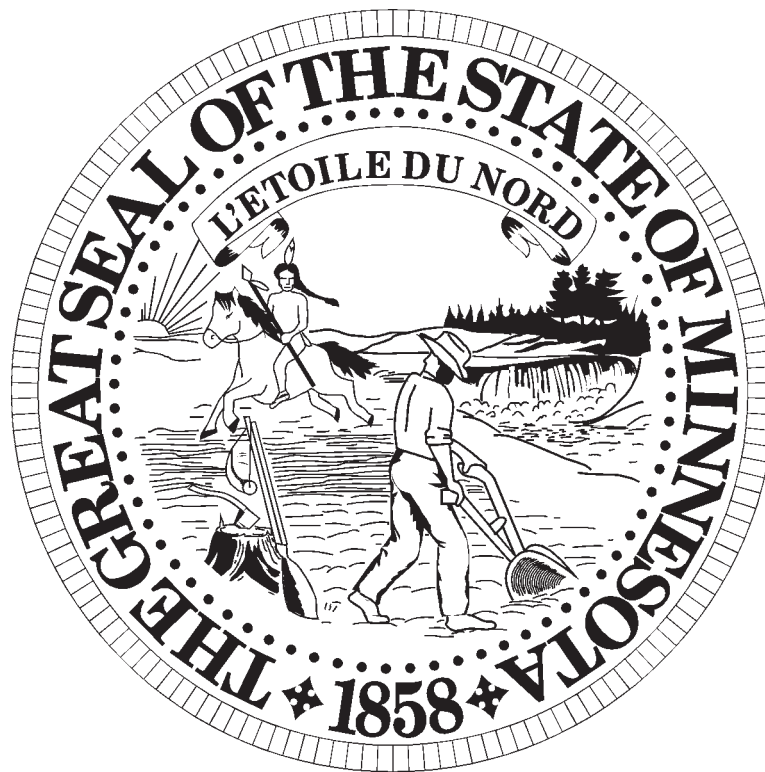


State of Minnesota

State Register



Rules and Official Notices Edition

Published every Monday (Tuesday when Monday is a holiday)
by the Department of Administration – Communications Media Division

Monday 3 January 2005
Volume 29, Number 27
Pages 775 - 802

State Register

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

The *State Register* is the official publication of the State of Minnesota, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes* § 14.46. The *State Register* contains:

- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
- certificates of assumed name, registration of insignia and marks

PUBLISHING NOTICES IN THE *State Register*: Submit TWO COPIES of your notice, typed double-spaced. State agency submissions must include a "State Register Printing Order" form, and a "Certification/Internal Contract Negotiation" form with contracts for professional, technical and consulting services. Non-State Agencies should submit TWO COPIES, with a letter on your letterhead stationery requesting publication and date to be published. FAXED submissions to (651) 297-8260 are received to meet deadline requirements, but must be followed by originals and applicable forms or letters to be accepted. The charge is \$14.40 per tenth of a page (columns are seven inches wide). About 2-1/2 pages typed double-spaced on 8-1/2"x11" paper equal one typeset page in the *State Register*. Contact the editor if you have questions.

SUBSCRIPTION SERVICES:

Copies are available at Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155. Order by phone: Metro area: (651) 297-3000 Toll free (800) 657-3757. TTY relay service phone number: (800) 627-3529. **NO REFUNDS.** Subscribers who do not receive a copy of an issue should notify the *State Register* Subscription Office immediately at (651) 297-8774. Copies of back issues may not be available more than two weeks after publication. Both editions are delivered postpaid to points in the United States, Periodicals Postage Paid for the *State Register* at St. Paul, MN, first class for the *Solicitation Announcements*. **POSTMASTER:** Send address changes to Minnesota's Bookstore, 660 Olive Street, St. Paul, Minnesota 55155. See the *State Register* and *Solicitation Announcements* at website: <http://www.comm.media.state.mn.us> Click on "Minnesota's Bookstore."

- *State Register*: On-line subscription – \$180, includes links, index, sidebar table of contents and *State Register* SENT TO YOU via Email.
- 13-week trial subscription to the *State Register* - \$65.00.
- Single issues are available for a limited time: *State Register* \$5.00.
- "Affidavit of Publication" costs \$10.00 and includes a notarized "Affidavit" and a copy of the issue.

Printing Schedule and Submission Deadlines			
Vol. 29		Deadline for: Emergency Rules, Executive and	
Issue Number	PUBLISH	State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for Both Adopted and Proposed RULES
	DATE		
#27	Monday 3 January 2005	NOON MONDAY 27 DECEMBER	Noon Wednesday 22 December
#28	Monday 10 January	Noon Tuesday 4 January 2005	Noon Wednesday 29 December
#29	TUESDAY 17 JANUARY	Noon Tuesday 11 January	Noon Wednesday 5 January 2005
#30	Monday 24 January	Noon Tuesday 18 January	Noon Wednesday 12 January

Copyright © 2005 Communications Media Division, Department of Administration, State of Minnesota.

Publication Number: 326630 (ISSN 0146-7751)

THE STATE REGISTER IS PUBLISHED by Communications Media Division, Department of Administration, State of Minnesota, pursuant to *Minnesota Statutes* § 14.46 and is available at the main branch of county libraries in Minnesota and all "State Depository Libraries": State University and Community College libraries; the University of Minnesota libraries; St. Paul, Minneapolis and Duluth Public Libraries; the Legislative Reference Library; State Law Library; Minnesota Historical Society Library; and the Library Development Service at the State Department of Education.

Tim Pawlenty, Governor (651) 296-3391

Carol L. Molnau, Lt. Governor (651) 296-3391

Mike Hatch, Attorney General (651) 297-4272

Patricia Anderson, State Auditor (651) 297-3670

Mary Kiffmeyer, Secretary of State (651) 296-2079

Department of Administration:

Dana B. Badgerow, Commissioner (651) 296-1424

Communications Media Division:

Mary Mikes, Director (651) 297-3979

State Register:

Robin PanLener, editor (651) 297-7963

John Mikes, assistant editor (651) 297-4616

Jessie Rahmeyer, subscriptions (651) 297-8774

Minnesota Legislative Information

Senate Public Information Office (651) 296-0504

State Capitol, Room 231, St. Paul, MN 55155

Website: www.senate.leg.state.mn.us/departments/secretary/seninfo.htm

House Public Information Services (651) 296-2146: State Office Building,

Room 175, Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155

Website: www.house.leg.state.mn.us/hinfo/hinfo.htm

Federal Register

Office of the Federal Register (202) 512-1530; or (888) 293-6498

U.S. Government Printing Office – Fax: (202) 512-1262

Website: http://www.access.gpo.gov/su_docs/aces/aces140.html

Minnesota State Court System

Court Information Office (651) 296-6043

Minnesota Judicial Center, Room 135, 25 Rev. Dr. Martin Luther King Jr Blvd.,

St. Paul, MN 55155 Website: www.courts.state.mn.us

Minnesota Rules: Amendments & Additions

Monday 3 January 2005, Volume 29, #27..... 778

Proposed Rules

Housing Finance Agency

Proposed Permanent Rules Relating to Housing Finance..... 779

Proposed Permanent Rules Relating to Housing Trust Fund..... 784

Official Notices

Aging Board

Meetings of the Minnesota Board on Aging..... 792

Human Services Department

Updated List of All Drugs Requiring Authorization as a Condition
of Minnesota Health Care Programs Payment..... 792

Pollution Control Agency

Public Notice for the National Pollutant Discharge Elimination
System (NPDES) / State Disposal System (SDS) General
Permit for Authorization to Operate a Stabilization Pond
Wastewater Treatment Facility..... 793

State Grants & Loans

Aging Board

Request for Proposals to Provide Outreach and Information
Services..... 794

Human Services Department

Deaf and Hard of Hearing Services Division: Notice of Request
For Proposals to Provide Mental Health Services for Deaf,
Deafblind and Hard of Hearing Consumers..... 794

State Contracts

Administration Department

Notice of Availability of Contracts for Pharmaceutical
Prescription-Filling Services..... 795

Commerce Department

Notice of Availability of Contract for the Commerce License
Application and Examination Services Project..... 796

Higher Education Services Office

Higher Education Services Office (HESO) Announces Advanced
Notice of MnLINK RFP..... 796

Minnesota Secretary of State

Request for Proposals for Profile Imaging..... 797

Transportation Department

Engineering Services Division: Potential Availability of Contracting
Opportunities for a Variety of Highway Related Technical Activities
(the "Consultant Pre-qualification Program")..... 797

Engineering Services Division: Professional/Technical Contract
Opportunities..... 798

Non-State Contracts & Grants

Anoka County

Request for Proposals for Assistance in Selecting
a Professional Services and Software Vendor..... 798

Hennepin County Designer Selection Committee

Advertisement for Design and Construction Consulting Services.... 799

Minnehaha Creek Watershed District

Notice of Call for Bids for Gideon Glen Wetland Restoration..... 799

Minnesota State Court, 4th Judicial District (Hennepin County)

Request for Proposal for a Digital Audio Recording System..... 800

University of Minnesota

Bid Information Service (BIS) Available for All Potential
Vendors..... 800

Request for Proposal for Consultant to Conduct Environmental
Reviews for New Football Stadium..... 800

Commodity, Service and Construction Contracts information is
available from the Materials Management Helpline
(651) 296-2600, or Web site: www.mmd.admin.state.mn.us
Information or subscriptions to the *State Register* is available
through Minnesota's Bookstore (651) 297-3000, or (800)
657-3757, Web site: www.minnesotasbookstore.com

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.

