on accreditation of hospitals, and meets one of the following conditions ~~listed in part 9505.0040, items A to C:~~ is a person under 21 years of age; or a person 21 years of age but less than 22 years of age who has been receiving inpatient psychiatric care continuously since the resident's 21st birthday; or is a person at least 65 years of age. Notwithstanding the other provisions of parts 9505.0010 to 9505.0150, a person in an institution for the treatment of mental diseases who is over 21 years of age but less than 65 years of age is only eligible for health services before the date of admittance and after the date of discharge from an institution for the treatment of mental diseases. For purposes of this part, "institution for the treatment of mental diseases" means those facilities defined in *Code of Federal Regulations*, title 42, section 435.1009.

9505.0065 INCOME.

Subpart 1. **Income eligibility standard.** ~~The income standard for medical assistance eligibility is an annual net income based on family size according to *Minnesota Statutes*, section 256B.056, subdivision 4. The family size for this subpart is the sum of all persons in the assistance unit plus the other persons who reside with the applicant or recipient, for whom the applicant or recipient is responsible, and whose income is considered available under part 9505.0075. The conditions in items A to C must be considered in determining the eligibility of the person:~~

~~A. An applicant or recipient shall apply for all benefits that will increase his or her net income as determined for medical assistance eligibility or assist in the payment of health service expenses. Examples are veterans administration aid and attendance allowance, workers' compensation benefits, annuities, pensions, and other benefits for which a person may be eligible upon application.~~

~~B. Net income above the medical assistance program standard set according to *Minnesota Statutes*, section 256B.056, subdivision 4, is presumed to be available to meet health service expenses. A person with an annual net income above the standard may qualify by meeting a spend-down.~~

~~C. All income unless excluded under subpart 3 must be counted in the calendar month received. Income becomes an asset if it is retained beyond the month in which it is received, unless this part specifically states otherwise.~~

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

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

- Subp. 7. [See repealer.]
- Subp. 8. [See repealer.]
- Subp. 9. [See repealer.]
- Subp. 10. [See repealer.]
- Subp. 11. [See repealer.]
- Subp. 12. [See repealer.]

9505.0075 RESPONSIBILITY OF RELATIVES.

- Subpart 1. [See repealer.]
- Subp. 2. [See repealer.]
- Subp. 3. [See repealer.]
- Subp. 5. [See repealer.]
- Subp. 6. [See repealer.]
- Subp. 7. [See repealer.]
- Subp. 8. [See repealer.]
- Subp. 9. [See repealer.]
- Subp. 10. [See repealer.]

9505.0110 PERIODS OF ELIGIBILITY.

Subpart 1. **Retroactive eligibility.** Retroactive eligibility is available for the three calendar months before the month of application. Retroactive eligibility must be determined as if the applicant had applied in the retroactive month except for the reduction of excess assets ~~as in part 9505.0063, subpart 1.~~ Retroactive eligibility is available on the date after the day on which excess assets are reduced ~~under part 9505.0063, subpart 1.~~ Retroactive eligibility does not depend on a finding of eligibility for the month of application or for all of the months in the retroactive period and is not limited to consecutive months in the retroactive period.

Subp. 2. [See repealer.]

Subp. 3. **Eligibility for entire month.** A person who satisfies all eligibility requirements at any time within a month is eligible for the entire month beginning with the first of the month unless:

- A. eligibility ends because the person dies; or
- B. the starting date is delayed by an income spend down requirement ~~under part 9505.0065, subpart 11; or~~
- C. the starting date of retroactive eligibility begins as specified under subpart 1; or
- D. federal law limits the beginning date of eligibility to another date.

9505.0115 REDETERMINATION OF ELIGIBILITY.

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

Subp. 2. **Redetermination after change in eligibility factor.** The local agency shall redetermine eligibility if a change in an eligibility factor is reported. ~~The redetermination must be completed so that the change can go into effect by the second month following the month of the change.~~

Subp. 3. [See repealer.]

Subp. 4. **Redetermination for state hospital resident.** The local agency of the county of financial responsibility may request the state hospital reimbursement officer to obtain the information necessary for the local agency to redetermine the state hospital resident's medical assistance eligibility.

Subp. 5. [See repealer.]

REPEALER. *Minnesota Rules*, parts 9505.0015, subparts 2, 7, 10, 15, 26, 29, 30, 35, and 43; 9505.0016; 9505.0020; 9505.0030, subparts 2 and 3; 9505.0040; 9505.0044; 9505.0055, subparts 1, 2, 3, and 4; 9505.0058; 9505.0059; 9505.0060; 9505.0061; 9505.0062; 9505.0063; 9505.0064; 9505.0065, subparts 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12; 9505.0070, subpart 9; 9505.0071, subparts 3 and 4; 9505.0075, subparts 1, 2, 3, 5, 6, 7, 8, 9, and 10; 9505.0090, subpart 1; 9505.0110, subpart 2; 9505.0115, subparts 3 and 5; 9505.0120; 9505.0130, subpart 3; 9505.0135, subparts 5 and 6; 9505.0145; and 9505.0150, are repealed.

Adopted Rules

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

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

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

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.

