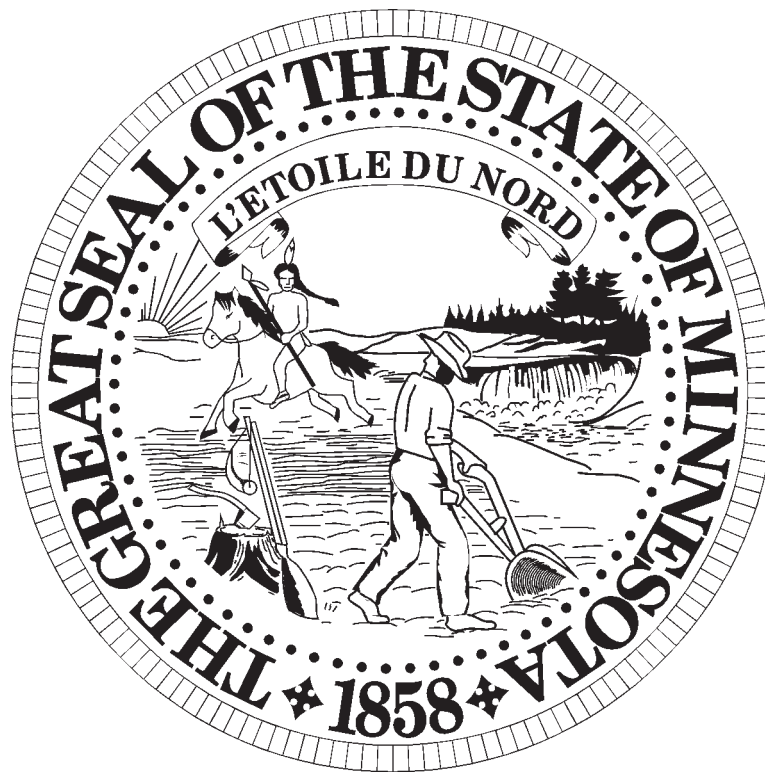


State of Minnesota

State Register



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State Register

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- appointments
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Vol. 29	Issue PUBLISH	Deadline for: Emergency Rules, Executive and	Deadline for Both
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		State Grants, Professional-Technical-Consulting	RULES
		Contracts, Non-State Bids and Public Contracts	
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#9	Monday 30 August	Noon Tuesday 23 August	Noon Wednesday 18 August
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#11	Monday 13 September	Noon Tuesday 7 September	Noon Wednesday 1 September

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Minnesota Rules: Amendments and Additions

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

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

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

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

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

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Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule. If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed. If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

Department of Revenue

Adopted Permanent Rules Governing the Application of the Sales and Use Tax Laws to Veterinarians

The rules proposed and published at *State Register*, Volume 28, Number 42, pages 12891292, April 19, 2004 (28 SR 1289), are adopted with the following modifications:

8130.8700 VETERINARIANS.

Subp. 7. **Boarding and pet grooming services.** Boarding and pet grooming services are taxable. Materials and supplies used or consumed in providing taxable boarding and pet grooming services are exempt. Materials and supplies are used or consumed when the materials, following their use by the veterinarian in boarding and pet grooming services, are substantially without value and of no further practical use.

C. Boarding services for horses ~~and for~~ are not taxable. ~~For other animals, boarding services provided by a veterinarian are not taxable if the boarding service is for medical reasons that is, hospitalization, observation, or other veterinary purposes are not taxable. Boarding for hospitalization, observation, or "Other veterinary purposes" does not include boarding when administering medication is administered to a pet by the veterinarian that could when the pet owner normally be administered by the pet owner could administer the medication. If administering such medication is the sole service provided by the veterinarian aside from boarding, then the boarding service is taxable. However, if the veterinarian not only administers medication which the pet owner normally could administer, but also boards the pet for hospitalization, observation, or other veterinary purposes, then the boarding service is not taxable.~~

Exempt Rules

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

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

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

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only. The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

Minnesota Department of Health

Health Policy, Information and Compliance Monitoring Division

Notice of Intent to Adopt Exempt Rules Regarding a Manual for Minnesota

Standards for the Use of the Uniform Paper Explanation of Benefits and Uniform Paper Remittance Advice Report; Per *Minnesota Statutes, Section 62J.581*

Introduction. Notice is hereby given that the Minnesota Department of Health (MDH) is seeking information or opinions from outside sources on rules for the standard for the paper explanation of benefits document and the standard for the paper remittance advice

KEY: Proposed Rules Section - 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 Section - Underlining** indicates additions to proposed rule language. **Strikeout** indicates deletions from proposed rule language.

Exempt Rules

report as developed by the Administrative Uniformity Committee (AUC) and the Explanation of Benefits and Remittance Advice Report Technical Advisory Group. The explanation of benefits document is a paper transaction that is sent to the patient to explain how a health care claim was adjudicated. The remittance advice report is a paper transaction that is sent to the health care provider to explain how a health care claim was adjudicated.

Contact Person. MDH requests information and opinions concerning the applicability and functionality of the rule. Interested persons or groups may submit data or views in writing. Written statements should be addressed to Tracy Johnson, MDH, P.O. Box 64882, St. Paul, MN 55164-0882, Internet at tracy.l.johnson@health.state.mn.us or fax 651/282-5628.

Description of the Rules. *Minnesota Statutes, section 62J.581*, requires group purchasers to provide a uniform remittance advice report to health care providers when a claim is adjudicated. The statute also requires group purchasers to provide a uniform explanation of benefits document to health care patients when an explanation of benefits document is provided as otherwise required or permitted by law. The rule outlines the minimum data set a group purchaser must include on the uniform paper explanation of benefits document and uniform paper remittance advice report. Under *Minnesota Statutes, section 62J.61*, the Commissioner of Health is exempt from chapter 14, including section 14.386, in implementing sections 62J.50 to 62J.54, subdivision 3, and 62J.56 to 62J.59. Because the Commissioner of Health has determined that it is unduly cumbersome to publish the entire text of the proposed rules, the Commissioner of Health is publishing this notice of the proposed rules with a detailed description.

Public Review Process. MDH will provide free copies of the draft manual in paper or electronic PDF format to persons and organizations interested in reviewing the rule. The draft manual will be available as of Monday, August 23, 2004. **Comments and suggestions for improvements on the rule will be accepted at the above address until Wednesday, September 22, 2004.** After the Commissioner of Health has considered all comments received, the Commissioner will publish a notice of adoption in the State Register. The rules will take effect 30 days after the notice of adoption is published.

How to Obtain the Manual. A free copy of the proposed rules is available upon request. Persons who wish to obtain a paper copy should call Tracy Johnson at MDH, (651) 282-5650, or fax a request to (651) 282-5628 or write at the address above. The document will also be available for downloading on the World Wide Web at <http://www.mmaonline.net/auc>.

Dated: August 23, 2004

Dianne M. Mandernach, Commissioner
Department of Health

Expedited Emergency Rules

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

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules: Game Refuges; Pheasant Season; Furbearers; Youth Waterfowl Day; Early Goose Hunting

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of the rule is *Minnesota Statutes*, Sections 97A.091, 97A.095, 97B.112, 97B.605, 97B.635, 97B.711, 97B.731, 97B.803, 97B.901, and 97B.926.

