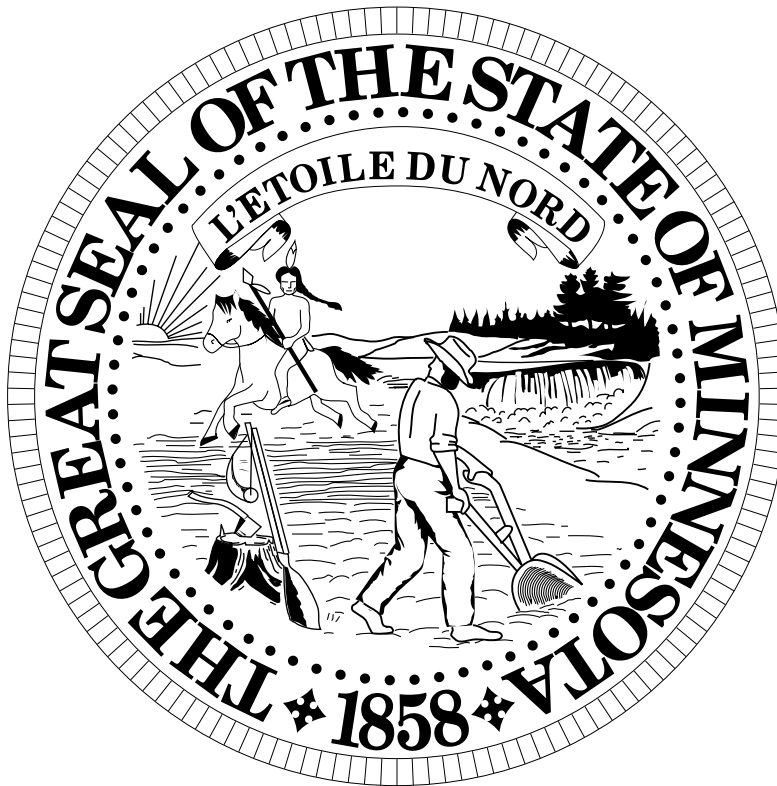


State of Minnesota

State Register

Rules and Official Notices Edition



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Monday 22 October 2001
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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- proposed, adopted, exempt, expedited emergency and withdrawn rules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. 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
#18	Monday 22 October	Noon Wednesday 10 October	Noon Tuesday 16 October
#19	Monday 29 October	Noon Wednesday 17 October	Noon Tuesday 23 October
#20	Monday 5 November	Noon Wednesday 24 October	Noon Tuesday 30 October
#21	TUESDAY 13 NOVEMBER	Noon Wednesday 31 October	Noon Tuesday 6 November

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Minnesota Judicial Center, Room 135, 25 Constitution Ave., St. Paul, MN 55155

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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*.

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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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1400.2040; .2060; .2070; .2080; .2085; .2230; .2240; .2300; .2400; .2510; .2520; .2530; .2540; .2550; .2570; .5550; .6600; .8401; .8545 (**adopted**)

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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 Higher Education Services Office

Proposed Permanent Rules Relating to Student Educational Loan Fund Program

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

Proposed Amendment to Rules Governing the Student Educational Loan Fund [SELF] Program, *Minnesota Rules*, 4850.0011 - 4850.0017

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 Wednesday, November 21, 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 December 6, 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 November 21, 2001 and before December 6, 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:

Mary Lou Dresbach
MN Higher Education Services Office
1450 Energy Park Drive, Suite 350
St. Paul, MN 55108
(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 delete obsolete language in sections that refer to loans made from SELF I bonds, since that source of funding no longer exists; adds definitions for SELF II loans and SELF III loans; deletes obsolete language relating to the SELF I interest rate; adds language relating to the determination of the interest rates for SELF II and SELF III loans; updates the refund procedures to be followed if a student withdraws from school or fails to complete a loan period; updates the rules language relating to repayment procedures, and clarifies that any applicable late fees will also be included in repayment billings to the borrowers and/or co-signers. The statutory authority to adopt the rules is *Minnesota Statutes*, section 136A.01, 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 Wednesday, November 21, 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 November 21, 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 December 6, 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 November 21, 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 Richard C. Luis is assigned to conduct the hearing. Judge Luis 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.