Department of Human Services

Adopted Permanent Rules Relating to Specialized Maintenance Therapy Under the Medical Assistance and General Assistance Medical Care Programs

The rules proposed and published at *State Register*, Volume 25, Number 27, pages 1238-1240, January 2, 2001 (25 SR 1238), are adopted with the following modifications:

9505.0390 REHABILITATIVE AND THERAPEUTIC SERVICES.

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

Subpart 1. **Definitions.** For purposes of parts 9505.0390 to 9505.0392 and 9505.0410 to 9505.0412, the following terms have the meanings given them in this part.

A. "Audiologist" means a person who has a current certificate of clinical competence in audiology from the American ~~Speech Language Hearing~~ Speech and Hearing Association and, when it is applicable, who holds the specific state licensure and registration requirements for the services the person provides.

B. "Direction" means, notwithstanding any other definition of direction in parts 9505.0170 to 9505.0475, the actions of a physical or occupational therapist who instructs the physical therapist assistant or the occupational therapy assistant in specific duties to be performed, monitors the provision of services as the therapy assistants provide the service, ~~is on the premises not less than~~ provides on-site observation of the treatment and documentation of its appropriateness at least every sixth treatment session of each recipient when treatment is provided by a physical therapist assistant or occupational therapy assistant, and meets the other supervisory requirements of parts 5601.1500 and 5601.1600 and Minnesota Statutes, section 148.6432.

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

E. "Occupational therapy assistant" means a person who has ~~an associate degree in occupational therapy~~ successfully completed all academic and field work requirements of an occupational therapy assistant program approved or accredited by the Accreditation Council for Occupational Therapy Education and is currently certified by the American Occupational Therapy Certification Board as an occupational therapy assistant.

F. "Physical therapist" means a person who is a graduate of a program of physical therapy approved by both the ~~Council~~ Committee on Medical Allied Health Education and Accreditation of the American Medical Association and the American Physical Therapy Association or its equivalent and, when it is applicable, licensed by the state.

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

J. "Restorative therapy" means a health service that is specified in the recipient's plan of care by a physician or other licensed practitioner of the healing arts within the practitioner's scope of practice under state law and that is designed to restore the recipient's functional status to a level consistent with the recipient's physical or mental limitations.

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

K. “Specialized maintenance therapy” means a health service that is specified in the recipient’s plan of care by a physician; or other licensed practitioner of the healing arts within the practitioner’s scope of practice under state law that is necessary for maintaining a recipient’s functional status at a level consistent with the recipient’s physical or mental limitations, and that may include treatments in addition to rehabilitative nursing services.

L. “Speech-language pathologist” means a person who has a certificate of clinical competence in speech-language pathologies from the American ~~Speech Language Hearing~~ Speech and Hearing Association and, when it is applicable, meets the specific state licensure and registration requirements for the services the person provides.

Subp. 2. **Covered service; occupational therapy and physical therapy.** To be eligible for medical assistance payment as a rehabilitative and therapeutic service, occupational therapy and physical therapy must be:

A. prescribed by a physician or other licensed practitioner of the healing arts within the practitioner’s scope of practice under state law;

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

C. provided to a recipient whose functional status is expected by the physician or other licensed practitioner of the healing arts within the practitioner’s scope of practice under state law to progress toward or achieve the objectives in the recipient’s plan of care within a 60-day period; and

D. specified in a plan of care that is reviewed, and revised as medically necessary, by the recipient’s attending physician or other licensed practitioner of the healing arts within the practitioner’s scope of practice under state law at least once every 60 days unless the service is a Medicare covered service and is to a recipient who also is eligible for Medicare. If the service is to a recipient who also is eligible for Medicare and the service is a Medicare covered service, the plan of care must be reviewed at the intervals required by Medicare and the recipient must be visited by the physician or by the physician delegate as required by Medicare.

Subp. 3. **Covered service; speech-language service.** To be eligible for medical assistance payment as a rehabilitative and therapeutic service, a speech-language service must be:

A. provided upon written referral by a physician or other licensed practitioner of the healing arts within the practitioner’s scope of practice under state law or in the case of a resident of a long-term care facility, on the written order of a physician as specified in *Code of Federal Regulations*, title 42, section 483.45;

B. provided by a speech-language pathologist. A person completing the clinical fellowship year required for certification as a speech-language pathologist may provide speech-language services under the supervision of a speech-language pathologist as specified in Minnesota Statutes, section 148.515, subdivision 4, but shall not be eligible to be enrolled as a provider under part 9505.0195;

C. provided to a recipient whose functional status is expected by the physician or other licensed practitioner of the healing arts within the practitioner’s scope of practice under state law to progress toward or achieve the objectives in the recipient’s plan of care within a 60-day period; and

D. specified in a plan of care that is reviewed, and revised as medically necessary, by the recipient’s attending physician or other licensed practitioner of the healing arts within the practitioner’s scope of practice under state law at least once every 60 days unless the service is a Medicare covered service and is to a recipient who also is eligible for Medicare. If the service is to a recipient who also is eligible for Medicare and the service is a Medicare covered service, the plan of care must be reviewed at the intervals required by Medicare and the recipient must be visited by the physician or by the physician delegate as required by Medicare.

