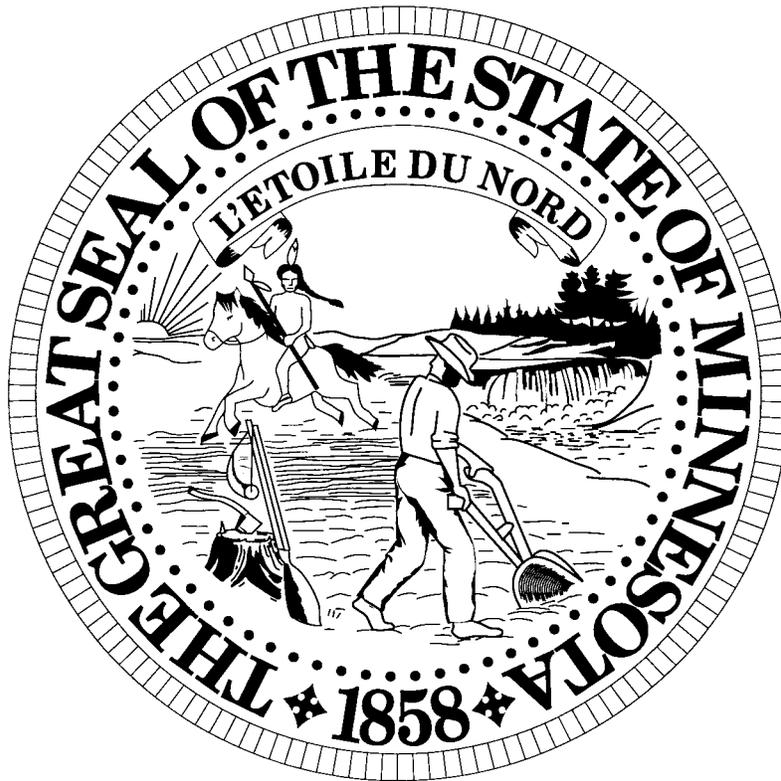


Minnesota

State Register

Rules and Official Notices Edition



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State Register

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#17	Monday 27 October	Noon Tuesday 21 October	Noon Wednesday 15 October
#18	Monday 3 November	Noon Tuesday 28 October	Noon Wednesday 22 October
#19	Monday 10 November	Noon Tuesday 4 November	Noon Wednesday 29 October
#20	Monday 17 November	NOON MONDAY 10 NOVEMBER	Noon Wednesday 5 November

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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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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 only be used 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 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 from the date of publication of the rule in the *State Register*. Rules adopted, amended or repealed under clause (3) or (4) are effective upon publication in the *State Register*.

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 Natural Resources

Adopted Exempt Permanent Rules Relating to Utility Licenses

ORDER ADOPTING RULES: In the Matter of the Adoption of the Rules of the State of Minnesota, Department of Natural Resources, Relating to Utility Licenses; *Minnesota Rules*, parts 6135.0400 through 6135.0820

WHEREAS,

Minnesota Rules, chapter 6135, was adopted under the authority of *Minnesota Statutes*, section 84.415, which directs the commissioner of natural resources to adopt rules prescribing terms and conditions for licenses permitting the passage of utilities over public lands and waters.

Laws of 2003, Chapter 128, Article 1, Section 158, amends the application fee and one-time crossing fees specified in the rules, and directs the commissioner of natural resources to amend the permanent rules to reflect these changes, using the procedures of *Minnesota Statutes*, section 14.388, clause (3).

The Department of Natural Resources finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest in amending the fees for utility licenses. Pursuant to *Minnesota Statutes*, section 14.388, clause (3), the amendments to the utility licenses incorporate specific language set forth in *Laws of Minnesota 2003*, Chapter 128, Article 1, Section 158, with no interpretation of law required.

NOW THEREFORE, IT IS ORDERED, that the rules identified as:

Rules of the Department of Natural Resources relating to utility licenses, in the form set out in the Revisor's draft, file number RD3435, dated July 28, 2003, are adopted this 2nd day of September, 2003, pursuant to the authority vested in me by *Minnesota Statutes*, section 84.415 and *Laws of Minnesota 2003*, Chapter 128, Article 1, Section 158.

Gene Merriam
Commissioner of Natural Resources

6135.0400 FEE SCHEDULES.

Subpart 1. **Purpose.** The following fees defray administrative costs and provide a reasonable return for private use of public land or water.

Subp. 2. **Application fee.** The applicant shall include ~~\$40~~ \$500 with each application for a license to construct utility crossings over or under public lands. An application may contain more than one crossing.

The applicant shall include ~~\$40~~ \$500 with each application for a license to construct utility crossings over or under public waters. An application may contain more than one crossing. In the case of underwater crossings, the application fee charged shall satisfy the application fee requirements of parts 6115.0010 to 6115.0100 but the crossings shall be subject to all inspection and monitoring fees required by law or regulation.

The checks shall be made payable to the state treasurer. The commissioner will acknowledge the receipt of the application, indicating whether or not the correct application fee was included. The commissioner will take no other action on the application until

Exempt Rules

the commissioner has received the correct fee. The commissioner will not return application fees, even if the application is withdrawn or denied.

Subp. 3. **Utility crossing fees.** One-time payment fees securing a 50-year license, made payable to the state treasurer, shall be established for two classes of utility crossings as follows:

A. Fees for crossing of public waters:

(1) for utility crossings under public waters involving a disturbance of less than ten feet in width at the water's edge, Rate Table I in part ~~6135.0500~~ 6135.0520 shall apply;

(2) for utility crossings under public waters involving a disturbance of ten feet or more in width at the water's edge, Rate Table II in part ~~6135.0600~~ 6135.0620 shall apply;

(3) for utility crossings over public waters, Rate Table III in part ~~6135.0700~~ 6135.0720 shall apply.

B. Fees for crossing of public lands:

(1) for utility crossings over, under, or across public lands, Rate Table IV in part ~~6135.0800~~ 6135.0820 shall apply; and

(2) the minimum utility crossing fee for any utility crossings of public lands shall be ~~\$25~~ \$28.

Subp. 4. **Option for 25-year license.** An applicant may request a 25-year license instead of a 50-year license. In such a case, a one-time payment fee securing a 25-year license shall be established based on 60 percent of the fee for a 50-year license as computed under subpart 3 and Rate Tables I to IV in parts ~~6135.0500~~ 6135.0520 to ~~6135.0800~~ 6135.0820.

[For text of subps 5 and 6, see M.R.]

6135.0520 RATE TABLE I, NARROW UNDERWATER CROSSINGS.

The following table applies to underwater crossings involving a disturbance of less than ten feet in width at the water's edge.