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

<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

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: 3 October 2001

Robert K. Poch
Director

4850.0011 DEFINITIONS.

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

Subp. 15. **Eligible student.** "Eligible student" means a student who:

A. is enrolled in an eligible school in Minnesota, or is a Minnesota resident enrolled in an eligible school in another state, United States territory, or province as defined in *Minnesota Statutes*, section 136A.15, subdivision 5;

B. is enrolled at least half-time in a program leading to a certificate, associate, baccalaureate, masters, doctorate, or other professional degree;

C. is making satisfactory academic progress as defined by the school;

D. is not currently in default, as defined by each specific program, of any student educational loan program (Stafford Loan, GSL, FISL, NDSL, Perkins, HPL, HEAL, ALAS/SLS, or other similar federal, state, private, or institutional student loan program) at the current or any previous school;

E. is not currently delinquent in payment of interest or principal on an outstanding loan from the student educational loan fund;

F. has a creditworthy cosigner;

G. demonstrates financial eligibility by meeting the "maximum effort" test; and

H. ~~for those with loans made from the SELF I bonds, has at the time of application, an anticipated graduation date no later than November 1, 1992; and~~

~~I.~~ has agreed to the release of information to a consumer credit reporting agency, as listed in part 4850.0012, subpart 4.

[For text of subps 16 to 26a, see M.R.]

Subp. 27. **Repayment period.** "Repayment period" means the time period which begins immediately following the transition period and runs to the earliest of:

A. ~~November 1, 2000, for those with loans made from the SELF I bonds; or~~

~~B.~~ ten years from the date the student ceases to be an eligible student; or

~~C.~~ B. 15 years from the date of the first loan check; or

~~D.~~ C. a shorter period negotiated with the borrower.

Subp. 28. [See repealer.]

Subp. 28a. **SELF II loans.** “SELF II loans” means SELF loans where the interest rate on the loan is determined by the director at a margin in excess of the SELF II index rate. The SELF II index rate is the average rounded to the nearest quarter of one percent of the bond equivalent yield, for auctions of 13-week treasury bills, during the calendar quarter immediately preceding the interest rate adjustment date.

Subp. 28b. **SELF III loans.** “SELF III loans” means SELF loans where the interest rate on the loan is determined by the director at a margin in excess of a SELF III index rate. The SELF III initial index rate is the arithmetic average rounded to the nearest tenth of one percent of the three-month London Interbank Offered Rates (LIBOR) rate during the calendar quarter immediately preceding the interest rate adjustment date. The LIBOR rate is determined by the British Banker’s Association. The director may establish other indexes or utilize a fixed rate as provided for in the promissory note.

Subp. 29. **Transition period.** “Transition period” means a 12-month period immediately following graduation or termination of enrollment. Borrowers with loans made from sources other than the SELF I bonds may extend the transition period an additional period not to exceed 24 months. During the transition period, borrowers are billed for interest only.

[For text of subp 30, see M.R.]

4850.0014 AMOUNT AND TERMS.

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

Subp. 3. **Interest rate.** ~~For loans made from the SELF I bonds, the interest rate on the loan must be fixed by the director at a margin in excess of the “index rate” on the bonds. If the bonds bear interest at more than one rate at any one time, the “index rate” will be the weighted average of the interest rates. The “index rate” may change on Thursday of each week. If the “index rate” increases or decreases, the interest rate on the loan increases or decreases automatically on the same day without notice to the borrower. If the director determines that the margin does not reflect the costs of the SELF program, the director must increase or decrease the margin. The director shall advise borrowers of changes in the margin.~~

For ~~SELF II loans made from sources other than the SELF I bonds,~~ the interest rate on the loan will be determined by the director at a margin in excess of the SELF II “index rate.” The SELF II “index rate” is the average rounded to the nearest quarter of one percent of the bond equivalent yield, for auctions of 13 week treasury bills, during the preceding calendar quarter. If the index rate increases or decreases, the interest rate on the loan automatically increases or decreases on the same day without notice to the borrower. The interest rate on the loan cannot increase or decrease more than two percentage points over any four consecutive calendar quarters. The director shall set the margin to reflect the costs of the SELF program. If the director determines that the margin does not reflect the costs of the SELF program, the director must increase or decrease the margin. The director shall advise borrowers of changes in the margin.