The emergency conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, are as follows. Field recommendations on opening and closing refuges are not available until June; public input and coordination with local governments on opening the Bemidji Game Refuge to firearms deer hunting was not completed until June. Changes to the pheasant season were based on results of public input and an evaluation of pheasant populations and likely impacts of a season that was not completed until June. Changes to furbearer tagging requirements are to continue the repeal of site-tagging of fisher, pine marten and otter that was done legislatively for 2001 and 2002, but that expired on March 1, 2003 (*Laws of Minnesota for 2001*, Chapter 206, Sec. 2 and 3). Following the sunset of this law, an evaluation of the effects of discontinuance of site-tagging has revealed no biological need to continue site-tagging to regulate total harvests of these species and a permanent rule (RD3327) is in process to continue this provision, but it will not be effective before this fall's season. Furbearer bag limits are established based on population modeling completed in May of each year. The youth waterfowl day is based on annual determinations of season timing and selection of the option as allowed under federal

Expedited Emergency Rules

frameworks for early season migratory bird hunting that are announced in June of each year. Provisions for taking Canada geese in early seasons are based on population data that is not available until June and selection of options as allowed under federal frameworks for early season migratory bird hunting announced in June. Several miscellaneous changes in this rule that are intended to be ongoing are in the process of being incorporated into a permanent rule (RD3327) that is nearly ready for publication in the *State Register*, but that will not be in effect before the fall 2004 seasons.

Dated: August 3, 2004

Gene Merriam
Commissioner of Natural Resources

6230.0400 SPECIAL PROVISIONS FOR STATE GAME REFUGES.

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

Subp. 2. **Bemidji Game Refuge, Beltrami County.** The Bemidji Game Refuge in Beltrami County is open to:

- A. small game hunting, except waterfowl, through ~~October 31~~ the Thursday nearest November 4;
- B. Canada goose hunting during the early goose season, except on Lake Bemidji, the Mississippi River, and Stump Lake;
- ~~C.~~ trapping for beaver, mink, otter, and muskrat only; and
- ~~D.~~ deer and bear hunting by archery through the first Sunday in December; and
- ~~E.~~ deer and bear hunting by firearms.

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

Subp. 4. **Claremont Game Refuge, Dodge County.** The Claremont Game Refuge in Dodge County is open to:

- A. small game hunting, except ducks and mergansers;
- B. trapping; ~~and~~
- C. deer hunting by muzzleloader during the muzzleloader season; and
- ~~D.~~ deer and bear hunting by archery.

Subp. 5. **Clay County Game Refuge, Clay County.** The Clay County Game Refuge in Clay County is open to:

- ~~A.~~ deer and bear hunting by firearms; and
- ~~B.~~ deer and bear hunting by archery prairie chicken hunting.

[For text of subps 6 and 7, see M.R.]

Subp. 8. **East Minnesota River Game Refuge, Blue Earth and Le Sueur Counties.** The East Minnesota River Game Refuge in Blue Earth and Le Sueur Counties is open to deer, wild turkey, and bear hunting by archery.

[For text of subps 9 and 10, see M.R.]

Subp. 11. **Evansville Game Refuge, Douglas County.** The Evansville Game Refuge in Douglas County is open to:

- A. trapping; ~~and~~
- B. Canada goose hunting during the early goose season; and
- ~~C.~~ deer and bear hunting by firearms.

[For text of subps 12 to 20, see M.R.]

Subp. 21. **Lac qui Parle Game Refuge, Chippewa and Lac qui Parle Counties.** The following special provisions apply to the Lac qui Parle Game Refuge, Chippewa and Lac qui Parle Counties:

A. Those portions within the Lac qui Parle State Recreational Area, Mission Site, or that are posted to prohibit trespass are closed to hunting. The remainder of the refuge is open to:

- (1) waterfowl hunting only during the open Canada goose season in the Lac qui Parle Zone, only at designated hunting stations as provided by parts 6230.0500 to 6230.1100;
- (2) deer hunting; and
- (3) small game hunting other than waterfowl, except from the first day of the open Canada goose season through the last day of the open Canada goose season in the Lac qui Parle Goose Zone, when small game hunting is allowed only at designated hunting stations as provided by parts 6230.0500 to 6230.1100. Small game hunting is not allowed on closed Canada goose hunting days during a split goose season.

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

Subp. 22. **Lake Ripley Game Refuge, Meeker County.** The Lake Ripley Game Refuge in Meeker County is open to:

- A. small game hunting, except waterfowl, after the ~~waterfowl~~ duck season; and
- B. trapping after the ~~waterfowl~~ duck season.

KEY: Proposed Rules Section - 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 Section - Underlining** indicates additions to proposed rule language. **Strikeout** indicates deletions from proposed rule language.

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[For text of subps 23 to 28, see M.R.]

Subp. 29. **See repealer.**

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

Subp. 31. **Nerstrand Woods Game Refuge, Rice County.** That portion of the Nerstrand Woods Game Refuge in Rice County that is within the Nerstrand Big Woods State Park and the Prairie Creek Woods Scientific and Natural Area is open to deer hunting by muzzleloader special permit only. The remainder of the refuge is open to:

- A. small game hunting, except waterfowl;
- B. trapping;
- B. C. deer and bear hunting by firearms; and
- C. D. deer and bear hunting by archery.

[For text of subps 32 to 53, see M.R.]

Subp. 54. **MudBardwell Game Refuge, Martin County.** The MudBardwell Game Refuge in Martin County is open to special goose hunts.

Subp. 55. **Collegetown (St. John's) Game Refuge, Stearns County.** The Collegetown (St. John's) Game Refuge in Stearns County is open to firearms deer and bear hunting during the established seasons, by written permission of the landowner.

Subp. 56. **Carleton Game Refuge, Dakota and Rice Counties.** The Carleton Game Refuge in Dakota and Rice Counties is open for deer hunting by archery from the fourth Thursday in November to December 31, by written permission of the landowner.

Subp. 57. **Talcot Lake Game Refuge, Cottonwood County.** The following special provisions apply to the Talcot Lake Game Refuge, Cottonwood County.

A. Those portions within the Talcot Lake Game Refuge that are posted to prohibit trespassing are closed to hunting. The remainder of the refuge is open to waterfowl hunting during the open Canada goose seasons only at designated hunting stations as provided by parts 6230.0500 to 6230.1100.

B. Designated hunting stations within the refuge must be spaced no less than 200 yards apart and must be no more than 100 yards inside the refuge, as measured from the posted boundary.

Subp. 58. **Clear Lake Game Refuge, Sherburne County.** The Clear Lake Game Refuge in Sherburne County is open to:

- A. deer hunting by firearms; and
- B. deer hunting by archery.

6234.0400 TAKING PHEASANTS.

Subpart 1. **Open season.** Only cock (male) pheasants may be taken by firearm or bow and arrow from the Saturday on or nearest October 13 to ~~the Sunday on or nearest~~ December ~~16~~ 31 from 9:00 a.m. to sunset each day.