Type of Utility	Total Length in Feet, All Crossings Per Application					
	<u>0</u> <u>-100</u>	<u>101</u> <u>-200</u>	<u>201</u> <u>-300</u>	<u>301</u> <u>-400</u>	<u>401</u> <u>-500</u>	<u>500+</u>
	<u>BASE RATE</u>					
<u>Pipeline</u>	<u>\$237</u>	<u>\$293</u>	<u>\$349</u>	<u>\$406</u>	<u>\$462</u>	<u>\$462 plus \$56 per 100 feet or fraction thereof additional</u>
<u>Electric Transmission</u>	<u>180</u>	<u>225</u>	<u>259</u>	<u>304</u>	<u>349</u>	<u>\$349 plus \$45 per 100 feet or fraction thereof additional</u>
<u>Electric Distribution, Telephone, Telegraph, and Fiberoptic</u>	<u>124</u>	<u>147</u>	<u>180</u>	<u>203</u>	<u>237</u>	<u>\$237 plus \$17 per 100 feet or fraction thereof additional</u>

The length of an underwater crossing is measured by the number of feet of line between banks or shores. The license fee is determined by adding the length of all such underwater crossings on the same application and, using this total distance, selecting the appropriate column to determine the base rate. The license fee is the base rate plus \$28 for each crossing in excess of one listed in the application.

Example #1. Electric distribution line application. Five water crossings.

	<u>Length</u> <u>(feet)</u>			
<u>Crossing #1</u>	<u>40</u>	<u>Base rate</u>	<u>\$147</u>	<u>(from 101-200 feet column)</u>
<u>Crossing #2</u>	<u>10</u>	<u>Plus</u>	<u>112</u>	<u>(four crossings in</u>
<u>Crossing #3</u>	<u>75</u>		<u>----</u>	<u>excess of one)</u>
<u>Crossing #4</u>	<u>22</u>	<u>License fee</u>	<u>259</u>	
<u>Crossing #5</u>	<u>35</u>			
	<u>---</u>			
<u>Total</u>	<u>182</u>			

Exempt Rules

Example #2. Pipeline application. One crossing.

<u>Crossing #1,</u>	<u>650</u>	<u>Base rate</u>	<u>\$574</u>	<u>(from the 500+ column)</u>
	<u>feet</u>	<u>Plus</u>	<u>\$ 0</u>	<u>(no crossings in</u>
			<u>----</u>	<u>excess of one)</u>
		<u>License fee</u>	<u>\$574</u>	

6135.0620 RATE TABLE II, WIDE UNDERWATER CROSSINGS.

The following table applies to underwater crossings involving a disturbance of ten feet or more in width at the water's edge.

<u>Total Length in Feet Per Each Crossing</u>						
<u>Type of</u>	<u>0</u>	<u>101</u>	<u>201</u>	<u>301</u>	<u>401</u>	<u>500+</u>
<u>Utility</u>	<u>-100</u>	<u>-200</u>	<u>-300</u>	<u>-400</u>	<u>-500</u>	
<u>RATE PER CROSSING</u>						
<u>Pipeline</u>	<u>\$293</u>	<u>\$361</u>	<u>\$440</u>	<u>\$507</u>	<u>\$575</u>	<u>\$575 plus \$73 per</u> <u>100 feet or fraction</u> <u>thereof additional</u>
<u>Electric</u> <u>Transmission</u>	<u>225</u>	<u>270</u>	<u>327</u>	<u>383</u>	<u>440</u>	<u>\$440 plus \$56 per</u> <u>100 feet or fraction</u> <u>thereof additional</u>
<u>Electric</u> <u>Distribution,</u> <u>Telephone,</u> <u>Telegraph,</u> <u>and Fiberoptic</u>	<u>147</u>	<u>192</u>	<u>225</u>	<u>259</u>	<u>293</u>	<u>\$293 plus \$39 per</u> <u>100 feet or fraction</u> <u>thereof additional</u>

The length of an underwater crossing is measured by the number of feet of line between banks or shores. The license fee is determined by calculating separately the length of each crossing on the same application, finding the rate for each crossing by referring to the appropriate column, and then adding together the resulting rate determinations.

Example. Pipeline application. Three underwater crossings.

	<u>Length</u>	
	<u>(feet)</u>	<u>Rate</u>
<u>Crossing #1</u>	<u>461</u>	<u>\$575</u>
<u>Crossing #2</u>	<u>24</u>	<u>293</u>
<u>Crossing #3</u>	<u>231</u>	<u>440</u>
	<u>License fee</u>	<u>\$1,308</u>

6135.0720 RATE TABLE III, OVERWATER CROSSINGS.

The following table applies to overwater crossings.

<u>Total Length in Feet, All Crossings Per Application</u>						
<u>Type of</u>	<u>0</u>	<u>101</u>	<u>201</u>	<u>301</u>	<u>401</u>	<u>500+</u>
<u>Utility</u>	<u>-100</u>	<u>-200</u>	<u>-300</u>	<u>-400</u>	<u>-500</u>	
<u>BASE RATE</u>						
<u>Pipeline</u>	<u>\$361</u>	<u>\$473</u>	<u>\$575</u>	<u>\$687</u>	<u>\$789</u>	<u>\$789 plus \$113 per</u> <u>100 feet or fraction</u> <u>thereof additional</u>
<u>Electric</u> <u>Transmission</u>	<u>293</u>	<u>383</u>	<u>462</u>	<u>552</u>	<u>631</u>	<u>\$631 plus \$90 per</u> <u>100 feet or fraction</u> <u>thereof additional</u>

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<u>Electric Distribution, Telephone, Telegraph, and Fiberoptic</u>	<u>225</u>	<u>282</u>	<u>349</u>	<u>417</u>	<u>473</u>	<u>\$473 plus \$68 per 100 feet or fraction thereof additional</u>
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The length of an overwater crossing is measured by the number of feet of line between banks or shores. The license fee is determined by adding the length of all such overwater crossings on the same application and, using this total distance, selecting the appropriate column to determine the base rate. The license fee is the base rate plus \$28 for each crossing in excess of one listed in the application.

Example. Telephone line application. Three overwater crossings.

	<u>Length (feet)</u>			
<u>Crossing #1</u>	<u>27</u>	<u>Base rate</u>	<u>\$225</u>	<u>(from 0-100 feet column)</u>
<u>Crossing #2</u>	<u>31</u>	<u>Plus</u>	<u>56</u>	<u>(two crossings in excess of one)</u>
<u>Crossing #3</u>	<u>10</u>		<u>---</u>	
		<u>License fee</u>	<u>281</u>	
<u>Total</u>	<u>68</u>			

6135.0820 RATE TABLE IV, PUBLIC LAND CROSSINGS.

The following table applies to public land crossings.