Volume 29, Issue #27

(Issues #1 - 26 appeared in Issue #26, December 27, 2004)

Housing Finance Agency

4900.0010; .0630; .1929; .2400; .2420; .2440; .2460; .2480; .2520; .2540; .2560; .2580; .2620; .3648 (proposed).....	779
4900.0030; .0040; .3610 s. 9, 10 (proposed repealer).....	779
4900.3705; .3710; .3726; .3727; .3730; .3731; .3742; .3743; .3745; .3760; .3762; .3763; .3764; .3766; .3767; .3768; .3769 (proposed).....	784

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*.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Minnesota Housing Finance Agency

Proposed Permanent Rules Relating to Housing Finance

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 of Rules Governing the: MHFA Board of Directors, *Minnesota Rules* 4900.0030, 4900.0040; Capacity-Building Revolving Loan Program, *Minnesota Rules* 4900.1925 to 4900.1930; Economic Development and Housing Challenge Program, *Minnesota Rules* 4900.3610, 4900.3648; Minnesota Urban and Rural Homesteading Program, *Minnesota Rules* 4900.2400 to 4900.2600; Rehabilitation Loan Program, *Minnesota Rules* 4900.0010 Subp. 23D and 4900.0630 Subp. 3

Introduction. The Minnesota Housing Finance Agency intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on February 8, 2005, a public hearing will be held in the State Street conference room, Park Square Court, 400 Sibley St., St. Paul, MN 55101, starting at 9:30 a.m., Tuesday, February 22, 2005. 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 February 8 and before February 22, 2005.

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 Diane Sprague at MHFA, 400 Sibley St., #300, St. Paul, MN 55101, **telephone:** (651) 296-2257, **FAX:** (651) 296-8139, and **e-mail:** diane.sprague@state.mn.us. **TTY** users may call MHFA at (651) 297-2361.

Subject of Rules and Statutory Authority. The proposed amendment are:

- **Board of Directors:** Deleting current rules for how meetings are set and substituting the state's Open Meeting Law requirements;
- **Capacity-Building Revolving Loan Program:** Clarifying that construction is a permitted use;
- **Economic Development and Housing Challenge Program:** Deleting definitions and procedures involving the now-disbanded Economic Vitality and Housing Initiative regional advisory groups;
- **Minnesota Urban and Rural Homesteading Program:** Clarifying that new construction is a permitted use under certain circumstances;
- **Rehabilitation Loan Program:** Clarifying the definition of low and moderate income used in eligibility determination.

The statutory authority to adopt rules is *Minnesota Statutes*, section 462A.06, subdivisions 4 and 11. A copy of the proposed rules is published in the *State Register*.

Comments. You have until 4:30 p.m. on Tuesday, February 8, 2005, 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. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Proposed Rules

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 Tuesday, February 8, 2005. 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 when 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 valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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, 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, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed.

Cancellation of Hearing. The hearing scheduled for February 22, 2005, 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) 296-2257 after February 8, 2005, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the 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 Beverly Jones Heydinger is assigned to conduct the hearing. Judge Heydinger can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone: (612) 341-7606, 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 must relate to the proposed rules.

You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day rebuttal period.

All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. 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 rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

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

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone: (651) 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, 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

Proposed Rules

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 the rules are filed with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

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

Dated: 22 December 2004

Timothy Marx
Commissioner

4900.0010 DEFINITIONS.

[For text of subps 1 to 22, see M.R.]

Subp. 23. **Persons and families of low and moderate income.** “Persons and families of low and moderate income” means:

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

D. With respect to home improvement grants and rehabilitation loans pursuant to parts 4900.0610 to 4900.0700 and accessibility loans pursuant to parts 4900.0750 to 4900.0780 to be made by the agency, those persons and families whose assets do not exceed \$25,000, and with respect to rehabilitation loans defined in part 4900.0610 as revolving loans and accessibility loans defined in part 4900.0770 as deferred loans, those persons and families whose adjusted ~~income does~~ incomes do not exceed ~~\$18,000~~ the limit stated in part 4900.0630, subpart 3.

[For text of items E and F, see M.R.]

[For text of subps 24 and 25, see M.R.]

4900.0630 ELIGIBLE RECIPIENTS OF REHABILITATION GRANTS AND LOANS.

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

Subp. 3. **Person of low and moderate income.** Each recipient must be a person or family of low or moderate income. “Low or moderate income” is defined as income not to exceed ~~the greater of state or area~~ 30 percent of median income adjusted for household size for the Minneapolis-St. Paul Metropolitan Statistical Area as determined by the United States Department of Housing and Urban Development.

[For text of subps 4 to 7, see M.R.]

4900.1929 ELIGIBLE USES OF LOAN FUNDS.

All expenses must be reimbursable under the sources of financing proposed for the project. The following are eligible uses of loan funds:

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

E. earnest money or option deposits on land and buildings; ~~and~~

F. other activities necessary to finance, design, or plan a specific housing project for low and moderate income residents prior to the construction or rehabilitation of the project;

G. development costs including acquiring land or buildings; and

H. other activities permitted by statute.

4900.2400 SCOPE.

Parts 4900.2400 to ~~4900.2600~~ 4900.2620 govern the implementation of the urban and rural homesteading program under *Minnesota Statutes*, section 462A.057.

4900.2420 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4900.2400 to ~~4900.2600~~ 4900.2620 have the meanings given them in this part.

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

Subp. 6. **Designated area.** “Designated area” means a specific area where the acquisition; ~~and~~ rehabilitation, or acquisition, demolition and construction, and sale of eligible properties may take place under the program.

[For text of subp 7, see M.R.]

Subp. 8. **Eligible property.** “Eligible property” means a single family residential property, located within a designated area, that is vacant, condemned, abandoned, or identified as desirable for purchase and rehabilitation or for purchase, demolition, and construction by the eligible organization for appropriate reasons cited by the eligible organization which, if rehabilitated or demolished and constructed, may prevent or arrest the spread of blight.

[For text of subp 9, see M.R.]

Subp. 9a. **Gross income.** “Gross income” means total income received by all household members from all sources.

Subp. 10. **Initial acquisition cost.** “Initial acquisition cost” means the actual costs incurred in acquiring and rehabilitating an eligible property or acquiring and demolishing an eligible property and constructing a new singlefamily

Proposed Rules

residence under the program and includes back taxes ~~and~~, closing costs, ~~and~~ appropriate developer fees.

Subp. 11. **Local neighborhood advisory board or advisory board.** “Local neighborhood advisory board” or “advisory board” means a volunteer board established by the eligible organization in accordance with parts 4900.2400 to ~~4900.2600~~ 4900.2620.

Subp. 12. **Program.** “Program” means the urban and rural homesteading program administered under parts 4900.2400 to ~~4900.2600~~ 4900.2620.

4900.2440 URBAN AND RURAL HOMESTEADING PROGRAM.

Subpart 1. **Purpose of program.** The urban and rural homesteading program provides grants to eligible organizations to acquire and rehabilitate existing singlefamily residences, or to acquire and demolish eligible properties and construct new singlefamily residences, and sell them through contracts for deed to eligible homebuyers who are considered to be at risk and are willing to strengthen the neighborhood by adhering to a good neighbor policy reference.

Subp. 2. **Uses of grant money.** The grants must be used by eligible organizations to buy eligible properties and pay for the cost of acquiring and rehabilitating those properties, or acquiring and demolishing those properties and constructing new singlefamily homes. The agency may establish an allocation plan for the program to provide for the greater likelihood of awarding such grants among urban and rural properties. The agency may establish a priority that new construction is only permitted on a casebycase review. The agency may also establish requirements pertaining to maximum allowable administrative costs under the program, but in no instance may the administrative costs exceed ten percent of the amount awarded per eligible organization from funds appropriated for the program during the period of acquisition, rehabilitation, or as permitted, demolition and construction, and sale.

4900.2460 APPLICATION BY ELIGIBLE ORGANIZATION.

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

Subp. 2. **Application.** The applicant must provide an application on a form prescribed by the agency that will document the entity’s ability to develop and maintain the program as provided under parts 4900.2400 to ~~4900.2600~~ 4900.2620.

At a minimum, this application shall include:

[For text of items A and B, see M.R.]

C. a detailed description of how the applicant proposes to develop and administer the program, including, but not limited to:

[For text of subitems (1) to (3), see M.R.]

(4) the structure and specific duties of the local neighborhood advisory board as described in parts 4900.2400 to ~~4900.2600~~ 4900.2620;

[For text of subitems (5) to (8), see M.R.]

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

4900.2480 SELECTION OF ELIGIBLE ORGANIZATION.

Subpart 1. **Criteria.** The agency shall take the following criteria into consideration when determining whether an applicant will receive a grant under the program.

[For text of items A and B, see M.R.]

C. The documented availability on reasonable terms and conditions of both eligible properties and resources through which the properties may be rehabilitated, or as permitted, demolished and constructed, within the designated area identified by the applicant in the application.

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

E. The availability of outside sources of funds for either administrative costs or to provide for purchase, rehabilitation, or as permitted, purchase, demolition, and construction, and sale of properties under the program, or both.

[For text of items F and G, see M.R.]