Subp. 4. **Covered service; audiology.** To be eligible for medical assistance payment as a rehabilitative and therapeutic service, an audiology service must be:

A. provided upon written referral by a physician or other licensed practitioner of the healing arts within the practitioner’s scope of practice under state law;

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

C. provided to a recipient whose functional status is expected by the physician or other licensed practitioner of the healing arts within the practitioner’s scope of practice under state law to progress toward or achieve the objectives in the recipient’s plan of care within a 60-day period; and

D. specified in a plan of care that is reviewed, and revised as medically necessary, by the recipient’s attending physician or other licensed practitioner of the healing arts within the practitioner’s scope of practice under state law at least once every 60 days unless the service is a Medicare covered service and is to a recipient who also is eligible for Medicare. If the service is to a recipient who also is eligible for Medicare and the service is a Medicare covered service, the plan of care must be reviewed at the intervals required by Medicare and the recipient must be visited by the physician or by the physician delegate as required by Medicare.

Subp. 5. **Covered service; specialized maintenance therapy.** To be eligible for medical assistance payment, specialized maintenance therapy must:

B. be specified in a plan of care that is reviewed, and revised as medically necessary, by the recipient's physician or other licensed practitioner of the healing arts within the practitioner's scope of practice under state law at least once every 60 days unless the service is a Medicare covered service and is to a recipient who also is eligible for Medicare. If the service is to a recipient who also is eligible for Medicare and the service is a Medicare covered service, the plan of care must be reviewed at the intervals required by Medicare and the recipient must be visited by the physician or by the physician delegate as required by Medicare;

C. be provided to a recipient whose condition cannot be maintained or treated only through rehabilitative nursing services or services of other care providers, or by the recipient because the recipient's physical, cognitive, or psychological deficits result in:

(1) spasticity or severe contracture that interferes with the recipient's activities of daily living or the completion of routine nursing care, or decreased functional ability compared to the recipient's previous level of function;

(2) a chronic condition that results in physiological deterioration and that requires specialized maintenance therapy services or equipment to maintain strength, range of motion, endurance, movement patterns, activities of daily living, cardiovascular function, integumentary status, or positioning necessary for completion of the recipient's activities of daily living, or decreased abilities relevant to the recipient's current environmental demands; or

(3) health and safety risks for the recipient;

D. have expected outcomes that are functional, realistic, relevant, and transferable to the recipient's current or anticipated environment, such as home, school, community, and work, and be consistent with community standards; and

Subp. 8. **Excluded restorative and specialized maintenance therapy services.** Restorative and specialized maintenance therapy services in items A to K are not eligible for medical assistance payment:

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

A. physical or occupational therapy that is provided without a prescription of a physician or other licensed practitioner of the healing arts within the practitioner's scope of practice under state law;

B. speech-language or audiology service that is provided without a written referral from a physician or other licensed practitioner of the healing arts within the practitioner's scope of practice under state law;

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

G. service specified in a plan of care that is not reviewed, and revised as medically necessary, by the recipient's attending physician or other licensed practitioner of the healing arts within the practitioner's scope of practice under state law as required in subparts 2 to 5;

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Exempt Rules

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

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

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

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

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

Department of Labor and Industry

Adopted Exempt Permanent Rules Relating to Occupational Safety and Health; Adopting Federal Standards by Reference; Exposure to Cotton Dust and Bloodborne Pathogens; Needlestick and Other Sharps Injuries

The rules proposed and published at *State Register*, Volume 26, Number 1, pages 9-10, July 2, 2001 (26 SR 9), are adopted as proposed.

Department of Labor and Industry

Adopted Exempt Permanent Rules Relating to Workers' Compensation; Independent Medical Examination Fees; Conversion Factor

5219.0500 INDEPENDENT MEDICAL EXAMINATION FEES.

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

Subp. 4. **Adjustments.** On October 1, 1994, and on October 1 of each succeeding year, the fees in this part must be adjusted by the percentage determined under *Minnesota Statutes*, section 176.645, in the same manner as the conversion factor of the relative value fee schedule is adjusted under *Minnesota Statutes*, section 176.136. This provision does not apply to expenses under subpart 3, item E, subitem (1). The fees shall be adjusted as follows:

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

F. On October 1, 1999, the fees as adjusted in item E shall be increased by 6.22 percent; ~~and~~

G. On October 1, 2000, the fees as adjusted in item F shall be increased by 4.39 percent; and

H. On October 1, 2001, the fees as adjusted in item G shall be increased by 5.92 percent.

5221.4020 DETERMINING FEE SCHEDULE PAYMENT LIMITS.

Subpart 1. **Conversion factor.**

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

B. The conversion factor shall be updated annually, pursuant to *Minnesota Statutes*, section 176.136, subdivision 1a. The conversion factor for services included in parts 5221.4030 to 5221.4060 provided after October 1, 1993, is \$52.05. This initial conversion factor is annually adjusted as follows:

[For text of subitems (1) to (5), see M.R.]

(6) for dates of service from October 1, 1999, to September 30, 2000: \$66.14; ~~and~~

(7) for dates of service from October 1, 2000, to September 30, 2001: \$69.04; and

(8) for dates of service from October 1, 2001, to September 30, 2002: \$73.13.

As a sample calculation, assume the RVU for a new patient office examination, nonfacility, by a physician, procedure code 99201, is 0.84 RVU. If the date of service was September 1, 2000, this RVU is multiplied by 66.14 (conversion factor effective October 1, 1999). The maximum fee under parts 5221.4030 to 5221.4070, excluding any applicable adjustment, would be equal to \$55.56 for the service.