Width in Feet of Right-of-Way

<u>Type of Utility</u>	<u>0</u>	<u>67</u>	<u>100</u>	<u>133</u>	<u>166</u>	<u>198+</u>
	<u>-66</u>	<u>-99</u>	<u>-132</u>	<u>-165</u>	<u>-198</u>	

RATE PER ROD OF LENGTH OF CROSSING

<u>Pipeline</u>	<u>\$4.40</u>	<u>\$6.54</u>	<u>\$8.68</u>	<u>\$10.82</u>	<u>\$12.96</u>	<u>\$15.10</u>
<u>Electric Transmission</u>	<u>2.93</u>	<u>4.40</u>	<u>5.75</u>	<u>7.21</u>	<u>8.68</u>	<u>10.03</u>
<u>Electric Distribution, Telephone, Telegraph, and Fiberoptic</u>	<u>1.47</u>	<u>2.25</u>	<u>2.93</u>	<u>3.61</u>	<u>4.40</u>	<u>5.07</u>

Example #1. Electric transmission line request: 100 foot right-of-way, across two descriptions of public land, 1,320 feet in length for each description.

<u>Total length in feet of public land crossing</u>	<u>2,640</u>
<u>Total length in rods (16.5 feet/rod)</u>	<u>160</u>
	<u>----</u>
<u>License fee at \$5.75 per rod (Rate Table IV)</u>	<u>\$920</u>

Example #2. Pipeline request: 75 foot right-of-way, 400 feet across public land.

<u>Total length in rods (16.5 feet/rod)</u>	<u>24.24</u>
<u>License fee at \$6.54 per rod (Rate Table IV)</u>	<u>\$158.53</u>

If an additional crossing is to be placed in an existing right-of-way by the original licensee or any other licensee, the fee will be 50 percent of the amount which would be charged if this crossing were the original crossing in the right-of-way.

If the appraised value of the land over which a utility will cross is over \$100 per acre, a fee in addition to that contained in Rate Table IV will be charged. The additional fee shall not exceed 15 percent of the appraised value in excess of \$100 per acre of the actual acreage being taken by the right-of-way.

REPEALER. *Minnesota Rules*, parts 6135.0510, 6135.0610, 6135.0710, and 6135.0810, are repealed effective July 1, 2004.

EFFECTIVE DATE. The amendments to *Minnesota Rules*, part 6135.0400, subpart 2, are effective July 1, 2003. The amendments to *Minnesota Rules*, part 6135.0400, subparts 3 and 4, are effective July 1, 2004. *Minnesota Rules*, part 6135.0520, 6135.0620, 6135.0720, and 6135.0820, are effective July 1, 2004.

Expedited Emergency Rules

Provisions exist for the Commissioners of some state agencies to adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months. Specific *Minnesota Statutes* citations accompanying these emergency expedited rules detail the agency's rulemaking authority.

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules; City of Mankato Special Deer Hunt

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of the rules is *Minnesota Statutes*, sections 97B.305, 97B.311, and 97A.401, subd. 4.

The emergency conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, are that: population data needed to establish quotas and determine permit areas are not available until June and the City of Mankato did not formally approve this hunt until September 8, 2003.

Dated: October 17, 2003

Gene Merriam
Commissioner of Natural Resources

6232.0800 ARCHERY SPECIAL HUNT AREAS AND PROCEDURES.

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

Subp. 2. **Areas.** Special bow and arrow permits are valid in areas designated by the commissioner and published in the annual hunting regulations booklet. The following archery special hunt areas are established for the 2003 season:

[For text of items A to D, see 28 SR 175]

E. portions of the city of Sandstone are open September 13 to December 31 by special permit from the city. Hunters must have a valid archery or all-season deer license to participate. Hunting is allowed on private land within these areas with written landowner permission and on certain city-owned lands under special hunting rules. Intensive harvest permits are available and strongly encouraged for participants in the city hunt. For more information on the city hunt and regulations contact: City of Sandstone, 119 Fourth Street, PO Box 641, Sandstone, MN 55072 (320) 245-5241; ~~and~~

F. portions of the city of New Ulm are open October 11 to December 31 for taking antlerless deer and legal bucks. No more than 50 permits shall be issued by the city of New Ulm. A regular archery or all-season deer license must be purchased to qualify for the hunt. A proficiency test is required. One intensive harvest permit may also be used by permittees to take deer. Applications must be sent to New Ulm City Deer Hunt, City Manager's Office, 100 N. Broadway, New Ulm, MN 56073. Applications must be postmarked by September 1; ~~and~~

G. notwithstanding the provisions in this subpart relating to publication in the annual hunting regulations booklet, portions of the city of Mankato are open through December 31 for taking antlerless deer and legal bucks by archery. No more than 30 permits shall be issued by the city of Mankato. A regular archery or all-season deer license must be purchased to qualify for the hunt. A proficiency test is required. Each permittee may use one intensive harvest permit to take deer. Applications must be sent to City of Mankato, PO Box 3368, Mankato, Minnesota 56002 (507) 387-8649.

EFFECTIVE PERIOD. The emergency amendment to *Minnesota Rules*, part 6232.0800, expires December 31, 2003. After the emergency amendment expires, the permanent rule as it read prior to that amendment again takes effect, except as it may be amended by permanent rule.

Executive Orders

The governor has the authority to issue written statements of orders, called Executive Orders, as well as Emergency Executive Orders. The governor's authority is specified in the *Constitution of the State of Minnesota*, Article V, and in *Minnesota Statutes* 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

Office of the Governor

Emergency Executive Order #03-14: Providing Training for Emergency Snow and Ice Removal

I, **TIM PAWLENTY, GOVERNOR OF THE STATE OF MINNESOTA**, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, state employees represented by the America Federation of State, County and Municipal Employees (AFSCME, Council 6) have voted to authorize a strike of represented state employees;

WHEREAS, state employees represented by AFSCME provide snow and ice removal services on more than 12,000 miles of interstate and state highways throughout the state;

WHEREAS, without snow and ice removal services on interstate and state highways, a regional or state-wide ice or snow storm would seriously threaten the safety of persons traveling on interstate and state highways and the ability of emergency vehicles to respond to emergencies;

WHEREAS, county and local resources are not capable of providing snow and ice removal services on the interstate and state roadways in a manner that adequately ensures public safety in the event of a snow or ice emergency;