For SELF III loans, the interest rate on the loan will be determined by the director at a margin in excess of a SELF III index rate. The SELF III initial index rate to be used is the average rounded to the nearest tenth of one percent of the arithmetic average of the three-month London Interbank Offered Rates (LIBOR) rate during the calendar quarter immediately preceding the interest rate adjustment date. The LIBOR rate is determined by the British Banker’s Association. The director may establish other indexes or utilize a fixed rate as provided for in the promissory note. The interest rate on the loan cannot increase or decrease more than three percentage points over any four consecutive calendar quarters. The director shall set the margin to reflect the costs of the SELF program. If the director determines that the margin does not reflect the costs of the SELF program, the director must increase or decrease the margin.

4850.0016 NONENROLLMENT, TRANSFER, AND WITHDRAWAL.

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

Subp. 3. **Withdrawal.** In the event that a borrower, for any reason, fails to complete a loan period, withdraws, and the school calculates a SELF refund for the borrower, that refund must be returned to the office for the SELF loan program within ~~45~~ 30 days of the date the school becomes aware of the withdrawal. Refunds to the office are determined by items A and B.

A. Determine the percentage that the SELF loan represents of the student’s total nonfederal financial aid package for the applicable term.

B. Multiply that percentage by the amount determined to be refunded to ~~the student~~ nonfederal aid providers under the school’s refund policy. The result yields the amount to be refunded to the office.

<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

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

4850.0017 REPAYMENT PROCEDURES.

Borrowers or cosigners shall make payments of principal and interest according to the following schedule:

A. During the in-school period, the office or its agent shall bill borrowers for accrued interest and applicable late fees once during each calendar quarter.

B. During the transition period, the office or its agent shall bill borrowers for accrued interest and applicable late fees once during each calendar month.

C. During the repayment period, the office or its agent shall bill borrowers for accrued interest, applicable late fees, and principal once during each calendar month. The interest rate may vary throughout the period. The sum of the monthly payments must equal the sum of accrued interest plus principal, plus any applicable late fees. The monthly payments of principal must be in amounts calculated at the beginning of the repayment period as if two conditions existed. The two conditions are: (1) interest on the loan accrues at a fixed rate equal to the interest rate in effect at the time of the calculation and (2) the loan is payable over its term in equal monthly installments. The borrower must pay a total of at least \$600 each year on all of the borrower's SELF loans. If the borrower's spouse also has SELF loans, their combined annual payments on all SELF loans must be at least \$600.

~~D. Late charges must be billed to the borrower on the 30-day delinquent letter mailed by the office or its agent and are due and payable immediately.~~

~~E.~~ Interest payments during the in-school period that are delinquent in excess of 120 days from the billing date must be capitalized. Capitalization of past due interest must be limited to two occasions before filing a claim.

~~F. E.~~ A prepayment penalty must not be assessed against borrowers who elect to make unscheduled payments of loan principal.

~~G. F.~~ The director shall grant forbearances in those instances when the borrower experiences hardship in making payments of principal and/or interest, and when the cosigner has either died, become temporarily or permanently disabled, or for some other reason, such as unemployment or limited fixed income, demonstrated an inability to make payment. Such a forbearance shall be granted upon receipt of written documentation from the borrower and the cosigner relating to the unemployment or similar financial hardship case and is limited to 120 days, renewable upon further documentation for another 120 days. ~~However, the borrower or cosigner must make at least three full payments before the forbearance is renewed.~~

~~H. G.~~ Upon request, the director shall provide borrowers and cosigners with an annual statement of outstanding principal and interest paid during the previous calendar year.

