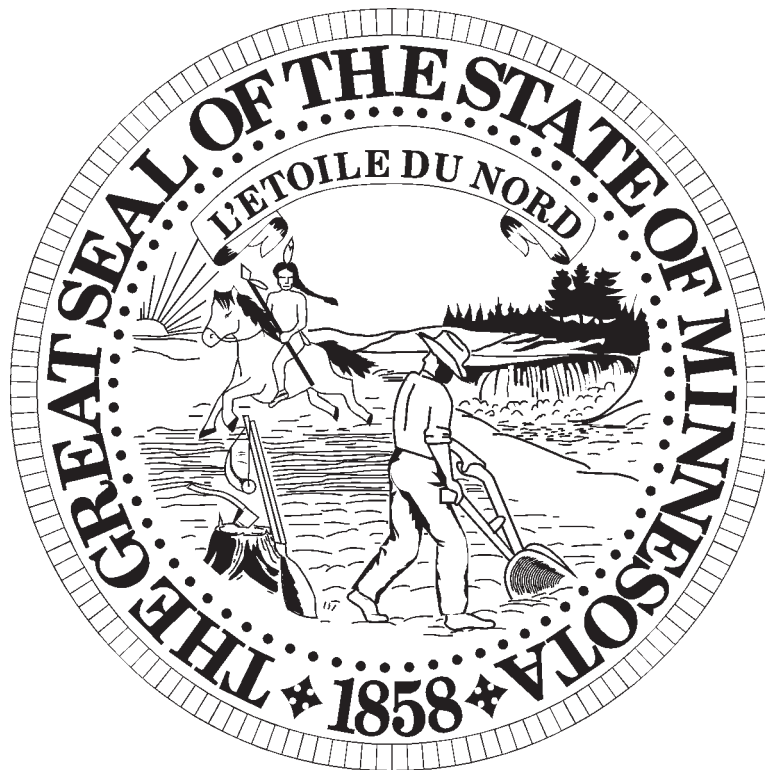


State of Minnesota

State Register



**Rules, Executive Orders, Appointments,
Commissioners' Orders, Revenue Notices, Official Notices, Grants,
State Contracts & Loans, Non-State Bids, Contracts & Grants**
Published every Monday (Tuesday when Monday is a holiday)

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State Register

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- state grants and loans
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# 26	Monday 24 December	Noon Tuesday 18 December	Noon Wednesday 12 December
# 27	Monday 31 December	NOON MONDAY 24 DECEMBER	Noon Wednesday 19 December
# 28	Monday 7 January 2008	NOON MONDAY 31 DECEMBER	Noon Wednesday 26 December

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Carol L. Molnau, Lt. Governor	(651) 296-3391	Dana B. Badgerow, Commissioner (651) 296-1424	Robin Panlener, editor (651) 297-7963
Lori Swanson, Attorney General	(651) 297-4272	Materials Management Division:	John Mikes, assistant editor (651) 297-4616
Rebecca Otto, State Auditor	(651) 297-3670	Kent Allin, Director (651) 201-2400	Cathy Hoekstra, subscriptions (651) 297-8777
Mark Ritchie, Secretary of State	(651) 296-2079	Mary Mikes, Manager (651) 297-3979	Bonnie Karels, billing (651) 296-4912

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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, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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Proposed Rules

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

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

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

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.

Board of Peace Officer Standards and Training

Proposed Permanent Rules Relating to Peace Officer Continuing Education and Accreditation

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Amendment to Rules Governing Continuing Education and Accreditation, *Minnesota Rules*, Chapter 6700, Parts 0900, 0901 and 0902

Introduction. The Minnesota Board of Peace Officer Standards and Training intends to adopt rules without a public hearing following the procedures 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. Any individuals may submit written comments on the proposed rules and/or a written request that a hearing be held until January 17, 2008.

Agency Contact Person. Comments, questions or written requests for a public hearing on the proposed rules must be submitted to the agency contact. The agency contact is Mary Bjornberg at Minnesota Board of Peace Officer Standards and Training, located at 1600 University Avenue, Suite 200 in Saint Paul, Minnesota 55104-3825. Ms. Bjornberg can also be reached at phone: (651) 201-7787, fax: (651) 643-3072, or mary.bjornberg@state.mn.us. TTY users may call the Department of Public Safety at (651) 297-1200.

Proposed Rules

Subject of Rules and Statutory Authority. There are several proposed non-substantive rule amendments to Continuing Education, Definitions and Accreditation. These clarify the language, correct grammar and establish consistency of content throughout the three Parts. The proposed substantive changes reflect how current practice has evolved since the original rules were established in the early 1980s. In addition, the proposed substantive amendments to Accreditation remove the limitation of many sponsors to apply to become an accredited sponsor by deleting the obligation to designate a continuing education coordinator. Also, the proposed changes add more stringent criteria of two-year proven competency before approval will be granted and require additional documentation to maintain the approval. The proposed substantive changes to Definitions delete the definition of a continuing education coordinator and add the definition of an accredited sponsor. The statutory authority for the Board to adopt the rules is *Minnesota Statutes*, sections 626.84 to 626.863. A copy of the proposed rules is published in the *State Register* and attached to this notice.

Comments. Comments are encouraged and must be received in writing by the agency contact before 4:30 p.m. on January 17, 2008. Comments should identify the portion of the proposed rule changes the comment is based on; the reason for the comment; any suggestions for changes to; and, if applicable, the legality of the proposed rule changes.

Request for a Hearing. A request to hold a hearing on the proposed rule changes must be received in writing by the agency contact person before 4:30 p.m. on January 17, 2008. It must indicate the individual's name and address that is submitting the request and identify the portion(s) of the proposed rules to which the individual objects. It is encouraged that the request lists the reason for submitting it and any suggestion for changes to the proposed rules. Any request for a hearing 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.

Withdrawal of Requests. If 25 or more individuals submit a valid written request for a hearing, 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 to all individuals who requested a hearing. In addition, the agency must explain the actions it took to affect 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. Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make a request, please communicate with the agency contact.

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, 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. If the proposed rules affect any individuals in some way, those individuals are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness (SONAR) is available from the agency contact. The SONAR contains a summary of the justification for the proposed rules, including a description of who will be affected and an estimate of the probable cost. The agency must pay for the cost of reproducing the SONAR.

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 Centennial Building, 658 Cedar Street, Suite 190 in St. Paul, Minnesota 55155, or at 651-296-5148 or 1-800-657-3889.

Adoption and Review of Rules. 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 (OAH) for review of legality. Individuals may ask to be notified of the date the rules are submitted to the OAH. If an individual wants to be notified, receive a copy of the adopted rules, register with the agency to receive notice of future rule proceedings, a request must be submitted to the agency contact.

Dated: November 27, 2007

Neil W. Melton, Executive Director
Peace Officer Standards and Training Board

6700.0900 CONTINUING EDUCATION.

Subpart 1. **Purpose.** Pursuant to the authority vested in it by *Minnesota Statutes*, section 214.12, The board has determined that a program of believes continuing education for peace officers is necessary to promote and ensure their professional competence.

Subp. 2. **Continuing education and license renewal.** No peace officer license may be renewed unless the licensee or the licensee's appointing authority furnishes provides the board proof that the licensee has successfully completed board-approved continuing education as provided required in part 6700.1000, subpart 3. Licensees may be randomly selected for a continuing education review. If selected, the licensee must verify successful completion of the required hours of continuing education for license renewal.

Subp. 3. **Criteria for course approval.** For the purpose of this part, "course sponsor" means any a school, agency, individual, or organization, or person who provides continuing education courses and that seeks board approval of these the continuing education courses they provide.

A. Before being eligible A sponsor that seeks to receive board continuing education course approval, the course sponsor shall make submit a completed application for course approval. Application for approval must be submitted on forms a form provided by the board.

B. No approval will be granted unless the course sponsor files with the board satisfactory proof that the course is law enforcement related, is based on the knowledge, skills, and abilities needed to be a peace officer, and meets a law enforcement training educational need and that the course has reasonable training equipment and facilities available. Further, the course sponsor shall furnish the board with the lesson plans and instructor credentials for the course and such other relevant information as the board may require. Relevant information may include handout material, attendance policy, and evaluation.

C. No approval will be granted unless the course sponsor files all relevant information required by the board at least ten days before commencement of the proposed course. A ten-day extension may be granted by the executive director upon receipt of documentation showing a compelling reason for the extension. sponsor submits information required by the board at least ten days before commencement of the proposed course. Required information may include course goals and objectives, course outline including timeline, instructor qualifications and evaluation, and agreement the course statement shall be read according to subpart 6a.

D. Upon approval, the board shall issue a letter of course approval to the course sponsor.

E. Instructors who teach in continuing education courses shall possess professionally recognized training and experience in the assigned subject area, and board-recognized instructor training or specialized academic preparation in the assigned subject area, including but not limited to psychology, law, and forensic pathology.

F. Guest lecturers shall have their lesson planning and classroom activities supervised by an individual who has completed board-recognized instructor training.

G. Approval of continuing education courses shall be based upon relevance to the knowledge, skills, and abilities needed to be a peace officer.

H. The board will approve the course for continuing education credit hours based on each hour of proposed training. An hour shall consist consists of 50 minutes of learning activities.

I. H. The board may accredit allow a course sponsor to offer a continuing education course for a specified period of time without further documentation.

Subp. 4. **Mandatory courses.** The board may mandate specific courses and required minimum hours in selected subject areas to ensure continued protection of the public interest. Nothing contained in this part shall be construed as limiting An agency from requiring may require or furnishing provide more than the number of hours of continuing education required by the board.

