

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)

**Monday 11 August 2008
Volume 33, Number 6
Pages 275 - 334**

State Register

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

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

- rules of state agencies
- commissioners' orders
- state grants and loans
- executive orders of the governor
- revenue notices
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
- appointments
- official notices

Printing Schedule and Submission Deadlines

Vol. 33 Issue Number	PUBLISH DATE (BOLDFACE shows altered publish date)		Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts		Deadline for Proposed, Adopted and Exempt RULES	
# 6	Monday	11 August	Noon Tuesday	5 August	Noon Wednesday	30 July
# 7	Monday	18 August	Noon Tuesday	12 August	Noon Wednesday	6 August
# 8	Monday	25 August	Noon Tuesday	19 August	Noon Wednesday	13 August
# 9	TUESDAY	2 August	Noon Tuesday	26 August	Noon Wednesday	20 August

PUBLISHING NOTICES: Submit ONE COPY of your notice, typed double-spaced. State agency submissions must include a "State Register Printing Order" form, and a "Certification/Internal Contract Negotiation" form with contracts for professional, technical and consulting services. Non-State Agencies should submit ONE COPY, IN ELECTRONIC FORMAT, with a letter on your letterhead stationery requesting publication and date to be published. **E-MAIL** submissions to: robin.panlener@state.mn.us [FAX to: (651) 297-8260. You **MUST follow FAX** by sending originals and applicable forms or letters via E-mail. We need to receive your submission electronically.

We charge \$14.40 per tenth of a page (columns are seven inches wide). One typewritten, double-spaced page is about 4/10s of a page in the *State Register*, or \$57.60. About 2-1/2 pages typed, double-spaced, on 8-1/2"x11" paper equals one typeset page in the *State Register*. Contact the editor if you have questions, by calling (651) 297-7963, or e-mail: robin.panlener@state.mn.us.

SUBSCRIPTION SERVICES: Copies are available at Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155. Order by phone: Metro area: (651) 297-3000 Toll free (800) 657-3757. TTY relay service phone number: (800) 627-3529. **NO REFUNDS.** E-mail subscriptions are available by contacting (651) 297-8777. Send address changes to Minnesota's Bookstore, 660 Olive Street, St. Paul, Minnesota 55155.

SEE THE *State Register* free at **website:** <http://www.minnesotasbookstore.com>

- **State Register: On-line subscription** – \$180, includes LINKS, INDEX, "Contracts and Grants" special section, Sidebar Table of Contents, and Early View *via E-mail*.
- **Single issues** are available for a limited time: *State Register* \$5.00.
- **"Affidavit of Publication"** costs \$10.00 and includes a notarized "Affidavit" and a copy of the issue.

Copyright © 2008 Materials Management Division, Department of Administration, State of Minnesota.

USPS Publication Number: 326-630 (ISSN: 0146-7751)

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

Tim Pawlenty, Governor (651) 296-3391
Carol L. Molnau, Lt. Governor (651) 296-3391
Lori Swanson, Attorney General (651) 297-4272
Rebecca Otto, State Auditor (651) 297-3670
Mark Ritchie, Secretary of State (651) 296-2079

Department of Administration:
Dana B. Badgerow, Commissioner (651) 296-1424
Materials Management Division:
Kent Allin, Director (651) 201-2400
Mary Mikes, Manager (651) 297-3979

State Register:
Robin Panlener, editor (651) 297-7963
John Mikes, assistant editor (651) 297-4616
Cathy Hoekstra, subscriptions (651) 297-8777
Bonnie Karels, billing (651) 296-4912

Minnesota Legislative Information

Senate Public Information Office (651) 296-0504
State Capitol, Room 231, St. Paul, MN 55155
Website: www.senate.mn

House Public Information Services (651) 296-2146
State Office Building, Room 175,
100 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155
Website: www.house.leg.state.mn.us/hinfo/hinfo.htm

Minnesota State Court System

Court Information Office (651) 296-6043
MN Judicial Center, Rm. 135, 25 Rev. Dr. Martin Luther King Jr Blvd.,
St. Paul, MN 55155 **Website:** www.mncourts.gov

Federal Register

Office of the Federal Register (202) 512-1530; or (888) 293-6498
U.S. Government Printing Office – Fax: (202) 512-1262
Website: <http://www.gpoaccess.gov/fr/index.html>

Minnesota Rules: Amendments & Additions

Rules Index - Vol. 33, # 1-6: Monday 11 August 2008 278

Proposed Rules

Commerce Department

Proposed Amendment to Rules Governing Credit Life and
Credit Accident and Health Insurance..... 280

Expedited Emergency Rules

Natural Resources Department (DNR)

Adopted Expedited Emergency Game and Fish Rules:
Taking Furbearers..... 296
Waterfowl and Prairie Chicken..... 297
Wildlife Management Areas; Game Refuges; Ruffed and
Spruce Grouse Season; Pheasant Season; Gray Partridge Season;
Fall Turkey Season; Dove Season..... 299

Commissioners' Orders

Natural Resources Department (DNR)

Classification of State Forest Lands in the Vicinity of the
Chippewa National Forest in Beltrami, Cass, and Itasca Counties
of Minnesota with Respect to Motor Vehicle Use..... 303
Exhibit A-1: State Forest Land Classification -
Motor Vehicle Use - Northwestern Chippewa Area..... 305
Exhibit A-2: State Forest Land Classification -
Motor Vehicle Use - Northeastern Chippewa Area..... 306
Exhibit A-3: State Forest Land Classification -
Motor Vehicle Use - Southern Chippewa Area..... 307

Designation and Undesignation of Forest Roads in the Vicinity
of the Chippewa National Forest in Beltrami, Cass, and Itasca Counties..... 308
Exhibit A-1: State Forest Road Designation -
Northwestern Chippewa Area..... 309
Exhibit A-2: State Forest Road Designation -
Northeastern Chippewa Area..... 310
Exhibit A-3: State Forest Road Designation - Southern Chippewa Area..... 311
Exhibit B-1: State Forest Road Undesignation -
Northwestern Chippewa Area..... 312
Exhibit B-2: State Forest Road Undesignation -
Southern Chippewa Area..... 313

Designation and Undesignation of Forest Roads in the Vicinity
of the Chippewa National Forest in Beltrami, Cass, and Itasca Counties..... 314
Exhibit A-1: Forest Trail Designation - Northwestern Chippewa Area..... 315
Exhibit A-2: Forest Trail Designation - Northeastern Chippewa Area..... 316
Exhibit A-3: Forest Trail Designation - Southern Chippewa Area..... 317

Official Notices

Get the Most from Official Notices..... 318

Emergency Medical Services Regulatory Board (EMSRB)

Completed Application in the Matter of the License Application of the
Belle Plaine Community Ambulance, Belle Plaine, Minnesota..... 318

Executive Council, State Board of Investment, Land Exchange Board, Investment Advisory Council

Meetings of the Executive Council, State Board of Investment, and
Land Exchange Board on September 10, 2008, and the
Investment Advisory Council on August 20, 2008..... 319

Health Department (MDH)

Division of Compliance Monitoring, Managed Care Systems Section:

Application for Essential Community Provider Status..... 319

Human Services Department (DHS)

Health Care Purchasing and Delivery Systems Division, Health Care Administration:

Maximum Allowable Costs of Medical Assistance
Outpatient Prescribed Drugs..... 319

Pollution Control Agency (MPCA)

Regional Division:

Availability of Draft West Fork Des Moines River Watershed
Total Maximum Daily Load Report and Request for Comment..... 320

State Grants & Loans

Grant Applicants..... 322

Commerce Department

Office of Energy Security:

Grant Availability to Study a Low-Carbon Fuel Standard
for Minnesota Vehicles..... 323

State Contracts

How to Work with Contracts..... 324

Administration Department (Admin)

Minnesota Multistate Contracting Alliance for Pharmacy:

Request for Information (RFI) from Parties Interested in Offering
Information to MMCAP about Pharmaceutical Wholesale
Distribution Services to MMCAP Member Facilities with
Sales Equal to or Less than \$25,000..... 324

State Designer Selection Board:

Availability of Request for Proposal (RFP) for Designer Selection for:
Science Laboratory Renovation..... 325

WSCA/NASPO Contract Administration

Pre-Solicitation Notification..... 326

Colleges and Universities, Minnesota State (MnSCU)

Anoka-Ramsey Community College:

Request Proposals for a Donor Recognition System Agent for
Development of Upgraded Design and Functionality of Web Presence..... 327

Anoka-Ramsey Community College:

Request Proposals for a Web Consultant for Development
of Upgraded Design and Functionality of Web Presence..... 327

St. Cloud State University:

Advertisement for Bids for Immigration Attorney Services..... 327

Human Services Department (DHS)

Continuing Care Division:

Request for Proposals to Study the Cost and Rate Increase Necessary
to Provide Health and Dental Insurance Coverage to Long-term Care
Workers in Minnesota and Provide Technical Assistance to the State..... 328

Natural Resources Department (DNR)

Intent to Hold State Metallic Minerals Lease Sale - State Lands
to be Offered for Metallic Minerals Exploration..... 328

Public Utilities Commission (PUC)

Contract Available for Providing Energy Analytical Services..... 329

Transportation Department (Mn/DOT)

Engineering Services Division:

Contracting Opportunities for a Variety of Highway Related
Technical Activities ("Consultant Pre-Qualification Program")..... 329

Engineering Services Division:

Professional/Technical Contract Opportunities..... 330

Bridge Office:

Request for Proposals (RFP) Statewide Bridge Inspection..... 330

Non-State Bids, Contracts & Grants

City of Waite Park, MN

Request for Proposals (RFP) for Engineering and Planning
Consulting Services for the 10th/2nd Avenue Corridor
from 3rd Street North to Stearns County Road 6..... 331

Metropolitan Council

Invitation for Bids (IFB) for the Construction of a Sound Masking
System for the 390 North Robert Street Building..... 331
Request for Proposals (RFP) for Industrial Strength
Charge Formula Study for the MCES..... 332
Request for Proposals (RFP) for Vending Machines..... 332

University of Minnesota (U of M)

Subscribe to Bid Information Service (BIS)..... 333

Metropolitan Council - Metro Mobility

Notice of Invitation to Do Business Subsidized Taxi Service Program..... 333

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.

Rules Index: Vol. 33 - # 1 - 6:

Monday 7 July 2008 - Monday 11 August 2008

Labor and Industry Department

- Construction Codes and Licensing Division

1323 (proposed).....	5
7676; 7678 (proposed repealer).....	5
1322 (proposed).....	250
7670, 7672 and 7674 (proposed repealer).....	250

Agriculture Department

1505.0751 (adopted).....	8
1505.0010; .0020; .0030; .0040; .0050; .0070; .0080; .0090; .0100; .0110; .0120; .0130; .0140; .0150; .0160; .0170; .0180; .0190; .0200; .0210; .0220; .0230; .0240; .0250; .0260; .0270; .0280; .0290; .0300; .0310; .0320; .0330; .0340; .0350; .0380; .0390; .0400; .0410; .0420; .0430; .0440; .0450; .0460; .0470; .0480; .0490; .0500; .0510; .0520; .0530; .0540; .0541; .0542; .0543; .0544; .0545; .0546; .0550; .0560; .0570; .0580; .0590; .0600; .0752; .0754 s. 2; .0756 s. 2; 1510.0330; 1562.0700; .0700 s. 2; .0800, (repealed).....	8

Commerce Department

2760.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0080; .0090 (proposed).....	280
2760.0100; .0200; .0300 s. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10a, 11; .0400; .0500; .0600; .0700; .0800; .0900; .9910; .9920 (proposed repealer).....	280

Human Services Department

3350.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0090; .0100; .0110; .0120; .0130; .0140; .0160; .0170; .0190; .0200 (proposed).....	198
3350.0030 s. 7; .0040 s. 4; .0060 s. 4; .0080; .0150; .0170 s. 2 (proposed repealer).....	198

3350.0010 becomes 9571.0010;	
3350.0020 becomes 9571.0020;	
3350.0030 becomes 9571.0030;	
3350.0040 becomes 9571.0040;	
3350.0050 becomes 9571.0050;	
3350.0060 becomes 9571.0060;	
3350.0070 becomes 9571.0070;	
3350.0090 becomes 9571.0080;	
3350.0100 becomes 9571.0090;	
3350.0110 becomes 9571.0100;	
3350.0120 becomes 9571.0110;	
3350.0130 becomes 9571.0120;	
3350.0140 becomes 9571.0130;	
3350.0160 becomes 9571.0140;	
3350.0170 becomes 9571.0150;	
3350.0180 becomes 9571.0160 (proposed renumbering)...	198

Education Department

3501.1000; .1020; .1030; .1040; .1050; .1110; .1120; .1130; .1140; .1150; .1160; .1170; .1180; .1190 (proposed).....	161
--	-----

Education Department -

School Administrators Board

3512.0100; .0200; .0300; .0400; .0400; .0510; .0700; .0800; .1200; .1300; .1500; .1600; .1700; .2000; .2100; .2400; .2500; .2600; .2700; .3500; .5200 (proposed).....	113
3512.3500, as part 3512.0505 (proposed renumbering and cross references).....	113
3512.0300, s. 6; .0400, s. 2; .0500; .0600; .1100; .1400, (proposed repealer).....	113

Minnesota Rules: Amendments and Additions

Education Department

3525.0210; .0300; .0400; .0550; .0700; .0750; .0755; .0800; .0850; .0855; .0860; .0865; .0870; .1100; .1310; .1325; .1327; .1329; .1331; .1333; .1335; .1337; .1339; .1341; .1343; .1345; .1348; .1350; .1352; .1354; .1400; .1550; .2325; .2335; .2340; .2350; .2440; .2445; .2450; .2455; .2550; .2720; .2810; .2900; .3010; .3100; .3600; .3700; .3900; .4010; .4110; .4420; .4700; .4750; .4770 (withdrawn).....	167
3525.0210 s. 2, 3, 5, 6, 7, 8, 9, 13, 17, 18, 26, 29, 30, 36, 38, 46, 47; .0800 s. 1, 3, 4, 6, 7, 8, 9; .2435; .2710; .2810 s. 3, 4, 5; .2900 s. 5; .3900 s. 3 (repealer withdrawn).....	167

Health Department

4725 (adopted).....	211
---------------------	-----

Labor and Industry

5200.0300; .0320; .0370; .0420 (adopted exempt).....	130
5205.0010 (adopted exempt).....	1982

Natural Resources Department

6230.0200; .0290; .0295; .0400; 6234.0200; .0400; .0500; 6236.0700; 6240.0250 (adopted expedited emergency)...	299
6230.0400 s. 14, 54 (repealed expedited emergency).....	299
6230.1200; 6234.1000; .1700; .2000; .2100; (adopted expedited emergency).....	296
6232.0350 (adopted expedited emergency).....	168
6232.0900; .2550; .2560 (adopted expedited emergency)...	132
6232.1400; .3800; .4500 (adopted expedited emergency).....	215
6237.0450; 6240.0610; .1200; .1750; .1850; .2100 (adopted expedited emergency).....	297
6237.0600; .0700 (expedited emergency repealed).....	Vol. 32 SR 2203, 2316; Vol 33 SR 11

Pollution Control Agency

7001.0150; .0501; .0520; .0550; .0560; .0570; .0580; .0590; .0600; .0610; .0620; .0630; .0635; .0650; .0690; .0700; .0710; .0730; 7045.0020; .0065; .0071; .0075; .0090; .0102; .0120; .0121; .0125; .0127; .0131; .0133; .0135; .0139; .0141; .0143; .0155; .0208; .0213; .0214; .0255; .0270; .0292; .0294; .0300; .0302; .0365; .0371; .0395; .0450; .0452; .0458; .0478; .0482; .0484; .0486; .0490; .0498; .0502; .0504; .0508; .0514; .0518; .0524; .0526; .0528; .0532; .0534; .0536; .0638; .0539; .0540; .0542; .0543; .0544; .0550; .0552; .0556; .0564; .0584; .0586; .0588; .0594; .0596; .0600; .0608; .0610; .0612; .0616; .0620; .0626; .0628; .0629; .0630; .0632; .0634; .0638; .0643; .0645; .0649; .0652; .0655; .0665; .0686; .0692; .0800; .0805; .0855; .0865; .0875; .0885; .1390 (proposed).....	41
7045.0020 s.45a; .0075 s.8, 10; .0135 s. 1, 2, 2a, 3, 4; 0139 s.2; 0141 s. 2-23; .0143 s. 2-7, 9-10, 12-15, 17, 20-21, 23, 25, 27; .0544 s.2, 3; .1300; .1305; .1309; .1310; .1315; .1320; .1325; .1330; .1333; .1334; .1335; .1339; .1350; .1355; .1358; .1360; .1380 (proposed repealer).....	41

Labor and Industry Department

- Construction Codes and Licensing Division

7676; 7678 (proposed repealer).....	5
1323 (proposed).....	5
7670, 7672 and 7674 (proposed repealer).....	250
1322 (proposed).....	250

Public Utilities Commission

7820.3700; .3800; .3900; .4000 (adopted).....	215
---	-----

Racing Commission

7869.0100; 7871.0070; .0080; 7872.0100; 7873.0185; .0240; 7875.0100; .0200; 7876.0110; 7877.0130; .0170; .0180; 7879.0200; 7883.0100; .0140; .0150; .0160; .0170; 7884.0120; .0210; .0230; .0260; .0270; 7890.0100; .0110; .0130; .0140; .0160 (adopted).....	1511
7883.0140 s. 20, 29 (repealed).....	1511

Human Services Department

9505.2160; .2165; .2175; .2180; .2185; .2190; .2195; .2197; .2200; .2205; .2207; .2210; .2210; .2215; .2220; .2230; .2238; .2240; .2245 (adopted).....	127
9505.2165, s. 11; .2210, s. 3 (repealed).....	127

Contracts information is available from the Materials Manage-
ment Helpline (651) 296-2600, or Web site:

www.mmd.admin.state.mn.us

State Register information is available from Minnesota's
Bookstore (651) 297-3000, or (800) 657-3757, Web site:

www.minnesotasbookstore.com

Proposed Rules

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

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

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

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

Minnesota Department of Commerce

Proposed Amendment to Rules Governing Credit Life and Credit Accident and Health Insurance, *Minnesota Rules*, chapter 2760, and Repeal of *Minnesota Rules*, parts 2760.0100; 2760.0200; 2760.0300; 2760.0400; 2760.0500; 2760.0600; 2760.0700; 2760.0800; 2760.0900; 2760.9910; 2760.9920.