[For text of subps 2 and 3, see M.R.]

6234.1700 TAKING FISHER AND PINE MARTEN.

Subpart 1. **Open season.** Fisher and pine marten may be taken by trapping from the first Saturday nearest December 1 following Thanksgiving to the Sunday nearest December ~~16~~ 12.

Subp. 2. **Bag limits.** The combined limit for fisher and pine marten is ~~four~~ five per season, in aggregate. A person may not take more than ~~two~~ five fisher and pine marten, combined, per season or possess more than ~~two~~ five fisher and pine marten, combined, at a time, except that a person may possess additional pelts that the person lawfully took, tagged, and registered during previous seasons.

Subp. 3. **Tagging.** Each fisher pelt must be tagged by the person taking it at the time and place where taken with a locking possession tag issued by the state. These tags must be obtained prior to the season according to the procedure provided by part 6234.2600. Tags will not be issued to persons under five years of age. Tags must be fastened to fisher pelts in the manner provided by part 6234.2600. Pelts and skinned carcasses of fisher and pine marten are subject to the provisions of part 6234.2600.

Subp. 4. **Open area.** Fisher and pine marten may be taken only in that area of the state lying north of Interstate Highway 94 (I94) beginning at the west boundary of the state; thence along I94 to U.S. Highway 10; and thence along U.S. Highway 10 to the east boundary of the state.

6234.2000 TAKING OTTER.

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

Subp. 4. **Tagging otter.** Each otter or pelt must be tagged by the person taking it at the time and place where taken with a locking possession tag issued by the state. These tags must be obtained according to the procedure provided by part 6234.2600. Tags will not be issued to a person under five years of age. Tags must be fastened to otter or their pelts in the manner provided by part 6234.2600. Pelts are subject to the provisions of part 6234.2600.

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6240.0610 YOUTH WATERFOWL HUNTING DAY.

Subpart 1. **Dates, eligibility, and license requirements.** Ducks, mergansers, coots, moorhens, and Canada geese may be taken statewide on September 18, 2004, by hunters 15 years of age or younger. An adult mentor 18 years of age or older, who is authorized by the youth's parent or guardian, must accompany the youth hunter at all times during the hunt. The accompanying adult may not hunt. No hunting license or waterfowl stamps are required.

Subp. 2. **Shooting hours.** Shooting hours are onehalf before sunrise to 4:00 p.m.

Subp. 3. **Bag limits.** The daily bag limit for ducks, mergansers, coots, and moorhens is as allowed by federal rule. The daily bag limit for geese is five Canada geese, except in those areas where taking Canada geese near water is restricted under part 6240.1200, subpart 1, item A, where the daily bag limit is one Canada goose.

6240.1000 TAKING GEESE IN SOUTHEAST GOOSE ZONE.

Subpart 1. **Zone.** The Southeast Goose Zone is comprised of Isanti, Chisago, Washington, Anoka, Hennepin, Carver, Scott, Ramsey, Dakota, Rice, Goodhue, Wabasha, Winona, Olmsted, Dodge, Steele, Freeborn, Mower, Fillmore, and Houston counties: that part of the state within the following described boundaries:

Beginning at the intersection of U.S. Highway 52 and the south boundary of the Twin Cities Metro Canada Goose Zone; thence southerly along U.S. Highway 52 to State Trunk Highway (STH) 57; thence southerly along STH 57 to U.S. Highway 14; thence along U.S. Highway 14 to County StateAid Highway (CSAH) 13, Dodge County; thence southerly along CSAH 13 to STH 30; thence easterly along STH 30 to U.S. Highway 63; thence southerly along U.S. Highway 63 to the south boundary of the state; thence along the south and east boundaries of the state to the south boundary of the Twin Cities Metro Canada Goose Zone; thence along said boundary to the point of beginning.

Subp. 2. [See repealer.]

6240.1200 SPECIAL PROVISIONS ON TAKING GEESE DURING EARLY SEASONS.

Subpart 1. **Taking near water.**

A. Taking Canada geese during the early seasons is prohibited on or within 100 yards of all surface waters, except on those described or shown on a map provided by the commissioner: in the following areas:

(1) the Northwest, Southeast, and Twin Cities Metro Goose Zones;

(2) all of the Carlos Avery Wildlife Management Area, including that portion outside the Twin Cities Metro Goose Zone; and

(3) the Swan Lake area in Nicollet County, within the boundary described as follows:

Beginning at the junction of State Trunk Highway (STH) 14 and County StateAid Highway (CSAH) 12 north along CSAH 12 to CSAH 5; thence east along CSAH 5 to CSAH 13; thence south along CSAH 13 to STH 99; thence west along STH 99 to CSAH 17; thence south along CSAH 17 to STH 14; thence northwest and west along STH 14 to CSAH 12.

B. Taking Canada geese on or within 100 yards of surface waters during the early Canada goose seasons is allowed for youth hunters participating in the youth waterfowl hunting day and on specific bodies of water in closed zones as described or shown on maps provided by the commissioner.

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

6240.1500 TAKING GEESE IN TWIN CITIES METRO CANADA GOOSE ZONE.

Subpart 1. **Open season.** The open season for taking Canada geese ~~may be taken~~ in the Twin Cities Metro Canada Goose Zone ~~beginning begins~~ the first Saturday in September ~~to September 15~~, ~~except the season begins on Sunday, September 1, in any year when the first Saturday falls on September 7.~~ The season closes on September 22, ~~except the season closes on the first Friday before the duck season opens in years when the duck season opens on or before September 22.~~

[For text of subps 2 and 3, see M.R.]

6240.1600 TAKING GEESE IN FIVE GOOSE ZONE.

Subpart 1. **Open season.** The open season for taking Canada geese ~~may be taken~~ in the ~~Four~~ Five Goose Zone ~~beginning begins~~ the first Saturday in September ~~to September 15~~, ~~except the season begins on Sunday, September 1, in any year when the first Saturday falls on September 7.~~ The season closes on September 22, ~~except the season closes on the first Friday before the duck season opens in years~~

KEY: Proposed Rules Section - 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 Section - Underlining** indicates additions to proposed rule language. **Strikeout** indicates deletions from proposed rule language.

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when the duck season opens on or before September 22.

Subp. 2. **Daily limits.** A person may not take more than ~~four~~ five Canada geese per day during the early season.

[For text of subps 3 and 4, see M.R.]

6240.1700 TAKING GEESE IN ~~TWO GOOSE~~ SOUTHEAST ZONE EARLY SEASON.

Subpart 1. **Open season.** ~~The open season for taking Canada geese may be taken in the Two Goose Southeast Zone beginning begins the first Saturday in September to September 15, except the season begins on Sunday, September 1, in any year when the first Saturday falls on September 7. The season closes on September 22, except the season closes on the first Friday before the duck season opens in years when the duck season opens on or before September 22.~~

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

Subp. 3. **Zone description.** ~~The Two Goose Zone is described as follows:~~

~~That part of the state lying east of Interstate Highway 35 and south of the Twin Cities Metro Canada Goose Zone as described in part 6240.1500, subpart 3 Southeast Zone is that portion of the state described in part 6240.1000.~~

6240.1750 TAKING GEESE IN NORTHWEST GOOSE ZONE.

Subpart 1. **Open season.** The open season for taking Canada geese in the Northwest Goose Zone, described in part 6240.0860, begins the first Saturday in September, except the season begins on Sunday, September 1, in any year when the first Saturday falls on September 7. The season closes on September 15.