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

4900.2520 ELIGIBLE PROPERTIES.

Subpart 1. **General.** Eligible properties are to be acquired by the eligible organization for rehabilitation, or for demolition and construction, and sale to atrisk homebuyers with the input of the local neighborhood advisory board for the designated area. The eligible organization may initially acquire up to five properties in a designated area with funds appropriated for the program or may acquire more than five properties if funds other than appropriated funds are used. Mobile homes, townhomes in planned unit developments, and condominium units are not eligible under the program. Upon sale of the property, clear and marketable title subject to the contract for deed described in part 4900.2560 must be provided to the homebuyer.

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

Subp. 2a. **New construction standards.** Newly constructed properties shall comply with the building code standards enforced in the jurisdiction where the property is located. As requested, administrators shall provide the agency with a description of the standards to be followed.

Proposed Rules

Subp. 3. **Appraisal.** Eligible properties must be appraised after the completion of rehabilitation work or construction by an appraiser approved to conduct appraisal for the Federal Housing Administration, Veterans Administration, Federal National Mortgage Association, or Federal Home Loan Mortgage Corporation. The purchase price for the eligible or newly constructed property to be paid by the atrisk homebuyer must be less than or equal to 125 percent of the appraised value of the eligible property after rehabilitation or construction.

Subp. 4. **Acquisition and rehabilitation or acquisition, demolition, and construction costs.** The total cost of the acquisition, rehabilitation, and closing costs must be no greater than an amount equal to 90 percent of the home sale price limitation established for the agency's home mortgage programs for limited unit developments. Acquisition, demolition, and construction projects must comply with these limits; in addition, acquisition, demolition, and construction of a property is only permitted on a casebycase basis where the demolition and construction is less expensive than acquisition and rehabilitation of the property would be. The maximum may be exceeded if the excess costs are attributed to rehabilitation or improvements to make the property handicap accessible.

4900.2540 ELIGIBLE HOMEBUYERS.

An individual or family eligible to purchase a home under the program must be an atrisk homebuyer as described in part 4900.2420, subpart 5, and must also:

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

B. have gross household income before the date of execution of the contract for deed at or below limits established by the eligible organization, but in no instance may such income limits be established at a level higher than 80 percent of the greater of state or area median income as determined and adjusted from time to time by the United States Department of Housing and Urban Development;

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

D. agree to either apply 25 percent of their adjusted gross monthly household income or ten percent of their gross monthly household income, whichever is greater, to the debt incurred under the contract for deed; and

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

4900.2560 CONTRACT FOR DEED.

The agency shall establish the terms and conditions for the contract for deed to be used to convey the rehabilitated or newly constructed property from the eligible organization to the atrisk homebuyer. The terms and conditions shall reflect state law pertaining to such documents, the requirements of *Minnesota Statutes*, section 462A.07, and parts 4900.2400 to ~~4900.2600~~ 4900.2620 pertaining to the program, and specific requirements of the program as implemented by the eligible organization.

4900.2580 REVOLVING FUND.

The eligible organization shall repay to the agency, without interest, all grant funds advanced to it under the agreement executed for the program to the extent and manner provided in the agreement. The agreement shall provide for establishment of a revolving fund into which all loan repayments, sales proceeds, or recaptured funds must be repaid. The revolving fund shall provide that repayment to the agency may be deferred if the eligible organization elects to acquire, rehabilitate, or as permitted, demolish and construct, and sell additional eligible properties under the program. The agency may also provide for payment of certain administrative and other costs from the revolving fund, and may establish other requirements pertaining to the revolving fund under the agreements with the eligible organization.

4900.2620 FEDERAL REGULATION PRIORITY.

Grants in whole or in part may be made to eligible organizations using Home Investment Partnership Program (HOME) funds allocated to the agency by the United States Department of Housing and Urban Development. Should current or future HOME regulations conflict with parts 4900.2400 to 4900.2620 in implementing the program, federal requirements shall be followed.

4900.3648 SELECTION STANDARDS.

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

Subp. 4. **Other considerations.**

~~A. To the extent that economic vitality and housing initiative guidelines have been reviewed by the economic vitality and housing initiative group within the two years prior to the applicable application deadline and do not conflict with *Minnesota Statutes*, section 462A.33, the agency shall consider whether the applicant meets threshold criteria established in the economic vitality and housing initiative guidelines. The agency shall also consider priorities established in the economic vitality and housing initiative guidelines.~~

~~B. For proposals for housing for homeless or households at risk of becoming homeless persons, the agency shall consider whether the application is consistent with priorities stated in the applicable continuum of care plan.~~

REPEALER. *Minnesota Rules*, parts 4900.0030; 4900.0040; and 4900.3610, subparts 9 and 10, are repealed.

Proposed Rules

Minnesota Housing Finance Agency (MHFA)

Proposed Permanent Rules Relating to Housing Trust Fund

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 of Rules Governing the MHFA Housing Trust Fund, *Minnesota Rules* 4900.3700 to 4900.3769

Introduction. The Minnesota Housing Finance Agency intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on February 8, 2005, a public hearing will be held in the State Street conference room, Park Square Court, 400 Sibley St., St. Paul, MN 55101, starting at 1:30 p.m. on Tuesday, February 22, 2005. 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 February 8 and before February 22, 2005.

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 Diane Sprague at MHFA, 400 Sibley St., #300, St. Paul, MN 55101, **telephone:** (651) 296.2257, **FAX:** (651) 296-8139, and **e-mail:** diane.sprague@state.mn.us. **TTY** users may call MHFA at (651) 297-2361.

Subject of Rules and Statutory Authority. The rules proposed for amendment cover operations of the Housing Trust Fund, the agency's prime resource for providing flexible multifamily financing. The Fund originally made only capital loans with little or no interest charged and often little or no repayment required. Legislation passed in 2001 and rules approved in 2002 enable it to additionally provide property operating subsidy financing and tenant rental assistance.

The proposed amendments fine-tune programming after the initial period of expanded operations and incorporate authorities needed to embark on a near-decade-long Governor's Initiative aimed at ending long-term homelessness. The statutory authority to adopt the rules is *Minnesota Statutes*, section 462A.06, subdivisions 4 and 11. A copy of the proposed rules is published in the *State Register*.

Comments. You have until 4:30 p.m. on Tuesday, February 8, 2005, 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. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. 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 Tuesday, February 8, 2005. 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 when 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 valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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, 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, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed.

Cancellation of Hearing. The hearing scheduled for February 22, 2005, 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) 296-2257 after February 8, 2005, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the 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 Beverly Jones Heydinger is assigned to conduct the hearing. Judge Heydinger can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **telephone:** (612) 341-7606, 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

Proposed Rules

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 must relate to the proposed rules.

You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day rebuttal period.

All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. 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 rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

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

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, **telephone:** (651) 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, 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, the Administrative Law Judge will issue a report on the proposed rules after the close of the hearing record. 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 the rules are filed with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

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

Dated: 22 December 2004

Timothy Marx
Commissioner

4900.3705 DEFINITIONS.

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

Subp. 5. **Assisted unit.** "Assisted unit" means a unit of housing that complies with part ~~4900.3725~~ 4900.3727 in a housing development for which the agency has made a loan or grant under the housing trust fund program.

[For text of subps 6 to 8, see M.R.]

Subp. 8a. **Gross income.** "Gross income" means total annual household income received by members age 18 and older from all sources, including, but not limited to wages, salaries, tips, interest, dividends, and self-employment, and subject to exclusions such as military pay or public rental assistance.

Subp. 9. **Gross rent.** "Gross rent" means the sum of the rent paid to the owner or management agent, plus the utilities for which the tenant is responsible.

Subp. 9a. **Homeless.** "Homeless" means a household lacking a permanent place to live.

[For text of subp 10, see M.R.]

Subp. 10a. **Households experiencing longterm homelessness.** "Households experiencing long-term homelessness" means persons, including individuals, unaccompanied youth, and families with children, lacking a permanent place to live continuously for one year or more or at least four times in the past three years. Any period of institutionalization or incarceration shall be excluded when determining the length of time a household has been homeless.

[For text of subp 11, see M.R.]

Subp. 12. **Permanent rental housing.** "Permanent rental housing" means housing for which the term of tenancy may be extended indefinitely beyond the initial lease term and consists, at minimum, of a private room having sleeping accommodations.

Proposed Rules

Subp. 13. **Permanent supportive housing.** “Permanent supportive housing” means permanent rental housing affordable to the population served where support services are available to residents. Permanent supportive housing is available to individuals and families with multiple barriers to obtaining and maintaining housing, including those who are formerly homeless or at risk of homelessness and those with mental illness, substance abuse disorders, ~~or HIV/AIDS,~~ or a combination of these conditions.

[For text of subs 14 to 16, see M.R.]

Subp. 17. **Rental subsidy.** “Rental subsidy” means that portion of the gross rent paid to ~~a landlord~~ an owner or management agent on behalf of a tenant.

Subp. 18. **Sponsorbased rental assistance.** “Sponsorbased rental assistance” means a rental subsidy provided for an individual household through a sponsor organization that owns or leases rental housing units in various locations and that has contracts with property owners or management agents to make the rental housing units available to eligible households.

Subp. 19. **Super request for proposals (RFP) round.** “Super request for proposals (RFP) round” means the agency’s multifamily request for proposals as authorized by the agency board members.

[For text of subs 20 and 21, see M.R.]

Subp. 22. **Utilities for which the tenant is responsible.** “Utilities for which the tenant is responsible” means one or more of the following utilities, as specifically provided for in the lease agreement between ~~a landlord~~ an owner or management agent and a tenant:

- A. water;
- B. sewer;
- C. gas; and
- D. electric.