Subp. 5. **Learning objectives.** The board may issue specific learning objectives applicable to the content of continuing education courses.

Subp. 6. **Review.** All continuing education courses are subject to periodic review and evaluation by the board. The sponsor shall cooperate with the board's review.

Subp. 6a. **Course statement.** The designee of the sponsor shall read aloud the following statement at the beginning of each class: "The (name of the sponsor) is a continuing education sponsor as approved by the Board of Peace Officer Standards and Training. This course (name of the course), (course number) has been approved by the POST Board for continuing education credit. Peace officers who successfully complete this course will receive (total credits approved) hours of continuing education. The sponsor of this course has a written policy for the investigation and resolution of allegations of classroom discrimination. Discrimination is an act or comment of prejudice that offends another. This policy applies to all faculty, instructors, administrative staff, and students. A copy of the policy may be obtained from the sponsor by contacting (insert appropriate name and contact information)."

Subp. 7. **Inactive licensed officer.** An inactive licensed officer is eligible to attend continuing education courses. Priority may be given to active licensees.

Subp. 8. **Record keeping.** A list of licensees who successfully complete an approved continuing education course shall be maintained by the course sponsor and a copy transmitted to the board within ten days of the close of the course. The list shall be submitted on forms provided by the board and shall include the license number of each officer. Successful completion of the course shall be determined by the course sponsor.

Proposed Rules

Subp. 9. **Instructor credit.** Peace officers may earn up to one-half of their required continuing education credits for instructing in approved continuing education courses. The peace officer may earn two hours of continuing education credit for each hour of instruction.

Subp. 10. **Credit for courses not directly approved by the board.** Peace officers may ~~request~~ receive continuing education credit for a course ~~which that~~ was not directly approved by the board provided the course was not denied approval, the licensee can show proof ~~that~~ the course ~~was law enforcement related~~ meets the requirements of subpart 3, item B, and can prove successful completion of the course. Application for credit must be submitted on forms provided by the board. Continuing education credit will be granted according to subpart 3, items G and H.

Continuing education credit may be granted for courses completed at accredited colleges and universities ~~according to if the course meets the requirements of subpart 3, item G, and B.~~ Credit shall be granted with one semester credit equaling 15 continuing education credits and one quarter credit equaling ten continuing education credits.

Subp. 13. **Classroom discrimination; procedures.** Every ~~course~~ sponsor must establish written procedures for the investigation and resolution of allegations of classroom discrimination. These procedures must minimally specify:

- A. the person to whom the formal complaint must be made;
- B. the process ~~by which to investigate~~ complaints ~~will be investigated~~;
- C. the sanctions ~~which that~~ may be imposed if a complaint is sustained;
- D. the appeal process for the offending party;
- E. the process ~~which will be used~~ to notify the complainant of the investigation and disposition; and
- F. the effective date of the procedures or subsequent modifications of the procedures.

Subp. 14. **Copy of procedures.** The ~~course~~ sponsor must make the written procedures required in subpart 13 available to all faculty, instructors, and administrative staff, and to anyone who requests a copy else upon request. ~~Also, the course sponsor must make available to all of its faculty members and staff persons a copy of the written procedures required in subpart 13.~~

Subp. 14a. **Complaints.** Complaints that allege classroom discrimination during a course must be processed according to the written procedures required in subpart 13 by the sponsor.

Subp. 15. **Disciplinary action.** The board may take disciplinary action against a ~~course~~ sponsor that:

- A. ~~who~~ violates the provisions of this part 6700.0900;
- B. ~~who files with the board submits~~ a false application ~~form or course roster~~;
- C. ~~who~~ provides instruction ~~which is~~ not consistent with the application ~~form; or~~
- D. ~~who fails to cooperate or whose faculty, instructors, or administrative staff fails to cooperate with the board's investigation into an allegation of a violation of this part; and,~~
- E. ~~whose administrative staff or faculty fails to cooperate with the board's investigation into an allegation of a violation of this part.~~

Subp. 16. **Sanctions.** Disciplinary action for violation of subpart 15 consists of one or more of the following: a letter of censure to the ~~course~~ sponsor, ~~formal or informal~~ probation of the ~~course~~ sponsor, or denial of approval of other courses for a specified period of time.

Subp. 17. **Procedure requirements Disciplinary proceedings.** Disciplinary ~~procedures~~ proceedings under this part ~~must shall~~ be conducted ~~under pursuant to~~ the Administrative Procedure Act, Minnesota Statutes, chapter 14, and the rules of the Office of Administrative Hearings, ~~parts 1400.5100 to 1400.8500~~ chapter 1400.

6700.0901 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of this part, the following words and phrases ~~in this part~~ have the meanings given.

Subp. 2. **Accreditation.** "Accreditation" means a sponsor that has received authority granted by from the board to a school, agency, or association of agencies to approve courses they provide for continuing education credit.

Subp. 2a. **Accredited sponsor.** "Accredited sponsor" means a sponsor that has received accreditation from the board.

Subp. 3. [See repealer.]

Subp. 4. **Continuing education Sponsor.** "Continuing education Sponsor" means a school, agency, individual, or association of agencies which organization that has received accreditation authority from the board to provide approved courses for continuing education credit.

Subp. 5. **Disciplinary action.** "Disciplinary action" means one or more of the following sanctions: letter of censure to the ~~course~~ sponsor, probation of the ~~course~~ sponsor, denial of approval of other courses for a specified amount of time, or suspension or revocation of the accreditation.

6700.0902 ACCREDITATION.

Subpart 1. [See repealer.]

Subp. 1a. **Purpose.** The board believes sponsors who provide peace officer continuing education play a vital role in ensuring professional competence. The board recognizes a sponsor demonstrates competency by providing courses that are law enforcement related, promote professional job-related competence, and meet a law enforcement educational need. The board further believes if a sponsor has

Proposed Rules

proven competency and is in good standing with the board, the sponsor can apply to become an accredited sponsor.

Subp. 2. [See repealer.]

Subp. 2a. **Criteria for accreditation approval.** For the purpose of this part, “accreditation” means a sponsor who provides continuing education courses and seeks accreditation from the board.

A. A sponsor that seeks accreditation shall submit a completed application on a form provided by the board.

B. No approval will be granted unless the sponsor has submitted and received continuing education course approval from the board over a two-year period, and the board has not taken disciplinary action against them.

C. No approval will be granted unless the sponsor’s courses are law enforcement related, based on the knowledge, skills, and abilities needed to be a peace officer, and meet a law enforcement educational need.

D. No approval will be granted unless the sponsor submits information required by the board. Required information includes instructional objectives, course curriculum, facilities/learning resources, classroom discrimination policy, and agreement the course statement shall be read according to subpart 9.

E. Upon completion of the application process, the board shall issue a letter granting or denying accreditation.

F. Instructors who teach in continuing education courses shall possess professionally recognized training and experience in the assigned subject area, and board-recognized instructor training or specialized academic preparation in the assigned subject area.

G. Guest lecturers shall have their classroom activities supervised by an individual who has completed board-recognized instructor training.

H. The course will be approved for continuing education credit hours based on each hour of proposed training. An hour consists of 50 minutes of learning activities.

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Subp. 4a. **Evaluation.** Every five years the board shall conduct an evaluation of all accredited sponsors to ensure compliance. All accredited sponsors are subject to periodic evaluation by the board. Accredited sponsors shall cooperate with the board’s evaluation.

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. [See repealer.]

Subp. 8. **Documentation.** The continuing education coordinator shall maintain copies of the documents received in part 6700.0900, subpart 3, item C, for five years. Copies of this documentation shall be made available to the board within five working days of the board’s request for it. If compliance is not possible within that time, the continuing education coordinator shall inform the board within five working days of the board’s initial request and shall have an additional five working days to comply with the request. The accredited sponsor shall retain copies of information required by the board. Required information may include but is not limited to learning goals, specific performance objectives, timeline showing a breakdown of hours, course outline of each major unit of instruction, instructor qualifications, and instructor evaluation.

The documentation must be maintained for five years or until evaluated and shall be made available to the board upon request.

Subp. 9. **Course statements.** The continuing education coordinator or a designee of the coordinator accredited sponsor shall read aloud the following statement at the beginning of each class: “The (name of the continuing education accredited sponsor) is a continuing education accredited sponsor as approved by the Board of Peace Officer Standards and Training. Peace officers who successfully complete this course (name of the course) will receive (total number of hours) hours of continuing education. A course roster will be mailed to the POST Board no later than ten days after this course is completed. The roster will list the names, license numbers, and continuing education hours for those who successfully complete the course. Any questions about this course can be directed to (the name of the continuing education coordinator).” This course (name of the course), (course number) has been approved for continuing education credit. Peace officers who successfully complete this course will receive (total credits approved) hours of continuing education. The accredited sponsor of this course has a written policy for the investigation and resolution of allegations of classroom discrimination. Discrimination is an act or comment of prejudice that offends another. This policy applies to all faculty, instructors, administrative staff, and students. A copy of the policy may be obtained from the accredited sponsor by contacting (insert appropriate name and contact information).”

Subp. 10. **Violations Disciplinary action.** The board may take disciplinary action against a continuing education sponsor for any violation of this part by the sponsor or the continuing education coordinator. Also, disciplinary action may be taken when the continuing education sponsor, continuing education coordinator, or faculty does not cooperate with the board in the investigation of a violation of this part. The board may take disciplinary action against an accredited sponsor that:

A. violates the provisions of this part;

B. submits a false application;

C. provides instruction not consistent with the application; or

D. fails to cooperate or whose faculty, instructors, or administrative staff fails to cooperate with the board’s investigation into an allegation of a violation of this part.