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

Department of Public Safety

Adopted Exempt Permanent Rules Relating to Intoxication Testing Devices

7502.0420 INSTRUMENTS FOR ANALYZING BREATH SAMPLES.

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

Subp. 3. Intoxilyzer 5000, Series 68. The Intoxilyzer 5000 instrument, Series 68, identified by the serial number SN68-01 and followed by four digits, which uses infrared technology, is approved for use in this state for the purpose of determining the alcohol concentration of a breath sample. This approved instrument includes all software updates and changes through Software Version G1408.43 and Slave 75 0037.

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 Labor and Industry

Labor Standards Unit

Notice of Prevailing Wage Determinations for Highway/Heavy Projects

On October 1, 2001, the commissioner determined and certified prevailing wage rates for Highway/Heavy construction projects in each of 10 regions statewide.

Copies may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road North, St. Paul, Minnesota 55155-4306 or **phone:** (651) 284-5091. The charges for the cost of copying and mailing are \$.65 per page. Please note that the cost per region varies according to the number of pages per region.

Shirley I. Chase
Commissioner

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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 Health

Community Health/Tobacco Prevention and Control

Request for Proposals for a Grant for the Target Market Media Campaign Evaluation

The Minnesota Department of Health (MDH) is seeking proposals from public or private organizations to work with MDH and its media grantee to conduct an evaluation of the Target Market Media Campaign. The eligible applicant should have previous evaluation experience with knowledge of media evaluations being advantageous. The cross sectional and longitudinal study designs will evaluate the ad and campaign awareness, receptivity and preventive factors generated by the Target Market Media Campaign.

The initial contract will cover two 12-month periods beginning on or about February 1, 2002. Up to \$450,000 will be dedicated to the Target Market Media Campaign Evaluation for each 12-month period. A portion of the budget will be dedicated to evaluator and media grantee collaboration.

Interested applicants should complete the questionnaire and provide other information as directed in the RFP. Proposals are due to MDH by Thursday, November 15, 2001. Applications will be reviewed in November/December 2001 by a group of reviewers familiar with evaluation, marketing, and tobacco control. Announcement of awards will be made on or about December 20, 2001.

There will be a bidders' conference on Tuesday, October 16, 2001 at 1:00 p.m., in the Vermillion Falls Room, MDH Golden Rule Building, 85 E. Seventh Place, Suite 300, St. Paul, MN 55101. This meeting is an opportunity for interested applicants to find out more about the Target Market Media Campaign and the RFP process. If you are outside of Minnesota and would like to attend the meeting via phone, please call Amy Ellestad at (651) 284-3823 before October 16, 2001. Attendance is not required to submit a proposal.

To be considered for funding, completed proposals must be post-marked on or before Thursday, November 15, 2001 or delivered on **November 15, 2001 by 4:00 p.m.**, CST to the Minnesota Department of Health, Tobacco Prevention and Control, ATTN: Amy Ellestad. Mailing Address: P.O. Box 64882, St. Paul, MN 55164-0882. Delivery Address: 85 East Seventh Place, Suite 300, St. Paul, MN 55101. If proposals are sent by U.S. mail or a delivery service, it is wholly the responsibility of the Proposer to ensure that the proposal package is properly addressed and physically delivered or in the possession of the post office on time. Late proposals will not be considered.

Please direct all questions to:

Minnesota Department of Health
Community Health Division
Amy Ellestad, Tobacco Prevention and Control Section
Phone: (651) 284-3823
Email: amy.ellestad@health.state.mn.us

Direct all requests for copies of the full Request for Proposal to:

Community Health Division
Tobacco Prevention and Control Section
P.O. Box 64882
St. Paul, MN 55164-0882
Phone: (651) 215-8952
Fax: (651) 215-8958
Email: tpcweb@health.state.mn.us

Department of Human Services
Community Supports for Minnesotans with Disabilities
Community Support Options
Consumer Directed Home Care Demonstration Project

**Notice of Reissue of Request for Proposal for Local Project Administrators for the
Consumer Directed Home Care Demonstration Project**

NOTICE IS HEREBY GIVEN that Community Supports for Minnesotans with Disabilities is reissuing the request for proposal seeking local project administrators for the proposed Consumer Directed Home Care Demonstration Project. The request for proposals announced in the 8/27/01 *State Register* is hereby cancelled. The Consumer Directed Home Care Demonstration Project is a proposed service delivery alternative intended to improve access, as well as increase consumer control and accountability over available home care resources. Local project administrators will distribute grants to consumers, monitor expenditures and support consumers in their efforts to manage their own safe, independent living. Minnesota counties, tribal nations, not for profit and for profit organizations are invited to submit proposals to bring this program to Minnesotans who use home care services. Videoconferences will be held on October 23 and October 29, 2001 at various statewide sites listed in the request for proposals. Videotapes of the conferences will be available at no charge upon request.

For copies of the Request for Proposals, tapes of the videoconference, or to submit written questions to be addressed at the videoconferences contact:

Jolayne Lange
Phone: (651) 582-1904
Email: *Jolayne.lange@state.mn.us*

For more information about the Consumer Directed Home Care Demonstration Project contact:

Melanie Fry
Department of Human Services
Community Supports for Minnesotans with Disabilities
444 Lafayette Road North
St. Paul, MN 55155-3857
Phone: (651) 634-2215
Email: *melanie.fry@state.mn.us*

Or

Sharyl Helgeson
Department of Human Services
Community Supports for Minnesotans with Disabilities
444 Lafayette Road North
St. Paul, MN 55155-3857
Phone: (651) 582-1919
Email: *sharyl.helgeson@state.mn.us*

Interested parties should submit a complete proposal to this office by **4:30 p.m., on November 19, 2001.**

Dated: 1 October 2001

Steve Larson, director
Community Supports for Minnesotans with Disabilities Division
Department of Human Services

State Grants & Loans

Department of Revenue

Request for Proposals for Grants to Provide Taxpayer Assistance Services to Low Income and Disadvantaged Minnesota Residents

Program Background

The Minnesota Department of Revenue is soliciting proposals from one or more non-profit organizations, qualifying under 8501(c)(3) of the *Internal Revenue Code of 1986*, to receive grants to coordinate, facilitate, encourage, and aid in the provision of taxpayer assistance services.