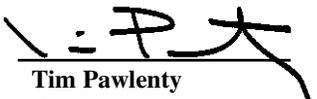
WHEREAS, it is necessary to institute training for members of the Minnesota National Guard to provide critical snow and ice removal services on interstate and state highways for the purpose of protecting individuals and property in the event state employees and other state or local resources are unable to provide critical snow and ice removal services;

NOW, THEREFORE, I hereby order that:

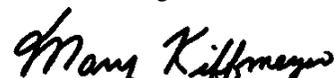
1. The Acting Adjutant General of Minnesota order to state active duty on or about October 11, 2003, in the service of the State, such personnel and equipment of the military forces of the State as required and for such period of time as necessary to accomplish training of personnel to provide emergency snow and ice removal services on interstate and state highways, including the operation of state's snow plowing equipment.
2. The Lieutenant Governor in her role as the Commissioner of Transportation, the Commissioner of Public Safety and the Commissioner of Finance shall assist the Acting Adjutant General as necessary to ensure proper training, driver qualifications, provide for variances as necessary and the appropriate reimbursement of costs associated with the training program. Any state fees necessary to qualify national guard members to perform emergency snow and ice removal services are waived.
3. The Acting Adjutant General is authorized to purchase, lease or contract goods or services necessary to accomplish the mission.
4. The cost of subsistence, transportation, fuel, pay and allowances of activated members of the Minnesota National Guard shall be defrayed from the general fund of the State, as provided for in *Minnesota Statutes* 2002, Sections 192.49, Subds. 1 and 2; 192.52, 192.54 and as otherwise permitted by law.

Pursuant to *Minnesota Statutes* 2002, Section 4.035, Subd. 2, this Order is effective immediately and shall remain in effect until such date as elements of the military forces of the State are no longer required.

IN TESTIMONY WHEREOF, I have set my hand this 13th day of October, 2003.


Tim Pawlenty
Governor

Filed According to Law:


Mary Kiffmeyer
Secretary of State

Revenue Notices

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

Department of Revenue

Revenue Notice # 03-15: Sales and Use Tax - Taxation of Incentive Items Purchased with Scrip Background

The Minnesota Tax Court, in the consolidated cases of *St. Paul Abrasives, Inc., Tri-City Distributing, Inc., Scandia Abrasives & Supplies, Inc., and M & N Supply, Inc. v. Commissioner of Revenue* (Minnesota Tax Court Docket Numbers 6815, 6817, 6816, and 6814, October 12, 1998), found that where customers were able to earn points for products purchased, the redemption of the points for various incentive items was consideration, similar to the use of trading stamps. Therefore, the sale of the incentive items was subject to sales tax based on the value of the redeemed points.

This revenue notice is being issued to set forth the department's position on when the sale of incentive items occurs, and how to calculate the sales price on which the tax is based.

Statutory Authority

Minnesota Statutes, section 297A.62, subdivision 1, provides that the sales tax is imposed upon the gross receipts from retail sales. *Minnesota Statutes*, section 297A.61, subdivision 8, provides that gross receipts means the total amount received, in money or by barter or exchange, for all sales at retail as measured by the sales price.

Minnesota Statutes, section 297A.61, subdivision 7, paragraph (a) provides that "sales price" means the measure subject to sales tax, and means the total amount of consideration, including cash, credit, property, and services, for which personal property or services are sold, leased, or rented, valued in money, whether received in money or otherwise.

Minnesota Statutes, section 297A.61, subdivision 4, paragraph (a), provides that "retail sale" means any sale, lease, or rental for any purpose other than resale, sublease, or subrent.

Issues and Positions

The Department of Revenue takes the following positions on the taxation of incentive items. For purposes of this revenue notice, the assumption is that the incentive items are otherwise subject to sales tax:

I. The Sale of an Incentive or Promotional Item Under a Program That Encourages Customers to Purchase Merchandise or Services

A. When the Sale Occur

Issue: In a sales incentive program that encourages customers to purchase merchandise or services by giving the customer points, trading stamps, box tops or other types of proof-of-purchase, scrip, etc.(hereafter "scrip") when they purchase the merchandise or services, and the customer may redeem the scrip for an incentive or promotional item (hereafter "incentive item"), when does the sale of the incentive item occur for purposes of applying sales tax?

Position: Generally, if an incentive item is transferred to a customer in exchange for consideration, it is a sale at retail and consequently is subject to tax. Consideration may be in the form of scrip, and it does not matter whether the scrip is purchased or earned by the customer or is given free to the customer. Incentive items purchased by a retailer to use in this type of sales incentive program are treated as items purchased for resale. At the time the item is transferred to the customer in exchange for scrip, with or without additional cash, sales tax is due.

B. Value of Consideration - Value of Scrip

Issue: When the customer redeems scrip in exchange for an incentive item, what is the sales price on which the sales tax is calculated?

Position: "Sales price" is the total amount of consideration, including cash, credit, property, and services, for which personal property or services are sold, leased, or rented, valued in money, whether received in money or otherwise. Scrip should have an assigned value. The sales price, where scrip is exchanged for an incentive item, is determined as follows:

- (a) If the retailer has provided a fixed value for the scrip (for example, \$5 per point), then that is the money value of the scrip, and the consideration is that fixed value plus any additional cash required for the redemption of the incentive item.
- (b) If there is no fixed value per unit of scrip, but a dollar amount is given by which the customer may purchase the item without any scrip, then the sales price is the dollar amount given.
- (c) If neither (a) nor (b) apply, but information is given as to the value in money for the item, then the sales price is the money value given.

Revenue Notices

(d) If neither (a), (b), or (c) apply, then the sales price is equal to the cost of the incentive item to the retailer.

II. Employer Incentive Programs

Issue: In an incentive program to encourage employees to perform at a certain level, or to reach a goal or sales quota [hereafter “reach a goal”], whereby an incentive item is transferred to employees or other company representatives upon reaching a goal or on redemption of points that were given when a goal was reached, when does the sale of the incentive item occur for purposes of applying sales tax?

Position: If an incentive item is transferred from a company to its employee or other company representative in recognition of and to encourage certain employee behavior, it is not a sale at retail, and thus no sale or exchange for consideration has taken place. This is not an exchange of a service by a customer in consideration for the item being sold by a vendor. Rather, the transaction is that of fringe benefit or compensation from the company to its employee for services provided. Even if the value of the incentive item is nominal, such that it would not be reportable for income tax purposes, the transaction is not subject to sales tax as it is not a sale at retail. Incentive items purchased by an employer to use in this type of incentive program are subject to sales tax when purchased. The incentive item may not be purchased exempt for resale since no further sale occurs.