NOTICE OF HEARING

Public Hearing. The Department of Commerce intends to adopt rules after a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing on the above-named rules in the Summit Room, Department of Commerce, 85-7th Place East, Suite 500, St. Paul, Minnesota, 55101, starting at 9:30 A.M. on Wednesday, September 10, 2008, and continuing until the hearing is completed. The agency will schedule additional days of hearing if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

Administrative Law Judge. Administrative Law Judge Eric Lipman will conduct the hearing. The judge can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7842 and **fax:** (651) 361-7936. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the administrative law judge.

Subject of Rules, Statutory Authority, and Agency Contact Person. The proposed rules update existing *Minnesota Rule* chapter 2760, which was adopted in 1988, and establish a simpler and more efficient system for determining premium rates for life and disability credit insurance products. The existing rule states that "...the maximum rates as well as any approved deviations established and permitted in this chapter are not to be considered as the final solution to the rate problems in credit insurance in this state. Study of the matter will therefore be continued by the department of commerce, reports from the companies will be required, and further statistics will be accumulated. It is hence deemed appropriate that this matter be called up at a later date for further review and adjustment as the findings might dictate." *Minnesota Rules*, part 2760.0800.

The rule needs to be updated in order to provide effective guidance for the Department's review of credit insurance rates and forms. The Department has worked with the industry to come up with a new rule that will streamline the rate approval process, establish *prima facie*

premium rates, improve policy benefits for consumers, and ensure a fair and stable market place for credit insurance products.

Credit insurance is a form of term insurance sold in connection with consumer lending transactions. The insurance is designed to pay off debt in the event the borrower dies, becomes disabled, or loses a job. Credit insurance can be purchased to insure various kinds of consumer loans, including auto loans, credit card debt, home equity mortgages, and loans from finance companies. It is generally regarded as an affordable and convenient form of insurance protection for people who might not otherwise have adequate coverage.

Credit insurance is highly regulated to protect consumers. In Minnesota, credit insurance is governed by *Minnesota Statutes* Chapter 62B and regulated by the Department of Commerce. Credit insurance laws require, among other things, that credit insurance companies file their policy forms and rates for approval to ensure that policy terms are fair and premium rates are reasonable.

Pursuant to *Minnesota Statutes* 62B.07, subd. 2, the Department is responsible for reviewing credit insurance rate filings to determine whether premium rates charged are excessive in relation to benefits. The Department currently reviews each company's rate filing on a case-by-case basis. Under the existing rule, rates are generally viewed as reasonable if the insurer can demonstrate that the policy is expected to achieve a 50% loss ratio, meaning 50% of premiums received will ultimately be paid out in claims. Reviewing each company's filing on a case-by-case basis entails considerable work on the part of insurance companies and the Department.

The proposed rule retains the existing 50% loss ratio expectation but establishes *prima facie* rates that may be used by credit insurers without further proof of reasonableness. An insurer can use the *prima facie* rates, however, only if the company's policies provide certain specified benefits that are generally more generous than what is offered currently in the credit insurance marketplace. The proposed rule provides that the *prima facie* rates are to be reviewed, and if necessary, adjusted every three years based on actual industry experience to ensure the industry loss ratio is 50%, or a lower loss ratio if necessary to afford a reasonable margin for company expenses. The rule permits the Department to adjust the *prima facie* rates by promulgation of a bulletin.

The proposed rule largely follows the methodology used in the National Association of Insurance Commissioners model act and regulation, except certain provisions are customized to fit existing laws and standards in Minnesota. Adoption of this rule will bring Minnesota more in line with credit insurance regulation in other states but at the same time preserve Minnesota's position as an innovative leader in protecting consumers of credit insurance products.

The proposed rule will ensure that the industry, as a whole, is meeting loss ratio expectations. Although the current rule sets forth a 50% loss ratio for credit insurance policies, enforcement on a company by company basis is difficult and can produce mixed results. By adopting *prima facie* rates based on industry experience, which are then adjusted periodically based on updated information, the state can ensure that the credit insurance industry is providing reasonable benefits in relation to premiums and that consumers are getting good value for credit insurance products purchased in our state.

The proposed rule will produce more generous policy benefits for Minnesota consumers. Under the proposed rule, companies may use *prima facie* rates only if their policies provide certain specified benefits that are generally richer than what is currently available in Minnesota. These richer benefits include: an increase in age eligibility to 70 and termination age to 71; guaranteed issue of \$15,000 in life insurance without medical underwriting; a limitation on the suicide exclusion to no more than six months; a limitation on applying pre-existing condition exclusions to no more than six months.

The creation of a *prima facie* rate promotes stability in the credit insurance marketplace. Credit insurance is unique compared to other kinds of insurance because the product is sold through creditors and consumers do not typically have the opportunity to shop for coverage among insurers. As a result, competitive forces do not operate as they do in other insurance markets. Establishment of a *prima facie* rate that is neither excessive nor inadequate will ensure a level playing field among insurers so insurers compete based on service and product offerings.

The proposed rules will be easier for the Department to administer and contain built-in enforcement mechanisms. The *prima facie* rate will reduce time and expense spent on company-specific rate reviews by the Department, thus potentially saving tax dollars. The triennial rate review process will ensure industry rates remain up-to-date without the need for additional rulemaking. And the proposal includes a "mandatory downward deviation" for those specific companies that may have unacceptably low loss ratios at *prima facie* rates based on the company's actual claims experience. Simpler administration and more enforcement will be fairer for insurers and ensure greater protection for consumers.

Proposed Rules

The proposed rules are authorized by *Minnesota Statutes*, section 62B.12.

A copy of the proposed rules is published in the *State Register*. A free copy of the rules is available upon request from Heidi Retterath at (651) 296-3528, **e-mail:** heidi.retterath@state.mn.us.

The agency contact person is: Susan Bergh at Department of Commerce, 85-7th Place East, St. Paul, MN 55101, (651) 296-8458, **e-mail:** susan.bergh@state.mn.us. **TTY** users may call the Department of Commerce at (651) 296-2860.

Statement of Need and Reasonableness. The statement of need and reasonableness statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available and you may review or obtain copies by contacting the agency contact person at the address above.

Public Comment. You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the administrative law judge may order this five-day comment period extended for a longer period but for no more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the administrative law judge no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings.

The agency requests that any person submitting written views or data to the administrative law judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

Alternative Format/Accommodation. Upon request, the agency can make this Notice available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The agency may modify the proposed rules as a result of the rule hearing process. It must support modifications by data and views presented during the rule hearing process. The adopted rules may not be substantially different than these proposed rules, unless the agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the agency encourages you to participate.

Adoption Procedure After The Hearing. After the close of the hearing record, the administrative law judge will issue a report on the proposed rules. You may ask to be notified of the date when the judge's report will become available, and can make this request at the hearing or in writing to the administrative law judge. You may also ask to be notified of the date that the agency adopts the rules and files them with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings. You may make these requests at the hearing or in writing to the agency contact person stated above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, **telephone:** (651) 296-5148 or 1-800-657-3889.

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

Dated: 30 July 2008

Glenn Wilson, Commissioner
Department of Commerce

2760.0010 PURPOSE.

The purpose of this chapter is to protect the interests of debtors and the public in this state by providing a system of rate, policy form, and operating standards for the transaction of credit life and credit accident and health insurance. This chapter interprets and implements *Minnesota Statutes*, sections 62B.01 to 62B.14.

2760.0020 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Account.** “Account” means the aggregate coverage for a single plan of insurance written under one agreement through one or more creditors by the insurer, whether coverage is written on a group or individual policy basis.

Subp. 3. **Average number of life years.** “Average number of life years” means the average number of group certificates or individual policies in force during a period times the number of years in the period.

Subp. 4. **Claims.** “Claims” means benefits payable on death or disability, including any accrued interest but excluding loss adjustment expense, claims settlement costs, or other additions of any kind.

Subp. 5. **Closed-end credit.** “Closed-end credit” means a credit transaction that does not meet the definition of open-end credit.

Subp. 6. **Commissioner.** “Commissioner” means the commissioner of commerce.

Subp. 7. **Credibility factor.** “Credibility factor” means the factor calculated by using the credibility table in part 2760.0090.

Subp. 8. **Critical period accident and health coverage.** “Critical period accident and health coverage” means credit accident and health coverage that provides a maximum benefit period of a specified number of monthly benefits or to the end of a coverage period, whichever is less.

Subp. 9. **Earned premiums.** “Earned premiums” means the total gross premiums received during a period reduced by premiums refunded and adjusted for changes in premium reserves as described in the Credit Insurance Experience Exhibit instructions published by the National Association of Insurance Commissioners.

Subp. 10. **Effective date of coverage.** “Effective date of coverage” is the date of initial indebtedness, except that for each part of the insurance attributable to a different advance or a charge to the account it is the date on which the advance or charge occurs.

Subp. 11. **Evidence of individual insurability.** “Evidence of individual insurability” means a statement furnished by the debtor, as a condition of insurance becoming effective, that relates specifically to the health status or the health or medical history of the debtor.

Subp. 12. **Incurred claims.** “Incurred claims” means claims paid during a period, adjusted for the change in claim reserves from the beginning to the end of that period as described in the Credit Insurance Experience Exhibit instructions published by the National Association of Insurance Commissioners.

Subp. 13. **Loss ratio.** “Loss ratio” means incurred claims divided by earned premiums.

Subp. 14. **Open-end credit.** “Open-end credit” means credit extended by a creditor under an agreement in which:

A. the creditor reasonably contemplates repeated transactions;

B. the creditor imposes a finance charge from time to time on an outstanding unpaid balance; and

C. the amount of credit that may be extended to the debtor during the term of the agreement up to any limit set by the creditor is generally made available to the extent that any outstanding balance is repaid.

Subp. 15. **Plan of insurance.** “Plan of insurance” means any of the following:

A. credit life insurance on a single premium basis, including single and joint life coverage, and including decreasing and level insurance;

B. credit life insurance on a monthly premium basis, including single and joint life coverage;

C. credit accident and health insurance on a single premium basis, including single and joint coverage; or

D. credit accident and health insurance on a monthly premium basis, including single and joint coverage.

Subp. 16. **Preexisting condition.** “Preexisting condition” means any condition for which the insured debtor received medical advice, consultation, or treatment within six months before the effective date of the coverage.

Subp. 17. **Prima facie rates.** “Prima facie rates” means the starting rates shown in parts 2760.0050 and 2760.0060 and any subsequent rates as adjusted for a later time period pursuant to part 2760.0080.

2760.0030 RIGHTS AND TREATMENT OF DEBTORS.

Subpart 1. **Multiple plans of insurance.** If a creditor makes available to the debtors more than one plan of credit life insurance or credit accident and health insurance, every debtor must be informed of each plan for which the debtor is eligible and of the premium or insurance charge for each.

Subp. 2. **Substitution.** When a creditor requires insurance as additional security for a debt, the debtor shall be given the option of furnishing the required amount of insurance through existing policies of insurance owned or controlled by the debtor or of procuring and furnishing the required coverage through any insurer authorized to transact insurance business in this state. If this subpart is applicable, the debtor shall be informed by the creditor of the right to provide alternative coverage before the transaction is completed.

Subp. 3. **Termination of group consumer credit insurance policy.**

A. If a debtor is covered by a group consumer credit insurance policy providing for the payment of single premiums to the insurer, or any other premium payment method which prepays coverage beyond one month, then provision shall be made by the insurer that in the event of termination of the policy for any reason, insurance coverage with respect to any debtor insured under the policy shall be continued for the entire period for which the premium has been paid or until the debtor’s insured loan otherwise ends.

B. If a debtor is covered by a group consumer credit insurance policy providing for the payment of premiums to the insurer on a

Proposed Rules

monthly basis, then the policy shall provide that, in the event of termination of the policy, termination notice shall be given to the insured debtor at least 30 days before the effective date of termination except where replacement of the coverage by the same or another insurer in the same amount, the same benefits, and the same rates takes place without lapse of coverage. The insurer shall provide or cause to be provided this required information to the debtor.

Subp. 4. **Remittance of premiums.** If the creditor adds identifiable insurance charges or premiums for consumer credit insurance to the debt, and any direct or indirect finance, carrying, credit, or service charge is made to the debtor on the insurance charges or premiums, the creditor must remit and the insurer shall collect the premium within 60 days after it is added to the debt.

Subp. 5. **Refinancing of debt.** If the debt is discharged due to refinancing before the scheduled end of coverage, the insurance in force shall be terminated before any new insurance is issued in connection with the refinanced debt. In all cases of termination before scheduled maturity, a refund of unearned premium or unearned insurance charges paid by the debtor shall be paid or credited to the debtor as provided in part 2760.0070. In any refinancing of the debt, the effective date of the coverage as respects any policy provision shall be deemed to be the first date on which the debtor became insured under the policy with respect to the debt which was refinanced, at least to the extent of the amount and term of the debt outstanding at the time of refinancing of the debt.

Subp. 6. **Open-end credit benefit amount.** If a debtor has opened an educational, agricultural, or horticultural open-end credit account for which credit life insurance has been issued on a nondecreasing or level term plan for the amount of the loan commitment, in the event of the death of the debtor the insured amount due is the amount of the loan commitment against which premium was last charged.

Subp. 7. **Maximum aggregate provisions.** If an insurer issues multiple certificates of insurance to an insured under the same group policy which together exceed the maximum amount of life insurance shown in any certificate schedule, the insurance shall remain in effect unless the insurer cancels the excess insurance and refunds or credits the associated premium plus any additional finance charges related to the excess insurance.

2760.0040 DETERMINATION OF REASONABLENESS OF BENEFITS IN RELATION TO PREMIUM.

Premium rates charged for credit insurance shall not be excessive in relation to the benefits. The requirement is satisfied if the premium rate charged develops or is reasonably expected to develop a loss ratio of 50 percent or such different loss ratio as calculated under part 2760.0080. With the exception of deviations approved under part 2760.0090, the rates shown in parts 2760.0050 and 2760.0060, as adjusted pursuant to part 2760.0080, shall be conclusively presumed to be reasonable.

2760.0050 CREDIT LIFE INSURANCE RATES.

Subpart 1. **Initial prima facie rates.** Subject to the conditions and requirements in subpart 2 and part 2760.0090, the initial prima facie rates in this subpart meet the requirements of part 2760.0040 and are the maximum rates to be used without further proof of reasonableness, until the effective date of any adjustment under part 2760.0080.

A. If the premium is charged on a monthly outstanding balance (MOB) basis, the initial prima facie rate is \$0.615 per month per \$1,000 of outstanding insured debt on single life.

B. If the premium is charged on a single premium basis, the rate shall be computed according to the following formula or according to a formula approved by the commissioner which produces rates actuarially consistent with the following formula:

$$SP = \frac{OP}{10} \times \frac{n}{t+1} \times \frac{I_t}{I_0}$$

where: OP = Prima facie life rate per \$1,000 per month

n = Term of insurance coverage (months)

I_t = Scheduled amount of insurance for month t

SP = Single premium prima facie rate per \$100 initial amount of insured loan amount

Note: I_t includes any additional monthly payments covered in the benefit but not more than 1 for n ≤ 63 months and 2 for n > 63 months

For purposes of calculating the single premium credit life rate, the initial value of OP is \$0.615.

C. If the life coverage is sold on a joint basis involving two debtors, the rate for the joint coverage shall be 167 percent of the applicable single rate.

D. If the insurer provides benefits more restrictive than specified in subpart 2, the insurer must file and use rates that are actuarially equivalent and must receive approval from the commissioner as meeting the requirements of part 2760.0040 before use. If the insurer provides benefits less restrictive than specified in subpart 2, the insurer shall either use the rates specified or rates that are actuarially equivalent, in which case the insurer must receive approval from the commissioner as meeting the requirements of part 2760.0040 before use.

Subp. 2. **Application to certain contracts.** The premium rates in subpart 1 shall apply to contracts providing credit life insurance that

Proposed Rules

are offered to all eligible debtors electing to purchase coverage within 30 days of the date the debtor becomes eligible and that conform to the following provisions.

A. Coverage for death by whatever means caused, unless coverage excludes death resulting from:

- (1) war or any act of war;
- (2) suicide within six months after the effective date of the coverage or later advance; or
- (3) subject to provisions of item B, a preexisting condition or conditions.

B. For the purpose of item A, subitem (3), no preexisting condition exclusion shall apply unless death is caused by or substantially contributed to by the preexisting condition and unless death occurs within six months following the effective date of coverage or later advance.

C. The insurer has the option to include in lieu of a preexisting condition exclusion on insurance written in connection with open-ended credit account, a provision to limit the amount of insurance payable on death due to natural causes to the balance as it existed six months before the date of death if there has been one or more increases in the outstanding balance during the six-month period and if evidence of individual insurability has not been required in the six-month period before the date of death. This provision applies only if and to the extent that the amount of coverage to which it would otherwise apply in the absence of this limitation exceeds \$1,000.

D. An age restriction providing that no insurance will become effective on debtors on or after the attainment of age 70 and that all insurance will terminate upon attainment by the debtor of age 70.

E. The insurer does not require evidence of individual insurability if the initial amount financed or open-end credit account limit is \$15,000 or less and the applicant elects to purchase coverage within 30 days of the effective date of the indebtedness.

Subp. 3. Other reasonable rates.

A. If the insurer uses a form that does not exclude preexisting conditions, a rate equal to 105 percent of the prima facie rate shall be considered reasonable.

B. If the insurer, its agent, or the application form for credit life insurance requests or requires that the debtor provide evidence of individual insurability and the initial amount financed or open-end credit account limit available is above \$15,000 or the applicant elects to purchase coverage more than 30 days after the effective date of the indebtedness, then the premium rates considered reasonable will be the prima facie rates in subpart 1. For policies insuring open-end lines of credit, the insurer may require evidence of individual insurability for advances which increase the outstanding debt above \$15,000.

Subp. 4. **Insurance application forms.** Insurers' use of the same application forms for credit life and credit accident and health insurance is permitted whether or not the underwriting questions are asked pursuant to subpart 3.

2760.0060 CREDIT ACCIDENT AND HEALTH INSURANCE RATES.

Subpart 1. **Initial prima facie rates.** Subject to the conditions and requirements in subpart 2 and part 2760.0090, the initial prima facie rates in this subpart meet the requirements of part 2760.0040 and are the maximum rates to be used without further proof of reasonableness until the effective date of any adjustment under part 2760.0080.