Subp. 2. **Daily limits.** A person may not take more than two Canada geese per day during the early season.

6240.1800 EARLY GOOSE HUNT APPLICATION AND PERMIT LICENSE.

Subpart 1. **Permit License required.** ~~A permit is required to take Canada geese during~~ The early seasons described in parts 6240.1500, 6240.1600, and 6240.1700 are special seasons for purposes of the special season Canada goose license required under Minnesota Statutes, section 97B.802. A person may obtain a permit as prescribed by the commissioner.

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

6240.1850 GAME REFUGES OPEN TO THE TAKING OF GEESE.

~~The following refuges are open to the taking of geese, as specified:~~

A: Subpart 1. Goose refuges. Those portions of the Douglas County Goose Refuge in Douglas County, the Otter Tail County Goose Refuge in Otter Tail County, and the Sauk Rapids Rice Goose Refuge in Benton County, in the respective zone or zones in which they are located, are open to goose hunting during the early, regular, and late goose seasons for those zones. All other goose hunting regulations apply in these refuges. Taking waterfowl from public roads and their rightsofway is prohibited. The Ashby Goose Refuge in Grant County is open to Canada goose hunting during the early September goose season.

B: Subp. 2. Game refuges. The Fox Lake Game Refuge in Martin County and the Saint James Game Refuge in Watonwan County are open to goose hunting during the first three days of the regular goose season in the respective zones in which they are located. The Fox Lake Game Refuge is ~~also~~ open to goose hunting from the Saturday on or nearest November ~~20~~ 26 to the end of the goose season in the zone in which it is located, except there is no goose hunting within 100 yards of Fox and Temperence Lakes.

C: Subp. 3. Waterfowl refuges. The Harstad Slough Waterfowl Refuge in Stevens County is open to Canada goose hunting during the early September goose season. The MudBardwell Waterfowl Refuge in Martin County is open to Canada goose hunting from ~~November 1 the Saturday on or nearest October 30~~ to the end of the ~~regular~~ regular goose season in the zone in which it is located, except there is no goose hunting within 100 yards of Mud and Bardwell Lakes. The Rickert Lake Waterfowl Refuge in Steele County is open to Canada goose hunting during the early September goose season. The waterfowl sanctuary within this refuge is closed to hunting and trespass, as posted.

6240.2100 DESIGNATED MIGRATORY WATERFOWL FEEDING AND RESTING AREAS.

Subpart 1. **Designation of entire lakes.** The following lakes are designated as migratory waterfowl feeding and resting areas:

	Name	Location	County
A.	Bakers Lake	T.114N; R.29W	McLeod
B.	Bear Lake	T.101N; R.22W	Freeborn
C.	Big Rice Lake	T.140, 141N; R.26W	Cass
D.	Cottonwood Lake	T.106N; R.25W	Blue Earth

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E.	Diamond Lake	T.110N; R.23W	Le Sueur
F.	Dora Lake	T.110N; R.23W	Le Sueur
G.	Lake Johanna	T.123N; R.36W	Pope
H.	Lake Lillian	T.117N; R.33, 34W	Kandiyohi
I.	Little Puposky Lake	T.149N; R.33, 34W	Beltrami
J.	Mud Lake	T.131N; R.43W	Otter Tail
K.	Mud Lake	T.114N; R.26W	Sibley
L.	Nelson Lake	T.124N; R.38W	Pope
M.	Oakleaf Lake	T.110N; R.26W	Nicollet
N.	Pleasant Lake	T.113N; R.23W	Scott
O.	Puposky Lake	T.149N; R.33, 34W	Beltrami
P.	Rice Lake	T.148, 149N; R.27W	Itasca
Q.	<u>Rice Lake</u>	<u>T.111N; R.23W</u>	<u>Le Sueur</u>
R.	Sanborn Lake	T.112N; R.23W	Le Sueur
R. <u>S.</u>	Scotch Lake	T.110N; R.25W	Le Sueur
S. <u>T.</u>	Squaw Lake	T.148, 149N; R.27W	Itasca
T. <u>U.</u>	Tiger Lake	T.115N; R.26W	Carver
U. <u>V.</u>	Turtle Lake	T.148N; R.39W	Polk
V. <u>W.</u>	Unnamed Lake	T.114N; R.29W; S.28	McLeod
W. <u>X.</u>	Upper Rice Lake	T.145N; R.36, 37W	Clearwater
X. <u>Y.</u>	Wagonga Lake	T.118, 119N; R.34, 35W	Kandiyohi
Y. <u>Z.</u>	Washington Lake	T.114N; R.26W	Sibley

[For text of subs 2 to 8, see M.R.]

Subp. 9. Minnesota Lake, Faribault and Blue Earth Counties. All that portion of Minnesota Lake in Faribault and Blue Earth Counties within the area posted by signs or buoys and identified as a migratory waterfowl feeding and resting area is designated as a migratory waterfowl feeding and resting area.

REPEALER. Minnesota Rules, parts 6230.0400, subpart 29; 6234.1800; 6240.1000, subpart 2; and 6240.1800, subparts 2 and 3, are repealed.

EFFECTIVE PERIOD. The expedited emergency amendments to Minnesota Rules, parts 6230.0400, 6234.0400, 6234.1700, 6234.2000, 6240.0610, 6240.1000, 6240.1200, 6240.1500, 6240.1600, 6240.1700, 6240.1750, 6240.1800, 6240.1850, and 6240.2100, and the repealer expire December 31, 2004, or upon adoption of superseding permanent rules, whichever is sooner. After the emergency amendments expire, the permanent rules as they read prior to those amendments again take effect, except as they may be amended by permanent rule.

KEY: Proposed Rules Section - 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 Section - Underlining** indicates additions to proposed rule language. **Strikeout** indicates deletions from proposed rule language.

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 Department of Health

Division of Family Health

CORRECTION TO REQUEST FOR COMMENTS on Possible Amendment to Rules Governing the Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program), *Minnesota Rules*, chapter 4617

The Request for Comments that was published in the *State Register* on August 16, 2004 (29 SR 202), incorrectly stated that the WIC Advisory Committee and the WIC Vendor Advisory Committee are expected to complete their review of the possible rules by July 2004. The correct date is October 2004. In addition, the date of the Commissioner's signature was incorrectly listed as August 29, 2004. The correct date is July 29, 2004.

Department of Human Services

Health Care Purchasing and Delivery Systems Division, Health Care Administration

Public Notice of Maximum Allowable Costs of Medical Assistance Outpatient Prescribed Drugs

NOTICE IS HEREBY GIVEN to recipients, providers of services, and to the public of additions to the state Medical Assistance maximum allowable cost (state MAC) list for certain outpatient prescribed drugs.