4900.3710 ALLOCATION AND AVAILABILITY OF FUNDS.

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

Subp. 3. **Availability of funds.** The agency shall accept applications for housing trust fund program funding in every super request for proposals round in which funding is available. The agency may set aside funds and accept applications for housing trust fund program funding outside the super request for proposals rounds under the following circumstances:

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

- B. unanticipated events such as natural disasters; ~~or~~
- C. changes in nonagency resources that are available to meet the need for housing trust fund program activities;
- D. to fund applications requiring immediate repairs, or where committed financing or unique housing opportunities would be lost if consideration were delayed; and
- E. to modify existing awards and contracts of previously selected proposals according to policies established by the members.

4900.3726 ELIGIBLE APPLICATIONS.

The applicant shall provide an application in the form prescribed by the agency. The application for capital funding must include:

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

- I. specific documentation, as requested by the agency, that will allow the agency to evaluate the ability of the proposal to meet the selection standards in part ~~4900.3727~~ 4900.3729 and the funding priorities in part ~~4900.3728~~ 4900.3730; and
- J. a proposed tenant selection plan.

4900.3727 ELIGIBLE USES OF FUNDS.

To be eligible for capital funding under the housing trust fund program, rental housing must satisfy the following requirements.

A. The proposed housing development must consist of living accommodations for persons and families. ~~State licensed~~ Nursing homes, board and care facilities, and supervised living facilities licensed by the Department of Health or a delegated local department of health are not eligible housing developments, nor are properties where all residents require an individual 24-hour plan for supervision, medical, or health care.

B. The assisted units in the proposed housing development must provide rental housing for persons and families whose ~~income~~ gross incomes, at the time of initial occupancy, ~~does~~ do not exceed 60 percent of median income as determined by HUD for the metropolitan area. ~~Incomes~~ This median income may be adjusted for family size for families with five or more people. A household with a Section 8 housing assistance project-based or voucher assistance is deemed to meet the income requirements of this item.

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

D. ~~If the proposed housing development will include single family or duplex properties, these properties must be located in the same city or county and contain a minimum of four units total.~~

E. The use restrictions in this part must remain in effect until the later of:

- (1) the date on which the loan is repaid or the grant agreement is terminated; or

(2) the date that is 15 years from the closing date of the loan or grant.

F. E. At least 75 percent of funds in the housing trust fund program must be used for the benefit of persons and families whose ~~income~~ gross incomes, at the time of initial occupancy, ~~does do~~ not exceed 30 percent of the median family income for the metropolitan area. ~~Incomes~~ This median income may be adjusted for family size for families with five or more people. A household with Section 8 project-based or voucher assistance is deemed to meet the income requirements of this item.

4900.3730 FUNDING PRIORITIES.

Among proposals that satisfy the selection standards in part 4900.3729, the agency shall give priority in awarding loans or grants for capital funding under the housing trust fund program to those proposals that best address the greatest number of the following priorities:

A. the extent to which the proposed housing will serve persons and families whose gross incomes, at the time of initial occupancy, do not exceed 30 percent of the median family income for the metropolitan area. ~~Incomes~~ This median income may be adjusted for family size for families with five or more people;

B. the extent to which the amount of rent to be paid by tenants of the proposed housing does not exceed 30 percent of 30 percent of the area median income as determined by HUD. ~~Incomes~~ This median income may be adjusted for family size for families with five or more people;

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

M. ~~for proposed housing that will serve homeless persons or families, or households at risk of becoming homeless~~; the extent to which the proposal reflects locally determined priorities described in the continuum of care plan;

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

O. the extent to which the applicant has the capacity to complete the proposed housing development in a timely fashion and maintain the housing development after completion; ~~and~~

P. temporary priorities, as established by the agency board members or the legislature, that reflect unexpected short-term changes in the demand for housing. An example of an unexpected short-term change is the need to direct resources to respond to a natural disaster, such as a flood or tornado. Temporary priorities are described in the application guide-;

Q. the extent to which an application would develop housing for households experiencing long-term homelessness;

R. the extent to which an application that would develop housing for households experiencing long-term homelessness has a commitment of project-based rental assistance or operating subsidy from other sources; and

S. the extent to which an application would develop permanent supportive housing.

4900.3731 MANAGEMENT AND OPERATION.

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

Subp. 3. **Prohibition against discrimination.** The housing development owner ~~and or~~ its management agent shall not violate any federal, state, or local law or regulation prohibiting discrimination in the provision of housing and shall not refuse to rent to a household solely on the basis of the household's status as a recipient of tenant-based rental assistance.

[For text of subps 4 and 5, see M.R.]

4900.3742 ELIGIBLE APPLICATIONS.

The applicant shall provide an application in the form prescribed by the agency. The application for an operating subsidy must include:

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

F. specific documentation, as requested by the agency, that will allow the agency to evaluate the ability of the proposal to meet the selection standards in part ~~4900.3745~~ 4900.3744 and the funding priorities in part ~~4900.3746~~ 4900.3745.

4900.3743 ELIGIBLE USES OF FUNDS.

Subpart 1. **Generally.** At least 75 percent of funds in the housing trust fund program must be used for the benefit of persons and families whose ~~income~~ gross incomes, at the time of the initial occupancy, ~~does do~~ not exceed 30 percent of the median family income for the metropolitan area. ~~Incomes~~ This median income may be adjusted for family size for families with five or more people. A household with Section 8 project-based or voucher assistance is deemed to meet the income requirements of this subpart.

Subp. 2. **Operating subsidy-unique costs.** The agency may fund those costs of operating rental housing that are unique to the operation of low-income rental housing and supportive housing. To be eligible for operating subsidy-unique costs funding under the housing trust fund program, applicants must satisfy the requirements in items A and B.

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

B. The housing trust fund program funds must be used to provide an operating subsidy for a housing development in which the assisted units provide housing for persons and families whose gross incomes at the time of initial occupancy do not exceed 60 percent of median income as determined by HUD for the metropolitan area. ~~Incomes~~ This median income may be adjusted for family size for

Proposed Rules

families with five or more people. A household with a Section 8 ~~housing assistance~~ project-based or voucher assistance is deemed to meet the income requirements of this item.

Subp. 3. **Operating subsidy-revenue shortfall.** The agency may provide an operating subsidy to cover a housing development's revenue shortfall. To be eligible for operating subsidy-revenue shortfall funding under the housing trust fund program, applicants must satisfy the requirements in items A and B.

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

B. The housing trust fund program funds must be used to provide an operating subsidy for a housing development in which the assisted units provide housing for persons and families whose gross incomes, at the time of initial occupancy, do not exceed 60 percent of median income as determined by HUD for the metropolitan area. ~~Incomes~~ This median income may be adjusted for family size for families with five or more people. A household with a Section 8 ~~housing assistance~~ project-based or voucher assistance is deemed to meet the income requirements of this item.

4900.3745 FUNDING PRIORITIES.

Among proposals that satisfy the selection standards in part 4900.3744, the agency shall give priority in awarding operating subsidies under the housing trust fund program to those proposals that best address the greatest number of the following priorities:

A. the extent to which the proposed housing will serve persons and families whose gross incomes at the time of initial occupancy do not exceed 30 percent of the median family income for the metropolitan area. ~~Incomes~~ This median income may be adjusted for family size for families with five or more people;

B. the extent to which the amount of rent to be paid by tenants of the proposed housing does not exceed 30 percent of 30 percent of the area median income as determined by HUD. ~~Incomes~~ This median income may be adjusted for family size for families with five or more people;

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

L. a priority for the creation of ~~new~~ newly assisted housing units;

M. ~~for proposed housing that will serve homeless or households at risk of becoming homeless~~, the extent to which the proposal reflects locally determined priorities described in the continuum of care plan; ~~and~~

N. for operating subsidies-unique costs, whether the proposed housing development includes creative approaches to the provision of affordable housing that can be replicated and serve as a model for other providers of affordable housing-;

O. temporary priorities, as established by the agency board members or the legislature, that reflect unexpected short-term changes in the demand for housing. An example of an unexpected short-term change is the need to direct resources to respond to a natural disaster, such as a flood or tornado. Temporary priorities are described in the application guide; and

P. the extent to which an application assists households experiencing long-term homelessness.

4900.3760 ~~TYPES OF FUNDING AVAILABLE~~ RENTAL ASSISTANCE.

The agency may provide rental assistance to an administrator from the housing trust fund program. The agency shall award all forms of rental assistance in the form of a grant. Rental assistance from the housing trust fund program is intended to be temporary in nature and to provide assistance through an administrator to an individual household ~~until the household's income rises above the income limits in Minnesota Statutes, section 462A.201, subdivision 2, paragraph (b), or until the household receives rental assistance that is not time limited, such as Section 8.~~

4900.3762 ELIGIBLE APPLICATIONS.

The applicant shall provide an application in the form prescribed by the agency. The application must include:

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

F. a detailed budget for the rental assistance, including how the applicant will determine the amount of rental subsidy that it will pay on behalf of the tenants, and administrative fees as permitted by part ~~4900.3765~~ 4900.3767, subpart 6;

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

H. if the administrator plans to allow more than annual recertifications of tenant income, a description of how often and under what circumstances recertification will be allowed; ~~and~~

I. specific documentation, as required by the agency, that will allow the agency to evaluate the ability of the proposal to meet the selection standards in part ~~4900.3768~~ 4900.3765 and the funding priorities in part ~~4900.3769~~ 4900.3766; ~~and~~

J. a description of how the administrator will notify tenants of the opportunity for a meeting to consider decisions of the administrator under parts 4900.3767 and 4900.3768.