Pursuant to *Laws of Minnesota 2001*, First Special Session, chapter 5, article 9, section 29, the Commissioner of Revenue has authority to issue grants totaling \$200,000 for the 2002-2003 biennium. The Department of Revenue will issue these grants each fiscal year in equal amounts. This RFP is for the \$100,000 grant money available in fiscal year 2002; a separate RFP will be issued next year for organizations interested in receiving grant money for fiscal year 2003. The department fully intends to award the full \$100,000 this year, but any portion that is not awarded in fiscal year 2002 will be added to the amount available in fiscal year 2003.

Funded Activities

1. Recruitment of volunteers to provide taxpayer-assistance services
2. Training of volunteers to provide taxpayer-assistance services
3. Provision of free taxpayer-assistance services to low-income or disadvantaged people
4. Materials that directly aids in tax preparation

All proposals must be received no later than **2:00 p.m., November 8, 2001**, in the manner specified in the RFP document. Late proposals will not be accepted. Decisions will be made by November 26, 2001.

A complete paper copy of the Request for Proposals may be obtained from:

Larry Collette
Minnesota Department of Revenue
600 North Robert Street
Mail Station 1400
St. Paul, MN 55146-1400
Fax: (651) 282-2423
Email: dor.rfp@state.mn.us

Please refer to this notice in your written request. In your request include your complete street mailing address, email address, phone number and fax number.

Copies of the RFP are available on paper only

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. 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.

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@mnhs.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.

State Contracts

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

State Board of Investment

Private Money Management Firms Sought

The Minnesota State Board of Investment (MSBI) retains private money management firms to manage a portion of the pension assets and other accounts under its control. Firms interested in managing domestic stock, international stock, domestic bond or global bond portfolios for the MSBI are asked to write to the following address for additional information:

External Manager Program
Minnesota State Board of Investment
Capitol Professional Office Building
Suite 200 590 Park Street
St. Paul, MN 55103
Phone: (651) 296-3328
Fax: (651) 296-9572
Email: *minn.sbi@state.mn.us*

Please refer to this notice in your written request.

Perpich Center for Arts Education

Notice of Request for Proposals for a Research and Development Project Consultant for Research, Assessment and Curriculum

The Perpich Center for Arts Education is seeking proposals from qualified individuals or organizations to collect, organize, plan, prepare and assist with dissemination of examples of curriculum, assessments, instructional tools, student work and teacher research in arts education. The individual or organization contracted must have experience with K-12 arts education, disseminating resources, and communicating with educators and artists statewide to improve teaching and learning. Dissemination of resources will require multiple formats including print, CD-ROM, web page, etc. Experience collaborating with technology personnel to utilize electronic forms of dissemination is preferred.

The specific services to be provided under this contract are outlined in detail in the Research, Assessment and Curriculum Request for Proposals (RFP) Statement of Project Scope and Tasks. The formal RFP may be requested from:

Pamela Paulson, Ph.D., Director, Research, Assessment and Curriculum
Perpich Center for Arts Education
6125 Olson Memorial Highway
Golden Valley, Minnesota 55422
Phone: (763) 591-4708
Toll Free: 1-800-657-3515

Services are to be provided during the contract period from December 15, 2001 to June 30, 2002. It is anticipated that the cost of the contracted services described in the Request for Proposals will be between \$15,000.00 - \$20,000.00 for the contract dates indicated.

The deadline for submission of proposals is **4:00 p.m., October 28, 2001**. Faxed proposals will not be considered. It is anticipated selections will be made by November 15, 2001. Proposals should be submitted to Pamela Paulson, Ph.D., Director, Research, Assessment and Curriculum.

Perpich Center for Arts Education Request for Proposals for Research, Assessment and Curriculum Research and Development Project Consultant

I. Scope of the Project

The Perpich Center for Arts Education is a state agency created under *Minnesota Statute 129.C.10* for the primary purpose of improving arts education for elementary and secondary students, teachers, and artists throughout Minnesota. The agency is comprised of an Arts High School, Research, Assessment and Curriculum (RAC), and the Professional Development Institute (PDI).

The Center provides leadership in arts education through programs that use innovative approaches, sometimes in non-traditional settings, often through collaborations and partnerships, to strengthen arts education and education in general through the arts.

The Agency is seeking a qualified contractor to collect, organize, plan, prepare and assist with dissemination of examples of curriculum, assessments, instructional tools, student work and teacher research in arts education.

Contractor will design a plan to disseminate resources and communicate with K-12 educators and artists to improve teaching and learning. The plan will be used to guide design and development strategies and materials for practitioners.

State Contracts

I. Project Tasks

Collect, prioritize, and organize examples of effective teaching and learning processes and products, and make them accessible to teachers, artists and arts organizations.