A. If premiums are payable on the basis of a premium rate per month per thousand of outstanding insured debt, the prima facie rate shall be computed according to one of the following tables:

Premium Charge Based on Gross Insured Debt (Total of Payments) per \$1,000 per Month				
Original Term of Coverage in Months	14-Day		30-Day	
	Retro	Non-Retro	Retro	Non-Retro
1	-	-	-	-
2	-	-	-	-
3	5.95	3.60	3.55	1.55
4	5.32	3.36	3.48	1.68
5	4.80	3.13	3.30	1.67
6	4.37	2.91	3.11	1.66
7	4.03	2.73	2.93	1.63
8	3.71	2.56	2.76	1.58
9	3.48	2.40	2.60	1.54
10	3.25	2.27	2.45	1.47

Proposed Rules

11	3.05	2.17	2.33	1.43
12	2.89	2.06	2.23	1.37
13	2.74	1.97	2.13	1.34
14	2.61	1.89	2.04	1.29
15	2.49	1.81	1.95	1.26
16	2.38	1.74	1.88	1.22
17	2.28	1.68	1.81	1.19
18	2.19	1.62	1.75	1.15
19	2.12	1.57	1.68	1.12
20	2.05	1.52	1.64	1.10
21	1.97	1.48	1.59	1.07
22	1.91	1.44	1.54	1.04
23	1.85	1.40	1.50	1.02
24	1.80	1.36	1.46	1.00
25	1.75	1.33	1.42	0.98
26	1.70	1.30	1.39	0.97
27	1.66	1.26	1.36	0.95
28	1.62	1.24	1.32	0.93
29	1.59	1.21	1.31	0.92
30	1.55	1.19	1.28	0.90
31	1.52	1.17	1.25	0.89
32	1.48	1.15	1.22	0.87
33	1.45	1.13	1.20	0.86
34	1.42	1.11	1.18	0.85
35	1.39	1.09	1.16	0.84
36	1.37	1.07	1.15	0.83
37	1.35	1.05	1.13	0.82
38	1.32	1.04	1.11	0.81
39	1.30	1.03	1.10	0.80
40	1.28	1.01	1.07	0.80
41	1.26	1.00	1.06	0.79
42	1.24	0.99	1.05	0.77
43	1.22	0.97	1.03	0.76
44	1.20	0.96	1.02	0.76
45	1.19	0.94	1.00	0.75
46	1.17	0.94	0.99	0.74
47	1.15	0.93	0.98	0.74
48	1.14	0.91	0.97	0.73
49	1.13	0.91	0.96	0.72
50	1.11	0.90	0.95	0.72
51	1.10	0.89	0.94	0.71
52	1.09	0.88	0.93	0.71
53	1.07	0.87	0.92	0.70
54	1.06	0.86	0.91	0.70
55	1.05	0.85	0.90	0.69
56	1.04	0.85	0.89	0.69
57	1.03	0.84	0.88	0.68
58	1.02	0.83	0.88	0.68
59	1.01	0.82	0.87	0.67
60	1.00	0.82	0.86	0.67
61	0.99	0.81	0.85	0.67
62	0.98	0.80	0.85	0.66
63	0.98	0.80	0.84	0.66
64	0.97	0.79	0.83	0.66

65	0.96	0.79	0.83	0.65
66	0.95	0.78	0.82	0.65
67	0.94	0.78	0.82	0.65
68	0.94	0.77	0.81	0.64
69	0.93	0.77	0.81	0.64
70	0.92	0.76	0.80	0.64
71	0.91	0.76	0.80	0.63
72	0.91	0.75	0.79	0.63
73	0.90	0.75	0.79	0.63
74	0.90	0.74	0.78	0.63
75	0.89	0.74	0.78	0.62
76	0.88	0.74	0.77	0.62
77	0.88	0.73	0.77	0.62
78	0.87	0.73	0.76	0.62
79	0.87	0.73	0.76	0.62
80	0.86	0.72	0.76	0.61
81	0.86	0.72	0.75	0.61
82	0.85	0.72	0.75	0.61
83	0.85	0.71	0.74	0.60
84	0.84	0.71	0.74	0.60
85	0.83	0.70	0.74	0.60
86	0.83	0.70	0.73	0.60
87	0.83	0.70	0.73	0.60
88	0.82	0.70	0.73	0.60
89	0.82	0.69	0.72	0.59
90	0.81	0.69	0.72	0.59
91	0.81	0.69	0.72	0.59
92	0.80	0.68	0.71	0.59
93	0.80	0.68	0.71	0.59
94	0.80	0.68	0.71	0.59
95	0.79	0.68	0.70	0.58
96	0.79	0.67	0.70	0.58
97	0.79	0.67	0.70	0.58
98	0.78	0.67	0.70	0.58
99	0.78	0.67	0.69	0.58
100	0.78	0.67	0.69	0.58
101	0.77	0.66	0.69	0.57
102	0.77	0.66	0.69	0.57
103	0.77	0.66	0.68	0.57
104	0.76	0.66	0.68	0.57
105	0.76	0.65	0.68	0.57
106	0.76	0.65	0.68	0.57
107	0.75	0.65	0.67	0.57
108	0.75	0.65	0.67	0.57
109	0.75	0.65	0.67	0.56
110	0.74	0.64	0.67	0.56
111	0.74	0.64	0.67	0.56
112	0.74	0.64	0.66	0.56
113	0.74	0.64	0.66	0.56
114	0.73	0.64	0.66	0.56
115	0.73	0.63	0.66	0.56
116	0.73	0.63	0.66	0.56
117	0.73	0.63	0.65	0.56
118	0.72	0.63	0.65	0.55

Proposed Rules

119	0.72	0.63	0.65	0.55
120	0.72	0.63	0.65	0.55
<u>Composite Term</u>	<u>1.55</u>	<u>1.19</u>	<u>1.28</u>	<u>0.90</u>

Premium Charge Based on Net Insured Debt (Outstanding Loan Balance) per \$1,000 per Month

Original Term of Coverage in Months	14-Day		30-Day	
	Retro	Non-Retro	Retro	Non-Retro
1	-	-	-	-
2	-	-	-	-
3	6.03	3.65	3.60	1.57
4	5.41	3.42	3.54	1.71
5	4.89	3.19	3.36	1.70
6	4.47	2.98	3.18	1.69
7	4.13	2.79	3.00	1.67
8	3.81	2.63	2.83	1.62
9	3.59	2.47	2.68	1.59
10	3.36	2.35	2.54	1.52
11	3.16	2.25	2.42	1.49
12	3.01	2.14	2.32	1.42
13	2.86	2.05	2.22	1.40
14	2.73	1.98	2.13	1.35
15	2.61	1.90	2.04	1.32
16	2.50	1.83	1.98	1.29
17	2.40	1.77	1.91	1.25
18	2.31	1.71	1.85	1.21
19	2.25	1.66	1.78	1.19
20	2.17	1.62	1.74	1.16
21	2.10	1.58	1.69	1.14
22	2.04	1.54	1.64	1.11
23	1.98	1.50	1.61	1.09
24	1.93	1.46	1.57	1.07
25	1.89	1.43	1.53	1.06
26	1.84	1.40	1.50	1.05
27	1.79	1.37	1.47	1.03
28	1.76	1.35	1.44	1.01
29	1.73	1.32	1.42	1.00
30	1.69	1.29	1.39	0.99
31	1.66	1.28	1.37	0.98
32	1.62	1.26	1.34	0.96
33	1.59	1.24	1.32	0.95
34	1.56	1.22	1.30	0.94
35	1.54	1.21	1.28	0.93
36	1.52	1.19	1.27	0.92
37	1.50	1.17	1.25	0.91
38	1.47	1.16	1.23	0.90
39	1.45	1.14	1.22	0.89
40	1.43	1.13	1.20	0.89
41	1.41	1.12	1.19	0.88

42	1.40	1.11	1.18	0.87
43	1.38	1.10	1.16	0.86
44	1.36	1.09	1.15	0.86
45	1.35	1.07	1.14	0.85
46	1.34	1.06	1.13	0.85
47	1.32	1.05	1.12	0.84
48	1.30	1.05	1.11	0.84
49	1.29	1.04	1.10	0.83
50	1.28	1.03	1.10	0.83
51	1.27	1.02	1.09	0.82
52	1.26	1.02	1.07	0.82
53	1.24	1.01	1.06	0.81
54	1.23	1.00	1.06	0.81
55	1.22	0.99	1.05	0.81
56	1.21	0.99	1.04	0.80
57	1.21	0.98	1.03	0.80
58	1.20	0.98	1.03	0.80
59	1.18	0.97	1.02	0.79
60	1.18	0.96	1.02	0.79
61	1.17	0.96	1.01	0.79
62	1.17	0.95	1.00	0.79
63	1.16	0.95	1.00	0.78
64	1.15	0.95	0.99	0.78
65	1.14	0.94	0.99	0.78
66	1.14	0.94	0.99	0.78
67	1.13	0.93	0.98	0.78
68	1.13	0.93	0.98	0.77
69	1.12	0.93	0.97	0.77
70	1.11	0.92	0.97	0.77
71	1.11	0.92	0.97	0.77
72	1.10	0.92	0.96	0.77
73	1.10	0.91	0.96	0.77
74	1.09	0.91	0.95	0.77
75	1.09	0.91	0.95	0.76
76	1.08	0.91	0.95	0.76
77	1.08	0.90	0.95	0.76
78	1.07	0.90	0.94	0.76
79	1.07	0.90	0.94	0.76
80	1.07	0.89	0.94	0.76
81	1.06	0.89	0.93	0.76
82	1.06	0.89	0.93	0.76
83	1.06	0.89	0.93	0.76
84	1.05	0.89	0.93	0.75
85	1.05	0.88	0.93	0.75
86	1.04	0.88	0.92	0.75
87	1.04	0.88	0.92	0.75
88	1.04	0.88	0.92	0.75
89	1.04	0.88	0.92	0.75
90	1.03	0.88	0.92	0.75
91	1.03	0.87	0.91	0.75
92	1.03	0.87	0.91	0.75
93	1.03	0.87	0.91	0.75
94	1.02	0.87	0.91	0.75
95	1.02	0.87	0.91	0.75

Proposed Rules

96	1.02	0.87	0.91	0.75
97	1.02	0.87	0.90	0.75
98	1.01	0.87	0.90	0.75
99	1.01	0.86	0.90	0.75
100	1.01	0.87	0.90	0.75
101	1.01	0.86	0.90	0.75
102	1.01	0.86	0.90	0.75
103	1.00	0.86	0.90	0.75
104	1.00	0.86	0.90	0.75
105	1.00	0.86	0.89	0.75
106	1.00	0.86	0.89	0.75
107	1.00	0.86	0.89	0.75
108	1.00	0.86	0.89	0.75
109	0.99	0.86	0.89	0.75
110	0.99	0.86	0.89	0.75
111	0.99	0.86	0.89	0.75
112	0.99	0.86	0.89	0.75
113	0.99	0.86	0.89	0.75
114	0.99	0.86	0.89	0.75
115	0.99	0.86	0.89	0.75
116	0.98	0.86	0.89	0.75
117	0.98	0.85	0.89	0.75
118	0.98	0.85	0.89	0.75
119	0.98	0.86	0.89	0.75
120	0.98	0.85	0.88	0.75
<u>Composite Term</u>	<u>1.69</u>	<u>1.29</u>	<u>1.39</u>	<u>0.99</u>

B. If premiums are payable on a single-premium basis for the duration of the coverage, the prima facie rate shall be computed according to the following table:

Premium Charge Based on Gross Insured Debt

(Total of Payments) per \$100 per Term

14-Day

30-Day

Original Term of Coverage in Months	Retro	Non-Retro	Retro	Non-Retro
1	0.40*	0.13*	0.00*	0.00*
2	0.87*	0.46*	0.43*	0.13*
3	1.19	0.72	0.71	0.31
4	1.33	0.84	0.87	0.42
5	1.44	0.94	0.99	0.50
6	1.53	1.02	1.09	0.58
7	1.61	1.09	1.17	0.65
8	1.67	1.15	1.24	0.71
9	1.74	1.20	1.30	0.77
10	1.79	1.25	1.35	0.81
11	1.83	1.30	1.40	0.86
12	1.88	1.34	1.45	0.89
13	1.92	1.38	1.49	0.94
14	1.96	1.42	1.53	0.97
15	1.99	1.45	1.56	1.01
16	2.02	1.48	1.60	1.04
17	2.05	1.51	1.63	1.07

18	2.08	1.54	1.66	1.09
19	2.12	1.57	1.68	1.12
20	2.15	1.60	1.72	1.15
21	2.17	1.63	1.75	1.18
22	2.20	1.66	1.77	1.20
23	2.22	1.68	1.80	1.22
24	2.25	1.70	1.83	1.25
25	2.28	1.73	1.85	1.28
26	2.30	1.75	1.88	1.31
27	2.32	1.77	1.90	1.33
28	2.35	1.80	1.92	1.35
29	2.38	1.82	1.96	1.38
30	2.40	1.84	1.98	1.40
31	2.43	1.87	2.00	1.43
32	2.44	1.89	2.02	1.44
33	2.46	1.92	2.04	1.47
34	2.48	1.94	2.07	1.49
35	2.51	1.97	2.09	1.51
36	2.53	1.98	2.12	1.53
37	2.56	2.00	2.14	1.56
38	2.58	2.03	2.16	1.58
39	2.60	2.05	2.19	1.60
40	2.62	2.07	2.20	1.63
41	2.64	2.09	2.22	1.65
42	2.67	2.12	2.25	1.66
43	2.69	2.14	2.27	1.68
44	2.71	2.16	2.29	1.71
45	2.74	2.17	2.31	1.73
46	2.76	2.20	2.33	1.75
47	2.77	2.22	2.35	1.77
48	2.79	2.24	2.38	1.79
49	2.82	2.27	2.40	1.81
50	2.84	2.29	2.43	1.84
51	2.86	2.31	2.45	1.85
52	2.88	2.33	2.46	1.88
53	2.90	2.35	2.48	1.89
54	2.92	2.37	2.51	1.92
55	2.94	2.39	2.53	1.94
56	2.96	2.42	2.55	1.96
57	2.99	2.43	2.56	1.98
58	3.01	2.46	2.59	2.00
59	3.02	2.47	2.61	2.02
60	3.05	2.49	2.63	2.04
61	3.07	2.51	2.65	2.07
62	3.10	2.53	2.67	2.09
63	3.12	2.56	2.69	2.11
64	3.14	2.58	2.71	2.13
65	3.16	2.60	2.74	2.15
66	3.18	2.62	2.76	2.17
67	3.20	2.64	2.78	2.20
68	3.23	2.66	2.80	2.22
69	3.25	2.69	2.82	2.24
70	3.27	2.71	2.84	2.26
71	3.29	2.73	2.87	2.28

Proposed Rules

72	3.31	2.75	2.89	2.30
73	3.33	2.77	2.91	2.33
74	3.36	2.79	2.93	2.35
75	3.38	2.82	2.95	2.37
76	3.40	2.84	2.97	2.39
77	3.42	2.86	3.00	2.41
78	3.44	2.88	3.02	2.43
79	3.46	2.90	3.04	2.46
80	3.48	2.92	3.06	2.48
81	3.51	2.94	3.08	2.50
82	3.53	2.97	3.10	2.52
83	3.55	2.99	3.12	2.54
84	3.57	3.01	3.15	2.56
85	3.59	3.03	3.17	2.58
86	3.61	3.05	3.19	2.61
87	3.64	3.07	3.21	2.63
88	3.66	3.10	3.23	2.65
89	3.68	3.12	3.25	2.67
90	3.70	3.14	3.28	2.69
91	3.72	3.16	3.30	2.71
92	3.74	3.18	3.32	2.74
93	3.77	3.20	3.34	2.76
94	3.79	3.23	3.36	2.78
95	3.81	3.25	3.38	2.80
96	3.83	3.27	3.41	2.82
97	3.85	3.29	3.43	2.84
98	3.87	3.31	3.45	2.87
99	3.90	3.33	3.47	2.89
100	3.92	3.36	3.49	2.91
101	3.94	3.38	3.51	2.93
102	3.96	3.40	3.54	2.95
103	3.98	3.42	3.56	2.97
104	4.00	3.44	3.58	3.00
105	4.02	3.46	3.60	3.02
106	4.05	3.48	3.62	3.04
107	4.07	3.51	3.64	3.06
108	4.09	3.53	3.66	3.08
109	4.11	3.55	3.69	3.10
110	4.13	3.57	3.71	3.12
111	4.15	3.59	3.73	3.15
112	4.18	3.61	3.75	3.17
113	4.20	3.64	3.77	3.19
114	4.22	3.66	3.79	3.21
115	4.24	3.68	3.82	3.23
116	4.26	3.70	3.84	3.25
117	4.28	3.72	3.86	3.28
118	4.31	3.74	3.88	3.30
119	4.33	3.77	3.90	3.32
120	4.35	3.79	3.92	3.34

* To be used for refunding premiums only.

C. If the coverage provided is a constant maximum indemnity for a given period of time, the rate shall be computed according to a formula approved by the commissioner which produces rates actuarially consistent with the rates in item A or B.

D. If the coverage provided is a combination of a constant maximum indemnity for a given period of time after which the maximum indemnity begins to decrease in even amounts per month, the rate shall be computed according to a formula approved by the commissioner that produces rates actuarially consistent with the rates in item A or B.

E. If the accident and health coverage is sold on a joint basis, involving two debtors, the rate for the joint coverage shall be 180 percent of the applicable single rate.

F. If the insurer provides benefits more restrictive than specified in subpart 2, the insurer must file and use rates that are actuarially equivalent, and must receive approval from the commissioner as meeting the requirements of part 2760.0040 before use. If the insurer provides benefits less restrictive than subpart 2, the insurer shall either use the rates specified or rates that are actuarially equivalent, in which case the insurer must receive approval from the commissioner as meeting the requirements of part 2760.0040 before use.

Subp. 2. Application to certain contracts. Premium rates in subpart 1 apply to contracts providing accident and health insurance that are offered to all eligible debtors and that conform to the following provisions.

A. Coverage for disability by whatever means caused, unless coverage excludes disabilities resulting from:

- (1) normal pregnancy;
- (2) war or any act of war;
- (3) intentionally self-inflicted injury;
- (4) foreign travel or residence;
- (5) flight in any aircraft other than a commercial scheduled aircraft; and
- (6) a preexisting condition from which the insured debtor becomes disabled within six months after the effective date of coverage.

B. A definition of disability providing that for the first 12 months of a disability, total disability shall be defined as the inability to perform the essential functions of the insured's own occupation. Thereafter, it shall mean the inability of the insured to perform the essential functions of any occupation for which the insured is reasonably suited by virtue of education, training, or experience.

C. An employment requirement that is no more restrictive than one requiring that the debtor be employed full time on the effective date of coverage and for at least 12 consecutive months before the effective date of coverage. "Full time" means a regular work week of not less than 30 hours.

D. An age restriction providing that no insurance will become effective on debtors on or after the attainment of age 70 and that all insurance will terminate upon attainment by the debtor of age 70.