Raymond R. Krause, Assistant Commissioner

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 Commerce

Presumed Legal Cigarette Prices Available As Of October 16, 2003

The presumed prices for wholesalers and retailers, as provided for by *Minnesota Statutes*, chapter 325D, are shown in this schedule. The computations are based on manufacturers' list prices. All cigarettes in a wholesaler's or retailer's inventory must be priced to reflect the new presumed prices within seven (7) calendar days after the manufacturer's price change is reflected on a purchase invoice. A wholesaler or retailer may sell for less if they can show that their actual costs of doing business are lower than the presumed minimum. Prices include “Off-Invoice” promotions, though not “Buy-Down” promotions. For questions, contact the Department of Commerce, 85 7th Place East, Suite 500, St. Paul, MN 55101.

Brand	Wholesale Cost	Retail Price	Price Per Pack
Alpine	\$ 24.94	\$ 32.58	\$ 3.26
AM Light	\$ 24.94	\$ 32.58	\$ 3.26
American Spirit	\$ 25.80	\$ 37.29	\$ 3.73
American Spirit Organic	\$ 32.60	\$ 44.64	\$ 4.46
Basic	\$ 18.44	\$ 25.56	\$ 2.56
Belair	\$ 27.64	\$ 35.50	\$ 3.55
Benson & Hedges	\$ 27.64	\$ 35.50	\$ 3.55
Best Value	\$ 16.09	\$ 23.03	\$ 2.30
Bristol	\$ 24.94	\$ 32.58	\$ 3.26
Bucks	\$ 24.94	\$ 32.58	\$ 3.26
Cambridge	\$ 24.94	\$ 32.58	\$ 3.26
Camel	\$ 27.64	\$ 35.50	\$ 3.55
Camel Exotics	\$ 32.64	\$ 40.90	\$ 4.09
Camel Rare	\$ 34.64	\$ 43.06	\$ 4.31
Capri	\$ 27.64	\$ 35.50	\$ 3.55
Carlton	\$ 27.64	\$ 35.50	\$ 3.55
Commander	\$ 27.64	\$ 35.50	\$ 3.55
CT	\$ 7.49	\$ 17.52	\$ 1.75

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Doral	\$	24.94	\$	32.58	\$	3.26
Eve	\$	27.64	\$	35.50	\$	3.55
GPC	\$	16.44	\$	23.40	\$	2.34
Gsmoke	\$	8.31	\$	18.40	\$	1.84
Jade	\$	27.64	\$	35.50	\$	3.55
Kent	\$	27.64	\$	35.50	\$	3.55
Kool	\$	20.14	\$	27.40	\$	2.74
L&M	\$	27.64	\$	35.50	\$	3.55
Lark	\$	27.64	\$	35.50	\$	3.55
Liggett Pyramid	\$	13.99	\$	20.76	\$	2.08
Liggett Select	\$	12.99	\$	19.68	\$	1.97
Magna	\$	24.94	\$	32.58	\$	3.26
Main Street	\$	8.31	\$	18.40	\$	1.84
Marlboro	\$	21.14	\$	28.48	\$	2.85
Maverick	\$	13.94	\$	20.70	\$	2.07
Max	\$	27.64	\$	35.50	\$	3.55
Merit	\$	27.64	\$	35.50	\$	3.55
Misty	\$	16.44	\$	23.40	\$	2.34
Monarch	\$	16.09	\$	23.03	\$	2.30
Montclair	\$	17.04	\$	27.83	\$	2.78
More	\$	27.64	\$	35.50	\$	3.55
Newport	\$	27.64	\$	35.50	\$	3.55
Now	\$	27.64	\$	35.50	\$	3.55
Old Gold	\$	24.94	\$	32.58	\$	3.26
Omni	\$	21.64	\$	32.80	\$	3.28
Pall Mall Box	\$	16.44	\$	23.40	\$	2.34
Parliament	\$	21.14	\$	28.48	\$	2.85
Players	\$	27.64	\$	35.50	\$	3.55
Raleigh Extra	\$	23.74	\$	31.29	\$	3.13
Salem	\$	27.64	\$	35.50	\$	3.55
Saratoga	\$	27.64	\$	35.50	\$	3.55
Satin	\$	27.64	\$	35.50	\$	3.55
Sport	\$	8.31	\$	18.40	\$	1.84
Stars & Bars	\$	24.94	\$	36.36	\$	3.64
Sterling	\$	24.94	\$	32.58	\$	3.26
Triumph	\$	27.64	\$	35.50	\$	3.55
True	\$	27.64	\$	35.50	\$	3.55
USA	\$	11.84	\$	18.44	\$	1.84
USA Gold	\$	14.94	\$	25.56	\$	2.56
Vantage	\$	27.64	\$	35.50	\$	3.55
Vegas	\$	6.50	\$	16.45	\$	1.64
Viceroy	\$	16.44	\$	23.40	\$	2.34
Virginia Slims	\$	21.14	\$	28.48	\$	2.85
Winner	\$	6.35	\$	16.29	\$	1.63
Winston	\$	27.64	\$	35.50	\$	3.55
Worth	\$	13.59	\$	20.33	\$	2.03

Official Notices

Department of Health

Public Notice under the Minnesota Communicable Disease Reporting Rule for Requesting Reporting and Specimen Submission for (1) Suspect and Probable Cases of Severe Acute Respiratory Syndrome (SARS) and (2) Cases of Health Care Workers Hospitalized for Pneumonia or Acute Respiratory Distress Syndrome

Pursuant to the "Minnesota Communicable Disease Reporting Rule" (*Minnesota Rules*, chapter 4605) and specifically *Minnesota Rules*, part 4605.7080 (2001) ("New Diseases and Syndromes"), the Minnesota Commissioner of Health, by this notice, requests reporting of (1) suspect and probable cases of Severe Acute Respiratory Syndrome (SARS)¹ in any person and (2) cases of hospitalized pneumonia or acute respiratory distress syndrome (ARDS) in health care workers who have contact with patients. In addition, the Commissioner of Health requests submission of laboratory specimens collected for diagnostic purposes from these cases.

I. Background and Rationale

SARS is a potentially fatal respiratory disease first reported in Asia in February 2003. The World Health Organization reports that, through September 23, 2003, there were 8,098 cases of SARS worldwide including 774 deaths. Countries with SARS cases during this time period include Canada, China, Germany, the Philippines, Singapore, Thailand, Vietnam, and the United States. Reappearance of SARS could occur during the influenza season of 2003-2004.

SARS is a communicable disease, though modes of transmission for SARS are not fully understood. At a minimum, the disease is spread by close contact (such as contact with respiratory secretions) with symptomatic persons. It is possible that SARS also is spread more broadly through airborne transmission or through contact with objects contaminated with infectious droplets.