4900.3763 ELIGIBLE USES OF FUNDS.

A. Funds from the housing trust fund program may be used to provide tenant-based rental assistance, sponsor-based rental assistance,

Proposed Rules

or project-based rental assistance and to pay security deposits, damage claims or fees, application fees, vacancy payments, utility connection fees, and other fees necessary to obtain owner participation or to prevent repeat episodes of homelessness.

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

C. ~~The following items are not eligible for funding under the housing trust fund program: damage claims or fees, application fees, vacancy payments, and utility connection fees.~~

D. At least 75 percent of funds in the housing trust fund program must be used for the benefit of persons and families whose ~~income~~ gross incomes, at the time of initial occupancy, ~~does do~~ not exceed 30 percent of the median family income for the metropolitan area. ~~Incomes~~ This median income may be adjusted for family size for families with five or more people.

4900.3764 ELIGIBLE TENANTS.

Eligible tenants are persons or families whose ~~income~~ gross incomes, at the time of initial occupancy, ~~does do~~ not exceed 60 percent of median income as determined by HUD for the metropolitan area. ~~Incomes~~ This median income may be adjusted for family size for families with five or more people. ~~A household with a Section 8 housing assistance voucher is deemed to meet the income requirements of this part.~~

Tenants do not have to be eligible for the Section 8 tenant-based rental assistance housing choice voucher program in order to be eligible for rental assistance funded by the housing trust fund program.

4900.3766 FUNDING PRIORITIES.

Among proposals that satisfy the selection standards in part 4900.3765, the agency shall give priority in awarding rental assistance funding under the housing trust fund program to those proposals that best address the greatest number of the following priorities:

A. the extent to which the rental assistance program proposes to serve persons and families whose ~~income~~ gross incomes at the time of initial occupancy ~~does do~~ not exceed 30 percent of the median family income for the metropolitan area. ~~Incomes~~ This median income may be adjusted for family size for families with five or more people;

B. the extent to which the amount of rent to be paid by tenants of the proposed housing does not exceed 30 percent of 30 percent of the area median income as determined by HUD. ~~Incomes~~ This median income may be adjusted for family size for families with five or more people;

C. ~~for rental assistance proposals that propose to serve homeless or households at risk of becoming homeless;~~ the extent to which the rental assistance program reflects locally determined priorities described in the continuum of care plan;

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

G. the extent to which the rental subsidy is kept as low as possible without compromising the stability of the tenant; ~~and~~

H. the extent to which other resources are not available to provide rental assistance in the service area, including but not limited to, the availability of Section 8 rental assistance-;

I. the extent to which the applicant has demonstrated success in transitioning households off state-funded rental assistance programs;

J. the extent to which the application assists households experiencing longterm homelessness, and coordinates or provides linkages or a plan for resident support services to the extent necessary, such as information and referral, outreach and engagement, advocacy, case management, self-reliance training, employment readiness, employment training, or resident association and community building activities, contingent upon an agreement with an established organization providing such services to residents and financial plans demonstrating feasibility; and

K. temporary priorities, as established by the agency board members or the legislature, that reflect unexpected short-term changes in the demand for housing. An example of an unexpected short-term change is the need to direct resources to respond to a natural disaster, such as a flood or tornado. Temporary priorities are described in the application guide.

4900.3767 ADMINISTRATION OF TENANT-BASED AND SPONSOR-BASED RENTAL ASSISTANCE.

Subpart 1. **Amount of assistance.** There is no minimum amount of rental subsidy that an administrator must provide to each tenant. The maximum amount of rental subsidy provided to each tenant will be no greater than the difference between 30 percent of the tenant's gross income and the payment standard as established by the local public housing agency or housing and redevelopment authority according to *Code of Federal Regulations*, title 24, part 982.

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

Subp. 3. **Length of time.** An administrator shall provide a rental subsidy to a eligible tenant shall not receive rental assistance for no more longer than five consecutive years. This time limit does not apply when Section 8 rental assistance is not available in the administrator's service area to eligible tenants who have applied for federal rental assistance but have not been accepted in such programs due to funding limitations, or who are ineligible for federal rental assistance.

An administrator shall not commit to provide rental assistance to an eligible tenant for amounts or terms in excess of funding allowable under the grant agreement between the administrator and the agency.

Proposed Rules

Subp. 4. **Termination of rental subsidy.**

Department of Administration, has developed the Consultant Pre-qualification Program as a new method of consultant selection. The
A. An administrator must terminate a tenant's rental subsidy, according to the termination procedures in subpart 5, item A, when, upon annual recertification and verification of income, it determines that 30 percent of the household's monthly gross income for the preceding four consecutive months equals or exceeds the market rent for the unit in which the household resides plus the utilities for which the tenant is responsible. The utilities for which the tenant is responsible will be determined by using the utility allowance calculation provided by the local public housing agency or housing and redevelopment authority.

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

C. An administrator may terminate a tenant's rental subsidy, according to the termination procedures in subpart 5, item C, if the tenant fails to cooperate with the annual recertification process, including property inspection.

Subp. 5. **Notice of termination.**

A. If an administrator ~~terminates~~ gives notice to terminate a tenant's rental subsidy because the tenant's household gross income at recertification exceeds the limits in subpart 4, item A, the administrator shall provide written notice to both the tenant and the ~~landlord~~ owner or management agent that the rental subsidy will end on the last day of the second month following the month in which the notice is given. A tenant shall be given an opportunity to meet with the administrator and submit any information documenting that income did not exceed the limits and justifies continuing the subsidy.

Example: if on January 12 the administrator determines that 30 percent of the tenant's gross income for each of the four months from September through December equals or exceeds the market rent for the unit in which the household resides plus the utilities for which the tenant is responsible, the administrator will provide notice to the tenant that the rental subsidy will end on the last day of March.

B. If an administrator ~~terminates~~ gives notice to terminate a tenant's rental subsidy because the tenant is being evicted under the conditions in subpart 4, item B, the administrator shall provide written notice to both the tenant and the ~~landlord~~ owner or management agent that the rental subsidy will end on the last day of the month in which the tenant vacates the unit.

C. If an administrator gives notice to terminate a tenant's rental subsidy because the tenant is not cooperating with the annual recertification process under the conditions in subpart 4, item C, the administrator shall submit written notice to the tenant and owner or management agent that the tenant has 60 days to comply with recertification requirements. If the tenant does not comply with recertification requirements within 60 days, the administrator shall submit written notice to the tenant and owner or management agent that the rental subsidy will end on the last day of the month in which the tenant receives the notice.

D. If an administrator gives notice to terminate a tenant's subsidy for reasons outlined in items B and C, the tenant shall be given an opportunity to meet with the administrator to determine if the conditions causing possible termination can be resolved and the tenant can continue receiving the subsidy.

[For text of subp 6, see M.R.]

Subp. 7. **Responsibilities of administrators.** Administrators of tenant-based and sponsor-based rental assistance are responsible for the following activities:

A. recruiting tenants and ~~landlords~~ owners;

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

F. paying rental subsidies directly to ~~landlords~~ owners or management agents in a timely manner;

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

H. maintaining and retaining records; and

I. implementing plans for transitioning tenants off housing trust fund program rental assistance, as described in part 4900.3762; and

J. ensuring that a process is in place for notifying tenants of the opportunity for a meeting under part 4900.3767.

Subp. 8. **Termination of administrator.** The agency shall terminate an administrator if the administrator has failed to comply with any agreement with the agency governing the use of the rental assistance funds within the time allowed by any applicable cure period. Under such circumstances, the administrator shall provide written notice to all applicable tenants and ~~landlords~~ owners or management agents that the rental subsidy will end on the last day of the second month following the month in which the notice is given.

4900.3768 ADMINISTRATION OF PROJECT-BASED RENTAL ASSISTANCE.

Subpart 1. **Amount of assistance.** There is no minimum amount of rental subsidy that an administrator must provide to each tenant. The maximum amount of rental subsidy provided to each tenant will be no greater than the difference between 30 percent of the tenant's gross income and the payment standard as established by the local public housing agency or housing and redevelopment authority in accordance with Code of Federal Regulations, title 24, part 982.

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

Subp. 3. **Length of time.** ~~An administrator shall provide a rental subsidy to a eligible tenant shall not receive rental assistance for no more longer than five consecutive years. This time limit does not apply when Section 8 rental assistance is not available in the administrator's service area to eligible tenants who have applied for federal rental assistance but have not been accepted in such programs due to funding limitations, or who are ineligible for federal rental assistance.~~

Proposed Rules

An administrator shall not commit to provide rental assistance to an eligible tenant for amounts or terms in excess of funding allowable under the grant agreement between the administrator and the agency.

Subp. 4. Termination of rental subsidy.

A. An administrator must terminate a tenant's rental subsidy, according to the termination procedures in subpart 5, when, upon annual recertification and verification of income, it determines that 30 percent of the household's monthly gross income for the preceding four consecutive months equals or exceeds the market rent for the unit in which the household resides plus the utilities for which the tenant is responsible. The utilities for which the tenant is responsible will be determined by using the utility allowance calculation provided by the local public housing agency or housing and redevelopment authority.

B. An administrator may terminate a tenant's rental subsidy, according to the termination procedures in subpart 5, item B, if the tenant is evicted for:

(1) serious or repeated violations of terms and conditions of the lease; or

(2) violation of any federal, state, or local law that imposes obligations on the tenant in connection with occupancy or use of the unit in which the tenant resides.