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Subp. 10a. **Sanctions.** Disciplinary action for violation of subpart 10 consists of one or more of the following: a letter of censure to the accredited sponsor, probation of the accredited sponsor, denial of approval of other courses for a specified period of time, or suspension or revocation of the accreditation.

Subp. 11. **Disciplinary proceedings.** Disciplinary proceedings under this part shall be conducted pursuant to the Administrative Procedure Act, *Minnesota Statutes*, sections 14.001 to 14.69 chapter 14, and the rules of the Office of Administrative Hearings, chapter 1400.

Subp. 12. **Classroom discrimination; procedures.** ~~A continuing education~~ Every accredited sponsor must establish written procedures for the investigation and resolution of allegations of classroom discrimination. The procedures must minimally specify:

- A. the person to whom the complaint must be made;
- B. the process ~~by which to investigate~~ complaints ~~will be investigated~~;
- C. the sanctions ~~which that~~ may be imposed if a complaint is sustained;
- D. the appeal process for the offending party;
- E. the process ~~which will be used~~ to notify the complainant of the investigation and disposition; and
- F. the effective date of the procedures or subsequent modifications of the procedures.

Subp. 13. **Copy of procedures.** The ~~continuing education coordinator~~ accredited sponsor must make available to all faculty and staff a copy of the written procedures required in subpart 12. ~~Also, the continuing education coordinator must make these procedures available to all faculty, instructors, administrative staff, and~~ to anyone else upon request.

Subp. 14. **Complaints.** Complaints ~~which that~~ allege classroom discrimination during a course ~~sponsored by a continuing education sponsor~~ must be processed according to the written procedures required in subpart 12 by the accredited sponsor.

REPEALER. *Minnesota Rules*, parts 6700.0901, subpart 3; and 6700.0902, subparts 1, 2, 3, 4, 5, 6, and 7, are repealed.

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.

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.

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules: 2007-2008 Special Deer Hunt

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of the rule is *Minnesota Statutes*, sections 97A.045, 97A.401, 97A.535, 97B.301, and 97B.311.

The emergency conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, are that a small number of deer taken during the 2007 regular deer hunt in the bovine tuberculosis zone are suspected to carry the disease. The special season authorized under these rules is being held as part of the DNR's ongoing effort to reduce the deer numbers in this area, thereby preventing the spread of the disease from wild deer to domestic cattle. Tagging and license changes are made to reflect statutory changes made by the 2006 legislature.

Dated: December 5, 2007

Mark Holsten, Commissioner
Department of Natural Resources

6232.0300 GENERAL RESTRICTIONS FOR TAKING DEER.

Subpart 1. **Zone and date options.** A firearm deer hunter may purchase a firearm license valid for the regular firearms deer season or muzzleloader season, a multizone buck license to take antlered deer in more than one zone, an all-season deer license, or a resident youth license. A hunter purchasing a resident youth license or a regular firearm license, including a hunter choosing a muzzleloader option, must select only one of the zone and date options listed on the license. For the regular firearm season, this choice will be printed on the license at the time of purchase. A person may only hunt deer by firearms within the zone and date options indicated on the person's firearm license, except a firearm license for any zone or season option is valid in the special bovine tuberculosis area (deer area 101).

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

Subp. 5. **Tagging.** The tag of the license valid for the taking of the deer must be affixed around the tendon or bone of a hind leg, around the base of an antler, or through a slit cut in either ear ~~so that the tag cannot be readily removed.~~

Subp. 6. **License purchase and validation.**

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

B. At the time a deer is tagged at the site of kill, the license and site tag must be validated. Validation consists of using a knife or similar sharp object to cut out or a pen to indelibly mark the area indicated on the license and the appropriate notches on the site tag indicating:

- (1) the month the deer was taken;
- (2) the date the deer was taken; and
- (3) the time of day the deer was taken.

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

Subp. 8. **Bag limit.** A person may not tag more than one deer during a license year by any method, except as authorized in items A to ~~D~~ E.

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

C. In no case may a person tag more than five deer per year by firearms, archery, or both methods combined, ~~except a sixth deer may be tagged if the person takes a deer with a free landowner permit as provided in item E.~~

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

E. Hunters hunting in the special bovine tuberculosis area (deer area 101) may take and tag an unlimited number of deer.

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

Expedited Emergency Rules

6232.0400 REGISTRATION OF DEER.

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

[For text of sub 5, see 32 SR 410]

Subp. 6. Deer taken in the special bovine tuberculosis area. Deer taken in the special bovine tuberculosis area (deer area 101) must be registered prior to transport outside the area.

6232.0800 ARCHERY SPECIAL HUNT AREAS AND PROCEDURES.

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

Subp. 1a. 2007-2008 archery special hunt area. The following archery special hunt is authorized for the 2007-2008 season: Deer area 101 is open December 29, 2007, to January 13, 2008, for taking antlerless deer and legal bucks. All hunters possessing a valid 2007 Minnesota deer hunting license can participate and deer can be tagged using any license or permit. Deer taken during this special hunt must be registered at any one of the following registration stations: Olson Skime Store in Skime, the Riverfront Store in Wannaska, or the Department of Natural Resources offices at Thief Lake or Red Lake.

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

6232.1600 SPECIAL HUNT PROCEDURES.

[For text of subs 1 to 5, see M.R.]

Subp. 6. 2007-2008 firearms special hunt area. The following firearms special hunt area is authorized for the 2007-2008 season: Deer area 101 is open December 29, 2007, to January 13, 2008, for taking antlerless deer and legal bucks. All hunters possessing a valid 2007 Minnesota deer hunting license may participate and deer may be tagged using any license or permit. Deer taken during this special hunt must be registered at one of the following registration stations: Olson Skime Store in Skime, the Riverfront Store in Wannaska, or the Department of Natural Resources offices at Thief Lake or Red Lake.

[For text of sub 7, see 32 SR 410]

6232.1980 TAKING DEER BY ANY WEAPON USING DISEASE MANAGEMENT PERMITS.

Subpart 1. Purchase. An unlimited number of disease management permits may be purchased by a person who has purchased a valid deer license. Disease management permits may be purchased for \$1.50 from electronic license system agents, the Department of Natural Resources License Center, and other authorized agents.

Subp. 2. Restrictions. Disease management permits are valid only in deer area 101 as described in part 6232.4700, subpart 1a.

6232.4700 REGISTRATION BLOCKS.

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

Subp. 1a. Registration Block 101. Registration Block 101 consists of that portion of the state lying within the following described boundary: Beginning at the intersection of State Trunk Highway (STH) 89 and County Road (CR) 131, Marshall County; thence along CR 131 to 300th Avenue NE; thence along 300th Avenue NE to 305th Avenue NE; thence along 305th Avenue NE to 310th Avenue NE; thence along 310th Avenue NE to Street 100, Roseau County; thence along Street 100 to CR 125; thence along CR 125 to County State-Aid Highway (CSAH) 8; thence along CSAH 8 to STH 89; thence along STH 89 to CSAH 4; thence along CSAH 4 to the west boundary of Hayes Lake State Park in Section 28, Township 160 North, Range 38 West, Roseau County; thence along the boundary of said park to the east side of Section 34, Township 160 North, Range 38 West, at River Forest Road; thence along River Forest Road to Blacks-Winner Forest Road; thence along Blacks-Winner Forest Road to Winner Forest Road; thence along Winner Forest Road to Dick's Parkway Forest Road; thence along Dick's Parkway Forest Road to CR 704, Beltrami County; thence along CR 704 to CSAH 44; thence along CSAH 44 to STH 89; thence along STH 89 to the point of beginning.

[For text of subs 2 to 157, see M.R.]

REPEALER. The expedited emergency amendments to *Minnesota Rules*, parts 6232.0300; 6232.0400, subpart 6; 6232.1600, subpart 6; and 6232.4700, subpart 1a, published in the *State Register*, volume 32, page 410, September 4, 2007, are repealed. *Minnesota Rules*, part 6232.1980, published in the *State Register*, volume 32, page 410, September 4, 2007, is repealed.

EFFECTIVE PERIOD. The expedited emergency amendments to *Minnesota Rules*, parts 6232.0300; 6232.0400; 6232.0800; 6232.1600; and 6232.4700, expire February 28, 2008. After the emergency amendments expire, the permanent rules as they read prior to these amendments again take effect, except as they may be amended by permanent rule. *Minnesota Rules*, part 6232.1980, expires February 28, 2008.

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.

Help with Official Notices

The person listed as the contact for each agency is the one you want to connect with. They give you all the information you need.

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Department of Agriculture

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond under *Minnesota Statutes*, Chapter 41C, on behalf of Aaron Lass

NOTICE IS HEREBY GIVEN that a public hearing will be held on December 31, 2007, at 9:00 a.m., Department of Agriculture Building, Agricultural Finance Division, 625 Robert Street North, Saint Paul, Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the construction of lambing barns located north on Blue Mound Ave. two miles, east on County Road 8, 1-1/2 miles, north 1-1/2 miles on County Road 8, north 1/2 mile on County Road 19; Section 18, Vienna Township, Rock County, Minnesota on behalf of Aaron Lass, (the Borrower/s).

The maximum aggregate face amount of the proposed bond issue is \$150,000.00. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due.

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 of the Authority prior to the date of the hearing set forth above.

Dated: December 5, 2007

Jim Boerboom, RFA Director
Department of Agriculture

Official Notices

Minnesota Boxing Commission

Request for Comments on Possible New to Rules Governing Boxing, *Minnesota Rules*, chapter 2201

Subject of Rules and Introduction. The Minnesota Boxing Commission requests comments on its possible new rules governing boxers. The Commission is developing rules to specify the standards for the physical examination and condition of boxers and referees, to incorporate the rules of the American Boxing Commission by reference, and other rules necessary to carry out the purposes of *Minnesota Statutes*, chapter 341.