REPEALER. Minnesota Rules, part 4850.0011, subpart 28, is repealed.

Official Notices

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

Minnesota Board of Animal Health

REQUEST FOR COMMENTS on Possible Amendment to Rules Governing Anthrax, *Minnesota Rules, 1705.0010 - 1705.0050*

Subject of Rules. The Minnesota Board of Animal Health requests comments on its possible amendment to rules governing Anthrax. The Board is considering rule amendments that update the rules, especially in the procedures for handling carcasses of animals that died from Anthrax.

Persons Affected. The amendment to the rules would likely affect livestock owners and veterinarians.

Statutory Authority. *Minnesota Statutes*, section 35.03, authorizes the Board to adopt rules to protect the health of the domestic animals of the state.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing or orally until 4:30 p.m., on December 21, 2001. The Board does not contemplate appointing an advisory committee to comment on the possible rules.

Rules Drafts. The Department has not yet prepared a draft of the possible 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 possible rules should be directed to: Dr. Keith Friendshuh at Board of Animal Health, 90 West Plato Blvd, **phone:** (651) 296-2942 ext 18, **fax:** (651) 296-7417, and **email:** keith.friendshuh@bah.state.mn.us. **TTY** users may call the Board 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: 8 October 2001

Dr. William Hartmann, Executive Director

Minnesota Board of Animal Health

REQUEST FOR COMMENTS on Possible Amendment to Rules Governing Importation of Cattle, *Minnesota Rules*, 1700.0100 - 1700.1500

Subject of Rules. The Minnesota Board of Animal Health requests comments on its possible amendment to rules governing the importation of cattle. The Board is considering rule amendments that eliminate the following requirements; (1) a permit must be obtained prior to the importation of any calves less than 2 months of age and, (2) all bison six months of age and over must be negative to a caudal fold tuberculin (TB) test within 60 days prior to movement into Minnesota.

Persons Affected. The amendment to the rules would likely affect people who import calves and bison.

Statutory Authority. *Minnesota Statutes*, section 35.03, authorizes the Board to adopt rules to protect the health of the domestic animals of the state.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing or orally until 4:30 p.m., on December 21, 2001. The Board does not contemplate appointing an advisory committee to comment on the possible rules.

Rules Drafts. The Department has not yet prepared a draft of the possible 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 possible rules should be directed to: Dr. Keith Friendshuh at Board of Animal Health, 90 West Plato Blvd, **phone:** (651) 296-2942 ext 18, **fax:** (651) 296-7417, and **email:** keith.friendshuh@bah.state.mn.us. **TTY** users may call the Board 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: 8 October 2001

Dr. William Hartmann, Executive Director

Minnesota Board of Animal Health

REQUEST FOR COMMENTS on Possible Amendment to Rules Governing Importation of Cervidae, *Minnesota Rules*, 1700.4900 - 1700.5300

Subject of Rules. The Minnesota Board of Animal Health requests comments on its possible amendment to rules governing the importation of Cervidae. The Board is considering rule amendments that eliminate the requirement that a permit be obtained prior to the importation of any Cervidae, eliminates certain requirements if the cervids are going directly to slaughter and adds a requirement that all Elk originate in a Chronic Wasting Disease (CWD) Monitored herd.

Persons Affected. The amendment to the rules would likely affect people who import Cervidae.

Statutory Authority. *Minnesota Statutes*, section 35.03, authorizes the Board to adopt rules to protect the health of the domestic animals of the state.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing or orally until 4:30 p.m., on December 21, 2001. The Board does not contemplate appointing an advisory committee to comment on the possible rules.