At least once each calendar year, the United States Department of Health and Human Services, Centers for Medicare & Medicaid Services, publishes a federal upper limit (FUL) payment schedule for many commonly prescribed multiple-source drugs. The federal upper limit is set at a rate equal to 150 percent of the published price for the least costly therapeutic equivalent that can be purchased by pharmacists. This FUL payment schedule constitutes the federal MAC list. For many multiple-source drugs that are not on the federal MAC list, the Department establishes a state MAC list. Additionally, the Department imposes a state MAC for many multiple-source drugs that are on the federal MAC list, as long as the savings are at least as much as the savings would be using the federal MAC list.

The Department requires Medical Assistance pharmacy providers to submit their usual and customary costs. Pharmacy providers are reimbursed at the lower of: 1) the federal or state MAC, plus a dispensing fee; 2) the submitted usual and customary charge to the general public; or 3) a discount off of average wholesale price, plus a dispensing fee.

On January 13, 2003 at 27 SR 1117-1130, the Department published the MAC list, listing the federal and state MACs. Additional changes to the state MAC list were published on February 18, 2003 (27 SR 1331-1334), March 3, 2003 (27 SR 1386-1393), April 21, 2003 (27 SR 1583-1584), August 4, 2003 (28 SR 102-103), October 13, 2003 (28 SR 505-506), October 20, 2003 (28 SR 528-529), December 15, 2003 (28 SR 784-785), January 26, 2004 (28 SR 934-935), March 8, 2004 (28 SR 1089-1090), April 5, 2004 (28 SR 1232), April 19, 2004 (28 SR 1313-1314), May 3, 2004 (28 SR 1367-1368), and August 9, 2004 (29 SR 173).

Effective August 30, 2004, the Department will add the following outpatient prescribed drugs to the state MAC list:

<u>GCN</u>	<u>Drug Name</u>	<u>Strength</u>	<u>MAC Price</u>
42190	FLUCONAZOLE	100MG	.42
42191	FLUCONAZOLE	150MG	.80
42193	FLUCONAZOLE	200MG	.66

These additions are made to bring Medical Assistance reimbursement to pharmacists more closely in line with the actual acquisition cost of the drugs listed above. The Department estimates that there will be a state savings of \$611,000 for State Fiscal Year 2005 (July 1, 2004 through June 30, 2005).

This notice is published pursuant to *Code of Federal Regulations*, Title 42, section 447.205, which requires publication of a notice when there is a rate change in the methods and standards for setting payment rates for Medical Assistance services.

Written comments and requests for information may be sent to:

Cody Wiberg, Pharm.D., R.Ph.
 Pharmacy Program Manager
 Health Care Purchasing and Delivery Systems Division
 Minnesota Department of Human Services
 444 Lafayette Road North
 St. Paul, Minnesota 55155-3854
Phone: (651) 282-6496
Email: cody.wiberg@state.mn.us

Minnesota State Law Library Notice of County Law Library Fees

Pursuant to *Minnesota Statutes* 134A.09 and 134A.10, the following law library fees are to be in effect as of 8/1/04. Abbreviations are as follows: Conc. Ct.= Conciliation Court, Fel/G.Misd= Felony and Gross Misdemeanors, Misd=Misdemeanors and P. Misd= Petty Misdemeanors

<u>County</u>	<u>Civil</u>	<u>Probate</u>	<u>Conc. Ct</u>	<u>Fel/G.Misd</u>	<u>Misd</u>	<u>P. Misd</u>	<u>Parking</u>
Aitkin	\$10.00	\$10.00	\$5.00	\$10.00	\$10.00	\$5.00	\$5.00
Anoka	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$7.00	\$0.00
Becker	\$12.50	\$12.50	\$7.50	\$15.00	\$12.00	\$7.50	\$7.50
Beltrami	\$10.00	\$10.00	\$10.00	\$8.00	\$8.00	\$8.00	\$8.00
Benton	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$0.00
Big Stone	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$0.00
Blue Earth	\$10.00	\$10.00	\$10.00	\$2.00	\$2.00	\$2.00	\$0.00
Brown	\$7.00	\$7.00	\$5.00	\$5.00	\$5.00	\$5.00	\$0.00
Carlton	\$10.00	\$10.00	\$10.00	\$5.00	\$5.00	\$5.00	\$0.00
Carver	\$10.00	\$10.00	\$10.00	\$10.00	\$5.00	\$10.00	\$0.00
Cass	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00
Chippewa	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00
Chisago	\$10.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$0.00
Clay	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00
Clearwater	\$8.00	\$8.00	\$8.00	\$8.00	\$8.00	\$8.00	\$8.00
Cook	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$0.00
Cottonwood	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$0.00
Crow Wing	\$10.00	\$10.00	\$10.00	\$10.00	\$5.00	\$5.00	\$0.00
Dakota	\$10.00	\$0.00	\$10.00	\$5.00	\$5.00	\$5.00	\$5.00
Dodge	\$10.00	\$10.00	\$5.00	\$5.00	\$5.00	\$5.00	\$0.00
Douglas	\$10.00	\$10.00	\$5.00	\$10.00	\$5.00	\$5.00	\$5.00
Faribault	\$5.00	\$5.00	\$5.00	\$10.00	\$5.00	\$5.00	\$5.00
Fillmore	\$10.00	\$10.00	\$10.00	\$12.00	\$10.00	\$10.00	\$10.00
Freeborn	\$10.00	\$10.00	\$5.00	\$10.00	\$10.00	\$2.00	\$0.00
Goodhue	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$0.00
Grant	\$13.00	\$13.00	\$13.00	\$13.00	\$13.00	\$13.00	\$13.00
Hennepin	\$12.00	\$12.00	\$5.00	\$3.00	\$3.00	\$3.00	\$0.00
Houston	\$10.00	\$10.00	\$10.00	\$12.00	\$12.00	\$10.00	\$10.00
Hubbard	\$10.00	\$10.00	\$5.00	\$10.00	\$10.00	\$5.00	\$0.00
Isanti	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00
Itasca	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00
Jackson	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$0.00
Kanabec	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$0.00
Kandiyohi	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00
Kittson	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$0.00
Koochiching	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00
Lac Qui Parle	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00