At this time, there is no specific treatment for SARS. Clinical management of SARS has focused on supportive care (supplementary oxygen) and antibiotics for secondary bacterial pneumonia. As such, early identification of cases and their contacts coupled with infection control measures are critical for controlling spread of the disease.

The Commissioner of Health is requesting the reporting and specimen submission in this notice to ensure surveillance and prompt identification of potential SARS cases in Minnesota. Further, though many medical laboratories in Minnesota may have the ability to perform diagnostic tests to evaluate etiologies for community-acquired pneumonia, the Minnesota Department of Health, Public Health Laboratory (MDH-PHL), in collaboration with the U.S. Centers for Disease Prevention and Control (CDC), is the only laboratory in the state that performs SARS-specific testing including serology, polymerase chain reaction (PCR) tests, and viral isolation using CDC-validated methods and reagents. Laboratory testing is critical because SARS has symptoms that are similar to many respiratory illnesses and therefore it may be difficult to distinguish SARS from these other diseases.

Under this notice, the Commissioner of Health, in addition to requesting reporting of probable and suspect SARS cases in any person, is requesting reporting of pneumonia and ARDS in hospitalized health care workers. The rationale for this occupation-specific reporting relates to SARS transmission patterns in areas affected by the disease from February to June of 2003 and the utility of sentinel information on health care workers as a signal of potential SARS in the general population. High proportions of SARS cases were in health care workers including 22 percent of cases in Hong Kong, 43 percent of cases in Singapore, 41 percent of cases in Toronto, and 57 percent of cases in Vietnam. Health care workers are at increased risk for SARS presumably because of occupational contact with infected patients who are not yet recognized as having SARS. By heightening surveillance of health care workers, the Commissioner of Health will obtain an early signal not only of possible SARS in health care workers but also of potential transmission in the general population. Early detection is essential if a SARS outbreak is to be controlled with minimum loss of life.

II. Commissioner of Health Authority.

The Commissioner of Health has authority to issue this notice. *Minnesota Rules*, part 4605.7080, states:

"The commissioner shall, by public notice, request reporting of newly recognized or emerging diseases and describe a specific, planned mechanism for surveillance of the disease or syndrome including the submission of infectious agents isolated from cases to the Minnesota Department of Health, Public Health Laboratory."

SARS is a "newly recognized" disease within the terms of the rule. Researchers from Germany, Hong Kong, and the CDC identified SARS as a novel coronavirus through laboratory tests. The virus has been designated SARS coronavirus (SARS-CoV). SARS-CoV is genetically different from any other coronavirus previously identified in humans.

¹ Information on the evolving definition of "suspect" and "probable" SARS is available on the U.S. Centers for Disease Prevention and Control (CDC) website at <http://www.cdc.gov/ncidod/sars/casedefinition.htm>.

III. Planned Mechanism for Surveillance

When requesting reporting of a newly recognized disease under *Minnesota Rules*, part 4605.7080, the Commissioner of Health must describe a "specific, planned mechanism for surveillance of the disease or syndrome." This section sets forth that mechanism.

A. Persons and Entities Requested to Report and Submit Laboratory Specimens under this Notice

Persons and entities requested to report suspect SARS in any person, probable SARS in any person, hospitalized pneumonia in health care workers, and hospitalized ARDS in health care workers and to submit laboratory specimens under this notice are the same persons and entities required to report disease or submit specimens under the Minnesota Communicable Disease Reporting Rule. Such persons and entities are set forth in *Minnesota Rules*, parts 4605.7030, 4605.7070, and 4605.7100. The definitions of Infection Control Practitioner, Physician, and Medical Laboratory are set forth in *Minnesota Rules*, part 4605.7000. An institution, facility, or clinic may designate a single person or group of persons to report under this notice in the same manner as specified in *Minnesota Rules*, part 4605.7030, subpart 4.

B. Telephone Reporting and Specimen Submission

Probable or suspect SARS in any person, hospitalized pneumonia in health care workers, and hospitalized ARDS in health care workers should be reported immediately by telephone to the Commissioner of Health by contacting the Minnesota Department of Health Division of Infectious Disease Epidemiology, Prevention, and Control (MDH-IDEPC) at 612-676-5414 or 1-877-676-5414. This phone line operates on a 24/7 basis.

Specimens collected for diagnostic purposes for probable SARS and suspect SARS should be submitted to the MDH-PHL. For hospitalized pneumonia and hospitalized ARDS in health care workers, specimens should be submitted if requested after consultation with MDH-IDEPC. Health care providers, medical laboratories, and other persons or entities submitting specimens for any disease or syndrome covered by this notice should contact MDH-IDEPC for consultation on testing protocol and to arrange submission. Specimens may include oropharyngeal and nasopharyngeal swabs, nasopharyngeal washing (in children), lower respiratory specimens, blood, serum, stool, and other body fluids or tissues.

C. Disease Report Information

Reports of probable SARS, suspect SARS, hospitalized pneumonia in health care workers, and hospitalized ARDS in health care workers should contain the same information as is required under the Minnesota Communicable Disease Reporting Rule in *Minnesota Rules*, part 4605.7090. Item K of part 4605.7090 requires reporting of "other information pertinent to the case." When a person or entity is reporting hospitalized pneumonia or ARDS of a health care worker, they should report that the hospitalized individual is a health care worker under this item. For the purpose of reporting hospitalized pneumonia or ARDS in health care workers, the Commissioner of Health is specifically requesting reporting of hospitalized pneumonia or ARDS in health care workers who have contact with patients. These are the health care workers most likely to be affected by an unrecognized SARS case.

IV. Relationship to Other Provisions in the Minnesota Communicable Disease Reporting Rule

This notice is issued pursuant to the Minnesota Communicable Disease Reporting Rule (*Minnesota Rules*, chapter 4605). Nothing contained in this notice limits other reporting requirements or duties that persons or entities have under the Minnesota Communicable Disease Reporting Rule. Further, nothing contained in this notice limits any authority that the Commissioner of Health possesses under the Minnesota Communicable Disease Reporting Rule.

V. Privacy

Privacy of all information reported pursuant to this notice shall be treated in the same manner as other information reported under the Minnesota Communicable Disease Reporting Rule. Specifically, this information is health data and classified as private under *Minnesota Statutes*, section 13.3805, subdivision 1 (2002).

VI. Public Notice

Under *Minnesota Rules*, part 4605.7080, the Commissioner of Health must request reporting of new diseases by public notice. The Commissioner of Health is complying with this requirement by publishing this notice in the *State Register*, issuing a press release to news organizations statewide, and distributing this notice to local public health agencies, hospital infection control practitioners, infectious disease physicians, and laboratory directors.