Rules Drafts. The Department has not yet prepared a draft of the possible 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 possible rules should be directed to: Dr. Keith Friendshuh at Board of Animal Health, 90 West Plato Blvd, **phone:** (651) 296-2942 ext 18, **fax:** (651) 296-7417, and **email:** keith.friendshuh@bah.state.mn.us. **TTY** users may call the Board 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: 8 October 2001

Dr. William Hartmann, Executive Director

Minnesota Board of Animal Health

REQUEST FOR COMMENTS on Possible Amendment to Rules Governing Sale and Distribution of Biological Products and Antigens, *Minnesota Rules*, 1720.0580 - 1720.0640

Subject of Rules. The Minnesota Board of Animal Health requests comments on its possible amendment to rules governing the sale and distribution of biological products and antigens. The Board is considering rule amendments that remove Anthrax vaccine from the list of vaccines that are not allowed to be sold with a veterinary prescription. This would allow farmers to purchase and administer the Anthrax vaccine.

Persons Affected. The amendment to the rules would likely affect livestock owners and veterinarians.

Statutory Authority. *Minnesota Statutes*, section 35.03, authorizes the Board to adopt rules to protect the health of the domestic animals of the state.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing or orally until 4:30 p.m., on December 21, 2001. The Board does not contemplate appointing an advisory committee to comment on the possible rules.

Rules Drafts. The Department has not yet prepared a draft of the possible 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 possible rules should be directed to: Dr. Keith Friendshuh at Board of Animal Health, 90 West Plato Blvd, **phone:** (651) 296-2942 ext 18, **fax:** (651) 296-7417, and **email:** keith.friendshuh@bah.state.mn.us. **TTY** users may call the Board 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: 8 October 2001

Dr. William Hartmann, Executive Director

Campaign Finance and Public Disclosure Board

REQUEST FOR COMMENTS on Possible Amendment and or Repeal of Rules Governing Lobbyist Registration and Reporting, Filing Written Complaints with the Board, Changes and Corrections to Documents Filed with the Board, Statements of Economic Interest Filed by Terminating Public Officials, and Definitions Related to Campaign Finance Activities, *Minnesota Rules*, Chapters 4503, 4505, 4511, 4515, 4520, and 4525

Subject of Rules. The Campaign Finance and Public Disclosure Board (the Board) requests comments on its possible amendment and or repeal of rules governing lobbyist registration and reporting, the process for filing written complaints with the Board, the making of changes or corrections to documents filed with the Board, reducing the reporting requirements of terminating public officials, and definitions related to candidate qualification for public subsidy payments.

The Board is considering rule amendments that:

- Allow a lobbyist who represents an association with multiple lobbyists to designate another lobbyist with that association as the individual responsible to report his or her expenditures on behalf of the association.
- Provide for the use of a form when filing a complaint with the Board.
- Eliminate the need for a terminating public official to file a Statement of Economic Interest if there were no changes from the last statement filed with the Board.
- Provide definitions for new statutory requirements related to candidates qualifying for general account public subsidy payments.

In addition the Board is considering repealing *Minnesota Rules* 4515.0700 and 4520.0700 which provide methods for making changes to documents filed with the Board that are redundant to *Minnesota Statutes* 10A.025, subd. 4.

Persons Affected. The amendment of these rules would likely affect associations that employ more than one lobbyist, lobbyists who work for associations that employ more than one lobbyist, individuals who wish to file a complaint with the Board, terminating public officials, and candidates who wish to qualify for general account public subsidy payments. The repeal of the rules identified in this document is not expected to affect any individual because the same requirements are contained in *Minnesota Statutes*.

Statutory Authority. *Minnesota Statutes*, section 10A.02, subd. 13, authorizes the Board to adopt rules to carry out the purposes of *Minnesota Statutes*, Chapter 10A.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing or orally until 4:30 p.m., on December 26, 2001. The Department does not contemplate appointing an advisory committee to comment on the possible rules.

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

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 possible rules should be directed to: Jeff Sigurdson at the Campaign Finance and Public Disclosure Board, Suite 190, Centennial Office Building, 658 Cedar Street, St. Paul, MN, 55155, **phone:** (651) 296-1720 or 1-800-657-3889, **email:** jeffrey.sigurdson@state.mn.us. **TTY** users may call the Board through the Minnesota Relay Service at 1-800-627-3529.