Persons Affected. The new rules would likely specifically affect boxers and referees, and generally affect tough persons, mixed martial artists, judges and knockdown judges, matchmakers, promoters, trainers, ring announcers, timekeepers, ringside physicians, boxers, boxers' managers, and boxers' seconds, corporations, partnerships, limited liability companies, or other business entities organized and existing under law that participate in the holding or conduct of any boxing or tough person contest.

Statutory Authority. *Minnesota Statutes*, section 341.25, authorizes the Commission to adopt rules. *Minnesota Statutes*, section 341.25, states in pertinent part:

- “(a) The Commission may adopt rules that include standards for the physical examination and condition of boxers and referees.
- (b) May adopt other rules necessary to carry out the purposes of this chapter, including, but not limited to, the conduct of boxing exhibitions, bouts, and fights, and their manner, supervision, time, and place...”

Minnesota Statutes, section 341.21, subdivision 2, states, “‘Boxing’ means the act of attack and defense with the fists, using padded gloves, that is practiced as a sport under the rules of the Association of Boxing Commissions, or equivalent. Where applicable, boxing includes tough person contests.”

Minnesota Statutes, section 341.28, states in pertinent part “All tough person contests are subject to America Boxing Commission (ABC) rules.”

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing until 4:30 p.m. on Monday, December 31, 2007. The Commission does not contemplate appointing an advisory committee to comment on the possible rules.

Rules Drafts. The Commission has prepared a draft of the possible new rules, which are:

2201.0010 AUTHORITY AND PURPOSE. The purpose of this chapter is to establish standards for the physical examination and condition of boxers and referees and to establish other rules necessary to carry out the purposes of *Minnesota Statutes*, chapter 341, including, but not limited to, the conduct of boxing exhibitions, bouts, and fights, and their manner, supervision, time, and place pursuant to *Minnesota Statutes*, section 341.25.

2201.0020 DEFINITIONS.

Subpart 1. Generally. The definitions in this part apply to this chapter.

Subp. 2. Amateur. “Amateur” means an individual who participates in a tough person contest as a pastime rather than a profession and who is not receiving or competing for and, has never received or competed for, any purse or other article or thing of value that exceeds \$50 in value for participating in a contest.

Subp. 3. Association of boxing commissions. “Association of Boxing Commissions” or “ABC” means the Association of Boxing Commissions.

Subp. 4. Boxer. “Boxer” means an individual that practices the act of attack and defense with the fists, using padded gloves. Where applicable, boxer includes an individual that engages in the practice of boxing by using their hands, or their feet, or both in any manner.

Subp. 5. Combatant. “Combatant” means a licensed boxer, or mixed martial artist.

Subp. 6. Commission. “Commission” means the Minnesota Boxing Commission.

Subp. 7. Contest. “Contest” means any professional competition, match, bout, fight, or exhibition involving the practice of boxing, and any professional or amateur competition, match, bout, fight, or exhibition involving the practice of using hands, feet, or both in any manner.

Subp. 8. Individual. “Individual” means a living human being.

Subp. 9. Person. “Person” means a corporation, partnership, limited liability company, or other business entity organized and existing under law, its officers and directors, and any person holding 25 percent or more of the ownership of the corporation that is authorized to do business under the laws of this state.

Subp. 10. Physical examination. “Physical examination” or “physical exam” means a current medical examination.

Subp. 11. Pre-contest physical examination. “Pre-contest physical examination” means a physical examination performed by a physician licensed in this state that occurs within the thirty-six hours immediately prior to entering the ring.

Subp. 12. Professional. “Professional” means any person who competes for any money prize or a prize that exceeds the value of \$50 or teaches, pursues, or assists in the practice of boxing as a means of obtaining a livelihood or pecuniary gain.

Subp. 13. Referee. “Referee” means an individual that is the sole arbiter, umpire, judge, or adjudicator of a boxing contest or a tough person contest.

Subp. 14. Tough person. “Tough person,” “tough man,” or “tough woman” means an individual that engages in the practice boxing by using their hands, or their feet, or both in any manner.

Subp. 15. Tough person contest. “Tough person contest” means any boxing contest consisting of rounds that do not exceed two minutes between two or more individuals who use their hands, or their feet, or both, in any manner, and includes contests marketed as tough person contests.

2201.0100 INCORPORATION BY REFERENCE. The July 27, 2005 Regulatory Guidelines promulgated by the Association of Boxing Commissions, 300 South Lenola Road, Maple Shade, New Jersey 08052-3435, is incorporated by reference and made part of this chapter except as qualified by *Minnesota Statutes*, chapter 341, and this chapter. The Regulatory Guidelines are not subject to frequent change and a copy is available in the office of the Boxing Commission, or through the Minnesota statewide interlibrary loan system or in a public library. Portions of this chapter may reproduce text from the Regulatory Guidelines.

2201.0300 PHYSICAL EXAMINATION AND CONDITION.

Subpart 1. Generally. All physical examinations must be performed by a physician licensed in this state.

Subp. 2. Applicants for boxer license. (a) Each applicant for a boxer license must submit evidence of testing and results for the following conditions:

- 1) HIV
- 2) Hepatitis B Surface Antigen
- 3) Hepatitis C Antibody

Each test and the results must be dated within the previous calendar year from the date of the application.

(b) Each applicant for a boxer license that has received a knockout judgment in an immediately preceding contest must submit evidence of an MRI, MRA, or EEG.

- 1) An MRI of the brain shall be without contrast and performed on a 1.5 Tesla MR machine with capabilities including fast spin echo and FLAIR imaging. Image sequencing should include axial T1, T2, and

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- FLAIR images; coronal images should be performed as a T2 coronal; and a single sagittal T1 sequence.
- 2) An MRA of the brain shall include left and right internal carotids, cerebral and basilar arteries and the Circle of Willis.
 - 3) An EEG.

The test and the results must be dated between the date of the knockout judgment and the date of the application.

- (c) Applicants that are 35 years of age or older must submit evidence of testing and results for the following:
- 1) Physical;
 - 2) Dilated eye exam;
 - 3) EKG baseline;
 - 4) CT or MRI baseline; and
 - 5) CT, MRI, or Neuro.

Each test and the results must be dated within the previous calendar year from the date of the application.

Subp. 2. Applicant for referee license. (a) An applicant for a referee license is not required to complete a physical examination.

2201.0500 BOXING AND TOUGH PERSON CONTESTS.

- (a) Each boxer or tough person shall complete a pre-contest physical examination performed by a ringside physician licensed in this state who certifies in writing whether or not the boxer or tough person is physically fit to safely compete. The pre-contest physical examination shall include the condition of the boxer or tough person's heart and general physical and neurological condition.
- (b) Each boxer or tough person shall complete a post-contest physical performed by a ringside physician licensed in this state after the final bout of the event.
- (c) Each female boxer or tough person shall submit a negative pregnancy test, not more than 14 days old, prior to each contest.

Agency Contact Person. Written comments, questions, or requests for more information on these possible rules should be directed to: Executive Director Scott LeDoux, Minnesota Boxing Commission, 358 – 139th Lane Northwest, Andover, MN 55304, phone (612) 229-4269, or FAX (651) 284-5725.

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

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated:

Scott LeDoux, Executive Director
Minnesota Boxing Commission

Corrections Ombudsman Working Group Notice of Corrections Ombudsman Working Group Public Hearing

NOTICE IS HEREBY GIVEN that a public hearing to introduce the draft report of the Corrections Ombudsman Working Group will be held on Thursday, January 17, 2008 at 5:30 PM at the State Office Building, Room 200, 100 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, MN 55155.

The Corrections Ombudsman Working Group's mission is to (1) assess how state and local units of government currently process and respond to inmate complaints, assaults, and deaths; (2) assess the effectiveness of the state's former corrections ombudsman program; (3) study other states' corrections ombudsmen; (4) study whether the state should conduct a fatality review process for inmates who die while in custody; and (5) make recommendations on how state and local units of government should systematically address inmate complaints, assaults, and deaths, including the need to reappoint a corrections ombudsman.

The draft report will also be available on the Department of Human Rights' web site at <http://www.humanrights.state.mn.us> by January 9, 2008. Public comments will be accepted at the January 17 meeting and must be limited to five minutes per person or organization. The final report, including public comments received in writing through January 31, 2008, will be presented to the 2008 Minnesota Legislature. Written comments shall be limited to a single 8 ½ x 11 page.

Minnesota Department of Health Division of Health Policy Notice of Adoption of Rules Regarding a Uniform, Standard Companion Guide for Eligibility Inquiry and Response Electronic Transactions; Pursuant to *Minnesota Statutes, Section 62J.536*

Adoption: Notice is hereby given that the *Minnesota Uniform Companion Guide for the Implementation of the Eligibility Inquiry and Response Electronic Transaction*, as proposed at *State of Minnesota State Register*, Volume 32, Number 14, page 622, October 1, 2007, (32 SR 622) is adopted with the modifications listed at the end of this Notice.