E. A daily benefit of not less than 1/30th of the monthly benefit payable under the policy.

F. The insurer does not require evidence of individual insurability if the initial amount financed or open-end credit account limit available is \$15,000 or less and the applicant elects to purchase coverage within 30 days of the effective date of the indebtedness.

Subp. 3. Other reasonable rates.

A. If the insurer uses a form that does not exclude preexisting conditions, a rate equal to 105 percent of the prima facie rate shall be considered reasonable.

B. If the insurer, its agent, or the application form for credit accident and health insurance requests or requires that the debtor provide evidence of individual insurability and the initial amount financed or open-end credit account limit available is above \$15,000 or the applicant elects to purchase coverage more than 30 days after the effective date of the indebtedness, then the premium rates considered reasonable will be the prima facie rates in subpart 1. For policies insuring open-end lines of credit, the insurer may require evidence of individual insurability for advances which increase the outstanding debt above \$15,000.

Subp. 4. Insurance application forms. Insurers' use of the same application forms for credit life and credit accident and health insurance is permitted whether or not the underwriting questions are asked pursuant to subpart 3.

2760.0070 REFUNDS OF UNEARNED PREMIUM.

Subpart 1. Charges on single premium consumer credit insurance contract. In the event of termination of a single premium contract, no charge for consumer credit insurance may be made for the first 15 days of a month and a full month may be charged for 16 days or more of a month.

Subp. 2. Fulfillment of refund formula filing requirement. The requirements of *Minnesota Statutes*, section 62B.08, subdivision 2, that refund formulas be filed with the commissioner, shall be considered fulfilled if the refund methods are set forth in the individual policy or group certificate filed with the commissioner. For single premium credit life insurance, the refund shall be the single premium for the remaining term of coverage calculated according to the premium rate schedule in effect on the effective date of coverage, or an alternative method. The refund under the alternative method is the original premium multiplied by a ratio, where the numerator of the ratio is the sum of the scheduled monthly amounts of insurance for the remaining term of the loan, and the denominator of the ratio is the sum of the scheduled monthly amounts of insurance at the time of issue. For single premium credit disability insurance that is not critical period coverage, the refund shall be the single premium for the remaining term of coverage calculated according to the premium rate schedule in effect at the time of the effective date of coverage, or the average of the "Rule of 78" and "pro-rata" methods. For single premium credit disability insurance that is critical period coverage, the refund shall be the single premium for the remaining term of coverage calculated

Proposed Rules

according to the premium rate schedule in effect at the time of the effective date of coverage, or the “pro-rata” method.

Subp. 3. Refund or credit on the termination of certain single premium credit insurance. When single premium credit insurance terminates as a result of a request of the insured debtor, the creditor or third-party originator receiving the request shall refund or credit the unearned premium due or provide notice to the insurer and upon receipt of the notice the insurer shall refund or credit the unearned premium due. For purposes of this part, the third-party originator is a dealer, merchant, or other person who originated the loan or retail installment sale contract and sold the related credit insurance to the insured debtor.

When single premium credit insurance terminates as a result of the termination of the indebtedness before its scheduled maturity date, other than by performance of the insurer’s obligation under the policy or certificate, the creditor shall promptly refund or credit any unearned premium due. If insurance was originated by a third party, the creditor shall promptly provide notice of termination of the indebtedness to the third-party originator as permitted by *Minnesota Statutes*, section 62B.05. In the event the creditor gives written notice to the third-party originator, upon receipt of the notice the third-party originator shall refund or credit any unearned premium due or provide notice to the insurer who shall refund or credit any unearned premium due to the person entitled to the refund or credit. A creditor satisfies its notice obligation by sending notice directly to the third-party originator or insurer or alternatively by sending notice to the debtor with instructions on how to obtain a refund from the third-party originator or insurer. In any event, upon receipt of proof of payoff of the entire indebtedness, the insurer shall provide a refund or credit of any unearned premium due that has not otherwise been refunded.

An insurer shall include language in the insurer’s insurance forms or in a separate notice provided with the forms at time of issue that explains to the debtor how to obtain a refund when insurance is terminated before its scheduled expiration date. The language must be approved by the commissioner.

2760.0080 EXPERIENCE REPORTS AND ADJUSTMENT OF PRIMA FACIE RATES.

Subpart 1. Experience report filing. Each insurer doing insurance business in this state shall annually file in electronic form with the National Association of Insurance Commissioners a report of credit insurance written on a calendar year basis. The report shall utilize the Credit Insurance Supplement - Annual Statement Blank as approved by the National Association of Insurance Commissioners, and shall contain data separately for each state, rather than an allocation of the company’s countrywide experience. The filing shall be made in accordance with and no later than the due date in the Instructions to the Annual Statement.

Subp. 2. Rate review and adjustment. The commissioner will, on a triennial basis, for each plan, review the loss ratio in part 2760.0040 and the prima facie rates in parts 2760.0050 and 2760.0060, and determine therefrom the rate of expected claims on a statewide basis, compare the rate of expected claims with the rate of actual claims for the preceding three calendar years determined from the incurred claims reported in the Credit Insurance Supplement - Annual Statement Blank or other available source, and publish the adjusted actual statewide prima facie rates for that plan to be used by insurers until the next revision. For each plan, the rates will reflect the difference between the actual claim cost based on experience and the expected claim cost based on the loss ratio in part 2760.0040, applied to adjust the prima facie rates in parts 2760.0050 and 2760.0060. However, there will be no change to the prima facie rates for any plan if the computed increase or decrease is less than five percent.

Subp. 3. Publication and effective date of adjustments. The commissioner will publish the adjustments computed in subpart 2 by bulletin no later than September 1 to become effective the following January 1.

2760.0090 PREMIUM RATE DEVIATION.

Subpart 1. Use of deviated rates.

A. If the loss ratio of the insurer is 55 percent or more based on the most recent one to three calendar years’ experience using the prima facie rates currently in use for any plan of coverage, the insurer may file for approval and use rates that are higher than those prima facie rates, reflecting the anticipated difference in claim cost.

B. If the loss ratio of the insurer is less than 42.5 percent based on the most recent three calendar years’ experience using the prima facie rates currently in use for any plan of coverage, the insurer shall file for approval and use rates for that plan of coverage that are lower than prima facie rates, reflecting the anticipated difference in claim cost.

C. If deviated rates are to be filed under item A or B, the insurer may file rates for approval that will be:

(1) applied uniformly to all accounts of the insurer; or

(2) applied on an equitable basis approved by the commissioner to only one or more accounts of the insurer for which the experience has been more favorable or less favorable than expected.

For purposes of determining deviated rates under this subpart, rates for monthly premium plans may be determined separately for open-end and closed-end credit accounts.

Subp. 2. Use of rates for accounts. An insurer, by written notice to the commissioner of its election to do so, may file and use premium rates to be used to rate one or more of its accounts in this state.

A. An insurer may use a rate for an account not greater than the account rate as follows.

(1) The actual loss ratio (ALR) is the prima facie loss ratio of the account being filed for any plan of coverage. It is the ratio of

Proposed Rules

the actual incurred claims to the premiums based on current prima facie rates.

(2) The credibility factor (Z) is determined from the table in item D.

(3) The credibility adjusted loss ratio (CLR) is calculated using the following formula where PFLR is the loss ratio from part 2760.0040:

$$CLR = [ALR * Z] + [PFLR * (1-Z)]$$

(4) The account rate (AR) is calculated according to the following formula, where PFR is the prima facie rate, and the result is rounded to two decimal places:

$$AR = PFR * [1 - PFLR * (1-(CLR/PFLR))]$$

(5) The requested rate will be equal to the previous account rate if the new account rate calculated by the formula in subitem (4) is within five percent of the previous account rate. Otherwise, the requested rate will be equal to the new account rate calculated by the formula in subitem (4).

B. An account rate will be in effect for a period of time not longer than five years. An insurer may file for a new account rate before the end of an account rate period, but not more often than once during any 12-month period.

C. If a creditor changes insurers, the account rate established under this part in effect for the account on the date of the change will continue to be in effect for the account with the succeeding insurer for the remainder of the account rate period or until a new account rate for this account is established.

D. Credibility table based on life years or incurred claim count:

CREDIBILITY TABLE					
Credit Life Plan	Average Number of Life Years			Incurred Claim Count	Credibility Factor Z
	Credit Accident and Health Plans				
	Retroactive and Non-Retroactive Waiting Period				
	7-Day	14-Day	30-Day		
1	1	1	1	1	0.00
1,800	95	141	209	9	0.25
2,400	126	188	279	12	0.30
3,000	158	234	349	15	0.35
3,600	189	281	419	18	0.40
4,600	242	359	535	23	0.45
5,600	295	438	651	28	0.50
6,600	347	516	767	33	0.55
7,600	400	594	884	38	0.60
9,600	505	750	1,116	48	0.65
11,600	611	906	1,349	58	0.70
14,600	768	1,141	1,698	73	0.75
17,600	926	1,375	2,047	88	0.80
20,600	1,084	1,609	2,395	103	0.85
25,600	1,347	2,000	2,977	128	0.90
30,600	1,611	2,391	3,558	153	0.95
40,000	2,106	3,125	4,651	200	1.00

The integral numbers in this item represent the lower end of the bracket for each Z factor. The upper end is one less than the lower end for the next higher Z factor.

REPEALER. *Minnesota Rules*, parts 2760.0100; 2760.0200; 2760.0300, subparts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10a, and 11; 2760.0400; 2760.0500; 2760.0600; 2760.0700; 2760.0800; 2760.0900; 2760.9910; and 2760.9920, are repealed effective July 1, 2009.

EFFECTIVE DATE; WITHDRAWAL OF APPROVAL. *Minnesota Rules*, chapter 2760, is effective July 1, 2009, as to premium rates for all individual policies and group certificates issued or renewed on or after January 1, 2010.

Approval of rates not in compliance with *Minnesota Rules*, chapter 2760, is withdrawn as of January 1, 2010. No such rate will be issued after this date unless it has been approved by the commissioner after May 1, 2009.

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: Taking Furbearers

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.098, 97B.635, 97B.921

The emergency conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, are as follows: Changes to furbearer bag limits are established based on population modeling completed in May of each year. Changes to the otter zone where otter may be trapped were based on survey data conducted in March 2007 and monitoring is continuing. The taking of otter on the Upper Mississippi National Wildlife Refuge changed as a result of the same March 2007 survey data and monitoring continues there as well.

Dated: July 15, 2008

Mark Holsten, Commissioner
Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules: National Wildlife Refuges, Furbearers

6230.1200 GENERAL REGULATIONS FOR NATIONAL WILDLIFE REFUGES AND FEDERAL WATERFOWL PRODUCTION AREAS.

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

Subp. 2. **Refuges closed open to taking of otter.** ~~National wildlife refuges are closed to the taking of otter. Otter may be taken on the Upper Mississippi National Wildlife Refuge by permit issued by the appropriate refuge manager. A person may not trap in a national wildlife refuge without first obtaining a permit issued by the refuge manager.~~

6234.1000 DESCRIPTION OF FURBEARER ZONES.

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

Subp. 3. **North Mink/Muskrat/Beaver/Otter Zone.** That portion of the state lying within the following described boundary is known as the North Mink/Muskrat/Beaver/Otter Zone. Beginning on State Trunk Highway (STH) 200 at the west boundary of the state; thence along STH 200 to U.S. Highway 2; thence along U.S. Highway 2 to STH 73; thence along STH 73 to STH 27; thence along STH 27 to Interstate Highway 35 (I-35); thence along I-35 to the Carlton-Pine County line; thence east along the Carlton-Pine County line to the east boundary of the state; thence along the east, north, and west boundaries of the state to the point of beginning.

Subp. 4. **South Mink/Muskrat/Beaver/Otter Zone.** That portion of the state lying outside of the North Mink/Muskrat/Beaver/Otter Zone is known as the South Mink/Muskrat/Beaver/Otter Zone.

Subp. 5. **North Otter Zone.** The North Otter Zone consists of that portion of the state lying north of a line beginning on U.S. Highway 12 at the west boundary of the state; thence along U.S. Highway 12 to U.S. Highway 71; thence along U.S. Highway 71 to U.S. Highway 212; thence along U.S. Highway 212 to Interstate Highway 494W (I-494W); thence along I-494W to I-94; thence along I-94 to I-694N; thence along I-694N to I-494E; thence along I-494E to U.S. Highway 61; thence along U.S. Highway 61 to U.S. Highway 10; thence along U.S. Highway 10 to the east boundary of the state.

Subp. 6. **Southeast Otter Zone.** The Southeast Otter Zone consists of that portion of the state lying within the following described boundary: U.S. Highway 63 beginning at the south boundary of the state; thence along U.S. Highway 63 to U.S. Highway 52; thence along U.S. Highway 52 to State Trunk Highway (STH) 19; thence along STH 19 to Interstate Highway 35 (I-35); thence along I-35 to STH 13; thence along STH 13 to U.S. Highway 169; thence along U.S. Highway 169 to STH 41; thence along STH 41 to U.S. Highway 212; thence

Expedited Emergency Rules

along the North Otter Zone boundary to the east boundary of the state; thence along the east and south boundaries of the state to the point of the beginning.

6234.1700 TAKING FISHER AND PINE MARTEN.

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

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

6234.2000 TAKING OTTER.

Subpart 1. **Open season for otter in North Otter Zone.** Otter may be taken by trapping from 9:00 a.m. on the Saturday nearest October 26 to the Sunday nearest January 6 in the North Otter Zone.

Subp. 2. **Open season and area for otter in South Southeast Otter Zone.** Otter may be taken by trapping from 9:00 a.m. on the Saturday nearest October 30 to the Sunday nearest January 6 only in that portion of the zone lying north of Interstate Highway 94 beginning at the west boundary of the state; thence along Interstate Highway 94 to U.S. Highway 10; and thence along U.S. Highway 10 to the east boundary of the state the Southeast Otter Zone.

Subp. 3. **Bag limits for North Otter Zone.** In the North Otter Zone, a person may not take more than four otter per season, or possess more than four otter at a time, except that a person may possess additional pelts that the person lawfully took, tagged, and registered during previous seasons.

Subp. 3a. **Bag limits for Southeast Otter Zone.** In the Southeast Otter Zone, a person may not take more than two otter per season, or possess more than two otter at a time, except that a person may possess additional pelts that the person lawfully took, tagged, and registered during previous seasons.

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

6234.2100 SPECIAL PROVISIONS FOR TAKING BEAVER AND OTTER.

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

Subp. 6. **Taking in national wildlife refuges.** Within the Agassiz, Minnesota Valley, Rice Lake, Sherburne, Tamarac, and Upper Mississippi National Wildlife Refuges, beaver may be taken by licensed trappers by permit issued by the appropriate refuge manager. All other national wildlife refuges are closed to beaver trapping. All national wildlife refuges are closed to otter trapping. A person may not trap in a national wildlife refuge without first obtaining a permit issued by the refuge manager.

EFFECTIVE PERIOD. The emergency amendment to *Minnesota Rules*, part 6234.1700, expires December 31, 2008. The emergency amendments to *Minnesota Rules*, parts 6230.1200; 6234.2000; and 6234.2100, expire January 31, 2009. After the emergency amendments expire, the permanent rules as they read prior to those amendments again take effect, except as they may be amended by permanent rule.

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules: Waterfowl and Prairie Chicken

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, Section 84.027, subdivision 13 (b). The statutory authority for the contents of the rule is *Minnesota Statutes*, Sections 97A.091, 97B.111, 97B.112, 97B.731, and 97B.803.

The emergency conditions that do not allow compliance with *Minnesota Statutes*, Sections 97A.0451 to 97A.0459, are as follows: The youth waterfowl day is based on annual determinations of season timing and selection of the option as allowed under federal frameworks for early season migratory bird hunting that are announced in June of each year. Provisions for taking Canada geese in early seasons are based on population data that is not available until June and selection of options as allowed under federal frameworks for early season migratory bird hunting announced in June. Field recommendations on opening and closing refuges and establishing waterfowl feeding and resting areas are not available until June. A provision for an additional prairie chicken hunt for disabled hunters is based on population data that is not available until May.

Dated: July 15, 2008

Mark Holsten, Commissioner
Department of Natural Resources

Expedited Emergency Rules

Adopted Expedited Emergency Game and Fish Rules: Youth Waterfowl Day, Early Goose Hunting, Waterfowl Feeding and Resting Areas, Special Prairie Chicken Hunt

6237.0450 SPECIAL PRAIRIE CHICKEN HUNT.

For the area encompassed by Glacial Ridge National Wildlife Refuge, up to an additional ten permits shall be issued for September 13 and 14 for disabled hunters to take prairie chickens using legal shotguns, muzzle loading shotguns, or archery equipment. One nonhunting mentor must accompany each disabled hunter. The hunt is sponsored by the United States Fish and Wildlife Service and Options Interstate Resource Center for Independent Living.

6240.0610 YOUTH WATERFOWL HUNTING DAYS.

Subpart 1. **Dates, eligibility, and license requirements.** Ducks, mergansers, coots, moorhens, and Canada geese may be taken statewide on ~~special youth waterfowl hunting days~~ September 20 by hunters 15 years of age or younger. An adult mentor 18 years of age or older, who is authorized by the youth's parent or guardian, must accompany the youth hunter at all times during the hunt. The accompanying adult may not hunt. No hunting license or waterfowl stamps are required.

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

6240.1200 SPECIAL PROVISIONS ON TAKING GEESE DURING EARLY SEASONS.

Subpart 1. **Taking near water.**

A. Taking Canada geese during the early seasons is prohibited on or within 100 yards of all surface waters in the following areas:

(1) the Northwest, Southeast, and Twin Cities Metro Goose Zones, except for Spurzem Lake in Baker Park Reserve, Cleary Lake in Cleary Lake Regional Park, and within the city limits of Inver Grove Heights;

[For text of subitems (2) and (3), see M.R.]

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

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

6240.1750 TAKING GEESE IN NORTHWEST GOOSE ZONE.

Subpart 1. **Open season.** The open season for taking Canada geese in the Northwest Goose Zone, described in part 6240.0860, begins the first Saturday in September, except the season begins on Sunday, September 1, in any year when the first Saturday falls on September 7. The season closes on September ~~15~~ 22.

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

6240.1850 REFUGES OPEN TO THE TAKING OF GEESE.

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

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

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

6240.2100 DESIGNATED MIGRATORY WATERFOWL FEEDING AND RESTING AREAS.

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

	Name	Location	County
		[For text of items A to Z, see M.R.]	
AA.	Goose Lake	T.143N; R.23W	Cass
BB.	Lake Henry	T.110N; R.25W	Le Sueur
CC.	Mud Lake	T.144N; R.23W	Cass
DD.	<u>Thielke Lake</u>	<u>T.122N; R.46W</u>	<u>Big Stone</u>

[For text of subps 2 to 9, see M.R.]