Official Notices

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

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: 5 October 2001

Jeanne Olson, Executive Director
Campaign Finance Board

Minnesota Comprehensive Health Association

Notice of Meeting of the Board of Directors

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA) Board of Directors will be held at 1:30 p.m., on Wednesday, October 24, 2001 at Allina Health Systems, 5601 Smetana Drive, Conference Room 300, Minnetonka, MN.

For additional information, please call Lynn Gruber at (952) 593-9609.

Minnesota Pollution Control Agency

Policy and Planning Division

REQUEST FOR COMMENTS on Planned New Rules Governing the Sale of Heavy-Duty Diesel Engines to be Codified in *Minnesota Rules* Chapter 7023

Subject of Rule: The Minnesota Pollution Control Agency (MPCA) requests comments on its planned new rules to be codified in *Minnesota Rules* Ch. 7023, governing the sale of heavy-duty diesel engines for engine model years 2005 and 2006. The MPCA is considering adopting rules promulgated by the state of California that require more stringent testing procedures for heavy-duty diesel engines beginning with the 2005 model year. Adopting the planned rule would reduce emissions of oxides of nitrogen or "NOx" which reacts with other pollutants in the atmosphere to form ground level ozone, or "smog."

At the present time, the Twin Cities are close to non-attainment for the national ozone standard. In addition to its reaction with other chemicals to form ozone, NOx is also transformed in the atmosphere into nitrates. These nitrates take the form of fine particulate matter, which is subject to new national standards. Fine particulate matter presents a health concern for humans, as fine particulates may be aspirated into human lungs. The planned rules would reduce NOx emissions by 5.1 tons per vehicle over its operating lifetime. Reducing NOx emissions will improve public health and save considerable regulation and expense associated with enforcement actions for violating the federal air quality standards.

Background: Between 1988 and 1998, seven companies manufacturing heavy-duty diesel engines (HDDE) allegedly used "defeat devices" to bypass emissions control equipment and thereby emit more pollution than allowed under the law. These HDDE manufacturers were the subject of a major enforcement action brought by the United States Department of Justice, the United States Environmental Protection Agency (EPA), and the California Air Resources Board (CARB). Ultimately the parties reached a settlement and signed a consent decree that required the manufacturers to verify that the HDDEs they produce meet the same air emission standard, under new testing procedures which more accurately reflect real world driving conditions. The consent decree did not extend beyond 2004 because the EPA was expected to have a rule in place by that year which would apply the new test procedures to all HDDEs. However, the EPA's rules were subsequently delayed and will not take effect until 2007.

To close this "gap" between the test procedures in the consent decree and the start of the EPA rules, the state of California recently promulgated a rule that adopted identical test procedures for HDDEs air emission testing for model years 2005 and 2006. As a result, the California rule is expected to significantly reduce pollutants that form ozone (smog) and diesel particles from HDDEs made in 2005 and 2006 because the average life span of an HDDE is approximately twenty years.

A number of other states have expressed interest in adopting California's rule for HDDE vehicles because these vehicles travel across state borders often, travel many miles, and stay on the road for up to twenty years. Given the significant interest among other states in addressing the potential "gap" the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO) have worked to develop a "multi-state clean diesel initiative" to get other states to adopt California's HDDE rule.

Only the EPA and the state of California may establish motor vehicle standards. Under section 117 of the Clean Air Act, however, any state may adopt standards identical to those of California. In this instance, Minnesota does not seek to adopt a new standard, but rather to adopt new air emission testing procedures to ensure compliance with the existing standard. At the present time, about twenty states have expressed interest in STAPPA/ALAPCO's clean diesel initiative. These states comprise a large majority of all HDDE purchases in the United States. In summary, the MPCA is planning to adopt California's HDDE rules for model years 2005 and 2006.

Certification and Registration: The MPCA is considering proposing to (1) require that all heavy-duty diesel engines sold in Minnesota are certified as complying with applicable exhaust emissions standards under Title 13, section 1956.8 of the *California Code of Regulations* for engines manufactured in model years 2005 and 2006; and (2) establish requirements for vehicle registration and transactions for heavy-duty diesel engines in model years 2005 and 2006.