Companion Guide Available: The *Minnesota Uniform Companion Guide for the Implementation of the Eligibility Inquiry and Response Electronic Transaction*, as defined by the Commissioner of Health, is available on the World Wide Web at:
<http://www.health.state.mn.us/asa/rules.html>

and at Minnesota's Bookstore at (651) 297-3000 or (800) 657-3757. The Minnesota's Bookstore TTY relay service phone number is (800) 627-3529. If you have any questions, please e-mail: asaguides@health.state.mn.us

Description and Statutory Reference: This *Minnesota Uniform Companion Guide for the Implementation of the Eligibility Inquiry and Response Electronic Transaction* is the single, uniform companion guide to the implementation guide described under the *Code of Federal Regulations*, title 45, part 162, to be used in health plan transactions pursuant to *Minnesota Statutes, Section 62J.536*. The statute requires that beginning January 15, 2009: all group purchasers must accept from health care providers the eligibility for a health plan transaction described under *Code of Federal Regulations*, title 45, part 162, subpart L; and all group purchasers must also transmit to providers the eligibility for a health plan transaction as described under *Code of Federal Regulations*, title 45, part 162, subpart L. The statute also requires that beginning January 15, 2009, all health care providers must: submit to group purchasers the eligibility for a health plan transaction described under *Code of Federal Regulations*, title 45, part 162, subpart L; and all health care providers must also accept from group purchasers the eligibility for a health plan transaction, as described under *Code of Federal Regulations*, title 45, part 162, subpart L. The eligibility transaction is the transmission of either of the following:

(a) An inquiry from a health care provider to a group purchaser, or from one group purchaser to another group purchaser, to obtain any of the following information about a benefit plan for an enrollee:

(1) Eligibility to receive health care under the group purchaser.

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- (2) Coverage of health care under the group purchaser.
- (3) Benefits associated with the benefit plan.

(b) A response from a group purchaser to a health care provider's (or another group purchaser's) inquiry described in paragraph (a). Minnesota Statutes, section 62J.536, further requires that each transaction described above shall use a single, uniform companion guide to the implementation guide described under the *Code of Federal Regulations*, title 45, part 162. In addition, the statute requires all group purchasers and health care providers to exchange claims and eligibility information electronically using the transactions, companion guides, implementation guides, and timelines set forth in subdivision 1 of the statute. The statute requires the Commissioner of Health to promulgate rules pursuant to section 62J.61, at least 12 months prior to the timelines required in subdivision 1 of *Minnesota Statutes, section 62J.536*. 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 adopted rule with the modifications to the proposed rule.

Development: The Commissioner of Health in consultation with the Administrative Uniformity Committee (AUC) and its Eligibility Companion Guide Work Group developed this rule. This rule was submitted for public comment in the *State Register*, Volume 32, Number 14, page 622, October 1, 2007. The comment period was from October 1, 2007 until October 30, 2007. The Minnesota Department of Health collected the public comments. Comments were received from seventeen sources. The Minnesota Department of Health in consultation with the AUC Eligibility Companion Guide Work Group reviewed comments and made modifications to the rule as listed following this notice.

Required Date of Compliance: The required date of compliance is January 15, 2009.

Dated: December 10, 2007

Sanne Magnan, M.D., Ph.D., Commissioner
P.O. Box 64975
St. Paul, MN 55164-0975

Modifications:

The rule is adopted with modifications from the version proposed in the *State Register*, Volume 32, Number 14, page 622, October 1, 2007. The adopted rule differs from the rule proposed on October 1, 2007. The portions of the adopted rules which differ from the proposed rules are listed in this Notice. A complete copy of the rule showing all of the changes in a strike/underline format is available at: <http://www.health.state.mn.us/asa/rules.html>.

Interested parties may also obtain a printed copy of the rule showing all of the changes in a strike/underline format by contacting Colleen Morse by phone at (651) 201-3570 or by fax: at (651) 201-3574.

The following sections of the adopted rule differ from the proposed rule published on October 1, 2007:

- Front cover
- Table of Contents – Pages 3 and 4
- 1.0 Companion Guide Revision History – Page 5
- 2.0 Statement from the Minnesota Department of Health
- 4.1.3 Scope – Page 9
- 4.1.7 Trading Partner Agreements – Page 11
- 4.2.1.1 Patient Request (2110C or 2110D) – Page 12
- 4.2.2.1 270 Transaction – Page 13
- 4.2.2.2 271 Transaction – Page 13
- 4.2.2.3 Message Segment – Page 14
- 4.2.2.4 Multiple Matches – Page 14
- 4.2.3 Search ~~Scenarios~~ Options and Rejected Transactions (Error Messages) – Page 14
- 4.2.3.1 Rejected Transaction Reporting (AAA Segment Usage) – Pages 15, 16, and 17
- 4.5 General Introduction to the Companion Guide Tables – Pages 18 and 19
- 4.5.2 Explanation of Relationship between HIPAA Implementation Guide Condition of Segments and Data Elements and the Minnesota Usage Classification Given in Companion Guide – Page 20
- 7.0 Appendices – Page 43

Appendix A: Active Coverage – Health Plan – Pages 44 and 45
Appendix B: Active Coverage – Specific Service Type – Pages 46 and 47
Appendix C: Inactive Coverage – Health Plan – Page 48
Appendix D: Inactive Coverage – Specific Service Type – Page 49 and 50
Appendix E: Active – Pending Investigation – Page 51
Appendix F: Contact Following Entity for Eligibility or Benefit Information – Pages 52 and 53
Appendix G: Primary Care Provider – Pages 54 and 55
Appendix H: Other Payer Information – Pages 56 and 57
Appendix I: Services Restricted To Following Provider – Pages 58 and 59
Appendix J: Health Care Facility – Pages 60 and 61
Appendix K: Deductible – Pages 62 and 63
Appendix L: Co-Insurance – Pages 64 and 65
Appendix M: Co-Payment – Pages 66 and 67
Appendix N: Benefit Description – Pages 68 and 69
Appendix O: Limitations – Pages 70 and 71
Appendix P: Out Of Pocket (Stop Loss) – Pages 72 and 73
Appendix Q: Non-Covered – Pages 74 and 75
Appendix R: Unlimited – Pages 76 and 77
Appendix S: Cost Containment – Pages 78 and 79
Appendix T: Spend Down – Pages 80 and 81
Appendix U: Cannot Process – Pages 82 and 83

The following sections were added to the adopted rule and were not in the proposed rule published on October 1, 2007:

4.2.1.4 Subscriber and Patient Information – Page 12
Appendix V: Examples of the X12 270 Request and 271 Response Transactions -

The following section was renumbered in the adopted rule and differs from the proposed rule published on October 1, 2007:

4.2.1.5 Relationship to Subsequent X12 Transactions – Page 12

In Section 5.0 (pages 21 through 28), the following rows, identified by IG Ref, Loop ID, Segment Name, and Data Element ID, differ from the proposed rule or were added to the proposed rule that was published on October 1, 2007:

Second row of the header rows at the top of each page of the table
39, 0001, BHT, BHT03
58, 2100B, N4 - Information Receiver
58, 2100B, N4, N401
59, 2100B, N4, N402
59, 2100B, N4, N403
59, 2100B, N4, N404
64, 2100B, PRV - Information Receiver Provider Information
64, 2100B, PRV, PRV01
65, 2100B, PRV, PRV02
65, 2100B, PRV, PRV03
72, 2100C, NM1, NM103
72, 2100C, NM1, NM104
84, 2100C, DMG – Subscriber Demographic Information
90, 2110C, EQ – Subscriber Eligibility or Benefit Inquiry
90, 2110C, EQ, EQ01
114, 2100D, NM1, NM101
115, 2100D, NM1, NM103
115, 2100D, NM1, NM104
125, 2100D, DMG – Dependent Demographic Information
132, 2110D, EQ, EQ01

In Section 6.0 (pages 29 through 44), the following rows, identified by IG Ref, Loop ID, Segment Name, and Data Element ID, differ

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from the proposed rule or were added to the proposed rule that was published on October 1, 2007:

157, 0001, BHT, BHT03
AAA – Subscriber Request Validation
208, 2100C, AAA, AAA03
DTP – Subscriber Date
216, 2100C, DTP, DTP01
217, 2100C, DTP, DTP02
EB – Subscriber Eligibility or Benefit Information
221, 2110C, EB, EB03
226, 2110C, EB, EB04
228, 2110C, EB, EB05
230, 2110C, EB, EB13
231, 2110C, EB, EB13-1
231, 2110C, EB, EB13-2
231, 2110C, EB, EB13-3
231, 2110C, EB, EB13-4
231, 2110C, EB, EB13-5
231, 2110C, EB, EB13-6
DTP – Subscriber Eligibility/Benefit Date
III – Subscriber Eligibility or Benefit Additional Information
LS – Loop Header
NM1 – Subscriber Benefit Related Entity Name
N3 – Subscriber Benefit Related Entity Address
N4 – Subscriber Benefit Related City/State/ZIP Code
PER – Subscriber Benefit Related Entity Contact Information
PRV – Subscriber Benefit Related Provider Information
LE – Loop Header
AAA – Dependent Request Validation
285, 2100D, AAA, AAA03
DTP – Dependent Date
293, 2100D, DTP, DTP01
294, 2100D, DTP, DTP02
EB- Dependent Eligibility or Benefit Information
298, 2110D, EB, EB03
303, 2110D, EB, EB04
305, 2110D, EB, EB05
307, 2110D, EB, EB13
307, 2110D, EB, EB13-1
307, 2110D, EB, EB13-2
307, 2110D, EB, EB13-3
307, 2110D, EB, EB13-4
307, 2110D, EB, EB13-5
307, 2110D, EB, EB13-6

In Section 7.0 (page 43), reference to: Appendix V was added.

In Appendices A-U (pages 44 through 83) the first row of the header rows of the Loop, Segment, Data Element Tables was modified.