- a. Organize curriculum, instruction, and assessment products from the Arts Best Practice Network, Arts Education Research Grant program, NAEP, SCASS, and other programs for access in hard copy and electronically.
- b. Collect and organize student work samples, tied to curriculum and assessment criteria as examples for teachers and artists statewide.
- c. Organize, prioritize and display curriculum and instructional materials and other educational materials and examples, generated by teachers and artists for ArtSouce, part of the Center's professional resource collection.
- d. Document impact data related to teachers and artists accessing curriculum, instructional and assessment resources.

Assist with development of print and electronic publications related to curriculum and instruction to promote dissemination of effective teaching and learning.

- a. Assist with development, writing, and continual updating of Frameworks for Arts Curriculum Strategies (FACS).
- b. Organize materials and write articles as necessary for newsletters, brochures, books, and other curriculum-related publications.
- c. Coordinate collection and preparation of materials for regular updates of curriculum resources and the Arts EdSTAR web page, and MN Tool Library co-sponsored by the Department of Children, Families and Learning.
- d. Update weekly, the Center's web page for Research, Assessment and Curriculum information, materials and resources, including student and teacher work examples.
- e. Assist with development of CD-ROMs of curriculum, instruction and assessment examples for both disciplinary and interdisciplinary work.

II. Identified Program Outcomes

The following overall program outcomes have been identified for Research Assessment and Curriculum, Program plans should be evaluated in relationship to furthering these outcomes:

1. Plan, develop, and implement statewide processes, programs and materials to promote best instructional practices in arts education.
2. Develop collection of assessment resources for use by educators and artists.
3. Develop and provide curriculum, assessment, and instructional resources and other support for educational innovation. Support curriculum development in the arts in conjunction with individual teachers, schools, or districts.
4. Disseminate resources and examples of teacher and student products.
5. Provide forums for exchange of best practices in arts education.
6. Improve communication among statewide arts educators, including K-12 and higher education.
7. Develop Center's research, assessment, and curriculum components.
8. Provide leadership in arts education at state and national levels.
9. Promote and recognize efforts of practitioners to share experience, action research and best practices to move Minnesota toward excellence in arts education.

III. Qualifications

Qualified applicants will have demonstrated experience in the following areas:

- K-12 arts education experience for at least five years.
- College degree, preferably a Bachelor's degree.
- Experience collecting and prioritizing best practices in curriculum, assessment and instruction in the arts.
- Ability to communicate effectively with a broad range of people including educators, students (K-12), and administrative personnel, public decision-makers, artists, and representatives of arts organization.
- Experience collaborating with technology personnel to disseminate resources electronically.
- Excellent organizational skills.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Business and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal, and certified Economically disadvantaged Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of 4% preference in the evaluation of their proposal.

In compliance with *Minnesota Statute* § 16C.08, the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state employee, along with other responses to this Request for Proposal.

IV. Application

Proposals must include three copies of: a resume; qualifications for the contract as described herein; a collection, organization and dissemination plan which addresses the scope and tasks; proposed timeline, and; cost estimate. Proposals must be signed in ink by applicant.

V. Selection Criteria

Proposals will be independently evaluated according to the following criteria: 30%-professional qualifications and expertise of individual or organization, 30%-quality of the proposal and plan, 30%-applicability to the goals of Research, Assessment and Curriculum, 10%-feasibility of timeline.

Proposals will be evaluated by the Director of Research, Assessment and Curriculum and professional staff.

VI. Cost of Services

It is estimated that the cost of contracted services as described in the Request for Proposals, be between \$15,000 - \$20,000 over the contract period December 15, 2001 – June 30, 2002.

VII. Agency Contact

Prospective responders who have questions regarding this RFP may call or write: Pamela Paulson, Ph.D., Perpich Center for Arts Education, 6125 Olson Memorial Highway, Golden Valley, Minnesota 55422, 1-800-657-3515, (763) 591-4708. Dr. Paulson is the only employee authorized to answer questions regarding this Request for Proposals.

VIII. RFP Deadline

All proposals must be received by the Perpich Center for Arts Education no later than **4:00 p.m., (by the Perpich Center's reception area clock), October 28, 2001.**

Faxed proposals will not be considered.

Hand-delivered proposals are to be dropped off at the main reception desk at the Perpich Center for Arts Education, 6125 Olson Memorial Highway, Golden Valley, MN.

Department of Transportation

Program Support Group

Office of Bridges and Structures

Request for Proposals Data Application HYDINFRA

This document is available in alternative formats for person with disabilities by calling Linda Moline, Senior Agreement Administrator, at (651) 296-9741 or for persons who are hearing or speech impaired by calling the Minnesota Relay Service at 1-800-627-3529.

Responses to this request become public information under the Minnesota Government Practices Act.

The Minnesota Department of Transportation (Mn/DOT) is soliciting proposals for the development and maintenance of a data application server.

The Office of Bridges and Structures Data Applications Server (DAS) Development, Maintenance and Support project will consist of two phases: Phase I, *HYDINFRA* Development and Maintenance (HDM) and Phase II Oracle Database Maintenance.

Phase I

Mn/DOT Office of Bridges and Structures provides statewide data inventory and inspection warehousing in the form of two Oracle databases as well as testing and design applications also driven by Oracle databases. These systems are approaching a tran-

State Contracts

sition period, requiring skills and knowledge not presently available within Mn/DOT. Work for this phase will consist of existing application development and enhancements for a four year old statewide infrastructure inventory and inspection suite of applications.