Performance Standards for Heavy-Duty Diesel Engines: On December 8, 2000, the CARB adopted rules governing the test procedures used to certify HDDEs sold in California, beginning in model year 2005. The test procedures adopted in the CARB rules are the "Not-To-Exceed" test and the "Euro III Stationary Cycle" test. These test procedures are broader and more closely reflect actual driving conditions than the current federal test procedure for HDDEs used by the EPA. The MPCA is considering adopting the CARB's rules for model years 2005 and 2006 to close the gap between the use of new test procedures under the consent agreement and their use under EPA rules in 2007.

Persons Affected: The MPCA's planned new rules for heavy-duty diesel engines for model years 2005 and 2006 will directly affect the HDDE manufacturers, Minnesota vehicle dealers and the Minnesota Trucking Association. The planned new rules will reflect the requirements that most manufacturers must meet in model year 2002 as part of their consent decree with the federal government and the state of California. The planned new rules will affect vehicle dealers in Minnesota because the rules will prohibit the sale of all heavy-duty diesel engines except those certified by the state of California as meeting their test procedures. Finally, the planned new rules may increase the cost of a HDDE and thus affect vehicle purchasers. The state of California estimates the additional cost of an HDDE due to the adoption of their rules to be between \$674 and \$824 per engine for model year 2005 and between \$441 and \$591 per engine for the model year 2006. However, because a heavy-duty diesel truck costs about \$100,000, this additional cost does not appear to be overly burdensome.

Statutory Authority: The MPCA's authority to adopt and implement the new rules is found in *Minnesota Statutes* § 116.07, subd. 4. This broad rulemaking authority is "without limitation" and includes authority to adopt rules "on any ... matter relevant to the prevention, abatement, or control of air pollution."

Subd. 4. **Rules and standards.** Pursuant and subject to the provisions of chapter 14, and the provisions hereof, the pollution control agency may adopt, amend and rescind rules and standards having the force of law relating to any purpose within the provisions of Laws 1967, chapter 882, for the prevention, abatement, or control of air pollution. Any such rule or standard may be of general application throughout the state, or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, rules or standards may relate to sources or emissions of air contamination or air pollution, to the quality or composition of such emissions, or to the quality of or composition of the ambient air or outdoor atmosphere or to any other matter relevant to the prevention, abatement, or control of air pollution.

Public Comment: Affected and interested persons or groups may submit comments or information on these planned new rules in writing or orally until **4:30 p.m., on November 21, 2001.**

Rule Drafts: The MPCA is in the process of preparing a draft of the planned new rules.

Agency Contact Person: Written comments, questions, requests to receive a draft of the rules when they are prepared, and requests for more information on the new rules should be directed to: Jeff Buss at the Minnesota Pollution Control Agency, 520 Lafayette Road No., St. Paul, Minnesota, 55155-4194, **phone:** (651) 297-8659, **fax:** (651) 297-8701, and **email:** jeff.buss@pca.state.mn.us. TTY users may call the MPCA at **TTY** (651) 292-5332 or 1-800-657-3864.

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 when a proceeding to adopt rules is started. The MPCA is required to submit to the judge reviewing the rules only those written comments received in response to the rules after they are formally proposed in the *State Register*.

Karen A. Studders, Commissioner
Minnesota Pollution Control Agency

State Grants & Loans

Teachers Retirement Association

Notice of Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Friday, November 16, 2001 at 9:30 a.m. in Suite 400, 60 Empire Drive, St. Paul, MN to consider matters which may properly come before the Board.

State Grants & Loans

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

Department of Agriculture

Agricultural Marketing Services Division

Notice of Public Hearing on Criteria for Grants for a Cooperative Shippers Association

NOTICE IS HEREBY GIVEN that a public hearing will be held on November 5, 2001 at 9:00 a.m., in Room 130 Department of Agriculture Building, 90 West Plato Boulevard, St. Paul, Minnesota, on the criteria that will be used to choose recipients of grants for a cooperative shippers association, under *2001 Minnesota Laws*, 1st special session, chapter 2, section 9, subdivision 3. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Director of the Agricultural Marketing Services Division prior to the date of the hearing set forth above.