In Appendices A-U (pages 44 through 83), the following rows, identified by Segment Name, differ from the proposed rule published on October 1, 2007:

EB – Eligibility or Benefit Information

In Appendix A (page 44), the following rows, identified by IG Ref, Loop ID, Segment Name, and Data Element ID, differ from the proposed rule published on October 1, 2007:

2110C and 2110D, EB, EB04

In Appendix B (page 46 and 47), the EDI mapping example and the following rows, identified by IG Ref, Loop ID, Segment Name, and Data Element ID, differ from the proposed rule published on October 1, 2007:

DTP – Date Time Period
2110C and 2110D, DTP, DTP02

In Appendix C (page 48), the Usage heading differs from the proposed rule published on October 1, 2007.

In Appendix D (page 49 and 50), the following rows, identified by IG Ref, Loop ID, Segment Name, and Data Element ID, differ from the proposed rule published on October 1, 2007:

DTP – Date Time Period
2110C and 2110D, DTP, DTP02

In Appendix F (pages 52 and 53), the following rows, identified by IG Ref, Loop ID, Segment Name, and Data Element ID, differ from the proposed rule published on October 1, 2007:

2110C and 2110D, EB, EB03
2110C and 2110D, MSG, MSG01
2110C and 2110D, LS, LS01
2120C and 2120D, LE, LE01

In Appendix G (pages 54 and 55), the following rows, identified by IG Ref, Loop ID, Segment Name, and Data Element ID, differ from the proposed rule published on October 1, 2007:

2110C and 2110D, LS, LS01
2120C and 2120D, LE, LE01

In Appendix H (pages 56 and 57), the following rows, identified by IG Ref, Loop ID, Segment Name, and Data Element ID, differ from the proposed rule published on October 1, 2007:

2100C and 2110D, EB, EB03
2110C and 2110D, MSG, MSG01
2110C and 2110D, LS, LS01
2120C and 2120D, LE, LE01

In Appendix I (pages 58 and 59), the EDI mapping example, the following rows, identified by IG Ref, Loop ID, Segment Name, and Data Element ID, differ from the proposed rule published on October 1, 2007:

2100C and 2110D, EB, EB03
2110C and 2110D, LS, LS01
2120C and 2120D, LE, LE01

In Appendix J (pages 60 and 61), the following rows, identified by IG Ref, Loop ID, Segment Name, and Data Element ID, differ from the proposed rule published on October 1, 2007:

2110C and 2110D, LS, LS01
2120C and 2120D, LE, LE01

In Appendix K (pages 62 and 63), the usage, EDI mapping example, and the following rows, identified by IG Ref, Loop ID, Segment Name, and Data Element ID, differ from the proposed rule published on October 1, 2007:

2110C and 2110D, EB, EB06

In Appendix N (pages 68 and 69), the EDI mapping example, and the following rows, identified by IG Ref, Loop ID, Segment Name, and Data Element ID, differ from the proposed rule published on October 1, 2007:

2110C and 2110D, EB, EB13
2110C and 2110D, EB, EB13-1
2110C and 2110D, EB, EB13-2
2110C and 2110D, EB, EB13-3
2110C and 2110D, EB, EB13-4

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2110C and 2110D, EB, EB13-5

2110C and 2110D, EB, EB13-6

In Appendix O (pages 70 and 71), the EDI mapping example, and the following rows, identified by IG Ref, Loop ID, Segment Name, and Data Element ID, differ from the proposed rule published on October 1, 2007:

2110C and 2110D, EB, EB07

2110C and 2110D, EB, EB13

2110C and 2110D, EB, EB13-1

2110C and 2110D, EB, EB13-2

2110C and 2110D, EB, EB13-3

2110C and 2110D, EB, EB13-4

2110C and 2110D, EB, EB13-5

2110C and 2110D, EB, EB13-6

In Appendix Q (pages 74 and 75), the EDI mapping example and the following rows, identified by IG Ref, Loop ID, Segment Name, and Data Element ID, differ from the proposed rule published on October

2110C and 2110D, EB, EB04

2110C and 2110D, EB, EB05

2110C and 2110D, EB, EB06

2110C and 2110D, EB, EB07

2110C and 2110D, EB, EB08

2110C and 2110D, EB, EB09

2110C and 2110D, EB, EB10

2110C and 2110D, EB, EB11

2110C and 2110D, EB, EB12

In Appendix R (pages 76 and 77), the following rows, identified by IG Ref, Loop ID, Segment Name, and Data Element ID, differ from the proposed rule published on October 1, 2007:

2110C and 2110D, EB, EB06

2110C and 2110D, EB, EB09

2110C and 2110D, EB, EB10

In Appendix T (pages 80 and 81), the following rows, identified by IG Ref, Loop ID, Segment Name, and Data Element ID, differ from the proposed rule published on October 1, 2007:

2110C and 2110D, EB, EB05

In Appendix U (pages 82 and 83), the EDI mapping example differs from the proposed rule published on October 1, 2007:

Throughout the entire Manual: Formatting and punctuation changes have been made to improve readability.

Minnesota Department of Human Services

Request for Comments on Possible Amendment to Rules Governing the Enrollment of Therapists as Medical Assistance Providers, *Minnesota Rules*, Part 9505.0391

Subject of Rules. The Minnesota Department of Human Services requests comments on its possible amendment to rules governing the enrollment of specified therapists as providers in the Medical Assistance (MA) program. The department is considering rule amendments that will make the rules consistent with the current Code of Federal Regulations and U.S. Department of Health and Human Services Health Care Financing Administration's (hereinafter HCFA) practices. As *Minnesota Rule*, part 9505.0391 is presently written, it prevents the department from enrolling physical therapists and occupational therapists as providers when they are employed by physician clinics and other such facilities. When it was enacted, this rule provision was intended to prevent duplicate billings for therapy

services. The department now has other systems that prevent duplicate billings and the rule language serves as an unnecessary barrier to the enrollment of qualified therapists.

Persons Affected. The amendment to the rules would likely affect current and potential providers of physical and occupational therapy services, audiologists, speech-language pathologists, the department, and persons receiving medical assistance services.

Statutory Authority. *Minnesota Statutes*, section 256B.04, subdivision 2, authorizes the department to, "Make uniform rules, not inconsistent with law, for carrying out and enforcing the provisions hereof in an efficient, economical, and impartial manner, and to the end that the medical assistance system may be administered uniformly throughout the state, having regard for varying costs of medical care in different parts of the state and the conditions in each case, and in all things to carry out the spirit and purpose of this program, which rules shall be furnished immediately to all county agencies, and shall be binding on such county agencies."

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing until further notice is published in the *State Register* that the department intends to adopt or to withdraw the rules. The department does not contemplate appointing an advisory committee to comment on the possible rules.

Rules Drafts. The department has prepared a draft of the possible rules amendments that will be available before the publication of the proposed rules.

Agency Contact Person. Written comments, questions, requests to receive a draft of the rules, and requests for more information on these possible rules should be directed to: Marsha West at the Minnesota Department of Human Services, Appeals and Regulations Division, PO Box 64941, St. Paul, Minnesota 55164-0941; **telephone:** (651) 431-3612; **e-mail:** marsha.west@state.mn.us; or **fax:** (651) 431-7523. Persons with special needs may call the Minnesota Relay Service at 1-800-627-3529 (TDD), 7-1-1 or 1-877-627-3848 (speech to speech relay service).

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

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The department is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: October 10, 2007

Commissioner Cal R. Ludeman
Minnesota Department of Human Services

Department of Labor and Industry Labor Standards Unit

Notice of Correction to Highway/Heavy Prevailing Wage Rates for Electricians in Region 5

A correction has been made to the Highway/Heavy Prevailing Wage Rates certified 10/22/07, for Labor Code 407, Electricians, in Region 5.

Copies with the corrected certified wage rate for this County may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road North, St. Paul, Minnesota 55155-4306, or by calling (651) 284-5091, or accessing our web site at www.doli.state.mn.us. Charges for the cost of copying and mailing are \$.25 per page for the first 100 pages, \$.65 per page after that. Make check or money order payable to the State of Minnesota.

Steve Sviggum, Commissioner
Department of Labor and Industry

Official Notices

Minnesota Department of Transportation Contractors/consultants Who Have Performed, or Will Perform, Work on Minnesota Bridges

Because of the collapse of the I-35W bridge in Minneapolis on August 1, 2007, the Minnesota Department of Transportation and its contractors and consultants have been instructed to retain all data about all bridges in Minnesota. Approximately 4,000 Letters of Notice have been mailed to contractors and consultants. All contractors and consultants performing work on or about any Minnesota bridge, and in possession of any data about that work, must preserve that data until further notice even if a contract permits destruction of the data after a period of time. Please read the Notice below and take appropriate steps to retain data about Minnesota bridges.

NOTICE OF DUTY TO PRESERVE ALL DOCUMENTS OR DATA RELATING TO THE I-35W BRIDGE OR ANY OTHER MINNESOTA BRIDGE

The State has a duty to preserve all evidence in its possession, custody or control, whether printed or electronic, that might be or become relevant to any litigation that may arise out of the collapse of the I-35W bridge. This duty extends to such evidence held by MnDOT's contractors and consultants who have worked on, reviewed, or supplied materials or services for any MnDOT bridge project. It is extremely important that all such evidence be preserved.

Accordingly, you are instructed to preserve all documents or data that relate to the I-35W bridge or any other Minnesota bridge. This includes, but is not limited to, documents or data pertaining to the design, construction, maintenance, and repair of bridges; inspections of bridges; rankings of bridges for safety and/or the need for repair/replacement; funding of the maintenance, repair, inspection, and construction of bridges; and written and e-mail communications about bridges.