C. An administrator may terminate a tenant's rental subsidy, according to the termination procedures in subpart 5, item C, if the tenant fails to cooperate with the annual recertification process, including property inspection.

Subp. 5. Notice of termination.

A. If an administrator ~~terminates~~ gives notice to terminate a tenant's rental subsidy because the tenant's household gross income at recertification exceeds the limits in subpart 4, the administrator shall provide written notice to both the tenant and the ~~landlord owner or management agent~~ that the rental subsidy will end on the last day of the second month following the month in which the notice is given. A tenant shall be given an opportunity to meet with the administrator and submit any information documenting that income did not exceed the limits and justifies continuing the subsidy.

Example: if on January 12 the administrator determines that 30 percent of the tenant's gross income for each of the four months from September through December equals or exceeds the market rent for the unit in which the household resides plus the utilities for which the tenant is responsible, the administrator will provide notice to the tenant that the rental subsidy will end on the last day of March.

B. If an administrator gives notice to terminate a tenant's rental subsidy because the tenant is being evicted under the conditions in subpart 4, item B, the administrator shall provide written notice to the tenant and owner or management agent that the rental subsidy will end on the last day of the month in which the tenant vacates the unit.

C. If an administrator gives notice to terminate a tenant's rental subsidy because the tenant is not cooperating with the annual recertification process under the conditions in subpart 4, item C, the administrator shall submit written notice to the tenant and owner or management agent that the tenant has 60 days to comply with recertification requirements. If the tenant does not comply with recertification requirements within 60 days, the administrator shall submit written notice to the tenant and owner or management agent that the rental subsidy will end on the last day of the month in which the tenant receives the notice.

D. If an administrator gives notice to terminate a tenant's rental subsidy for reasons outlined in items B and C, the tenant shall be given an opportunity to meet with the administrator to review if the conditions causing proposed termination can be resolved and the tenant can continue receiving the subsidy.

Subp. 6. Responsibilities of administrators. Administrators of project-based rental assistance shall be responsible for the following activities:

A. recruiting tenants and determining the ~~their~~ eligibility of ~~tenants~~ according to *Minnesota Statutes*, section 462A.201, subdivision 2, paragraph (b);

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

F. meeting agency reporting requirements; and

G. maintaining and retaining records;

H. implementing plans for transitioning tenants off housing trust fund rental assistance as described in part 4900.3762; and

I. ensuring that a process is in place for notifying tenants of the opportunity for a meeting under this part.

Subp. 7. Termination of administrator. The agency shall terminate an administrator if the administrator has failed to comply with any agreement with the agency governing the use of the rental assistance funds within the time allowed by any applicable cure period. Under such circumstances, the administrator shall provide written notice to all applicable tenants and ~~landlords owners or management agents~~ that the rental subsidy will end on the last day of the second month following the month in which the notice is given.

4900.3769 EXTENSION OF FUNDING FOR RENTAL ASSISTANCE.

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

B. The agency shall consider the following factors when determining whether an administrator will receive an extension of funding:

[For text of subitems (1) to (4), see M.R.]

(5) the selection standards in part 4900.3765 and the funding priorities in part 4900.3766.

Proposed Rules

If the agency does not approve an extension of funding for an administrator, the administrator shall give written notice to all participating tenants and ~~landlords~~ owners or management agents that the rental subsidies will end. This notice must be given no fewer than six months before the rental subsidy will end.

TERM CHANGES. The term “capital funding” is substituted for “types of funding available” as the headnote for part 4900.3720. The term “operating subsidy” is substituted for “types of funding available” as the headnote for part 4900.3740.

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 on Aging

Notice of Meetings of the Minnesota Board on Aging

NOTICE IS HEREBY GIVEN that the 2005 meetings of the Minnesota Board on Aging will be held at 9:00 a.m., at 444 Lafayette Road, Human Services Building, Conference Room 5F, St. Paul, Minnesota on the following dates:

- February 18, 2005
- April 15, 2005
- June 17, 2005
- July 15, 2005
- September 16, 2005
- December 1, 2005 (1-4 p.m.)

For additional information please call (651) 296-2770 or 1-800-882-6262.

Department of Human Services

Updated List of All Drugs Requiring Authorization as a Condition of Minnesota Health Care Programs Payment

The following is a listing of added drugs to the current authorization list. The newly added drug codes will require authorization on or after January 1, 2005. As authorized by *Minnesota Statutes*, section 256B.0625 subdivision 25, the following list includes all drugs that have been added requiring authorization as a condition of Minnesota Health Care Programs (MHCP) payment. The criteria used to develop this list are as follows:

- A. The health service could be considered, under some circumstances, to be of questionable medical necessity.
- B. Use of the health service needs monitoring to control the expenditure of program funds.
- C. Less costly, appropriate alternatives to the health service are generally available.
- D. The health service is investigative.
- E. The health service is newly developed or modified.
- F. The health service is of a continuing nature and requires monitoring to prevent its continuation when it ceases to be beneficial.
- G. The health service is comparable to a service provided in a skilled nursing facility or hospital but is provided in a recipient's home.
- H. The health service could be considered cosmetic.

These newly added non preferred drugs will require Authorization for services provided on or after January 1, 2005.

DRUGS

Added drugs:

Non preferred drugs

Peg-Intron
Peg-Intron Redipen
Rebetol
Fosamax

Minnesota Pollution Control Agency**Public Notice for the National Pollutant Discharge Elimination System (NPDES) / State Disposal System (SDS) General Permit for Authorization to Operate a Stabilization Pond Wastewater Treatment Facility**

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) intends to issue NPDES/SDS General Permit MNG580000 (Permit) under the provisions of *Minnesota Rules Chapter 7001.0210*, which provides authority to the MPCA to issue a single permit to a category of permittees whose discharges are the same or substantially similar. The MPCA has determined that stabilization pond systems treating primarily domestic strength waste meet these requirements. Comments are requested from affected or interested parties on this draft Permit. Comments should be submitted in writing in accordance with the provisions of this notice.

This is a public notice for the NPDES/SDS Permit Program (Section 403, Clean Water Act, as amended, *Minnesota Statutes Chapters 115 and 116*, as amended, and *Minnesota Rules Chapter 7001*).

This is a draft NPDES/SDS General Permit to operate a stabilization pond wastewater treatment facility.

• **Public Notice Issued On: January 3, 2005**

• **Last Day to Submit Comments: February 2, 2005**

Potential Applicants: Publicly Owned Treatment Works (POTWs) and Sewage Treatment Plants (STPs) using stabilization ponds as the method of treatment; have a controlled discharge; predominantly treat domestic sewage; discharge during predefined, allowed windows; and meet predetermined effluent limitations. This Permit would be for existing facilities with a design flow of less than one million gallons per day and meet all other specified conditions for coverage.

The MPCA proposes to issue this Permit which covers the discharge of wastewater from POTWs and STPs to waters of the state. This Permit covers categories with operations, emissions, activities, discharges, or facilities that are the same or similar in context. The duration of this Permit is five years.

The authority to develop and issue a General Permit is based on the 1979 U.S. Environmental Protection Agency (EPA) revisions to the NPDES Program regulations 40 Code of Federal Regulations 122.28 which created a class of permits called General Permits. General Permits are issued by the MPCA in the state of Minnesota under *Minnesota Statutes 115* and *Minnesota Rules 7001.0210*. General Permits can be issued in states with NPDES authority if the state program includes general permit authority from the EPA. The MPCA's General Permit Program was approved by the EPA on December 15, 1987. This Permit is based on federal requirements in 40 Code of Federal Regulations 122.26 and state requirements in *Minnesota Rules 7001.1035*.

This Permit provides a mechanism to regulate discharge from stabilization pond wastewater treatment facilities. The Permit requires the permittee to meet predetermined effluent limitations and satisfies the appropriate water quality requirements of the Clean Water Act.

Interested persons are invited to submit written comments on this draft Permit. Any comments received before close of business on the last day of the comment period (see above) will be considered before the draft Permit is finalized.

Comments on the draft Permit should include the following information, pursuant to *Minnesota Rules 7001.0110*:

1. A statement of the person's interest in the draft Permit;
2. A statement of the action the person would like the MPCA to take, including specific references to sections in the draft Permit; and
3. Reasons supporting the person's position.

Any person may request a contested case hearing on the draft Permit before the end of the public comment period. Any request for additional meetings or a contested case hearing must include the information in Items 1 through 3 listed above.

The draft Permit and Fact Sheet are available for review at the MPCA office located at: 520 Lafayette Road North, St. Paul, Minnesota, during regular business hours, Monday through Friday. If you have questions regarding the draft Permit or if you would like to receive a copy of the draft Permit and Fact Sheet, please contact Jeff Smith at (651) 296-7367 or (800) 657-3864 or for users of **Telecommunications Device for the Deaf** call (651) 297-5353. You may also request a copy by **e-mail** at: jeff.smith@pca.state.mn.us.

Official Notices

Comments on the Permit, requests for additional public informational meetings, or requests for a contested case hearing should be submitted to:

Jeff Smith
Minnesota Pollution Control Agency
Municipal Division
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

In the absence on any requests for additional public informational meetings or a contested case hearing, the final decision to issue this Permit will be made by the Acting Manager of the MPCA's Municipal Division. Any person may request that this Permit be considered by the MPCA Citizens' Board prior to final permit action (in accordance with *Minnesota Statutes* 116.02, subd. 6). The public is entitled, and welcomed, to participate in the activities of the MPCA Citizens' Board and MPCA staff.