Official Notices

<u>County</u>	<u>Civil</u>	<u>Probate</u>	<u>Conc. Ct.</u>	<u>Fel/G.Misd</u>	<u>Misd</u>	<u>P. Misd</u>	<u>Parking</u>
Lake	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$0.00
Lk. Woods	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$0.00
LeSueur	\$10.00	\$10.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00
Lincoln	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$5.00	\$0.00
Lyon	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$0.00
Mahnomen	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00
Marshall	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$0.00
Martin	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$0.00
McLeod	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$0.00
Meeker	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$0.00
Mille Lacs	\$10.00	\$10.00	\$5.00	\$10.00	\$10.00	\$10.00	\$0.00
Morrison	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00
Mower	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$0.00
Murray	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$0.00
Nicollet	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$0.00
Nobles	\$10.00	\$10.00	\$10.00	\$5.00	\$5.00	\$5.00	\$5.00
Norman	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$0.00
Olmsted	\$10.00	\$10.00	\$10.00	\$5.00	\$5.00	\$5.00	\$0.00
Otter Tail	\$10.00	\$10.00	\$5.00	\$10.00	\$10.00	\$10.00	\$10.00
Pennington	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$0.00
Pine	\$7.00	\$7.00	\$5.00	\$10.00	\$10.00	\$5.00	\$0.00
Pipestone	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00
Polk	\$7.50	\$7.50	\$7.50	\$7.50	\$7.50	\$7.50	\$0.00
Pope	\$13.00	\$13.00	\$13.00	\$13.00	\$13.00	\$13.00	\$0.00
Ramsey	\$10.00	\$10.00	\$10.00	\$5.00	\$5.00	\$5.00	\$0.00
Red Lake	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00
Redwood	\$7.00	\$7.00	\$7.00	\$7.00	\$7.00	\$7.00	\$0.00
Renville	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00
Rice	\$10.00	\$10.00	\$10.00	\$10.00	\$5.00	\$5.00	\$0.00
Rock	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00
Roseau	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$0.00
Scott	\$7.00	\$7.00	\$7.00	\$7.00	\$7.00	\$7.00	\$0.00
Sherburne	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$0.00
Sibley	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00
St. Louis	\$10.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$0.00
Stearns	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$0.00
Steele	\$12.00	\$12.00	\$12.00	\$6.00	\$6.00	\$6.00	\$0.00
Stevens	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$0.00
Swift	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00
Todd	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$0.00
Traverse	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00
Wabasha	\$10.00	\$10.00	\$10.00	\$5.00	\$5.00	\$5.00	\$3.00
Wadena	\$12.00	\$12.00	\$12.00	\$12.00	\$12.00	\$12.00	\$12.00
Waseca	\$10.00	\$10.00	\$7.00	\$5.00	\$5.00	\$5.00	\$0.00
Washington	\$10.00	\$0.00	\$5.00	\$10.00	\$10.00	\$10.00	\$0.00
Watonwan	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$0.00
Wilkin	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$0.00
Winona	\$10.00	\$5.00	\$10.00	\$5.00	\$5.00	\$5.00	\$0.00
Wright	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00
Y.Medicine	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00

Metropolitan Council

Public Hearing on the Dayton-Champlin Interceptor Facility Plan

CHAMPLIN CITY HALL

11955 Champlin Drive, Champlin, Minnesota

Wednesday, September 29, 2004 - 7:00 p.m.

The Metropolitan Council will hold a public hearing on the Dayton-Champlin Interceptor Facility Plan, Project No. 801000. The Draft Facility Plan for this project, prepared by the Metropolitan Council's Environmental Services Division (MCES), outlines recommendations for construction of approximately 2 miles of 27- to 48-inch-diameter gravity sanitary sewer pipe with one lift (pumping) station. MCES proposes to construct this regional interceptor sewer pipe through the city of Champlin to provide service to the northern portion of the city of Dayton.

This proposed interceptor would branch off of MCES's Champlin-Anoka-Brooklyn Park (CAB) Interceptor at a point near U.S. Highway 169 and 123rd Avenue North in Champlin. From there, it would extend to the west, following Hayden Lake Road, the proposed Hennepin County Road 121 improvement (Tilden Avenue Extension), and the western end of French Lake Road to the Champlin-Dayton border. The proposed Tilden Avenue Extension would create a new crossing of Elm Creek and provide an opportunity to construct the new interceptor in 2005-2006 in a cooperative construction project with the county and city of Champlin.

Copies of the Draft Facility Plan for the Dayton-Champlin Interceptor will be available for review after September 8, 2004, at:

- Champlin City Hall, 11955 Champlin Drive, Champlin
- Dayton City Hall, 12260 South Diamond Lake Road, Dayton
- Champlin Library, 12154 Ensign Ave. N., Champlin
- Metropolitan Council's Data Center, 230 E. Fifth St., St. Paul

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

You also may submit comments, which must be **received** by the Metropolitan Council no later than October 11, 2004:

- Send written comments to: Tim O'Donnell at Metropolitan Council Environmental Services, 230 E. Fifth St., St. Paul, MN 55101
- Fax comments to: Tim O'Donnell at (651) 602-1477
- Record comments on: Metropolitan Council Public Comment Line at (651) 602-1500
- E-mail comments to: data.center@metc.state.mn.us
- Send TTY comments to (651) 291-0904

Upon request, the Council will provide reasonable accommodations to persons with disabilities. Please submit such requests to Tim O'Donnell via mail or fax (see above) or by phone at (651) 602-1269 before September 22, 2004.

Metropolitan Council

Notice of Public Hearing on Adoption of the 2030 Transportation Policy Plan for the Twin Cities Metropolitan Area

The Metropolitan Council will hold a public hearing on September 27, to accept comments on the proposed adoption of the 2030 Transportation Policy Plan for the Twin Cities Metropolitan Area.

The Metropolitan Council is required by federal and state law to prepare a surface transportation plan for the seven-county metropolitan area. The proposed Transportation Policy Plan meets that requirement and supports the Regional Development Framework, the development plan for the region, adopted by the Council in January. The proposed Transportation Policy Plan includes sections on transit, highways, aviation, freight, pedestrian and bicycle movement.

The Federal Transportation Equity Act for the 21st Century requires the Council to prepare a plan in conformance with federal transportation and air quality requirements every three years. The Plan must follow federal guidance and has been drafted to address such guidance.

The 2030 Transportation Policy Plan is available on the Council's Web site at:

<http://www.metrocouncil.org/planning/transportation/TPP/2004/summary.htm>.

Printed copies will be available at no charge beginning September 1, by calling the Council's Data Center at (651) 602-1140 or (651) 291-0904 (TTY). Copies are also available for review at the main St. Paul, Minneapolis and county libraries. Other background materials describing the Council's transportation planning and programming efforts are also available.

Prior to the public hearing, informational open houses will give interested parties an opportunity to hear a presentation about the 2030 Transportation Policy Plan and comment or ask questions. The open houses will be held:

- Tues., Sept. 7, Association of Metropolitan Municipalities, 145 University Ave. W., St. Paul, noon – 1:30 p.m.
- Mon., Sept. 13, Coon Rapids City Hall, 11155 Robinson Dr. NW., Coon Rapids, 8 – 9:30 a.m.

Official Notices

- Thurs., Sept. 16, Inver Grove Heights Community Center, 8055 Barbara Ave., Inver Grove Heights, 7 – 8:30 p.m.
- Thurs., Sept. 23, SouthWest Metro Transit, 13500 Technology Drive, Eden Prairie, 4 - 5:30 p.m.

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

- Tues., Sept. 21, IDS Crystal Court, Minneapolis, 11:00 a.m. – 1:00 p.m.
- Wed., Sept. 22, 5th Street Center Building Skyway, St. Paul, 11:00 a.m. – 1:00 p.m.

The Transportation Committee of the Metropolitan Council will hold the **public hearing**:

- Mon., Sept. 27, Mears Park Centre, 230 East 5th Street, St. Paul, 5 p.m.