Specifically, you should immediately take the following steps to preserve all documents or data relating to the I-35W bridge or any other Minnesota bridge:

1. Suspend deletion, overwriting, or any other destruction or alteration of electronic information relating to the I-35W bridge or any other Minnesota bridge. This includes electronic information wherever it is stored (e.g., at a work station, on a laptop, or at home) and all forms of electronic communication (e.g., e-mail, word processing, calendars, voice messages, videos, photographs, and other information). All such information should be preserved in its original electronic form, so that all information contained within it, whether visible or not, is also available for inspection (i.e., it is not sufficient to make a hard copy of electronic communication).
2. Preserve, and not alter or destroy, any hard copies of documents that relate to the I-35W bridge or any other Minnesota bridge.
3. Preserve, and not alter or destroy, any documents or electronic information that are created after your receipt of this notice and that relate to the I-35W bridge or any other Minnesota bridge.
4. Maintain a record of the steps you take to comply with this notice.

Please contact my office (651-366-4822) if you have questions about the scope or implementation of this notice.

Date: October, 2007

Barbara Forsland
Data Practices Compliance and Policy Analyst
Minnesota Department of Transportation

**Department of Transportation
State Aid for Local Transportation Division
Notice of Appointment and Meeting of a State Aid Variance Committee**

NOTICE IS HEREBY GIVEN that the Commissioner of Transportation has appointed a State Aid Variance Advisory Committee who will meet on Thursday, December 20, 2007 at 9:00 a.m. at the Mn/DOT Arden Hills Training Center, located at 1900 West County Road I, in Shoreview, Minnesota, 55126.

This notice is given pursuant to *Minnesota Statute* 14.46.

The purpose of this open meeting is to investigate and determine recommendations for variance requests from minimum State Aid roadway standards and administrative procedures as governed by *Minnesota Rules* for State Aid Operations 8820 adopted pursuant to *Minnesota Statutes* Chapters 161 and 162.

The agenda will be limited to the following:

1. Petition of Washington County for a variance from *Minnesota Rules* 8820.9920 as they apply to the reconstruction of CSAH 13 between 1000 feet south of the south ramp to I-94 and 3rd Street N. in the city of Woodbury, so as to allow a minimum left shoulder width of 3.4 feet paved and a minimum right shoulder width of 4.7 feet paved in lieu of the minimum shoulder width of 11.5 usable (10.0 feet paved).

2. Petition of the City of Ham Lake for a variance from *Minnesota Rules* 8820.9936 as they apply to the reconstruction and construction of MSAS 124 located on Aberdeen Street between 153rd Avenue and 157th Avenue and 157th Avenue between Aberdeen Street and Trunk Highway 65 in the city of Ham Lake, so as to allow horizontal curvature lengths meeting 15 mile per hour design speed in lieu of the 30 mile per hour design speed.

3. Petition of the City of Rochester for a variance from *Minnesota Rules* 8820.9995 as they apply to the proposed construction of the pedestrian bridges over T.H. 14, DM&E R.R. and Cascade Creek, located 1800 feet west of Trunk Highway 52 between south of Trunk Highway 14 to 7th Street N.W. in the city of Rochester, so as to allow the three following requests: horizontal curve radii rated for a design speed of 6 miles per hour in lieu of the 20 mile per hour design speed required by standards, stopping sight distance meeting a 16 mile per hour design speed in lieu of the 20 mile per hour design speed required by standards, and a minimum clear travel way width of ten feet in lieu of the twelve foot minimum.

9:15 a.m. Washington County
9:40 a.m. City of Ham Lake
10:05 a.m. City of Rochester

Dated: December 12, 2007

Julie A. Skallman, State Aid Engineer
State Aid for Local Transportation
Minnesota Department of Transportation

**Department of Transportation
State Aid for Local Transportation Group
Petition of Washington County for a Variance from State Aid Rules**

NOTICE IS HEREBY GIVEN that the Washington County Board has made a request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to the proposed construction project on S.A.P. 82-613-024 (CSAH 13) and S.P. 8282-105 (T.H. 94) in the city of Woodbury.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9920, adopted pursuant to Minnesota Statutes (Cite 32 SR 1087)

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Chapter 161 and 162 as they apply to the proposed reconstruction of CSAH 13, located between 1000 feet south of the south ramp to I-94 and 3rd Street N. in the city of Woodbury, so as to allow a minimum left shoulder width of 3.4 feet paved and a minimum right shoulder width of 4.7 feet paved in lieu of the minimum shoulder width of 11.5 feet usable (10.0 feet paved) as required by standards.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, MN 55155.

If a written objection is received within 7 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: December 17, 2007

Julie A. Skallman, State Aid Engineer
State Aid for Local Transportation

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 Historical Society Historic Preservation Grant Application Deadlines

The application deadline for the Minnesota Historical Society's F.Y. 2008 federal Certified Local Government (CLG) matching grants program is 4:30 p.m., Friday, February 22, 2008. Cities with local historic preservation ordinances, commissions, and programs certified by the State Historic Preservation Office and the National Park Service are eligible applicants. It is anticipated that a minimum of \$73,000 will be awarded.

There are seven areas of eligible program activities for this grants cycle. They are: 1) Comprehensive Planning; 2) Pre-Development; 3) Survey; 4) Evaluation; 5) Local Designation Forms; 6) National Register Nomination Forms; and 7) Public Education. Projects that will receive special priority are those that: promote surveys in areas of known development activity in order to reduce project delays; promote continuing development of data for planning use; reflect the goals and strategies in the 2006 statewide preservation plan; result in local designations; and involve properties associated with the history of heretofore under-documented groups or communities (ethnic or racial minorities for example, but also other groups defining themselves as communities).

Instructions regarding the full range of eligible activities and information on the project selection process and selection criteria are found in the F.Y. 2008 CLG Grants Manual. To request a complete application package or for further information contact Mandy Skypala at

(651) 259-3458, **E-mail** the *Grants Office* – mandy.skypala@mnhs.org, or write to the Grants Office, Minnesota Historical Society, 345 West Kellogg Blvd., Saint Paul, MN 55102-1906.

This program receives Federal funds from the National Park Service. Regulations of the U.S. Department of the Interior strictly prohibit unlawful discrimination in departmental Federally assisted programs on the basis of race, color, national origin, age, or disability. Any person who believes he or she has been discriminated against in any program, activity, or facility operated by a recipient of Federal assistance should write to: Director, Equal Opportunity Program, U.S. Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127.

Department of Human Services Community Partnerships Division Request for Proposals for an Evaluation of the Runaway and Homeless Youth Programs

The Minnesota Department of Human Services, through its Community Partnerships Division, Office of Economic Opportunity (“State”), is seeking Proposals from qualified providers (“Responders” or Applicants”) to fund an evaluation of the programs that are funded with Runaway and Homeless Youth Act funding (*Minnesota Statutes*, 256K.45). The providers funded with Runaway and Homeless Youth Act funding are community non-profits that provide at-risk, runaway and homeless youth with street outreach, drop-in center, emergency shelter, transitional living programs or supportive housing services.

The state is looking for responders who have evaluation experience working with vulnerable populations and are preferred to have experience in the homeless field and/or youth work field. \$35,000 has been appropriated for the evaluation and the expected deadline for the finished product will be February 1, 2009. To be eligible for funding applicants must have the capacity and a realistic plan to be able to conduct an evaluation and produce a report within the timeframe of February 2008 and February 2009.

The nature of this funding requires partnerships between the funded non-profit agencies, the Homeless Information System (HMIS) and the state of Minnesota.

The objective of this RFP is to contract with qualified Responder(s) to perform the tasks and services set forth in this RFP. The term of any resulting contract is anticipated to be from early 2008 until February 1, 2009, when the evaluation report is due.

Proposals will be accepted until 4:00 p.m. on January 18, 2008. This RFP does not obligate the State to award a contract and the State reserves the right to cancel the solicitation if it is considered to be in its best interest. All costs incurred in responding to this RFP will be borne by the Responder.

All submissions, questions, requests for the full RFP, concerns or communications regarding this RFP must be addressed to:

Attention: Beth Holger
Minnesota Department of Human Services
Office of Economic Opportunity, Homeless Youth Programs
PO Box 64962
St. Paul, MN 55164-0962
Phone: (651) 431-3823
Fax: (651) 431-7509
Questions may also be e-mailed to: beth.holger@state.mn.us

State Grants & Loans

Department of Labor and Industry

Labor Standards and Apprenticeship Unit

Notice of Availability of Labor Education Advancement Program (LEAP) Grants

The Commissioner of the Minnesota Department of Labor and Industry announces the availability of funds for the operation of Labor Education Advancement Programs (L.E.A.P.) in the State of Minnesota under *Minnesota Statutes* § 178.11 and *Minnesota Rules* Chapter 5227. Funds will be available January 18, 2008, through June 30, 2009.

The commissioner shall award grants to community-based organizations serving women and people of color on a competitive request-for-proposal basis. Interested organizations shall apply for the grants on the form referred to in Section V. As part of the proposal process, applicants must provide a statement of need for the grant, a description of the targeted population and apprenticeship opportunities, a description of activities to be funded by the grant, evidence supporting the ability to deliver services, information related to coordinating grant activities with other employment and training programs, identification of matching funds, a budget, and performance objectives. Each submitted proposal shall be evaluated for completeness, and effectiveness of the proposed grant activity including those items listed in Chapter 5227 of *Minnesota Rules*.

Program and Proposal Information.

I. PURPOSE

The purpose of this grant will be to provide funds to community organizations that will achieve the following objectives.

II. OBJECTIVE

The objective of the L.E.A.P. grant is to encourage, promote and increase the participation of women and people of color in apprenticeable trades and related occupations. Apprenticeable trades and occupations are approved by, and registered with the Department of Labor and Industry, Labor Standards and Apprenticeship Unit.