State Grants & Loans

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

Minnesota Board on Aging

Request for Proposals to Provide Outreach and Information Services

The Minnesota Board on Aging (MBA) requests proposals (RFP) to provide statewide outreach and information services under a grant contract for the period of March 1, 2005 through December 1, 2005. The grant contract would be subject to renewal for up to three (3) additional years.

Outreach and information services are for Senior LinkAge Line®, RxConnect™, MinnesotaHelp.info™; Rebalancing Long-Term Care System; Health promotion and self-help strategies, including Wisdom Steps; Age Friendly Communities (Community Program Development); White House Conference on Aging; Outstanding Seniors Award and commemorative months, such as Alzheimer's Disease Awareness month, Caregiver month, Older Americans month, etc.; and other MBA programs.

A copy of the entire RFP and Appendix A is posted on the agency website at <http://www.mnaging.org> under Site Map, Community, Request for Proposals or by contacting in writing:

Executive Director
Minnesota Board on Aging
444 Lafayette Road, 4-S
St. Paul, MN 55155-3843

Proposals must be submitted by 4:00 p.m., Monday, February 7, 2005.

Minnesota Department of Human Services

Deaf and Hard of Hearing Services Division

Notice of Request For Proposals to Provide Mental Health Services for Deaf, Deafblind and Hard of Hearing Consumers

The Minnesota Department of Human Services Deaf and Hard of Hearing Services Division is soliciting Requests For Proposals (RFPs) from qualified applicants for two projects:

- **Project #1** – The design and implementation of a mental health web site that will provide deaf, deafblind and hard of hearing Minnesotans, family members, and mental health professionals and providers information about local and national specialized, communication-accessible mental health resources; and/or
- **Project #2** – The development and implementation of an online interpreting telecommunication system that will provide deaf

consumers regional access to mental health services.

Proposals may be submitted for either or both Project #1 and #2. Available grant dollars total \$50,000. Applicants are responsible to determine the proportion of funding needed to accomplish each project. These grant dollars are available for State Fiscal Year 2005, February 2005 – June 30, 2005.

To request a full text of the RFP please contact:

Deb L. A. Olson, Program Planner
Deaf and Hard of Hearing Services Division
444 Lafayette Road North
St. Paul, MN 55155-3814
VOICE: (651) 296-5214,
TTY: (651) 297-1506
Email: deb.olson@state.mn.us

Proposals must be submitted in the format described in the Request For Proposals. Proposals must be received no later than 4:20 p.m. on January 28, 2005. Late proposals will not be considered and will be returned unopened to the submitting party.

Note that other department personnel are NOT allowed to discuss the Request For Proposal with anyone, including responders, before the proposal submission deadline.

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) Web site. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD Web site 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.

Department of Administration

Notice of Availability of Contracts for Pharmaceutical Prescription-Filling Services

The Department of Administration, on behalf of the Minnesota Multistate Contracting Alliance for Pharmacy (MMCAP), is requesting proposals in order to establish multiple contracts for filling pharmaceutical prescriptions for governmental facilities that are otherwise eligible to purchase off MMCAP contracts but that currently don't because they do not have access to a pharmacist on-staff.

MMCAP is a voluntary group purchasing organization made up of governmental entities which contracts for pharmaceuticals and related products. MMCAP is currently made up of 43 participating states and approximately 4000 eligible participating facilities purchasing over \$1 billion annually. For more information, go to www.mmcap.org (no password necessary).

The Request for Proposals (RFP) document may be found online at the web site referenced above. Copies of the RFP may also be requested by sending an e-mail to: mn.multistate@state.mn.us

Or write to:

MMCAP Prescription Filling Services RFP
Minnesota Department of Administration
Attn: Al Becicka
50 Sherburne Avenue, Room 112
St. Paul, MN 55155

Proposals submitted in response to the RFP must be received at the address specified in the RFP no later than 2:00 p.m. on February 9, 2005, per the instructions in the RFP. **Late proposals will not be considered.**

The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

State Contracts

Department of Commerce

Notice of Availability of Contract for the Commerce License Application and Examination Services Project

The Minnesota Department of Commerce requests proposals from qualified vendors for a five-year contract to provide the Department's licensing customers with simplified, one-stop services for license examinations, initial application processing, fee collection, initial license issuance, and licensing-related information. The Department will not pay the vendor. The vendor will recover its costs by charging examination fees to all candidates. The vendor's examination fees will be set by the contract. The contract will be effective from July 1, 2005 through June 30, 2010.

Proposed work start dates are as follows:

- a) The vendor's development of examinations and other services will commence on February 30, 2005, or immediately after a contract is executed, whichever is later.
- b) Implementation of all services will begin on July 1, 2005

A Request for Proposals will be available by mail from this office through Friday, January 7, 2004. **A written request (by direct mail or fax) is required to receive the Request for Proposals.** After Friday, January 7, 2004, the Request for Proposals must be picked up in person.

The Request for Proposals can be obtained from:

Judy Schmidt
Minnesota Department of Commerce
85 7th Place East Suite 500
St. Paul, MN 55101
FAX: (651) 282-2568

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the above address no later **4:00 PM Central Time, on Friday, January 14, 2005. 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.

Higher Education Services Office

Higher Education Services Office (HESO) Announces Advanced Notice of MnLINK RFP

NOTICE IS HEREBY GIVEN of an upcoming request for proposal to solicit technical management of the MnLINK Gateway software and hardware needs.

The product supporting the MnLINK Gateway is the Fretwell Downing ZPORTAL and VDX software. There are three major factors in support: hardware maintenance, upgrades, and configuration; software maintenance, upgrades, and configuration; and, customer support and training.

The VDX software supports staff processing of interlibrary loan requests for libraries located throughout the state. There are currently 20 server sites geographically distributed throughout Minnesota with 32 VDX sites connected. This number is expected to expand over time, with anticipated growth of 3-5 server sites per year.

The ZPORTAL software links patrons to the 20 server sites throughout the state to allow for consolidated searching of library catalogs throughout the various systems. The software provides patrons with the ability directly place interlibrary loan requests, authenticate to view statewide electronic resources, and link directly to each home library's online public access catalog (OPAC). The software is remotely accessible via the web with limitation of services provided by way of authentication services that communicate with each of the 20 server site's servers.

It is anticipated that a request for proposal will be ready for distribution by January 31, 2005. Potential responders should continue to check the *State Register* for the formal announcement. If you are interested in receiving a copy of the RFP, send a **fax** or **e-mail** to Emily Kissane at the following: (651) 642-0675 or kissane@heso.state.mn.us. Please provide name of firm, name of contact, fax number, e-mail and postal address of the individual who should receive the RFP.

Minnesota Secretary of State Request for Proposals for Profile Imaging

Summary

The Minnesota Office of Secretary of State (OSS), Computer Services (CS) division is seeking technical proposals to evaluate existing enterprise architecture, specific to imaging software, and recommend a new solution for upgrade and/or replacement of this middleware system. OSS is currently expanding online services and increasing demands on the internal imaging software already in place. We wish to upgrade the product and consider a new solution that offers more stability, scalability, and consistency with emerging technologies.

This project will consist of a team approach and include existing CS technical staff to approve and participate in the implementation and integration efforts.

A copy of the full RFP will be sent upon email request to Sue Swanson at Susan.K.Swanson@state.mn.us

Timeline:

RFP Published:	January 3, 2005
Final Date for Questions:	5PM CST, January 12, 2005
Questions & answers published:	January 14, 2005
Response Due Date:	3PM CST, January 24, 2005
Expected Date of Decision:	January 31, 2005

Late proposals will be considered.

Disclaimer:

This request for proposal does not obligate the state to award a contract or complete the project. The state reserves the right to cancel the solicitation under any condition.

The State of Minnesota reserves the right to reject any or all proposals, to waive any irregularity in a proposal, and to accept or reject any item or a combination of items.

Department of Transportation Engineering Services Division

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 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

State Contracts

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.

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 commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the 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.

Anoka County

Request for Proposals for Assistance in Selecting a Professional Services and Software Vendor

NOTICE OF REQUEST FOR PROPOSALS to assist Anoka County in selecting a professional services and software vendor to provide the Community Health and Environmental Services (CHES) Department of Anoka County with a computerized system that will assist in the performance of its duties. It is the County's goal to implement a single software package for a Public Health Information Management System that will perform the following functions:

- Public Health Case Tracking and Management
- Environmental Services
- Correctional Health
- Time and Expense
- Billing
- Reporting

Proposals shall be submitted in exact accordance with the Request for Proposals (RFP) Package. The Request for Proposals Package may be obtained at the Anoka County web site:

<http://www.co.anoka.mn.us/bids>

Proposal due date: February 28, 2005, at 4:00 pm central daylight saving time.

If one needs an accommodation, such as an interpreter or printed material in an alternate format (i.e. Braille, large print, or audio), contact John Sullivan, Risk & Procurement Manager at (763) 323-5370, **TDD/TTY** (763) 323-5289.

Dated: January 3, 2005

Anthony C. Palumbo
Assistant County Attorney

John "Jay" McLinden
County Administrator

Non- State Contracts & Grants

Hennepin County Designer Selection Committee (DSC) Advertisement for Design and Construction Consulting Services

The Hennepin County Designer Selection Committee (DSC) will be selecting architectural/engineering firms for design and construction administration services for the following projects:

- Government Center Remodeling of Floor C-3
- Government Center Remodeling of Floor C-6
- Plymouth Library Expansion and Renovation
- Hennepin Energy Recycling Center Upgrades

To obtain a Request for Proposal, please access the Hennepin County internet site at www.hennepin.us. From the County home page, search for "DSC RFP" in the search box in the upper right corner. From the search results page, you may launch and print/download the documents for your use.