VII. Effective Date for Reporting

The Commissioner of Health requests reporting under this notice effective November 7, 2003.

VIII. Contact Information

Persons or entities with questions about this notice should contact the Minnesota Department of Health Division of Infectious Disease Epidemiology, Prevention, and Control at (612) 676-5414 or 1-877-676-5414.

Dated: October 20, 2003

Dianne Mandernach
Commissioner of Health
St. Paul, Minnesota

Official Notices

Metropolitan Council

Notice of Public Hearing on: *2030 Regional Development Framework*

The Metropolitan Council will hold two public hearings on **December 3, 2003** to receive comments on **2030 Regional Development Framework**, the keystone chapter and unifying theme of the Council's **Development Guide** for the seven-county Twin Cities.

2030 Framework is a plan to accommodate forecasted growth of the region over the next 30 years. It is the umbrella statement of regional policies, goals and strategies that will inform the Council's system plans for airports, transportation, regional parks, and wastewater service, as well as other policy plans adopted by the Council.

2030 Framework sets several new directions and integrates them into overall, comprehensive strategies. The strategies focus attention on the patterns of land uses, recognize that transportation and land use influence each other, offer greater flexibility in the location of new development in growing communities, encourage reinvestment in older areas throughout the region, encourage market-based housing production that reflects market demand, shifting demographics, employment locations and diversity of incomes, and encourage the use of the metro-wide natural resources inventory and assessment to foster development that is more sensitive to the environment.

The **2030 Framework** Public Hearing draft is available on the Council's website at: www.metrocouncil.org/planning/framework/overview.htm. Printed copies are available at no charge from the Council's Data Center, 230 East 5th Street, St. Paul. Call (651) 602-1140 or email: datacenter@metc.state.mn.us.

Beginning November 10, 2003 the Council will hold a series of four **2030 Framework** information meetings at sites throughout the metropolitan area for the purpose of providing an overview of the **2030 Framework**:

- Mon., Nov. 10, Blaine City Hall, 10801 Town Square Dr., Blaine, 7 - 8:30 p.m.
- Wed., Nov., 12, Scott County Courthouse, 200 4th Ave. W., Shakopee, 7 - 8:30 p.m.
- Thurs., Nov. 20, Metro Transit Heywood Offices, 560 6th Ave., N., Minneapolis, 6:30 - 8 p.m.
- Fri., Nov. 21, Maplewood Community Ctr., 2100 White Bear Ave., Maplewood, 7:30 - 9 a.m.

Metropolitan Staff will also be at the following locations to provide more information:

- Thurs., Nov. 13, Hennepin County Gov't. Center Skyway, Minneapolis, 11 a.m. - 1 p.m.
- Tuesday, Nov. 18, 5th St. Center Skyway, St. Paul, 11 a.m. - 1 p.m.

The public hearing will be conducted in two locations on **Wednesday, Dec. 3, 2003**.

Times and locations are:

- 11:30 a.m. - 1:30 p.m. at the Metro transit Heywood Office Building, 560 Sixth Ave. N., Minneapolis
- 3 - 6 p.m. Mears Park Centre, 230 E. 5th St., St. Paul

Upon request, the Council will provide reasonable accommodations to persons with disabilities. Please call the Data Center, (651) 602-1140 with your request at least five working days before the hearings.

The procedure for the hearing will be as follows:

- Persons will be called to speak in the order in which they have registered. Individuals may register to speak in advance by calling (651) 602-1140.
- Individuals will have 3 minutes each and designated representatives of groups will have 5 minutes. Once all speakers have presented, speakers may request additional time to make further comments.
- The chair of the hearing shall have the discretion in limiting or extending testimony by any person.

You may also submit comments for the official record in one of the following ways:

- Comment card: available at the Public Previews
- Mail: Metropolitan Council Data Center, 230 East 5th Street, St. Paul, MN 55101
- Public Comment Line: (651) 602-1500
- Fax: (651) 602-1464
- Email: data.center@metc.state.mn.us
- TTY: (651) 291-0904

Comments will be accepted until 5 p.m., December 13, 2003. At the close of the public comment period, the Council will prepare a hearing summary. To request a copy of the hearing summary call the Data Center at (651) 602-1140, or (651) 291-0904 (TTY). The Council plans to adopt the **2030 Framework** on January 14, 2004.

State Contracts

Informal Solicitations: Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) website. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD website at www.mmd.admin.state.mn.us for informal solicitation announcements.

Formal Solicitations: Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

Colleges and Universities, Minnesota State (MnSCU)

Inver Hill Community College

Notice of Request for Proposals for Campus Mall Project - Schematic Design through Construction Administration

Inver Hills Community College (IHCC) requests proposals from Registered Landscape Architects to provide Schematic design through Construction Administration of our campus mall. We are looking to re-design our central mall with construction taking several stages to complete. The successful firm will need to deal with lighting, draining and load issues so Civil, Electrical and Structural engineers will be required to be part of the team during all phases of this project. We are anticipating the first stage of construction to be completed prior to August 1, 2004. For a copy of the Request for Proposal contact:

Patrick Buhl
Director of Facilities Planning and Management
Inver Hills Community College
2500 East 80th Street
Inver Grove Heights, MN 55076-3224
Office: (651) 450-8536
Fax: (651) 554-3706
Email: pbuhl@inverhills.edu

Written responses must be received no later than 9 a.m. Central Standard Time on November 17, 2003. Late responses will not be considered.

Department of Employment and Economic Development

Minnesota Office of Tourism

Request for Proposals for Development and Operation of Minnesota Travel Information Kiosk System

The Minnesota Office of Tourism (MOT), a division of the state Department of Employment and Economic Development, is requesting cost proposals with project plans to develop and operate a system of interactive web based travel information kiosks at information centers located throughout the state. The project calls for a development period followed by four years of operations. MOT is specifically looking for proposals with creative, entrepreneurial approaches to making the kiosk system an effective and economically sound public service, and profitable as a business venture, including but not limited to those approaches outlined in this request for proposal.

Work is proposed to start after Jan. 1, 2004, once a completed contract is in place.

For more information and/or a copy of the complete Request for Proposals, contact:

James Riemermann
Minnesota Office of Tourism
100 Metro Square
121 Seventh Place East
St. Paul, MN 55101-2112
Direct phone/voice mail: (651) 297-2077
Email: james.riemermann@state.mn.us

NOTE: No other personnel are authorized to discuss this contract or request for proposals. The proposal deadline is Nov. 24, 2003, 2:30 pm. Only hard copies of written proposals will be considered, and proposals received after the deadline will not be considered.