EFFECTIVE PERIOD. The expedited emergency amendments to *Minnesota Rules*, parts 6240.0610; 6240.1200; 6240.1750; 6240.1850;

Expedited Emergency Rules

and 6240.2100 expire January 1, 2009. After the emergency amendments expire, the permanent rules as they read prior to those amendments again take effect, except as they may be amended by permanent rule. *Minnesota Rules*, part 6237.0450, expires January 1, 2009.

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules: Wildlife Management Areas; Game Refuges; Ruffed and Spruce Grouse Season; Pheasant Season; Gray Partridge Season; Fall Turkey Season; Dove Season

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of the rules is *Minnesota Statutes*, sections 86A.06, 97A.045, 97A.091, 97A.137, 97B.111, 97B.112, 97B.711, 97B.731, Laws of Minnesota for 2008, Chapter 368, sections 57 and 79.

The emergency conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, are as follows: Changes to allow firearms deer hunting in the Bemidji State Game Refuge are necessary to further reduce deer numbers in the refuge and reasonable because local public discussions have demonstrated support for the change. However, due to some public opposition, the DNR has stated its intent to re-evaluate the changes to hunting on the refuge after this year. Changes to the pheasant and turkey seasons are the result of 2008 legislation (*Laws of Minnesota* for 2008, Chapter 368, Sections 57 and 79.) Changes to hunting restrictions for the Vermillion Highland Research Recreation and Wildlife Management area are designed to relieve parking difficulties encountered last year, when the area was first opened to public hunting as a result of legislation. Changes to the ruffed grouse, spruce grouse and gray partridge seasons are being made to provide as much opportunity for hunters as possible within existing statutes while avoiding closing the seasons on a Saturday or mid-way through a holiday weekend. Except for changes to the Bemidji Game Refuge, the above changes, changes to refuges and wildlife management areas are part of a permanent rule package that will not be completed before this year's hunting and trapping seasons. The mourning dove season is based on annual determination of season timing and selection of the option as allowed under federal frameworks.

Dated: July 15, 2008

Mark Holsten, Commissioner
Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules: SPECIAL PROVISIONS FOR WILDLIFE MANAGEMENT AREAS, SPECIAL PROVISIONS FOR STATE GAME REFUGES

6230.0200 SPECIAL PROVISIONS FOR WILDLIFE MANAGEMENT AREAS.

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

Subp. 4. **Areas with hunting, trapping, and firearms restrictions.** The Bayport Wildlife Management Area in Washington County, the Hastings Wildlife Management Area in Dakota County, and the Raguet Wildlife Management Area in Scott and Carver Counties are:

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

[For text of subp 5, see M.R.]

Subp. 6. **Areas closed to hunting only.** The Hearing Island and Interstate Island Wildlife Management Area Areas in St. Louis County, the Pine City Wildlife Management Area in Pine County, the Wesley E. Olson Wildlife Management Area in Big Stone County, the Tom Cliff Wildlife Management Area in Waseca County, the Somsen Wildlife Management Area in Brown County, the portion of the Perched Valley Wildlife Management area located in Section 6 of Township 112 North, Range 13 West, and Section 31 of Township 113 North, Range 13 West, lying north and east of Highway 61, and the Carl and Verna Schmidt and Bur Oak Wildlife Management Areas in LeSueur County are closed to the hunting of all species.

[For text of subps 7 and 8, see M.R.]

Subp. 9. **Areas closed to firearms deer hunting.** The Lake Blanche Wildlife Management Area in Otter Tail County, the portion of the Gordon F. Yeager Wildlife Management Area in Olmsted County within the city limits of Rochester, and a portion of the Timber Lake Wildlife Management Area (as posted) in Jackson County are closed to firearms deer hunting.

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

Subp. 11. **Areas with other restrictions.**

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

C. The Bass Brook Wildlife Management Area in Itasca County is closed to trapping and firearms hunting. It is open to archery deer

Expedited Emergency Rules

hunting.

D. The Mentel Wildlife Management Area in Mower County is closed to all firearms hunting, but it is open for trapping and archery hunting.

[For text of subp 12, see M.R.]

Subp. 13. **Lead shot prohibited on posted managed dove fields.** A person may not use or possess lead shot while hunting doves on posted managed dove fields.

6230.0290 BECKLIN HOMESTEAD PARK WILDLIFE MANAGEMENT AREA.

The Becklin Homestead Park Wildlife Management Area is open to hunting and trapping during the established seasons only to disabled hunters and trappers who meet the requirements of *Minnesota Statutes*, section 97B.055, subdivision 3, paragraphs (a) and (b).

6230.0295 VERMILLION HIGHLANDS WILDLIFE MANAGEMENT AREA.

Subpart 1. **Hunting.** The Vermillion Highlands Wildlife Management Area located in Dakota County is closed to all hunting and trapping except:

A. archery, firearms, and muzzleloader deer hunting by special permit only;

B. pheasant hunting starting the day following the close of the statewide muzzleloader season through the end of the statewide pheasant season;

C. late season goose hunting;

D. trapping by special permit only; and

E. spring turkey hunting.

Subp. 2. **Restrictions on hunting and parking.** Persons may not hunt pheasants within the Vermillion Highlands Wildlife Management Area except when their vehicles are occupying designated pheasant hunting parking stalls in designated parking lots. Persons other than those hunting pheasants in the Vermillion Highlands Wildlife Management Area may not occupy a designated pheasant hunting parking stall in a designated parking lot.

6230.0400 SPECIAL PROVISIONS FOR STATE GAME REFUGES.

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

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

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

C. trapping for beaver, mink, otter, and muskrat only; and

D. deer and bear hunting by archery; and

E. deer and bear hunting by firearms.

[For text of subps 3 to 8, see M.R.]

Subp. 9. **Elizabeth Lake and German Lake Game Refuge Refuges, Isanti County.** The Elizabeth Lake and German Lake Game Refuge Refuges in Isanti County is are open to all hunting and trapping except waterfowl. Waterfowl may be taken only as provided in this subpart. Canada geese may be taken during the early goose season. Waterfowl on youth waterfowl day may be taken by youth who are accompanied by a nonhunting adult and are participating in the Isanti County Sportsmen's Club mentoring program.

A. small game hunting, except waterfowl;

B. trapping;

C. deer and bear hunting by firearms; and

D. deer and bear hunting by archery.

[For text of subps 10 and 11, see M.R.]

Subp. 12. **Fish Lake-Ann River Game Refuge, Kanabec County.** The Fish Lake-Ann River Game Refuge in Kanabec County is open to trapping, small game hunting except waterfowl, and deer and bear hunting by firearms and archery.

[For text of subp 13, see M.R.]

Subp. 14. [See repealer.]

[For text of subps 15 to 20, see M.R.]

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

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

[For text of subitems (1) and (2), see M.R.]

(3) small game hunting other than waterfowl, except from the first day of the open Canada goose season Saturday, October 11, through the last day of the open Canada goose season in the West Central Goose Zone, when small game hunting is allowed only at

Expedited Emergency Rules

designated hunting stations as provided by parts 6230.0500 to 6230.1100. Small game hunting is not allowed on closed Canada goose hunting days during a split goose season.

B. Except for fishing, a person may not trespass on any part of the refuge which is posted with signs prohibiting trespass during the dates posted; ~~except that~~.

Fishing is not permitted in the posted closed area ~~within the Lac qui Parle~~ from Saturday, October 11, through the last day of the open Canada goose season in the West Central Goose Zone ~~on any day when goose hunting in the zone is closed~~.

[For text of items C and D, see M.R.]

[For text of subps 22 and 23, see M.R.]

Subp. 24. **Linn Lake Game Refuge, Chisago County.** The Linn Lake Game Refuge in Chisago County is open to:

A. small game hunting; ~~except waterfowl~~;

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

[For text of subps 25 to 32, see M.R.]

Subp. 33. **Ocheda Lake Game Refuge, Nobles County.** The Ocheda Lake Game Refuge in Nobles County is open to ~~trapping~~:

A. small game hunting, except from the first day of the regular duck season through December 1;

B. trapping;

C. waterfowl hunting on youth waterfowl day;

D. Canada goose hunting during the early and late seasons, except that hunting is prohibited within 100 yards of surface water during the early goose season; and

E. deer hunting by firearms and archery, except from the first day of the regular duck season through December 1.

Subp. 34. **Park Rapids Game Refuge, Hubbard County.** The Park Rapids Game Refuge in Hubbard County is open to trapping and deer hunting by archery.

[For text of subps 35 to 38, see M.R.]

Subp. 39. **Rochester Refuge, Olmsted County.** The Rochester Refuge in Olmsted County is open to:

A. small game hunting, except waterfowl other than geese. Hunting for geese is open during the early goose season only;

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

[For text of subps 40 to 51, see M.R.]

Subp. 52. **Anoka and Isanti Counties Game Refuge, Anoka and Isanti Counties.** The Anoka and Isanti Counties Game Refuge in Anoka and Isanti Counties is open to firearms and archery deer hunting by permit.

Subp. 53. **Austin Game Refuge, Mower County.** The Austin Game Refuge in Mower County is open to ~~deer hunting by archery~~:

A. small game hunting;

B. trapping; and

C. deer and bear hunting by firearms and archery.

Subp. 54. [See repealer.]

[For text of subps 55 to 58, see M.R.]

Subp. 59. **Lake Bemidji State Park, Beltrami County.** The southern unit of Lake Bemidji State Park, located within the city limits of Bemidji, is open to deer hunting by archery.

6234.0200 TAKING RUFFED GROUSE AND SPRUCE GROUSE.

Subpart 1. **Open season.** Ruffed grouse and spruce grouse may be taken by firearm or bow and arrow from the Saturday on or nearest September 16 to ~~December 31~~ January 1. When January 1 is a Thursday, Friday, or Saturday, the season closes the following Sunday.

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

6234.0400 TAKING PHEASANTS.

Subpart 1. **Open season.** Only cock (male) pheasants may be taken by firearm or bow and arrow from the Saturday on or nearest October 13 to ~~December 31~~ January 1. When January 1 is a Thursday, Friday, or Saturday, the season closes the following Sunday. Shooting hours are from 9:00 a.m. to sunset each day.

Subp. 2. **Bag limit.** From the start of opening season until November 30, a person may not take more than two cock pheasants per day or possess more than six cock pheasants at a time. From December 1 until the season closes, a person may not take more than three cock pheasants per day or possess more than nine cock pheasants at a time.

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

6234.0500 TAKING GRAY PARTRIDGE.

Subpart 1. **Open season.** Gray (Hungarian) partridge may be taken by firearm or bow and arrow from the Saturday on or nearest September 16 to ~~December 31~~ January 1. When January 1 is a Thursday, Friday, or Saturday, the season closes the following Sunday.

Expedited Emergency Rules

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

6236.0700 FALL TURKEY SEASON.

Subpart 1. **Open dates.** The fall turkey season consists of two five-day periods, the first period beginning the Wednesday nearest October 15 and the second beginning the Wednesday nearest October 22, except in Permit Area 601 where the season is 30 days long beginning the Wednesday nearest October 15.

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

6240.0250 TAKING MOURNING DOVES.

Subpart 1. **Open season.** Mourning doves may be taken during the 60-day period beginning September 1.

Subp. 2. **Daily limit.** A person may not take more than 15 mourning doves per day during the open season.

REPEALER. Minnesota Rules, part 6230.0400, subparts 14 and 54, are repealed.

EFFECTIVE PERIOD. The expedited emergency amendment to *Minnesota Rules*, part 6230.0400, subpart 2, expires December 31, 2008. After the emergency amendments and the repealer expire, the permanent rules as they read prior to the amendments again take effect, except as they may be amended by permanent rule.

Commissioners' Orders

Various agency commissioners are authorized to issue "commissioner's orders" on specified activities governed by their agency's enabling laws. See the *Minnesota Statutes* governing each agency to determine the specific applicable statutes. Commissioners' orders are approved by assistant attorneys general as to form and execution and published in the *State Register*. These commissioners orders are compiled in the year-end subject matter index for each volume of the *State Register*.

Minnesota Department of Natural Resources

Classification of State Forest Lands in the Vicinity of the Chippewa National Forest in Beltrami, Cass, and Itasca Counties of Minnesota with Respect to Motor Vehicle Use

NOTICE IS HEREBY GIVEN that the Commissioner of Natural Resources orders the classification of state forest lands described below with respect to motor vehicle use. These classifications of state forest lands with respect to motor vehicle use are pursuant to *Minnesota Laws 2003*, Chapter 128, Article 1, Section 167, (as amended in 2005 and 2007) and *Minnesota Rules* Chapter 6100.1950.

The commissioner further orders that state forest lands described below be designated as areas with limitations on off-trail and non-designated trail use pursuant to *Minnesota Statutes*, Section 84.926, Subd. 5.

WHEREAS

1. *Minnesota Laws 2003*, Chapter 128, Article 1, Section 167, (as amended in 2005 and 2007) and *Minnesota Rules* Chapter 6100.1950 require the Commissioner of Natural Resources to classify all state forest lands with respect to motor vehicle use.
2. *Minnesota Statutes 2006*, Section 84.926, Subdivisions 2 and 4 allow some hunting- and trapping-related motor vehicle uses on state forest lands classified as 'limited' or 'managed' with respect to motor vehicle use. Section 84.926, Subdivision 5 authorizes the commissioner to designate areas on state forest lands that are not subject to the exceptions provided in subdivisions 2 and 4.
3. The Department of Natural Resources published its proposed motor vehicle use classifications; proposed forest road and trail designations; and proposed areas with limitations for state forest lands in the vicinity of the Chippewa National Forest in a draft plan in August 2006.
4. All notice and procedural requirements in *Minnesota Statutes*, and other applicable laws and rules have been met.

NOW THEREFORE, IT IS ORDERED that the following state forest lands be classified as 'closed' with respect to motor vehicle use, pursuant to authority vested in me by Minnesota law:

- State forest lands in the Battleground State Forest;
- State forest lands in the Welsh Lake State Forest; and
- State forest lands in section 36, township 147N, range 33W in the Buena Vista State Forest.

These state forest lands are depicted as 'closed' on the maps in *Exhibits A-1, A-2, and A-3*, attached hereto and incorporated herein.

IT IS FURTHER ORDERED that the following state forest lands be classified as 'limited' with respect to motor vehicle use, pursuant to authority vested in me by Minnesota law:

- State forest lands in the Bowstring State Forest;
- State forest lands in the Remer State Forest;
- State forest lands in the Buena Vista State Forest, except for lands in section 36, township 147N, range 33W.
- Approximately 30,000 acres of state forest lands outside of statutory state forest boundaries in northern Cass County; and
- Approximately 2,800 acres of state forest lands outside of the statutory boundaries of state forests and south of U.S. Highway 2 in Itasca County.

These state forest lands are depicted as 'limited' on the maps in *Exhibits A-1, A-2, and A-3*, attached hereto and incorporated herein.

IT IS FURTHER ORDERED that the following state forest lands be classified as 'managed' with respect to motor vehicle use, pursuant to authority vested in me by Minnesota law:

Commissioner's Orders

- State forest lands in the Big Fork State Forest;
- State forest lands in the Blackduck State Forest;
- Approximately 7,000 acres of state forest lands outside of statutory state forest boundaries in southeastern Beltrami County; and
- Approximately 48,000 acres of state forest lands outside the statutory boundaries of state forests in northwestern Itasca County

These state forest lands are depicted as '*managed*' on the maps in *Exhibits A-1, A-2, and A-3*, attached hereto and incorporated herein.

IT IS FURTHER ORDERED that state forest lands within the areas described below be designated as areas with limitations on off-trail and non-designated trail use pursuant to *Minnesota Statutes*, Section 84.926, Subdivision 5:

- *Dishpan – Fiske Lake* – Beginning at the intersection of Itasca County Highway 26 and Itasca County Highway 29 west of Dora Lake; then westerly along County Highway 29 to the intersection with US Forest Service Road 2229; then northwesterly along US Forest Service Road 2229 to the West Bowstring Snowmobile Trail; then north along the snowmobile trail to Itasca County Highway 31; then north and east along County Highway 31 to the intersection with US Forest Service Road 2240; then southeasterly along US Forest Service Road 2240 to the crossing of a tributary stream to Moose Brook; then southeasterly along the tributary stream and Moose Brook to Itasca County Highway 26; then south along County Highway 26 to the point of beginning.

- *Drumbeater Lake* – Beginning where the Soo Line Trail crosses the Leech Lake River near Federal Dam; then northwesterly along the Soo Line Trail to Cass County Highway 8; then northerly along County Highway 8 to the Pipeline Snowmobile Trail; then easterly along the Pipeline Snowmobile Trail to US Forest Service Road 2130; then southeasterly on US Forest Service Road 2130 to the crossing of Sixmile Brook near the outlet of Six Mile Lake; then southeasterly along Sixmile Brook to US Forest Service Road 2266; then southwesterly along US Forest Service Road 2266 to the boundary of the Mud-Goose Wildlife Management Area; then south and east along the WMA boundary to the Leech Lake River; then westerly along the Leech Lake River to the point of beginning.

- *Morph Meadows NE* – Beginning at the intersection of US Forest Service Road 2207 and the Hunter Walking Trail near the border between Beltrami and Itasca counties; then easterly along the Hunter Walking Trail to Castle Creek; then southeasterly along Castle Creek to the forest access route in section 11, township 147N, range 29W; then northeasterly along the forest access route to US Forest Service Road 2203; then northeasterly along US Forest Service Road 2203 to Crane Creek; then southerly along Crane Creek to the Third River; then west along the Third River to the Third River Flowage; then west along the Third River Flowage to Island Lake Creek; then west along Island Lake Creek to US Forest Service Road 2171; then north on US Forest Service Road 2171 to the eastern boundary of the Morph Meadows Wildlife Management Area; then north and west along the Morph Meadows WMA boundary to US Forest Service Road 2207; then north along US Forest Service Road 2207 to the point of beginning.

- *Willow River* – Sections 12, 13, 14, 23, 24, 25, and that portion of section 36 north of the South Fork of the Willow River in township 142N, range 25W. This includes all state forest lands in the eastern portion of the Remer State Forest, east of State Trunk Highway 6, east of US Forest Service Road 2139, and north of the South Fork of the Willow River.

These areas with limitations on off-trail and non-designated trail use are depicted on the maps in *Exhibits A-1, A-2, and A-3*, attached hereto and incorporated herein.