Kurt Markham
Agricultural Marketing Services Division, Director
(651) 296-6382

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 §501(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 28, 2001**, in the manner specified in the RFP document. Late proposals will not be accepted. Decisions will be made by December 17, 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
Email: dor.rfp@state.mn.us
Fax: (651) 282-2423

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

Informal Solicitations

Effective December 1, 2001, informal solicitations for all contracting opportunities for professional/technical (consultant) contracts with values estimated to be over \$5,000 and under \$50,000 must be posted on the Department of Administration's, Materials Management Division's web page (www.mmd.admin.state.mn.us).

Formal Requests for Proposals

Department of Administration procedures require that formal notice of any professional/technical (consultant service) contract which has an estimated value over \$50,000 must be printed in the *State Register*. Certain quasi-state agencies and Minnesota State Colleges and Universities institutions are by law exempt from these requirements.

Minnesota Department of Natural Resources

Division of Parks and Recreation

Notice of Request for Proposals to Establish a Master Contract for Non-Personal Interpretive Services in Minnesota State Parks

The Minnesota Department of Natural Resources, Division of Parks and Recreation is requesting proposals from vendors to establish a multi-year, multi-vendor, indefinite quantity master contract that supports the completion of non-personal interpretive services in Minnesota State Parks. This master contract will identify vendors that will provide products in the following specific areas: 1.) Interpretive Planning; 2.) Cultural Resource Research and Archaeology; 3.) Interpretive Exhibit Design and/or Fabrication; 4.) Interpretive Writing; 5.) Artwork and Photography; 6.) Exhibit Artifacts and Reproductions; 7.) Video and Audio Production; 8.) Sign Design and Fabrication; 9.) Computer Graphics, Interactives and Web Design. Tasks will be identified as individual projects from the categories listed above through work orders. No work order contract may exceed \$100,000.

State Contracts

It is anticipated that the master contract resulting from this RFP will be effective for a three-year period, with an option for an additional two-year extension. A complete Request for Proposal may be obtained by calling or writing:

Interpretive Services, Division of Parks and Recreation
Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4039
Phone: (651) 296-9223

All completed proposals must be received by **2:30 p.m., C.S.T., November 28, 2001.**

Department of Transportation

Program Support Group

Office of Consultant Services

Notice of Availability of Contract for Engineering Services for Trunk Highway 169 South of Grand Rapids

The Minnesota Department of Transportation (Mn/DOT) is requesting proposals from Contractors who are qualified to provide engineering services for improvements along Trunk Highway 169 south of Grand Rapids. The project begins at Gary Drive and continues across Pokegama Lake Causeway to Woodland Park Drive. The project involves the reconstruction of T.H. 169 and includes shoulder widening, sidewalks, drainage work, retaining wall and landscaping.

Work is proposed to start after December 1, 2001.

The Request for Proposal will be available by mail from this office through October 29, 2001. **A written request (direct mail or FAX) or an e-mail request is required to receive the Request for Proposal.** After October 29, 2001, the Request for Proposal must be picked up in person.

This document is available in alternative formats for persons with disabilities by calling the Agreement Administrator, Jim Ciabattari at (651) 296-9930, or for persons who are hearing or speech impaired by calling the Minnesota Relay Service at 1-800-627-3529.

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

Jim Ciabattari, P.E.
Office of Consultant Services - 7th Floor North
Minnesota Department of Transportation
395 John Ireland Boulevard, MailStop 680
St. Paul, MN 55155
Fax: (651) 282-5127
Email: jim.ciabattari@dot.state.mn.us

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., CST on November 13, 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 shall be borne by the responder. All proposals will become public information after the contract is awarded, under the Minnesota Data Practices Act, and will remain the property of the Minnesota Department of Transportation.

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.

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.

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