To be considered apprenticeable the trade or occupation must contain at least 2,000 hours of hands-on training, not infringe on other trade programs, provide a reasonable wage, provide high level skill training, provide related educational instruction to supplement the hands-on training and lead to employment. Related occupations are those which provide training for individuals for future placement in apprenticeship trades or occupations.

III. PROCESS

The Commissioner will accept proposals for the operation of a L.E.A.P. grant for the period beginning January 18, 2008 and continuing through June 30, 2009, upon submission of required quarterly reports and a final cumulative fiscal year report which measures the accomplishment of goals and objectives for the grant period.

IV. ELIGIBLE GRANT PROPOSALS

Proposals will be accepted from community-based organizations serving the targeted population on a competitive request-for-proposal basis.

V. LEAP GRANT PROPOSAL FORM

Organizations applying for a LEAP grant must call the Department of Labor and Industry, Apprenticeship Unit at (651) 284-5090, or 1-800-342-5354, and request a copy of the LEAP Grant Proposal form. Only complete LEAP Grant Proposal Forms, with supportive addenda, will be accepted.

VI. PROPOSAL CONTENTS

At a minimum, a proposal must contain the following information, in addition to the items listed above:

A. Program Administration/Management

1. Administrative Structure (including personnel)

State Grants & Loans

2. Program narrative outlining the organization's mission, goals, objectives, and performance indicators
 3. List of Advisory Council or Advisory Committee members who provide guidance in placement of clients in registered apprenticeship programs
- B. Budget
1. Amount requested
 2. Line item breakdown of operating costs
 3. List sources of non-state matching funds/dollar for dollar match
 4. Budget Narrative
- C. Demographic Data
1. Identification of geographic area served
 2. Rate of unemployment in service area
 3. Comparative data on the ratio of unemployment between women and people of color, and other persons in the service area
 4. Percent of women and people of color in area served
 5. Source of demographic data
- D. Evidence of ability to deliver services, which may be demonstrated by one or more of the following
1. Previous experience operating a L.E.A.P. program and documented results (must provide details of L.E.A.P. operation including actual number of clients placed into registered apprenticeship programs and related occupations, names of applicants placed, where applicants were placed, retention rates and completion rates)
 2. Previous experience providing job training and job placement service to economically disadvantaged individuals, women and people of color and places of employment
 3. Provide documentation of existing working relationships with employers and labor organizations
 4. Means of measuring outcomes (effectiveness of program)
- E. Statement of assurance including
1. The department or state may conduct post-grant audits
 2. The applying organization has an effective equal employment policy
 3. Evidence of Workers' Compensation coverage required by Minnesota law
 4. Performance and financial reports shall be submitted on due dates

VII. PROPOSAL DEADLINE

Interested parties must submit a completed grant proposal form, with addenda, no later than 4:30 p.m., January 14, 2008. Proposals shall be submitted to:

Commissioner, Steve Sviggum
Minnesota Department of Labor and Industry
3rd Floor Commissioners Office
443 Lafayette Road
St. Paul, MN 55155

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.

Requirements: There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements:

\$0 - \$5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600

\$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days;

\$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and

anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days

Need Help Getting that Contract ?

Obtain MORE and FASTER information with a SUBSCRIPTION to the *State Register*. Subscribe and receive LINKS to the *State Register*. Open the *State Register* and click on Bookmarks in the upper right corner. You will also receive ALL the current rules, with an INDEX, and previous years' indices. You also receive a summarized "Contracts & Grants" section to review. Subscriptions cost \$180 a year (an \$80 savings). Here's what you receive via e-mail:

- Word Search Capability
- LINKS, LINKS, LINKS
- Easy Access to *State Register* Archives
- Updates to Index to Vol. 31
- "Contracts & Grants" Open for Bid
- Early delivery, on Friday
- E-mailed to you . . . its so easy
- Indexes to Vols. 31, 30, 29, 28 and 27

It's all E-mailed to you, at end-of-day on Friday, instead of waiting for the non-subscriber's issue released on Monday. Contact Cathy Hoekstra, our subscriptions manager, at (651) 297-8777, or **Fax:** (651) 297-8260, or **E-mail:** cathy.hoekstra@state.mn.us

Minnesota Historical Society

Notice of Request for Bids for PRINTING SERVICES – Highway 61 (tentative title)

The Minnesota Historical Society, on behalf of the Minnesota Historical Society Press, is seeking bids from qualified firms for the printing of a book entitled *Highway 61* [6,000 casebound books, plus additional 500s and 1,000 jackets (trimmed and flat)].

The schedule is as follows:

- July 15, 2008 - all to printer; and
- September 15, 2008 - finished books at the Society's warehouse and Press.

The Request for Bids is available by calling or writing Mary Green-Toussaint, Contracting & Purchasing Coordinator, Minnesota Historical Society, 345 Kellogg Boulevard West, Saint Paul, Minnesota 55102. **Telephone:** (651) 259-3176;

e-mail: mary.green-toussaint@mnhs.org

Bids must be received no later than 2:00 p.m., Local Time, Thursday, January 10, 2007. A public bid opening will be conducted at that time. No late bids will be accepted.

Dated: December 17, 2007

Minnesota Historical Society**Notice of Request for Proposals for Professional Architectural Services for Harkin Store Historic Site Preservation, Harkin Store, New Ulm, Minnesota**

The Minnesota Historical Society is seeking proposals from qualified professionals for architectural services for preservation of the Harkin Store Historic Site. Services will include: preparation of construction documents and cost estimates, bid administration, and construction administration/observation services. Construction is scheduled for the summer of 2008.

The Request for Proposals is available by calling or writing Mary Green-Toussaint, Purchasing Coordinator, Minnesota Historical Society, 345 Kellogg Boulevard West, Saint Paul, Minnesota 55102. **Telephone:** (651) 259-3175; **e-mail:** mary.green-toussaint@mnhs.org.

A MANDATORY PRE-PROPOSAL MEETING will be held on Wednesday, January 9, 2008 for interested proposers. Details are included in the Request for Proposals.

All proposals must be received by 2:00 P.M. Local Time on Wednesday, January 16, 2008. Late proposals will not be considered.

Dated: December 17, 2007

Department of Transportation (Mn/DOT)**Engineering Services Division****Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities ("Consultant Pre-Qualification Program")**

This document is available in alternative formats for persons with disabilities by calling Juanita Voigt at (651) 366-4774 for persons who are hearing or speech impaired by calling Minnesota Relay Service at (800) 627-3529.

Mn/DOT, worked in conjunction with the Consultant Reform Committee, the American Council of Engineering Companies of Minnesota (ACEC/MN), and the Department of Administration, to develop 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 awards most of its consultant contracts for highway-related technical activities using this method, however, Mn/DOT also reserves the right to use Request for Proposal (RFP) or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to 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 for application. Applications are accepted on a continual basis. All expenses are 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 applications forms are available on Mn/DOT's Consultant Services web site at: <http://www.dot.state.mn.us/consult>.

Send completed application material to:

Juanita Voigt
Consultant Services
Office of Technical Support
Minnesota Department of Transportation
395 John Ireland Blvd. Mail Stop 680
St. Paul, Minnesota 55155

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

State Contracts

Department of Transportation (Mn/DOT)

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.

Minnesota Veterans Home Board

Minneapolis Veterans Home

Notice of Availability of Contract for a Medical Director

The Minneapolis Veterans Home is requesting proposals for qualified vendors or individuals to provide an experienced Medical Director to work within our 291 bed skilled nursing and domiciliary facility. The medical director is the chief clinical officer of the Minneapolis Veterans Home and is responsible for the planning, development, direction and management of all direct resident services and for the overall quality of care and treatment throughout the facility

Work is proposed to start after January 1, 2008.

A Request for Proposals will be available by mail from this office. **A written request (by direct mail, e-mail, or fax) is required to receive the Request for Proposal.** After December 31, 2007, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Pat Richie
Minneapolis Veterans Home
5101 Minnehaha Ave So
Minneapolis, MN 55417
Phone: (612) 728-1293
Fax: (612) 721-0604
E-mail: Parichie@mpls.mvh.state.mn.us

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 2:30 PM on January 4, 2008. **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.

Non-State Bids, 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.

Metropolitan Council

Request for Bids to Provide Track Geometry Testing, Track Strength Testing, and Rail Profile Measurements

Metro Transit a division of the Metropolitan Council is requesting bids for a Contractor to provide Track Geometry Testing, Track Strength Testing, and Rail Profile measurements on the Hiawatha Light Rail Line utilizing a hi-rail equipped track testing vehicle.

A Pre-Bid Conference will be held January 8, 2008 at 10:00 AM at the following location: Metro Transit LRT Operations and Maintenance Facility located at 1810 E. Franklin Avenue, Minneapolis, MN 55404 in the 2nd floor conference room. Bidders are encouraged to attend and participate in the Pre-Bid Conference.

Bids are due at 2:00 PM on January 15, 2008. Bids must be submitted in accordance with the Invitation for Bids document available from:

Metropolitan Council
Metro Transit Purchasing Department
Attn: Candace Osiecki
515 N. Cleveland Avenue
St. Paul, MN 55114
Phone: (612) 349-5070
E-mail: candace.osiecki@metc.state.mn.us

University of Minnesota

Subscribe to Bid Information Service (BIS)

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 free. Visit our website at bidinfo.umn.edu or call the BIS Coordinator at (612) 625-5534.

Request for Bids/Proposals are also available to the public 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.

State Register Binders

Specially designed binders with the State Register logo for storing your State Registers. Two binders typically hold one-year's subscription. Order Stock # 91-8, \$12.00 + tax