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

The procedure for the hearing will be as follows:

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

Comments may also be submitted to the Council as follows:

- Mail: Metropolitan Council Data Center, Mears Park Centre Bldg., 230 East 5th St., St. Paul, MN 55101
- E-mail: data.center@metc.state.mn.us
- Fax: (651) 602-1464
- Public Comment Line: (651) 602-1500.
- Comment Card: available at the Open Houses

Comments will be accepted until 5 p.m., October 22, 2004. At the close of the public comment period, the Council will prepare a hearing summary. To request a copy of the hearing summary call the Data Center at (651) 602-1140 or (651) 291-0904 (TTY). The Council plans to adopt the Transportation Policy Plan in December 2004.

Metropolitan Council

2005 Disadvantaged Business Enterprise Program (DBE) Goal

The Metropolitan Council's Disadvantaged Business Enterprise Program (DBE) and goal request for fiscal year 2005 has been submitted to the Federal Transportation Administration (FTA), pursuant to part 26 of the *Code of Federal Regulations*, Chapter 49. When approved the Council's overall DBE goal of 16.5% for DOT-assisted contracts will be effective from October 2, 2004 through September 30, 2005. This goal and a description of how it was set is available for inspection during normal business hours at the Council offices for 45 days from the date of this notice. Comments, which are for information purposes only, may be sent to the Director, Office of Diversity and Equal Opportunity, Metropolitan Council, Mears Park Centre, 230 E. Fifth St., St Paul, MN 55101; or the U.S. Department of Transportation, 400 7th St., SW, Washington, DC 20590.

Department of Natural Resources

Notice of Proposed Reclassification of the Solana State Forest with Respect to Motor Vehicle Use

NOTICE IS HEREBY GIVEN that the Commissioner of the Minnesota Department of Natural Resources (DNR) proposes to reclassify the Solana State Forest in Aitkin County, Minnesota with respect to operation of motor vehicles. The proposal is to change the current classification of the Solana State Forest from '*Managed*', (in which forest roads and forest trails are open for motor vehicle use unless posted closed), to '*Limited*' (in which forest trails are closed to motor vehicle use unless posted open). *Minnesota Rules Chapter 6100.1950* governs the classification of State Forests with respect to motor vehicle use.

The Solana State Forest is located in southeastern Aitkin County, adjacent to State Highway 65, north of the city of McGrath. The statutory boundaries of the Solana State Forest enclose about 68,000 acres. The DNR Division of Forestry administers approximately 58,000 acres of the land within the State Forest.

In conjunction with the proposed reclassification the Department of Natural Resources has developed a plan that designates which roads and trails within the State Forest will be open to motor vehicle use. There are approximately 156 miles of forest roads and trails on state-administered lands in the Solana State Forest. If the proposed road and trail use designations are implemented there will be about 45 miles of forest roads, most of which will be open to both highway-licensed vehicles and off-highway vehicles. There would be about 75 miles of roads and trails open to all terrain vehicles. Motor vehicle use would generally be prohibited on about 82 miles of existing routes that will have no designated uses.

There will be a public meeting on the proposed reclassification and road and trail use designations from 6:00 PM to 9:00 PM on Wednesday, October 27, 2004 at the Hazelton Town Hall, located south of Aitkin on Highway 169. The department will present information and receive public comments on the proposal.

The reclassification proposal, road and trail designation plan, and related maps are on the DNR website at: www.dnr.state.mn.us/input/mgmtplans/ohv/designation/status.html. Copies of the documents can also be obtained from:

Jack Olson, Natural Resources Planner
Minnesota Department of Natural Resources
1601 Minnesota Drive
Brainerd, MN 56401
Phone: (218) 828-2701
E-mail: jack.olson@dnr.state.mn.us

Written comments on the proposal can be submitted to the above address until 4:30 PM on November 12, 2004.

Mark Holsten, Deputy Commissioner
Minnesota Department of Natural Resources

Department of Natural Resources

Notice of Proposed Reclassification of the Wealthwood State Forest with Respect to Motor Vehicle Use

NOTICE IS HEREBY GIVEN that the Commissioner of the Minnesota Department of Natural Resources (DNR) proposes to reclassify the Wealthwood State Forest in Aitkin County, Minnesota with respect to operation of motor vehicles. The proposal is to change the current classification of the Wealthwood State Forest from 'Managed', (in which forest roads and forest trails are open for motor vehicle use unless posted closed), to 'Limited' (in which forest trails are closed to motor vehicle use unless posted open). *Minnesota Rules Chapter 6100.1950* governs the classification of State Forests with respect to motor vehicle use.

The Wealthwood State Forest is located on the north shore of Mille Lacs Lake. The statutory boundaries of the Wealthwood State Forest enclose about 15,000 acres. The DNR Division of Forestry administers approximately 5,100 acres of the land within the State Forest.

In conjunction with the proposed reclassification the Department of Natural Resources has developed a plan that designates which roads and trails within the State Forest will be open to motor vehicle use. There are approximately 15 miles of forest access routes on state-administered lands in the Wealthwood State Forest. The proposed road and trail use designations are:

- 3.1 miles of forest road that will be open to use by highway-licensed vehicles.
- 7.4 miles of snowmobile trail.
- No designated non-motorized recreational trails.
- No designated OHV trails.
- 4.9 miles of undesignated routes will not be maintained for any recreational use and will be closed to motorized vehicles.

There will be a public meeting on the proposed reclassification and road and trail use designations from 6:00 PM to 9:00 PM on Wednesday, October 27, 2004 at the Hazelton Town Hall, located south of Aitkin on Highway 169. The department will present information and receive public comments on the proposal.

The reclassification proposal, road and trail designation plan, and related maps are on the DNR website at: www.dnr.state.mn.us/input/mgmtplans/ohv/designation/status.html. Copies of the documents can also be obtained from:

Jack Olson, Natural Resources Planner
Minnesota Department of Natural Resources
1601 Minnesota Drive
Brainerd, MN 56401
Phone: (218) 828-2701
E-mail: jack.olson@dnr.state.mn.us

Written comments on the proposal can be submitted to the above address until 4:30 PM on November 12, 2004.

Mark Holsten, Deputy Commissioner
Minnesota Department of Natural Resources

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.

Colleges and Universities, Minnesota State (MnSCU)

Request for Proposals for Executive Search Firm

NOTICE IS HEREBY GIVEN that proposals are being solicited to select an executive search consultant to assist the Minnesota State Colleges and Universities System in the search for qualified candidates for vacancies for Presidents with the Minnesota State Colleges and Universities System during fiscal year 2004-05.

Applicants must have evidence of successful experience in working with search committees on searches for higher education chief executives and evidence of success in providing clients with diverse pools of candidates for searches in higher education. For further information or to request a copy of the full Request for Proposal, please contact:

Linda Skallman, Associate Vice Chancellor, Human Resources
Minnesota State Colleges and Universities
500 Wells Fargo Place, 30 East Seventh Street
St. Paul, MN 55101
Telephone: (651) 296-5157
linda.skallman@so.mnscu.edu
FAX: (651) 297-3145

Proposals are due by Friday, September 17, 2004 no later than 5:00 p.m.