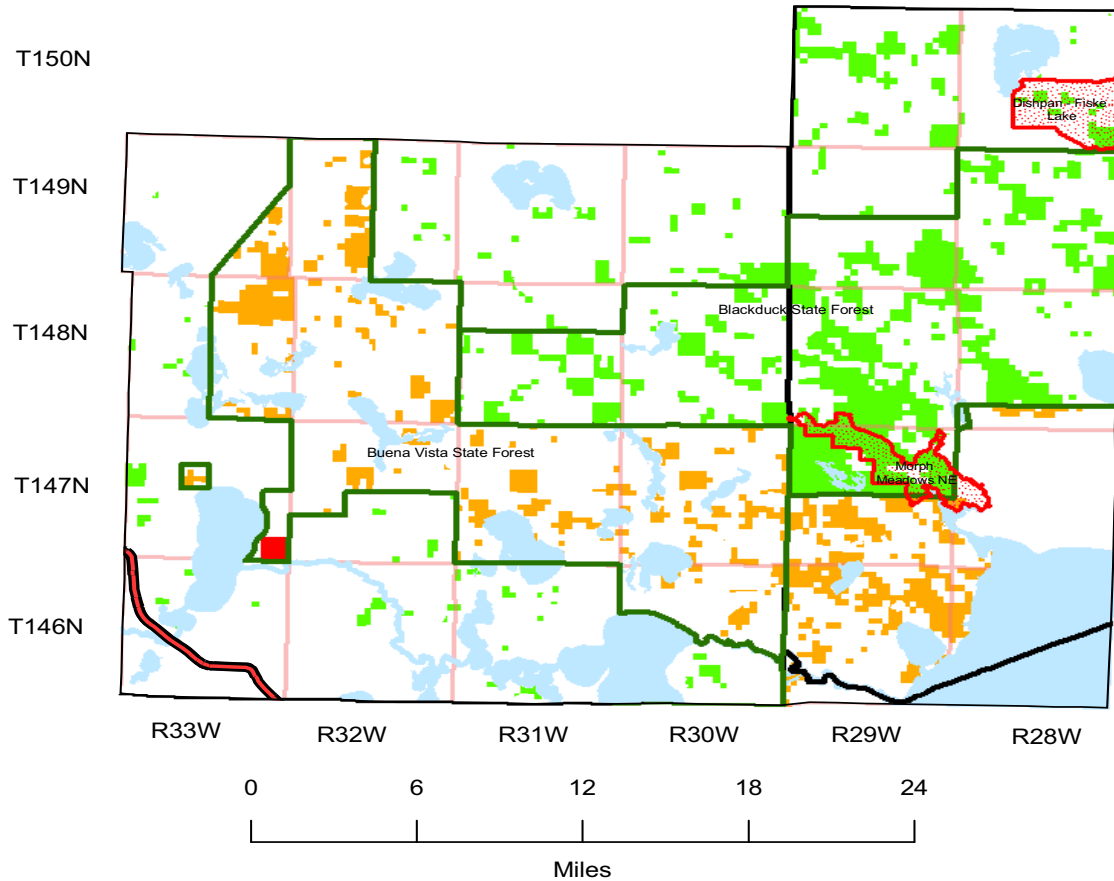
IT IS FURTHER ORDERED that the above motor vehicle use classifications and designations of areas with limitations shall become effective December 31, 2008.

Dated: 4 June 2008

Mark Holsten, Commissioner
Department of Natural Resources

Exhibit A-1

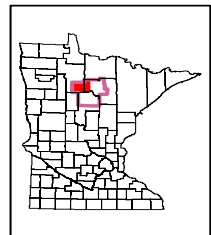
State Forest Land Classification
Motor Vehicle Use
Northwestern Chippewa Area



State Forest Land Classification

- closed
- limited
- managed
- Areas with Limitations (No hunting exception)

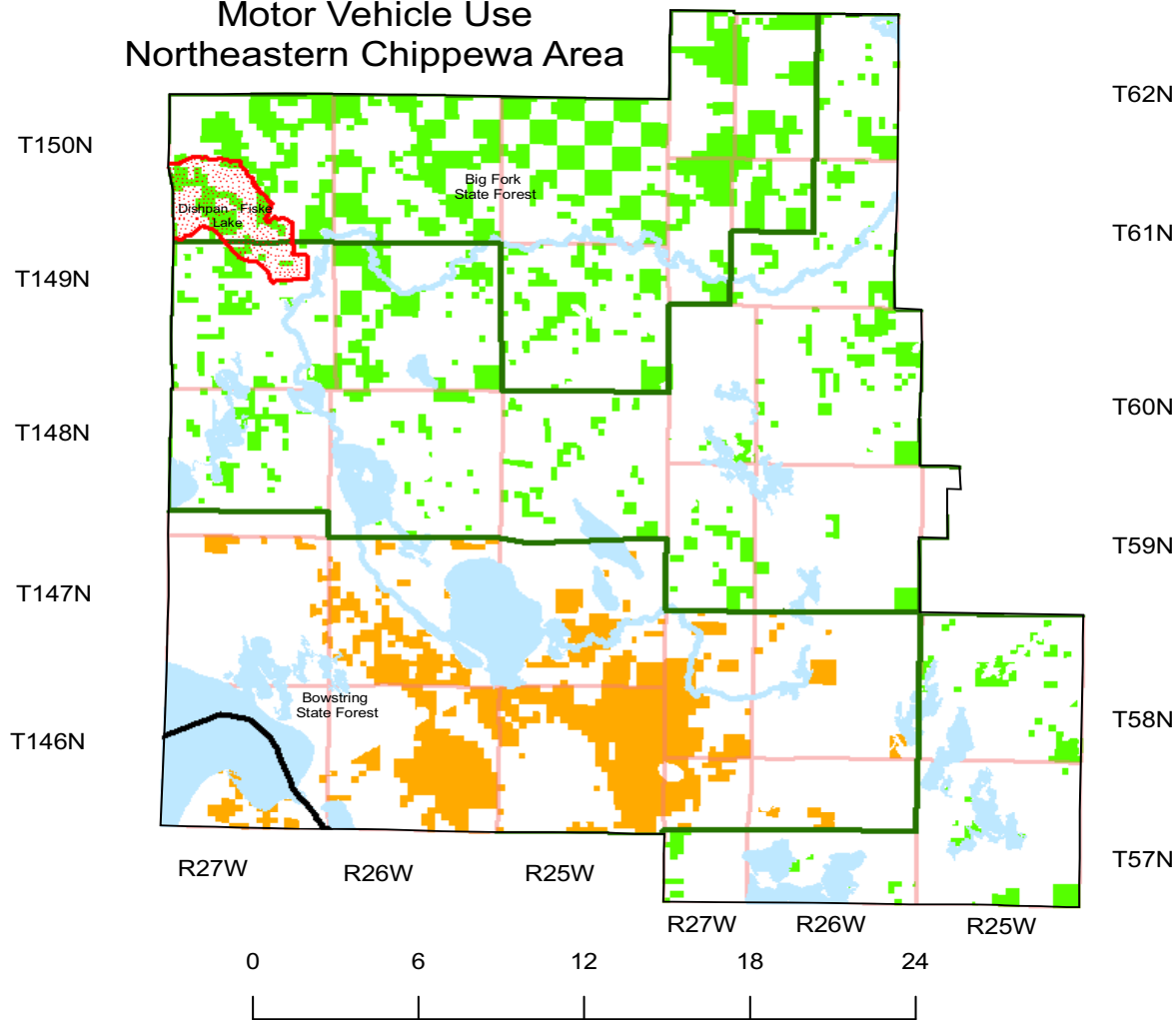
- State Forest Boundaries
- County Boundaries
- Large Lakes (500+ acres)
- PLS Townships
- US Highway 2



30MAY2008

Exhibit A-2

State Forest Land Classification Motor Vehicle Use Northeastern Chippewa Area



State Forest Land Classification

- closed
- limited
- managed
- Areas with Limitations (No hunting exception)

- State Forest Boundaries
- County Boundaries
- Large Lakes (500+ acres)
- PLS Townships
- US Highway 2

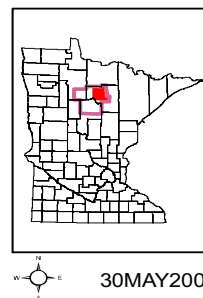
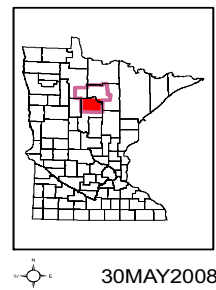
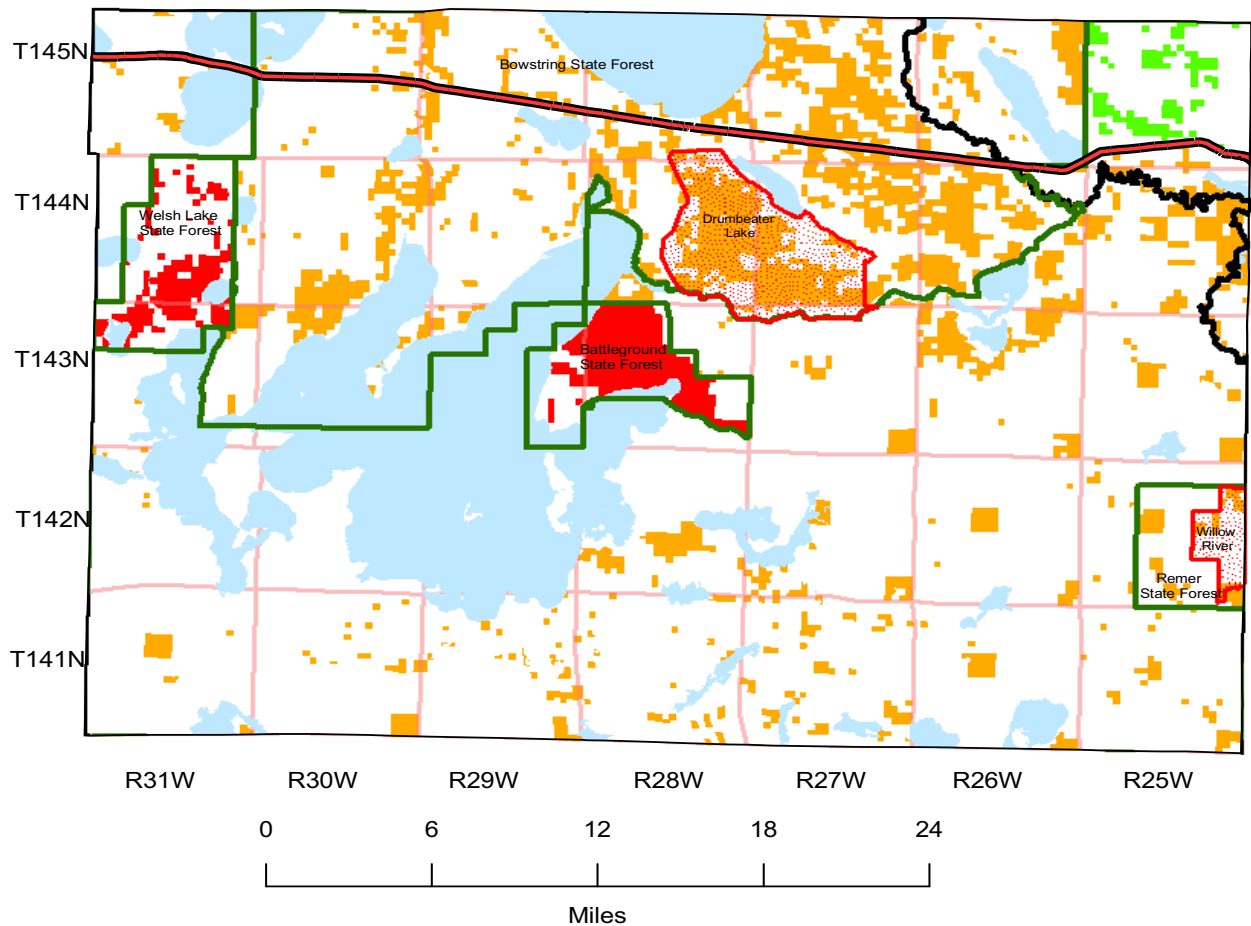


Exhibit A-3

State Forest Land Classification Motor Vehicle Use Southern Chippewa Area



Commissioner's Orders

Minnesota Department of Natural Resources

Designation and Undesignation of Forest Roads in the Vicinity of the Chippewa National Forest in Beltrami, Cass, and Itasca Counties

NOTICE IS HEREBY GIVEN that the Commissioner of Natural Resources orders the designation of the forest roads identified in *Exhibits A-1, A-2, and A-3*.

The commissioner further orders the undesignation of the forest roads identified in *Exhibits B-1 and B-2*.

WHEREAS:

1. *Minnesota Statutes 2006*, section 89.71, subdivision 1 grants the commissioner authority to designate and undesignate forest roads by written order published in the *State Register*.

2. The agency published its proposed forest road and trail designations for state forest lands in the vicinity of the Chippewa National Forest in August 2006. The agency held public meetings and solicited and received written comments and submissions regarding the public's use of forest lands, roads, and trails in the vicinity of the Chippewa National Forest.

3. All notice and procedural requirements in *Minnesota Statutes* and other applicable laws and rules have been met.

4. The forest road designations and undesignations are both needed and reasonable.

NOW THEREFORE, IT IS ORDERED that the forest roads identified in *Exhibits A-1, A2, and A-3*, attached hereto and incorporated herein, are hereby designated pursuant to authority vested in me by Minnesota law.

IT IS FURTHER ORDERED that the forest roads identified in *Exhibits B-1 and B-2*, attached hereto and incorporated herein, are undesignated and removed from the forest road system pursuant to authority vested in me by Minnesota law.

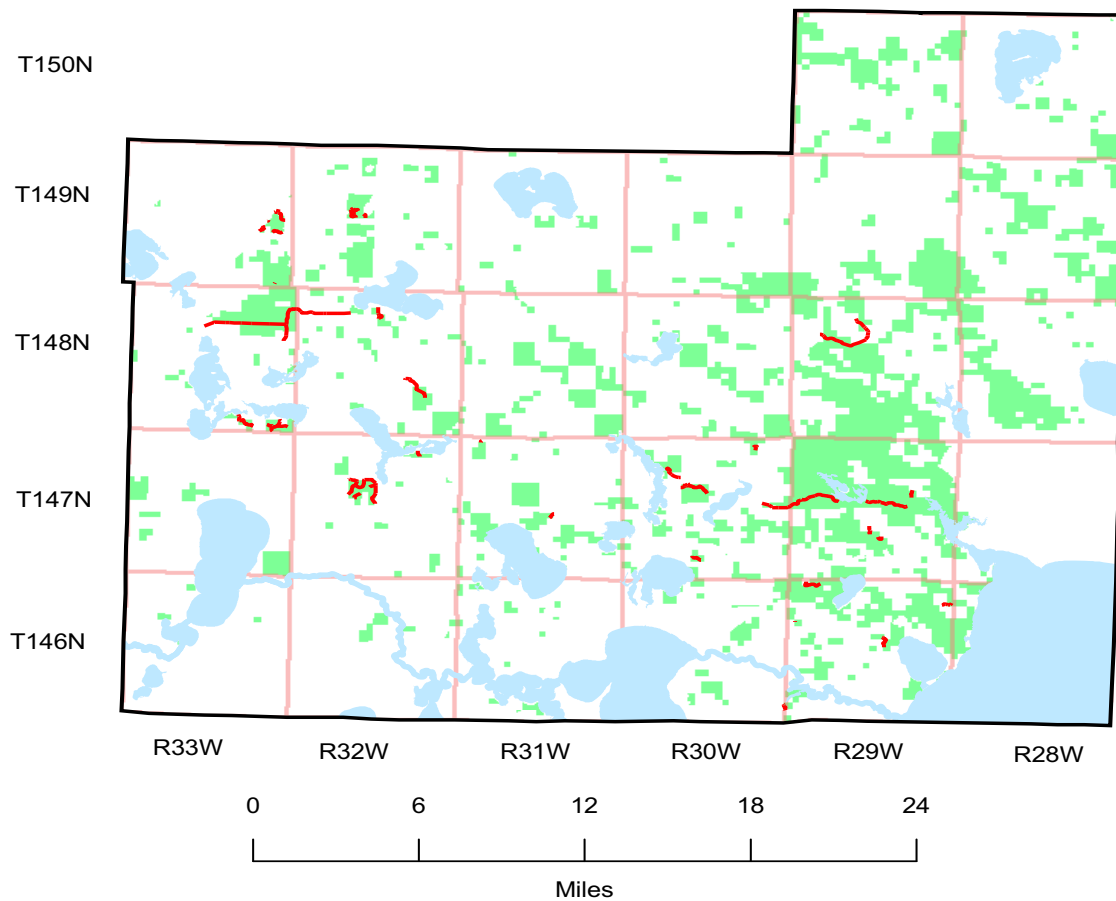
IT IS FURTHER ORDERED that the designation and undesignation of those forest roads identified in *Exhibits A-1, A-2, A-3, B-1, and B-2* shall become effective December 31, 2008.