Letters of interest are not required for RFP noted above. All proposals received by the deadline noted in the RFP will be reviewed by the Designer Selection Committee. If you experience difficulty locating or downloading the RFP, you may call Allen Rezac, Hennepin County Property Services, at (612) 348-7718.

Minnehaha Creek Watershed District Notice of Call for Bids for Gideon Glen Wetland Restoration Class of Work: Construction, Excavation, Seeding and Planting, Vegetation Maintenance Bids Close At: 2:00 pm January 23, 2005

Sealed Bid Proposals for work indicated above will be received by the Minnehaha Creek Watershed District at 18202 Minnetonka Boulevard, Deephaven, Minnesota 55391 until 2:00 PM, January 24, 2005, after which time such bids will be publicly opened and read aloud at the District Office. The work, in accordance with drawings and specifications prepared by Wenck Associates, Inc., 1800 Pioneer Creek Center, P.O. Box 249, Maple Plain, Minnesota 55359, consists of the following major items of work:

1. Site Preparation
2. Erosion Control
3. Excavation and Grading
4. Trail Surfacing
5. Site Restoration
6. Seeding and Live Plants
7. Vegetation Maintenance

Bid Proposals shall be submitted on forms furnished for that purpose.

Each bid proposal shall be accompanied by a "Bid Security" in the form of a certified check made payable to Minnehaha Creek Watershed District (OWNER) in the amount not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the OWNER, with the surety company thereon duly authorized to do business in the State of Minnesota, such Bid Security to be a guarantee that the bidder will not, without the consent of the OWNER, withdraw his bid for a period of sixty (60) days after the opening of bids, and, if awarded a contract, will enter into a contract with Minnehaha Creek Watershed District; and the amount of the certified check will be retained or the bond enforced by the OWNER in case the bidder fails to do so. All bid securities except those of the three lowest bidders will be returned within five days after the opening of bids.

The Bid Security of the three (3) lowest bidders will be retained until the contract is executed, but in no event longer than sixty (60) days, provided that the Bid Security of the lowest responsible bidder shall be retained in any event until the contract is executed and Public CONTRACTOR'S Bond furnished as herein provided. No bidder shall, without the consent of the OWNER, withdraw his bid for a period of sixty (60) days after the date for the opening thereof. The bid of the lowest responsible bidder, will be accepted on or before the expiration of sixty (60) days after the date of the opening of bids. The OWNER, however, reserves the right to reject any or all bids and to wave any minor irregularities, informalities or discrepancies.

A mandatory attendance Pre-bid meeting will be held at the office of Wenck Associates, Inc. at 9:00 am on January 19, 2005. Plan holders intending to submit a bid must attend this meeting to be an eligible bidder.

Plans and specifications are on file for inspection at the Minnehaha Creek Watershed District Office; office of Wenck Associates, Inc., 1800 Pioneer Creek Center, P.O. Box 249, Maple Plain, Minnesota, 55359; and at the Builders Exchange, 1123 Glenwood Avenue North, Minneapolis, Minnesota 55405.

Proposed Rules

Bidders needing drawings and specifications for personal use may secure a complete set from:

Wenck Associates, Inc.
1800 Pioneer Creek Center
P.O. Box 249
Maple Plain, Minnesota 55359-0249
Telephone: (763) 479-4200
Facsimile: (763) 479-4242

Non-refundable deposits in the form of a check shall be made payable to:

“Wenck Associates, Inc.” The deposit shall be in the amount of \$65.00 per set of contract documents (drawings and specifications).

Dated: December 21, 2004

Owner: Minnehaha Creek Watershed District

By: Resolution of the Managers, Lance Fisher, President

Minnesota State Court, 4th Judicial District (Hennepin County) Request for Proposal for a Digital Audio Recording System

The 4th Judicial District Court is seeking proposals from qualified vendors to be responsible for planning, installation, and training on the use of digital audio recording equipment. The project includes installation of sound systems, wiring for audio and video transmission, and installation of computer hardware and software.

The Request for Proposals can be requested from James Anderson, 4th Judicial District, C-1719 Government Center, 300 So 6th St, Minneapolis, MN 55487. **Telephone:** (612) 348-8660.

All vendor questions and responses thereto will be posted on:

<http://www.courts.state.mn.us/districts/fourth/Administration/DCRQuestions.htm>

Proposals must be received no later than 4:00 p.m. local (i.e., Minneapolis) time on January 24, 2005. Late proposals will not be accepted.

University of Minnesota

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

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

Request 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, Minneapolis, Minnesota 55454.

University of Minnesota

Request for Proposal for Consultant to Conduct Environmental Reviews for New Football Stadium

Project # 297-05-1459-A

I. NOTICE OF REQUEST FOR PROPOSALS

The University of Minnesota is soliciting proposals for a consultant to conduct the necessary environmental reviews (EAW and EIS) for a new 50,000 seat open-air multipurpose football stadium and related infrastructure.

The proposed stadium would be located on the University's Huron Avenue parking complex, close to existing athletic venues. The total project cost is estimated at \$235 million, which includes \$17 million for site preparation, \$26.6 million for district improvements, and \$191.4 million for the stadium.

A copy of this RFP can be obtained at the Capital Planning and Project Management (CPPM) **website**, at:

www.cppm.umn.edu/rfp.html

Proposed Rules

or you can e-mail or call your request to Chip Foster for the full RFP, which will be sent free of charge to interested vendors.

II. CONTACT FOR RFP INQUIRIES:

Chip Foster
Purchasing Services
University of Minnesota
400 Donhowe Building
319 15th Ave. SE
Minneapolis, MN 55455-1082
Phone: (612) 626-6080
FAX: (612) 624-5796
E-mail: fosterc@facm.umn.edu

III. TENTATIVE SCHEDULE OF EVENTS

Be advised that these dates are subject to change, as University officials deem necessary.

<i>State Register Advertisement</i>	January 3, 2005 – Monday
<i>RFP Document Available</i>	January 3, 2005 – Monday
<i>Mandatory Pre-Proposal Meeting / Site Visit @ 9 AM</i>	January 13, 2005 – Thursday
<i>All Questions / Inquiries deadline at Noon</i>	January 17, 2005 – Monday
<i>RFP Response Deadline – Due at Noon</i>	January 21, 2005 – Friday
<i>Evaluation & Selection of Short-listed Finalists</i>	January 26, 2005 – Wednesday
<i>Respondent Presentations & Negotiations</i>	February 2, 2005 – Wednesday
<i>Contract Award</i>	February 3, 2005 – Thursday
<i>Conduct Contracted Work</i>	February 7, 2005 – Monday
<i>Complete Contracted Work</i>	January 12, 2006 – Thursday

A Mandatory Pre-Proposal Meeting / Site visit for interested firms will be held on Thursday, January 13, 2005 at 9:00 to 11:00AM in the Williams Arena Club room. (Room number W300) Williams Arena Sports Pavilion, 1925 University Avenue SE, Minneapolis, MN 55455. A site visit will be conducted immediately following the meeting.

Please **e-mail** Chip Foster at fosterc@facm.umn.edu with the number of people from your firm that plan on attending this meeting.

The University reserves the right, in its sole discretion, to reject any and all proposals, accept any proposal, waive informalities in proposals submitted, and waive minor discrepancies between a proposal and these proposal instructions, as it deems to be in its best interest. Any waiver of the University with respect to the requirements of these proposal instructions shall apply only to the particular instance for which it was made or given, and no such waiver shall constitute a permanent or future waiver of such requirements.



Periodicals
U.S. Postage
Paid
Permit No.
326630
St. Paul, MN

660 Olive Street • St. Paul, Minnesota 55155
Metro Area 651-297-3000; FAX 651-297-8260
Toll Free 1-800-657-3757
Web Site: <http://www.commedia.state.mn.us>
Metro Area 651-282-5077 Greater MN 1-800-657-3706

Please notify us of any address changes so that we can continue to give you our best service. Include your old mailing label to speed your service.



TO ORDER:

Complete attached order blank. Please include sales tax. Include either your VISA/MasterCard, American Express or Discover credit card number with the expiration date, or a check/money order made out to the State of Minnesota. Orders by phone are accepted when purchasing with your credit card. Please include a phone number where you can be reached during the day in case we have questions about your order.

PREPAYMENT REQUIRED.

Merchandise may be returned if it is in resalable condition.

NOTE:

State Register and other subscriptions do not require sales tax or postage and handling fees.

Shipping Charges

Subtotal	Add:
Up to \$25.00	\$3.00
\$25.01 - \$50.00	\$5.00
\$50.01 - \$100.00	\$7.00
\$100.01 - \$1,000.00	\$10.00



Prices subject to change without notice.

Please allow about 6 weeks for delivery.

In a hurry? Stop by our Bookstore.

Bookstore hours: 8:00-5:00 Monday-Friday

For Your Convenience, photocopy this order blank

Code No.	Quantity	Description	Item Price	Total
Name or Company			Subtotal	
Attention			6 1/2 % tax MN residents 7% St. Paul residents	
Address				
City		State	Zip	Add Shipping Charges from chart at left.
American Express/VISA/MasterCard/Disc over No.				
				TOTAL
Signature		Expiration Date		Telephone (During Day)

If tax exempt, please provide ES number or send completed exemption form.

Source Code SR004