Phase II

Bridges and Structures maintains various Oracle databases in the form of Mn/DOT developed and ASHTOWARE products. Work for this phase will consist of database engine upgrades, testing, maintenance and support.

This project is not to exceed \$120,000 and is anticipated at less than two years.

For a complete Request for Proposal (RFP), please submit a written request with you name, address phone and fax number to:

Linda Moline, Senior Agreement Administrator
Transportation Building, Consultant Services, Mail Stop 680
395 John Ireland Boulevard
St. Paul, MN 55155
Fax: (651) 282-5127

Requests for RFP must be received by October 15, 2001. RFP requested after this date must be picked up.

Proposals are due at **2:00 p.m., CDT on Tuesday, October 23, 2001. Late Proposals will not be considered.**

All costs incurred in responding to this request for proposals shall be borne by the responder.

This request for proposals does not obligate the State to complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

Department of Transportation

Program Support Group

Water Resources Engineering

Notice of Availability of Contract for Sewer Cleaning and Inspection Services

The Minnesota Department of Transportation (Mn/DOT) is seeking proposals from contractors interested in performing storm drain inspections of centerline culverts, parallel culverts under bridge abutments on Mn/DOT's Right of Way, and other trunk highway storm drains throughout the state of Minnesota.

These services will include locating storm drains and culverts with a Global Positioning System (GPS) compatible with Mn/DOT standards, arranging traffic control, cleaning storm drains and culverts as required, performing video inspection and completing inspection reports. All data collected must be compatible with Mn/DOT's Geographic Information System (GIS) database standards in an Arc/View format.

It is anticipated that a Mn/DOT T-Contract program will be set up to include a sufficient number of companies with master agreements, under which specific projects would be assigned as a need is identified. This program is estimated at approximately \$3,000,000.00 dollars for a duration of three years.

Request for Proposals will be available by mail from the address indicated below through October 16, 2001. A written request (direct mail, email, or fax) is required to receive the Request for Proposals. After October 16, 2001, the Request for Proposals must be picked up in person.

Request for Proposals can be obtained from:

Steve Porter, Agreement Administrator
Minnesota Department of Transportation
Office of Consultant Services, Seventh Floor North
395 John Ireland Boulevard, Mail Stop 680
St. Paul, MN 55155-1899
Fax: (651) 282-5127
Email: steve.porter@dot.state.mn.us

All proposals must be received no later than 2:00 p.m. Central Daylight Saving Time on October 24, 2001, according to the time and date stamp on the Office of 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.

Firms will be selected and placed on the T-Contract program list from this solicitation. Selected firms may be requested to demonstrate the skills identified above prior to receiving a master contract.

The successful responders will be required to submit acceptable evidence of compliance with worker's compensation insurance coverage requirements prior to execution of the contract.

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

This request does not obligate the Minnesota Department of Transportation to complete the work contemplated in this notice, and the Department reserves the right to cancel this solicitation at any time.

All expenses incurred in responding to this notice shall be borne by the responder.

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 Airports Commission

Notice of Revised Meeting Location for Public Hearing

Notice was given on September 10, 2001 of a public hearing to be held October 3, 2001 at 1:00 p.m., before the Metropolitan Airports Commission Management and Operations Committee. The hearing is to receive testimony relative to the adoption of:

AOA DRIVING ORDINANCE

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

REVISED MEETING LOCATION:

Metropolitan Airports Commission
Main Office Facility
6040 28th Avenue South
Minneapolis
Phone: (612) 726-8100

All other information about the hearing remains the same.

Dated: 25 September 2001

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

Non-State Contracts & Grants

Metropolitan Airport Commission

Public Affairs Department

Notice of Intent to Solicit Requests for Qualifications for a Continuing Public Relations Consultant

NOTICE IS HEREBY GIVEN that the Metropolitan Airports Commission (MAC) is seeking a continuing public relations consultant for the Public Affairs Department. The term of the contract is for six years, beginning January 1, 2001. A Request for qualifications has been prepared and is available to interested parties.

Services needed by the MAC include, but are not limited to: implementation of the MSP 2010 information program, development of a communications plan for Minneapolis-St. Paul International and the reliever airports, newsletter production, general counsel on public affairs issues and placement of advertising.

For more information contact:

Amy von Walter
Metropolitan Airports Commission
Public Affairs
4300 Glumack Drive, Suite 4300
St. Paul, MN 55111
Phone: (612) 726-8172

This is the only person designated to answer questions regarding this request for interested vendors.

Interested parties should contact the Public Affairs Office or pick up a copy of the RFQ at the MAC General Offices at 6040 – 28th Avenue South, Minneapolis, MN 55450.

Amy von Walter
Public Affairs

Metropolitan Council

Invitation for Bid for Gravity Thickener Overflow Piping, Valves and Fittings

Notice is given that the Metropolitan Council Environmental Services' Wastewater Division will receive and publicly open sealed bids for the Gravity Thickener Overflow Pneumatic Procurement Piping, Valves and Fittings, **Tuesday, October 23, 2001**.

Bidding documents may be obtained from the offices of the Metropolitan Council by **phone:** (651) 602-1032 or (651) 602-1499, or **fax:** (651) 602-1083.