State Contracts

Department of Human Services

Request for Proposals for a Contractor to Provide Services to the Minnesota New Hire Reporting Center

The Minnesota Department of Human Services, Child Support Enforcement Division, is seeking a qualified contractor to provide data entry, outreach and reporting services for the State's new hire reporting program.

The purpose of the new hire reporting program is to locate child support obligors through their employer's reporting of newly hired, rehired or recalled employees and independent contractors. The information collected from employers enables the State to establish paternity or child support orders and to withhold court-ordered payments from the obligor's income. This information is also used for purposes of statistical reporting and fraud detection in cooperation with various federal and state agencies.

Contractor must have experience with and knowledge of the new hire reporting program and expertise in data verification, data entry, imaging transmission, magnetic and electronic data transmission, facsimile transmission, interactive voice response system ("IVR"), web-based transmission, and quality control.

The deadline for submitting proposals is December 22, 2003. To receive a full copy of the Request for Proposals contact the Minnesota Department of Human Services at the following address:

Minnesota Department of Human Services
Attention: Patrick Kontz
444 Lafayette Road
St. Paul, MN 55155-3846
Phone (651) 296-8806
patrick.kontz@state.mn.us

Department of Natural Resources

Notice of Availability of Contract for Fort Ridgely State Park Golf Course Reconstruction

The Minnesota Department of Natural Resources, Division of Parks is requesting proposals for the purpose of the redesign of a nine-hole golf course, design of new irrigation system, design of associated parking lots and practice greens, preparation of construction bid documents, administration of reconstruction contract.

Work is proposed to start after November 3, 2003.

A Request for Proposal will be available by mail from this office through October 29, 2003. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After October 29, 2003, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Kim Montgomery, Contract Consultant
DNR Facilities and Operations Support Bureau
500 Lafayette Road, Box 29
St. Paul, MN 55155-4029
kim.montgomery@dnr.state.mn.us
(651) 297-4902 **PHONE**
(651) 297-5818 **FAX**

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 4:00 p.m., Central Time, November 3, 2003. **Late proposals will not be considered.** Fax or e-mailed proposals will **NOT** be considered.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Department of Public Safety

Bureau of Criminal Apprehension

Request for Proposals for Public Computerized Criminal History (CCH) on the Internet Project

The Minnesota Department of Public Safety, Bureau of Criminal Apprehension, Criminal Justice Information Systems (State) section is requesting proposals from professional/technical contractors for the purpose of managing, analyzing, designing, developing,

and implementing a web-based application to allow the public Internet access to Minnesota public criminal history data for a fee. Public defenders will also have access to the system but free of charge. Contractor's systems developers for this project must have at least 5 years experience in developing applications on the Internet as well as 3 years experience with OOAD/UML, and a minimum of 3 years managing web-based applications. The contract is anticipated to begin December 1, 2003, and be completed by June 1, 2004. Details are contained in a complete Request for Proposal which may be obtained by calling or writing:

Denise Katchmark
MN Dept of Public Safety
Bureau of Criminal Apprehension - CJIS Section
1246 University Avenue
St. Paul, Minnesota 55104
E-mail: Denise.Katchmark@state.mn.us
Telephone: (651) 632-5188

An e-mail request is preferred. Final date for submitting proposals is November 17, 2003, by 2:00 P.M. Central Standard Time. Late proposals will not be considered. Faxed or e-mailed proposals will not be considered.

This request does not obligate the State to complete the work contemplated in this notice and the State reserves the right to cancel this solicitation if it is considered to be in the State's best interest. All expenses incurred in responding to this RFP shall be borne by the responder.

Department of Transportation

Program Support Group

Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (the "Consultant Pre-Qualification Program")

This document is available in alternative formats for persons with disabilities by calling Robin Valento at (651) 284-3622 for persons who are hearing or speech impaired by calling the Minnesota Relay Service at (800) 627-3529.

Mn/DOT, working in conjunction with the Consultant Reform Committee, the Minnesota Consulting Engineers Council, and the Department of Administration, has developed the Consultant Pre-qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT anticipates that most consultant contracts for highway-related technical activities will be awarded using this method, however, Mn/DOT also reserves the right to use RFP or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to complete or use the Consultant Pre-qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT's Consultant Services web site, indicated below, to see which highway related professional/technical services are available at this time. Following the advertisement of a particular category of services, applications will be accepted on a continual basis.

All expenses incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program information, application requirements and application forms are available on Mn/DOT's **web site** at <http://www.dot.state.mn.us/consult>

Send completed application material to:

Robin Valento
Pre-Qualification Administrator
Minnesota Department of Transportation
Consultant Services
395 John Ireland Boulevard, Seventh Floor North, Mail Stop 680
St. Paul, MN 55155

Note: DUE DATE: APPLICATION MATERIAL WILL BE ACCEPTED ON A CONTINUAL BASIS.

State Contracts

Department of Transportation

Engineering Services Division

Notice Concerning Professional/Technical Contract Opportunities

NOTICE TO ALL: The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT's Consultant Services **website** at: www.dot.state.mn.us/consult.

New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

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 editor for further details.

Metropolitan Council - Metro Transit

Sealed Bids Sought for Two Snow Plowing Services Contracts

Metro Transit, a division of the Metropolitan Council, is soliciting sealed bids for two snow plowing contracts: snow plowing at various transit facilities along I-394 and snow plowing at the Cottage Grove Park & Ride Lot. These contracts will be for one-year term, with options for a second year and a third year. Bids are due at 2:00 p.m. on October 30, 2003 for the Cottage Grove Park & Ride Lot and at 2:00 p.m. on October 31, 2003 for the I-394 facilities.

Bids must be submitted in accordance with the Invitation for Bids documents available.

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

University of Minnesota

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

The University of Minnesota offers 24 hour/day, 7 day/week access to all Request for Bids/Proposals through its web based Bid Information Services (BIS). Subscriptions to BIS are \$75/year. Visit our web site at bidinfo.umn.edu 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 the Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls., MN 55454.



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The *Minnesota State Register* is published every Monday, unless there is a State holiday, in which case it is published on Tuesday. It includes:

- **Minnesota Rules** - proposed, adopted and exempt.
- **Official Notices** - including requests for outside opinions, revenue notices, executive orders, meetings, vacancies in agencies, etc.
- **Professional, Technical and Consulting Contracts** - including architecture and engineering, auditing/financial evaluation, construction, medical/dental/psychiatric services, testing, planning, photographic, graphic design, and many others
- **State Grants and Loans**

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