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

Colleges and Universities, Minnesota State (MnSCU)

Winona State University

Request for Sealed Bids for the Printing of Fall 2004 Currents Magazine

NOTICE IS HEREBY GIVEN that Winona State University will receive sealed bids for the printing of their Fall 2004 Currents Magazine.

Bid specifications will be available August 23, 2004 from the Winona State University Purchasing Department, PO Box 5838, 205 Somsen Hall, Winona, MN 55987 by calling (507) 457-5067.

Sealed Bids must be received by Sandra Schmitt at PO Box 5838, or at 175 W. Mark St., Somsen 205G, Business Office, Winona State University, Winona, MN 55987 by 2:00 p.m. September 8, 2004.

Winona State University reserves the right to reject any or all bids and to waive any irregularities or informalities in bids received.

Minnesota Agricultural and Economic Development Board

Notice of Public Hearing on the Proposed Project and the Issuance of Bonds on Behalf of Benedictine Care Centers, Under *Minnesota Statutes* 1986, Chapter 116M and *Minnesota Statutes*, Chapter 41A

NOTICE IS HEREBY GIVEN that the Minnesota Agricultural and Economic Development Board (the "Board") or its designated representative, shall meet on September 10, 2004, at 9:00 a.m., at 500 Metro Square, 121 7th Place East, Saint Paul, Minnesota, for the purpose of conducting a public hearing on a proposed issue of bonds (the "Bonds") and the provision of other financial assistance under *Minnesota Statutes* 1986, Chapter 116M, and *Minnesota Statutes*, Chapter 41A, as amended (the "Act"), to undertake and finance a project on behalf of Benedictine Care Centers, a Minnesota non-profit corporation (the "Applicant"). Such persons as desire to be heard with reference to said issue of Bonds will be heard at this public hearing.

The project to be financed consists of (i) the acquisition, construction and equipping of an addition to a 124-bed nursing facility in the City of Duluth, Minnesota ("Duluth"), known as "Lake Haven Manor", (ii) the acquisition, construction and equipping of an addition to a 105-bed nursing facility in the City of New Brighton, Minnesota ("New Brighton"), known as "Benedictine Health Center at Innsbruck",

and (iii) making certain renovations and improvements to a 65-bed nursing facility in the City of Plainview, Minnesota ("Plainview" and together with Duluth and New Brighton, the "Cities"), known as "Hillcrest Community Care Center" (collectively, the "Project"). The initial owner and operator of the Project will be the Applicant or a related or affiliated entity. It is contemplated that the Project will be used primarily for nursing home, assisted living or related facilities. The estimated amount of the Board's proposed bond issue is an amount not to exceed \$8,000,000. The Bonds shall be limited obligations of the Board, the Bonds and the interest thereon shall be payable solely from the revenue pledged to the payment thereof, and a mortgage or security interest or other security arrangements to be established by or on behalf of the Applicant. Notwithstanding the foregoing, no holders of any such Bonds shall ever have the right to compel any exercise of the taxing powers of the State of Minnesota or any political subdivision thereof to pay the Bonds or the interest thereon nor to enforce payment against any property of said State or said political subdivision.

A copy of the Application to the Board for approval of the Project, together with all attachments and exhibits thereto, a copy of the Application to the Minnesota Department of Employment and Economic Development for approval of the Project, and a copy of the Board's resolution accepting the Application and accepting the Project is available for public inspection at the offices of the Board at 500 Metro Square, 121 7th Place East, Saint Paul, Minnesota from the date of this notice to the date of the public hearing hereinabove identified, during normal business hours.

This Notice of Public Hearing is being given pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended.

All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director prior to the date of the hearing set forth above.

Dated: August 12, 2004

BY ORDER OF THE MEMBERS OF THE MINNESOTA
AGRICULTURAL AND ECONOMIC DEVELOPMENT BOARD
Paul Moe, Executive Director
Minnesota Agricultural and Economic Development Board

Minnesota Historical Society

Request for Bids for Printing Five Issues of Minnesota Historical Society's Member News

The Minnesota Historical Society is seeking bids from qualified firms to provide all labor, material and equipment to print five issues of Minnesota Historical Society's Member News.

Authorized agents for receipt of bids are the following: Minnesota Historical Society staff located either at the Information Desk on the first floor or in the Contracting and Purchasing office on the fourth floor of the Minnesota History Center 345 Kellogg Boulevard West, St. Paul, Minnesota 55102.

The Request for Bids is available by calling Mary Green Toussaint, Contracting and Purchasing Assistant, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, Minnesota 55102. Telephone (651) 297-7007 or by e-mail:

[<mary.green-toussaint@mnhs.org>](mailto:mary.green-toussaint@mnhs.org).

Bids must be submitted in a sealed envelope with the project name clearly written on the envelope. Bids must be received no later than 2:00 p.m. Local Time Wednesday September 8, 2004. Late bids will not be considered.

Minnesota Historical Society

Notice of Request for Bids for Printing Services - *Are We There Yet?*

The Minnesota Historical Society (Society) is seeking bids from qualified firms for the printing of 10,000 books, titled *Are We There Yet?* (10,000 casebound books plus additional 1000s).

The schedule is as follows: March 15, 2005, all to printer; July 15, 2005, finished books at the Society's warehouse and Press.

The Request for Bids is available by calling or writing Mary Green Toussaint, Contracting & Purchasing Assistant, Minnesota Historical Society, 345 Kellogg Blvd. W., St. Paul, MN 55102. Telephone is (651) 297-7007; e-mail is mary.green-toussaint@mnhs.org.

Bids must be received no later than 2:00 p.m., Local Time, Wednesday, September 15, 2004. No late bids will be accepted.

Dated: August 23, 2004

State Contracts

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
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

Notice of Request for Proposals for Business Analysis and Software Selection Services

NOTICE IS HEREBY GIVEN Anoka County is seeking proposals for professional services to provide business analysis services and assistance with reviewing options and developing a request for proposals for the selection of a vendor payment system, and other related systems for the Human Services Division.

Non-State Contracts & Grants

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: September 17, 2004 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.

Metropolitan Council - Metro Transit Coil Replacement at Metro Transit Heywood and South Garages Procurement No. 6717

Metro Transit, a division of the Metropolitan Council, is soliciting sealed bids for replacing coils at its Heywood and South garages. The work consists of removal and replacement of existing steam coils and traps in the air handling units at the two garages.

Site visits will be conducted beginning at 10:00 a.m. on August 25, 2004.

Sealed bids are due by 2:00 p.m. on September 1, 2004. Bids must be submitted in accordance with the Invitation for Bids document available from:

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

Metropolitan Council - Metro Transit Metro Transit Operator Uniforms Procurement No. 6688

Metro Transit, a division of the Metropolitan Council, is soliciting sealed bids for supplying uniforms to Metro Transit bus and rail operators for a five-year period. The uniforms items to be provided include shirts, trousers, and jackets, as well as other items.

A pre-bid conference will be held on August 30, 2004 at 2:00 p.m. at Metro Transit, 560 - 6th Avenue N., Minneapolis, MN 55411.

Sealed Bids are due by 2:00 p.m. on September 15, 2004. Bids must be submitted in accordance with the Invitation for Bids document available from:

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

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

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

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, Mpls., MN 55454.



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