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

Dated: 25 September 2001

By Order of the Metropolitan Council
William G. Moore, General Manager/Division Director
Metropolitan Council Environmental Services

Metropolitan Council

Notice of Request for Proposals (RFP) Temporary Employment Services MCES and Mears Park Metropolitan Contract Number 01P058B

The Metropolitan Council (Council) is seeking proposals to provide temporary employment services for administrative and clerical positions, on an as needed basis. These services will be provided for the Council's Environmental Services Division (MCES), with office locations throughout the seven county area, and for the Council's administrative offices located at Mears Park. Most temporary employees will be located at Mears Park in downtown St. Paul.

A tentative schedule for the project is shown below:

Issue Request for Proposals	October 2, 2001
Proposals Due	November 1, 2001
Award of Contract	November 2001
Term of Contract	Three Years

All firms interested in being considered for this project and desiring to receive an RFP package are invited to contact:

Sunny Jo Emerson, Senior Administrative Assistant
Metropolitan Council
Mears Park Centre
230 East Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1499
Fax: (651) 602-1083
Email: sunny.jo.emerson@METC.state.mn.us

Minnesota Statutes, Sections 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Proposal or any modifications to it. If a contract for the project is awarded in excess of \$100,000, the requirements of *Minnesota Rules* 5000.3530 will be applicable.

Metropolitan Council

Notice of Request for Proposals (RFP) Temporary Employment Services – Metro Transit Metropolitan Contract Number 01P058A

The Metropolitan Council (Council) is seeking proposals to provide temporary employment services for administrative and clerical positions, on an as needed basis. These services will be provided for the Council's Metro Transit Operating Division with most office locations in Minneapolis. These services will be funded in part by the Federal Transit Administration (FTA), and FTA terms and conditions will apply to the solicitation and the contract.

A tentative schedule for the project is shown below:

Issue Request for Proposals	October 2, 2001
Proposals Due	November 1, 2001
Award of Contract	November 2001
Term of Contract	Three Years

All firms interested in being considered for this project and desiring to receive an RFP package are invited to contact:

Sunny Jo Emerson, Senior Administrative Assistant
Metropolitan Council
Mears Park Centre
230 East Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1499
Fax: (651) 602-1083
Email: sunny.jo.emerson@METC.state.mn.us

Minnesota Statutes, Sections 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Proposal or any modifications to it. If a contract for the project is awarded in excess of \$100,000, the requirements of *Minnesota Rules* 5000.3530 will be applicable.

Non-State Contracts & Grants

Metropolitan Council

Bids Sought for Purchase and Installation of High-Speed Door

The Metropolitan Council is soliciting sealed bids for the purchase and installation of a high-speed door at the Metro Transit South Garage. A walk through will be conducted at the Metro Transit South Garage, 2100 MTC Road, Minneapolis, MN 55450 at 10:00 a.m., on October 11, 2001. Bids are due at **2:00 p.m., on October 18, 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

Metropolitan Council

Notice of Request for Proposals (RFP) for Sale, Posting and Maintenance of Exterior Bus Advertising Contract Number 01P050/Project Number 44401

The Metropolitan Council is requesting proposals for the sale, posting and maintenance of exterior bus advertising.

<i>Issue Request for Proposals</i>	September 24, 2001
<i>Receive Proposals</i>	October 12, 2001
<i>Contract negotiated, executed, NTP</i>	December 2001

All firms interested in being considered for this project and desiring to receive a RFP package are invited to submit a Letter of Interest to:

Amanda Peterson, Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council Environmental Services
230 East 7th Street
Mears Park Centre
St. Paul, MN 55101
Phone: (651) 602-1585
Fax: (651) 602-1138
Email: amanda.petersen@metc.state.mn.us

Inquiries regarding technical aspects of the project should be directed to Gordon Backlund, **phone:** (651) 602-1801.

Minnesota Statutes, Section 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Proposal or any modifications to it. If a contract for the project is awarded in excess of \$100,000, the requirements of *Minnesota Rules* 5000.3530 will be applicable.

University of Minnesota

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

The University of Minnesota offers 24 hour/day, 7 day/week access to all Request for Bids/Proposals through its web based Bid Information Services (BIS). Subscriptions to BIS are \$75/year. Visit our web site at bidinfo.umn.edu or call the BIS Coordinator at (612) 625-5534.

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

Available at Minnesota Bookstore

Order form on back page

The Pheasant in Minnesota

A fascinating "magazine" devoted to the ring-neck pheasant. Included is the history of the bird, its origin, development and introduction to this region. Color photos, softcover, 48pp. **Stock No. 9-13 \$5.95 + shpg. & sales tax**

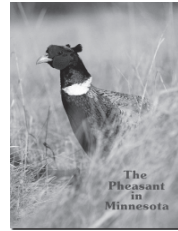
Dressing & Cooking Wild Game

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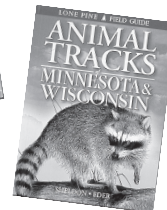
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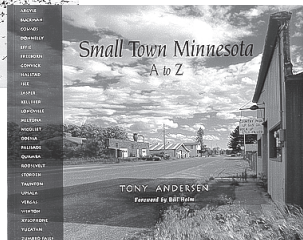
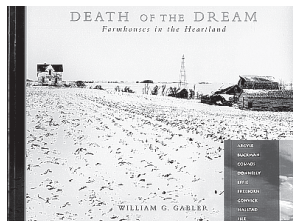
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