Dated: 4 June 2008

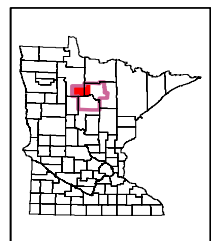
Mark Holsten, Commissioner
Department of Natural Resources

Exhibit A-1

State Forest Road Designation
Northwestern Chippewa Area



- State Forest Road
- State Forest Lands
- Large Lakes (500+ acres)
- Major River
- PLS Townships



30MAY2008

Exhibit A-2
State Forest Road Designation
Northeastern Chippewa Area

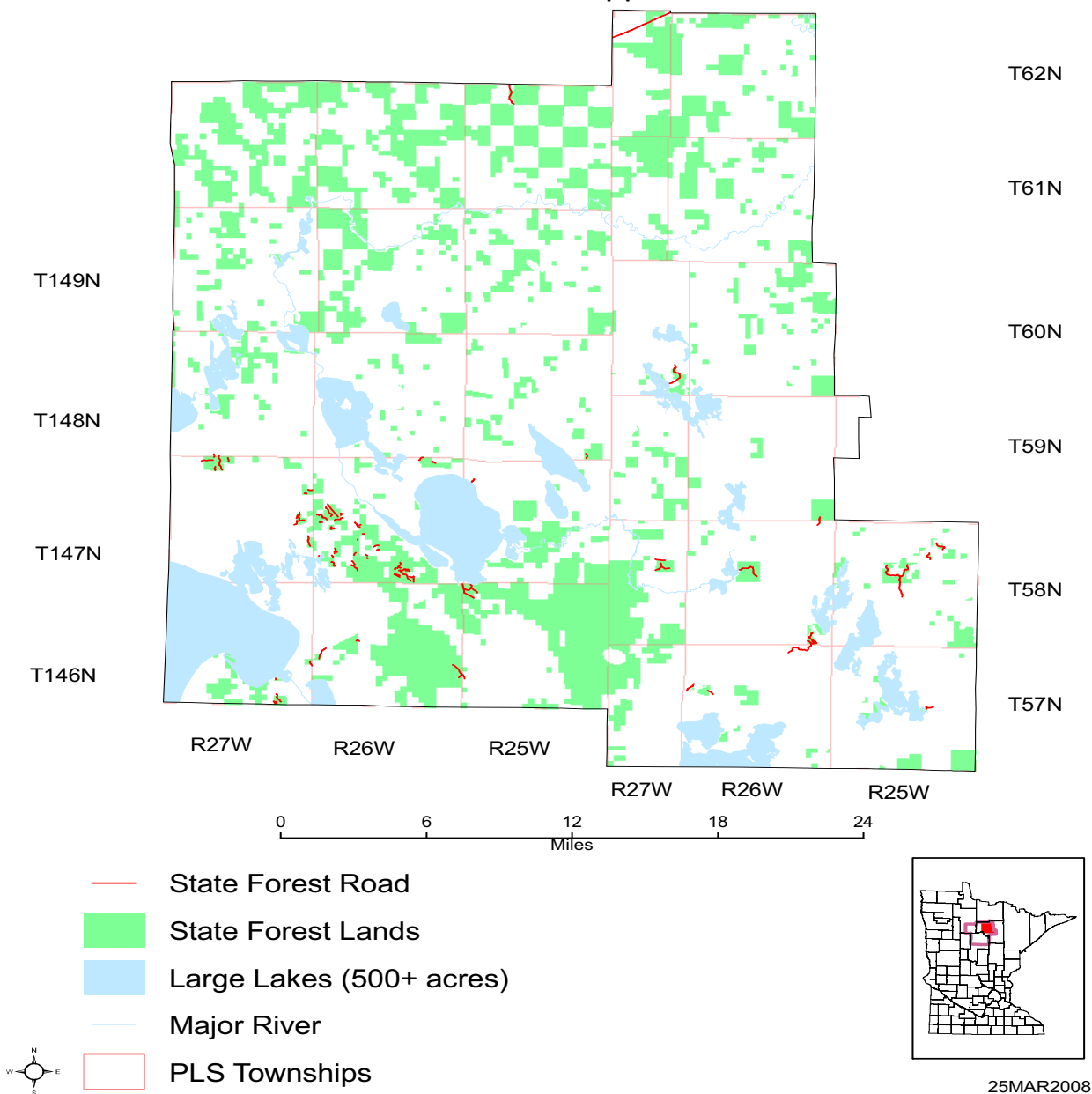
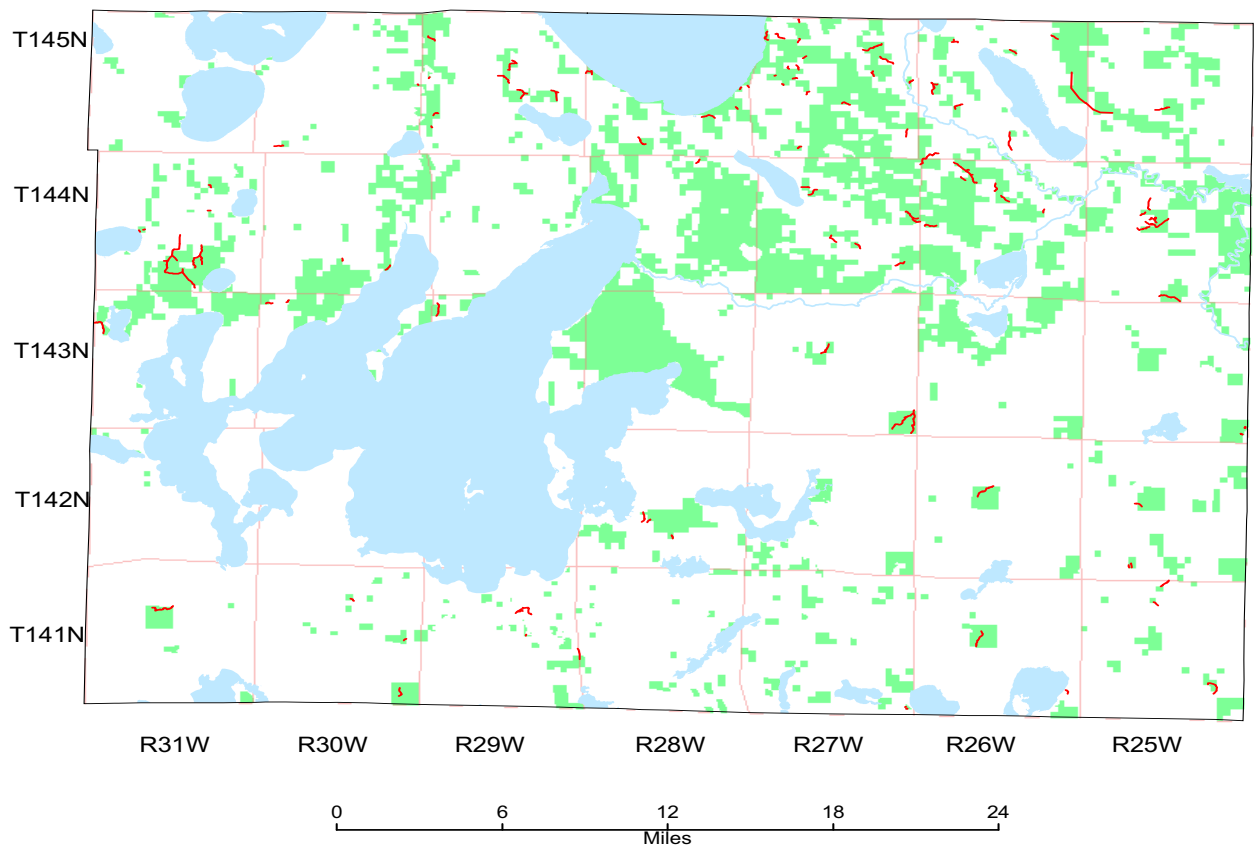
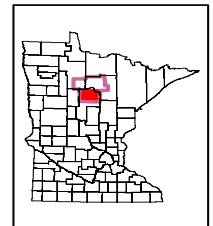


Exhibit A-3

State Forest Road Designation
Southern Chippewa Area

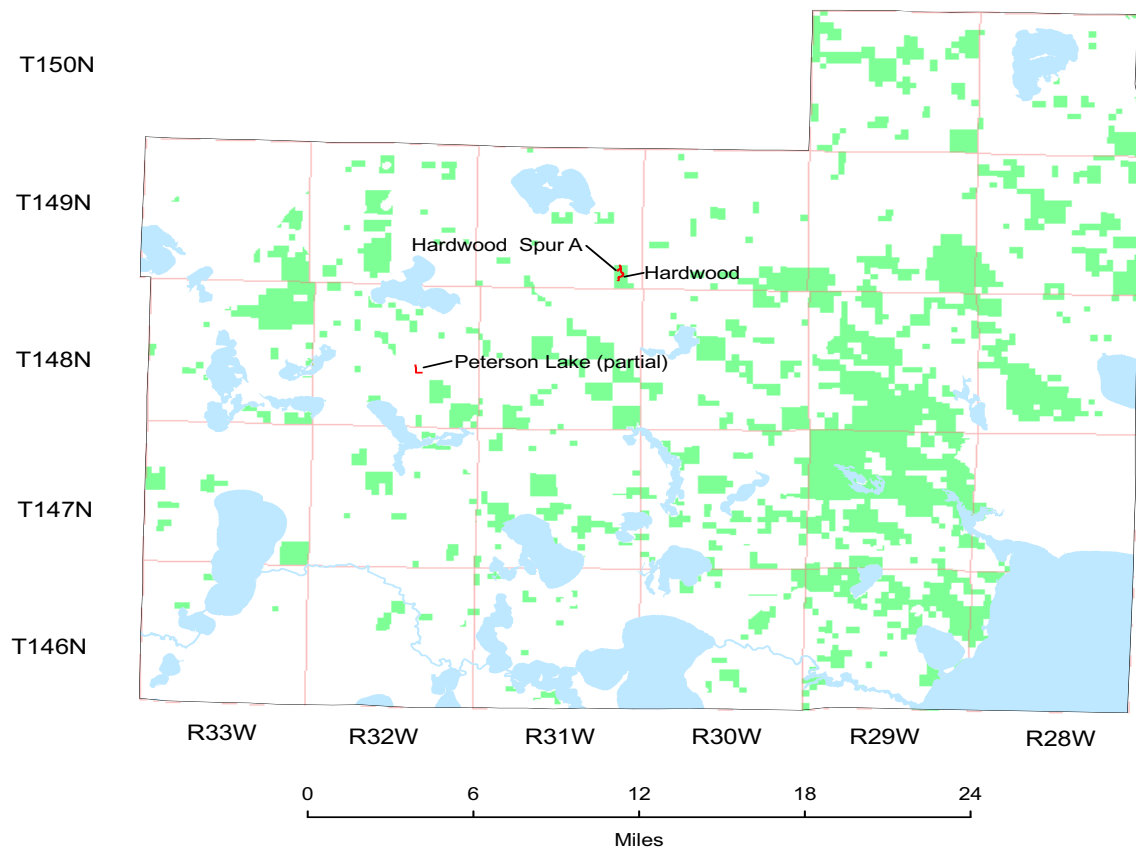


-  State Forest Road
 -  State Forest Lands
 -  Large Lakes (500+ acres)
 -  Major River
 -  PLS Townships
- 

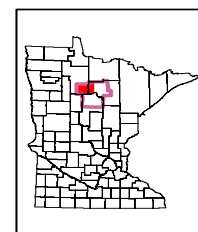


25MAR2008

Exhibit B-1 State Forest Road Undesignation Northwestern Chippewa Area

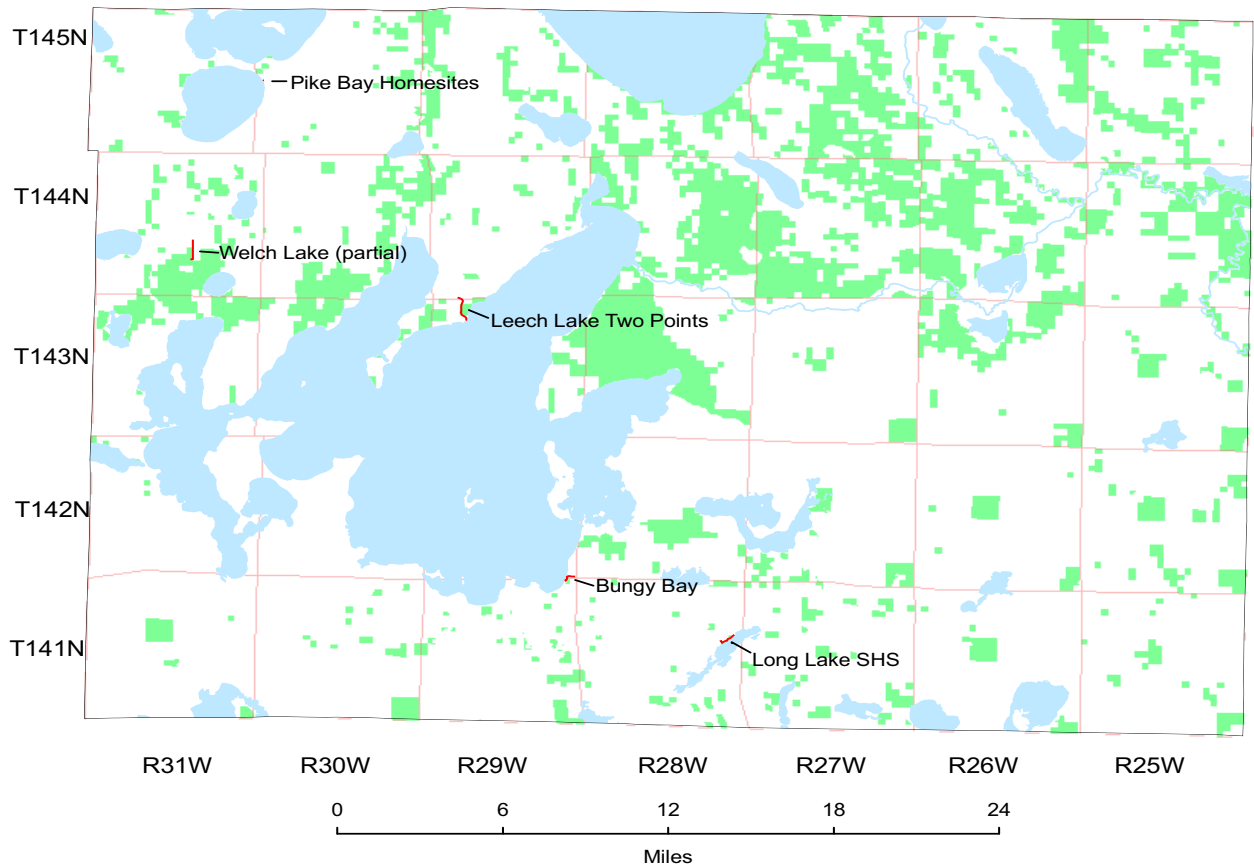


- Undesignated State Forest Road
- State Forest Lands
- Large Lakes (500+ acres)
- Major River
- PLS Townships

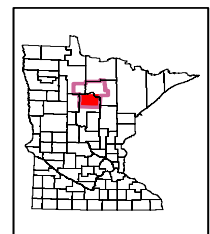


25MAR2008

Exhibit B-2
State Forest Road Undesignation
Southern Chippewa Area



- Undesignated State Forest Road
 - State Forest Lands
 - Large Lakes (500+ acres)
 - Major River
 - PLS Townships
-



25MAR2008

Commissioner's Orders

Minnesota Department of Natural Resources

Designation and Undesignation of Forest Roads in the Vicinity of the Chippewa National Forest in Beltrami, Cass, and Itasca Counties

NOTICE IS HEREBY GIVEN that the Commissioner of Natural Resources orders the designation of the forest roads identified in *Exhibits A-1, A-2, and A-3*.

The commissioner further orders the undesignation of the forest roads identified in *Exhibits B-1 and B-2*.

WHEREAS:

1. *Minnesota Statutes 2006*, section 89.71, subdivision 1 grants the commissioner authority to designate and undesignate forest roads by written order published in the *State Register*.

2. The agency published its proposed forest road and trail designations for state forest lands in the vicinity of the Chippewa National Forest in August 2006. The agency held public meetings and solicited and received written comments and submissions regarding the public's use of forest lands, roads, and trails in the vicinity of the Chippewa National Forest.

3. All notice and procedural requirements in *Minnesota Statutes* and other applicable laws and rules have been met.

4. The forest road designations and undesignations are both needed and reasonable.

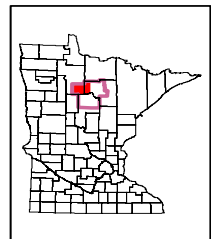
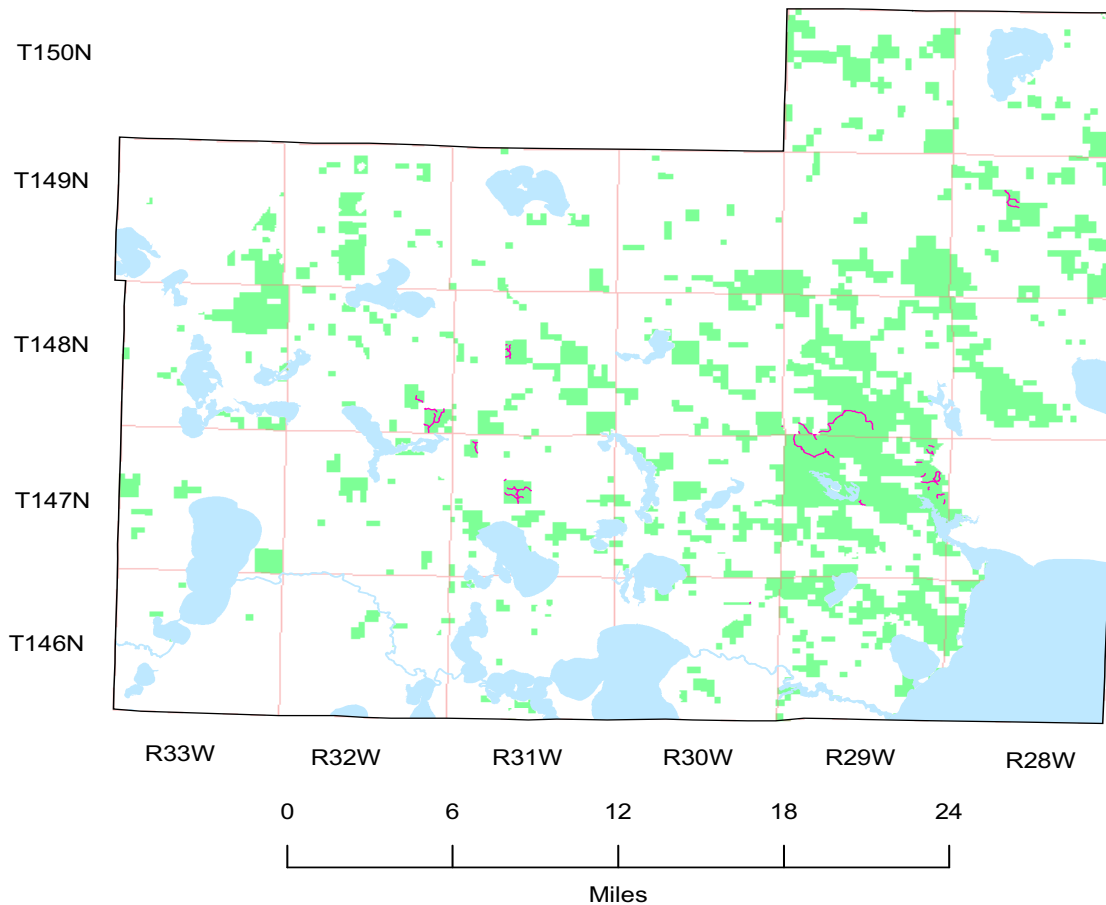
NOW THEREFORE, IT IS ORDERED that the forest roads identified in *Exhibits A-1, A-2, and A-3*, attached hereto and incorporated herein, are hereby designated pursuant to authority vested in me by Minnesota law.

IT IS FURTHER ORDERED that the forest roads identified in *Exhibits B-1 and B-2*, attached hereto and incorporated herein, are undesignated and removed from the forest road system pursuant to authority vested in me by Minnesota law.

IT IS FURTHER ORDERED that the designation and undesignation of those forest roads identified in *Exhibits A-1, A-2, A-3, B-1, and B-2* shall become effective December 31, 2008.

Dated: 4 June 2008

Mark Holsten, Commissioner
Department of Natural Resources

Exhibit A-1**Forest Trail Designation
Northwestern Chippewa Area**

08APR2008

Exhibit A-2 Forest Trail Designation Northeastern Chippewa Area

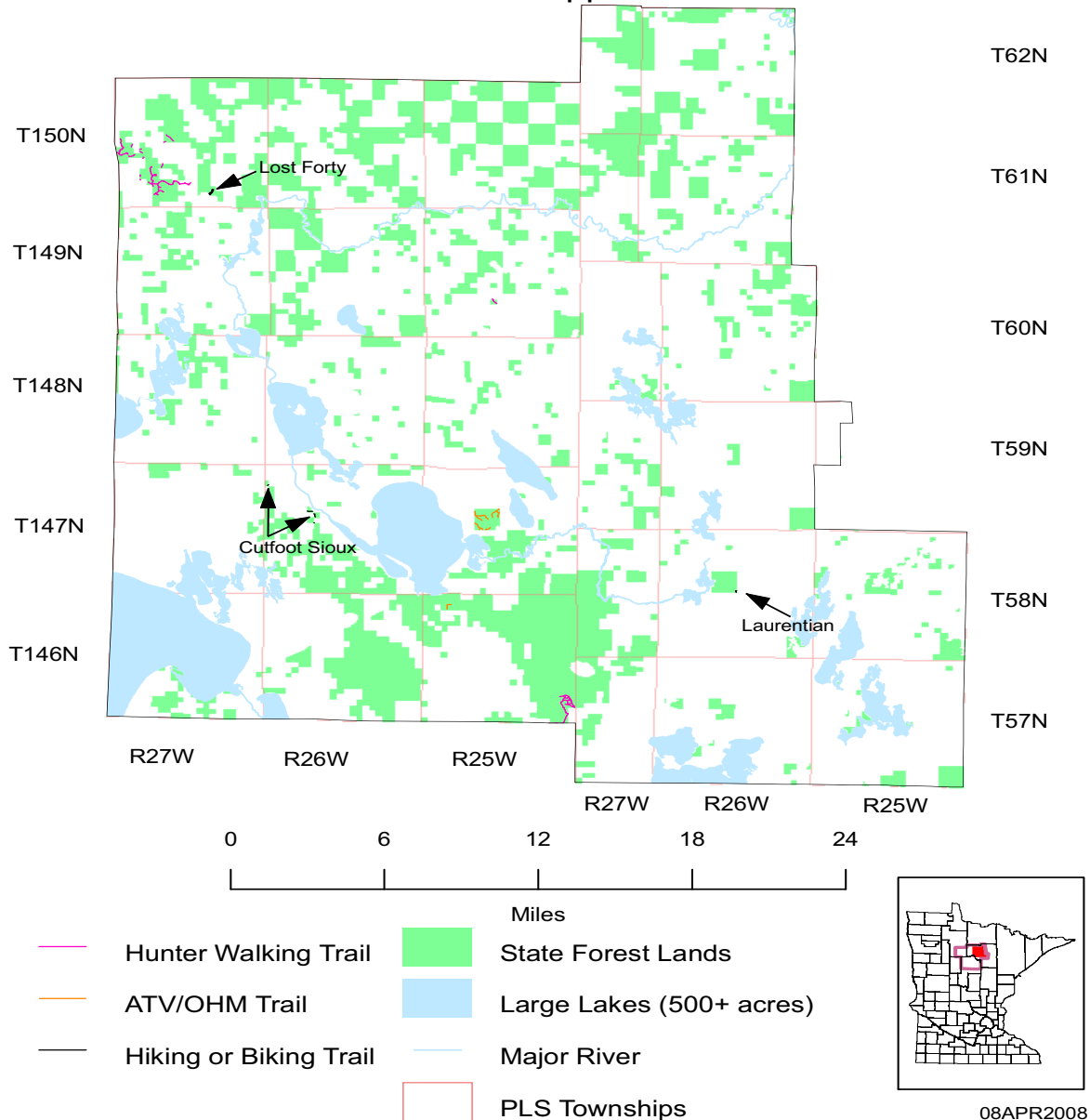
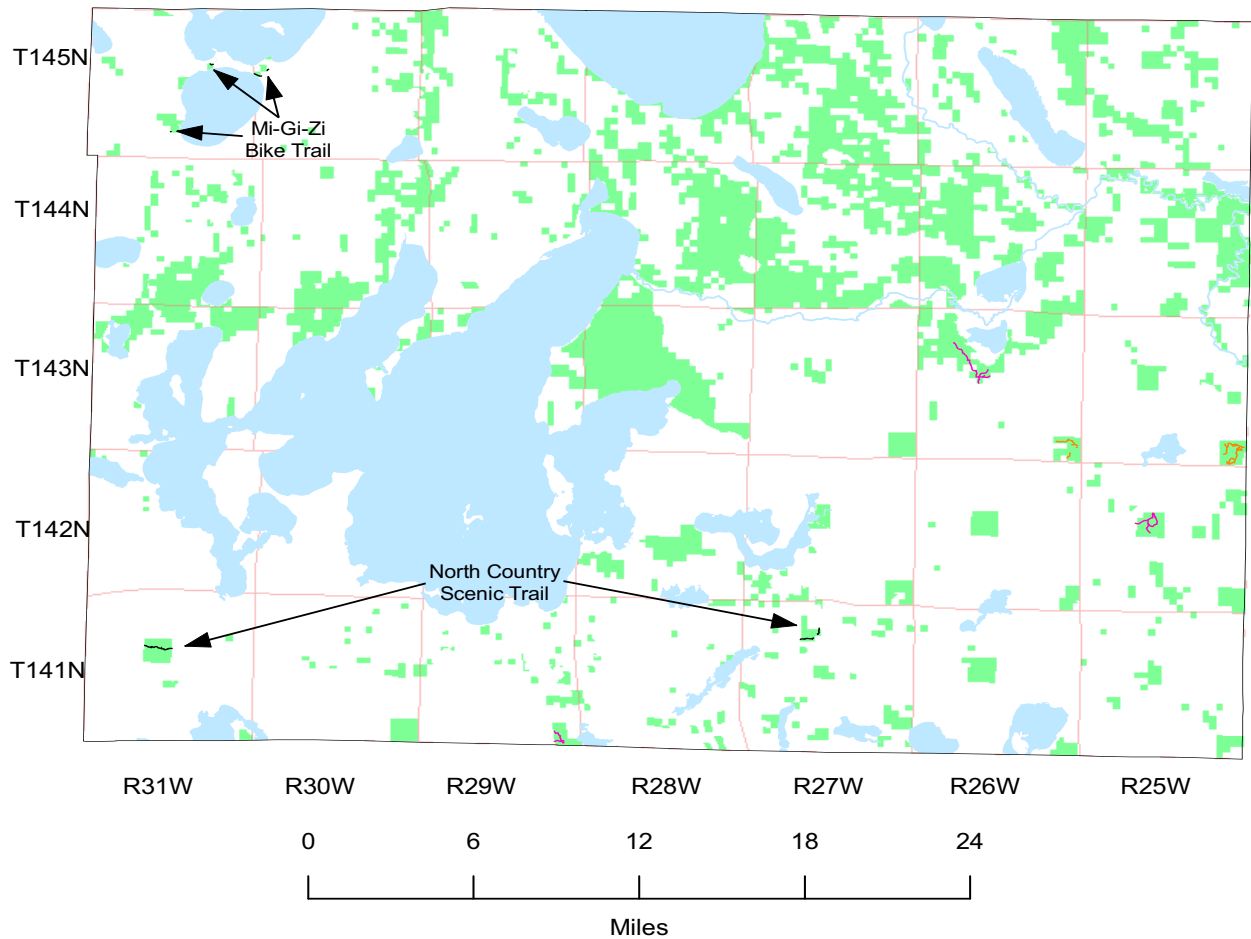
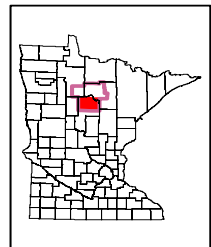


Exhibit A-3 Forest Trail Designation Southern Chippewa Area



- | | | | |
|---|------------------------|---|--------------------------|
|  | Hunter Walking Trail |  | State Forest Lands |
|  | ATV/OHM Trail |  | Large Lakes (500+ acres) |
|  | Hiking or Biking Trail |  | Major River |
| | |  | PLS Townships |



08APR2008

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.

Get the Most from Official Notices

As part of our Subscriber's Service the *State Register* indexes all Official Notices, including the current volume as it grows. As a subscriber, you can open the *State Register* and click on Bookmarks in the upper left corner. You will see a list of the growing index, and have fast access to all the indices to the *State Register*. You also receive a summarized "Contracts & Grants" section of Bids still open. Subscribe today. Subscriptions cost \$180 a year (an \$80 savings). Here's what you'll get:

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

We e-mail it to you, at the 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

Emergency Medical Services Regulatory Board (EMSRB) Notice of Completed Application in the Matter of the License Application of the Belle Plaine Community Ambulance, Belle Plaine, Minnesota

PLEASE TAKE NOTICE that the Emergency Medical Services Regulatory Board (hereinafter EMSRB) has received a completed application from the **Belle Plaine Community Ambulance, Belle Plaine, Minnesota**, for a new license, advanced ambulance.

NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes* sec. 144E.11, subd. 3, each municipality, county, community health board, governing body of a regional emergency medical services system, ambulance service and other person wishing to make recommendations concerning the disposition of the application, shall make written recommendations or comments opposing the application to the EMSRB within 30 days or by September 9, 2008, 4:30 p.m.

Written recommendations or comments opposing the application should be sent to:

Debra K. Teske, Interim Executive Director,
EMSRB
2829 University Avenue S.E., Suite 310,
Minneapolis, Minnesota 55414-3222.

If fewer than six comments opposing the application are received during the comment period, and the EMSRB approves the application, the applicant will be exempt from a contested case hearing, pursuant to *Minnesota Statutes* sec. 144E.11, subd. 4. If six or more comments in opposition to the application are received during the comment period or the EMSRB denies the application, the applicant may immediately request a contested case hearing, or may try to resolve the objections of the public and/or the EMSRB within 30 days, pursuant to *Minnesota Statutes* sec. 144E.11, sub. 5(a), (b). If the applicant is unable to resolve the objections within 30 days, or if the applicant initially requests a contested case hearing one will be scheduled and notice of the hearing given pursuant to *Minnesota Statutes* sec. 144E.11, subd. 5(c), (e).

Dated: 30 July 2008

Debra K. Teske, Interim Executive Director
Emergency Medical Services Regulatory Board

Executive Council**State Board of Investment****Land Exchange Board****Investment Advisory Council****Notice of Meetings of the Executive Council, State Board of Investment, and Land Exchange Board on September 10, 2008, and the Investment Advisory Council on August 20, 2008**

The Executive Council, State Board of Investment and the Land Exchange Board will meet on Wednesday, September 10, 2008 at 9:00 A.M. in Room 123, State Capitol, St. Paul, MN.

The Investment Advisory Council will meet on Wednesday, August 20, 2008 at 12:00 Noon at the State Board of Investment, Board Room (Main Floor), 60 Empire Drive, St. Paul, MN.

Department of Health**Division of Compliance Monitoring****Managed Care Systems Section****Notice of Application for Essential Community Provider Status**

NOTICE IS HEREBY GIVEN that an application for designation as an Essential Community Provider (ECP) has been submitted to the Commissioner of Health by the Kittson Memorial Clinics, 1010 South Birch Avenue, Box 700, Hallock, MN 56728.

An ECP is a health care provider that serves high-risk, special needs, and underserved individuals. In order to be designated as an ECP, a provider must demonstrate that it meets the requirements of *Minnesota Statutes* Section 62Q.19 and *Minnesota Rules* Chapter 4688. The public is allowed 30 days from the date of the publication of this notice to submit written comments on the application. The commissioner will approve or deny the application once the comment period and compliance review is complete.

For more information contact:

Mary Ann Fena
Managed Care Systems Section
Division of Compliance Monitoring
Department of Health
P.O. Box 64882
St. Paul, MN 55164-0882
(651) 201-5164

Department of Human Services**Health Care Purchasing and Delivery Systems Division****Health Care Administration****Public Notice of Maximum Allowable Costs of Medical Assistance Outpatient Prescribed Drugs**

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

Official Notices

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

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

No earlier than August 12, 2008 the Department may add the following outpatient prescribed drugs to the state MAC list:

Drug Name

DIVALPROEX SODIUM

These additions are made to bring Medical Assistance reimbursement to pharmacists more closely in line with the actual acquisition cost of the drugs listed above. The Department estimates that there will be a state savings of \$32,000.00 for State Fiscal Year 2007 (July 1, 2008 through June 30, 2009).

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

Written comments and requests for information may be sent to Kristin Young, Pharmacy and Program Manager, Health Care Purchasing and Delivery Systems Division, Health Care Administration, Minnesota Department of Human Services, P.O. Box 64984, St. Paul, Minnesota 55164-0984; **phone:** (651) 431-2504 or **e-mail:** kristin.c.young@state.mn.us

Minnesota Pollution Control Agency

Regional Division

Notice of Availability of Draft West Fork Des Moines River Watershed Total Maximum Daily Load Report and Request for Comment

Public Comment Period Begins: August 11, 2008

Public Comment Period Ends: September 10, 2008

The Minnesota Pollution Control Agency (MPCA) is requesting comments on the draft West Fork Des Moines River Watershed Total Maximum Daily Load (TMDL) Report. The MPCA identified 15 river reaches in the West Fork Des Moines River watershed in southwest Minnesota as exceeding Minnesota water quality standards for fecal coliform bacteria, 15 reaches exceeding standards for turbidity, one reach exceeding the standard for pH, and North and South Heron Lake exceeding the standard for nutrients (phosphorus).

Following the comments, the MPCA will revise the draft TMDL Report and submit it to the U.S. Environmental Protection Agency (EPA) for approval. The draft TMDL report is available on the MPCA Web site at: <http://www.pca.state.mn.us/water/tmdl/index.html>. Comments must be sent to the MPCA contact person listed below by 4:30 p.m. on the date the public comment period ends, identified above.

Required by the Federal Clean Water Act, a TMDL is a scientific study that calculates the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards for that pollutant. It is a process that identifies all the sources of the pollutant causing impairment and allocates allowable loads among them. This multi-year effort results in a pollution reduction plan and engages stakeholders and the general public. An approved TMDL is followed by implementation activities for achieving the necessary reductions.

It is estimated that the overall magnitude of reduction needed to meet water quality standards ranges from 10 to 86 percent for fecal coliform bacteria, 50 to 80 percent for turbidity levels, and 87 percent for North and South Heron Lake excess nutrients. The pH impairment is directly related to the Heron Lake excess nutrient impairment and will be addressed by the nutrient reductions. To address the fecal coliform and turbidity impairments loading reductions from a range of nonpoint sources will need to be accomplished; to address the Heron Lake impairment both point and nonpoint source reductions will need to occur.

Agency Contact Person. Written or oral comments, petitions, questions, or requests to receive a draft of the TMDL Reports, and requests for more information should be directed to:

Chris Zadak
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194
(651) 297-8613
Minnesota Toll Free: 1-800-657-3864
Fax: (651) 297-8676
E-mail: chris.zadak@pca.state.mn.us
TTY users may call the MPCA teletypewriter at 651-282-5332 or 1-800-657-3864.

Preliminary Determination on the draft TMDL Report: The MPCA Commissioner has made a preliminary determination to submit this TMDL Report to the EPA for final approval. A draft TMDL Report and fact sheet are available for review at the MPCA office at the address listed below, and at the MPCA Web site: <http://www.pca.state.mn.us/water/tmdl/index.html>. Suggested changes will be considered before the final TMDL Report is sent to the EPA for approval.

Written Comments: You may submit written comments on the conditions of the draft TMDL Report or on the Commissioner's preliminary determination.

Written comments must include the following:

1. A statement of your interest in the draft TMDL Report;
2. A statement of the action you wish the MPCA to take, including specific references to sections of the draft TMDL that you believe should be changed; and
3. The reasons supporting your position, stated with sufficient specificity as to allow the Commissioner to investigate the merits of your position.

Petition for Public Informational Meeting: You also may request that the MPCA Commissioner hold a public informational meeting. A public informational meeting is an informal meeting that the MPCA may hold to solicit public comment and statements on matters before the MPCA, and to help clarify and resolve issues.

A petition requesting a public informational meeting must include the following information:

1. A statement identifying the matter of concern;
2. The information required under items 1 through 3 of "Written Comments," identified above;
3. A statement of the reasons the MPCA should hold a public informational meeting; and
4. The issues that you would like the MPCA to address at the public informational meeting.

Petition for Contested Case Hearing: You also may submit a petition for a contested case hearing. A contested case hearing is a formal evidentiary hearing before an administrative law judge. In accordance with *Minnesota Rules* 7000.1900, the MPCA will grant a petition to hold a contested case hearing if it finds that: (1) there is a material issue of fact in dispute concerning the application or draft TMDL Report; (2) the MPCA has the jurisdiction to make a determination on the disputed material issue of fact; and (3) there is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case hearing would allow the introduction of information that would aid the MPCA in resolving the disputed facts in making a final decision on the draft TMDL Report. A material issue of fact means a fact question, as distinguished from a policy question, whose resolution could have a direct bearing on a final MPCA decision.

A petition for a contested case hearing must include the following information:

1. A statement of reasons or proposed findings supporting the MPCA decision to hold a contested case hearing according to the criteria in *Minnesota Rules* 7000.1900, as discussed above; and
2. A statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested or resolution of the matter.

In addition and to the extent known, a petition for a contested case hearing should also include the following information:

1. A proposed list of prospective witnesses to be called, including experts, with a brief description of proposed testimony or summary of evidence to be presented at a contested case hearing;

Official Notices

2. A proposed list of publications, references, or studies to be introduced and relied upon at a contested case hearing; and
3. An estimate of time required for you to present the matter at a contested case hearing.

MPCA Decision: You may submit a petition to the Commissioner requesting that the MPCA Citizens' Board consider the TMDL Report approval. To be considered timely, the petition must be received by the MPCA by 4:30 p.m. on the date the public comment period ends, identified on page one of this notice. Under the provisions of *Minnesota Statutes* § 116.02, subd 6(4), the decision whether to submit the TMDL Report and, if so, under what terms will be presented to the Board for decision if: (1) the Commissioner grants the petition requesting the matter will be presented to the Board; (2) one or more Board members request to hear the matter before the time the Commissioner makes a final decision on the TMDL Report; or (3) a timely request for a contested case hearing is pending. You may participate in the activities of the MPCA Board as provided in Minnesota Rules 7000.0650.

The written comments, requests, and petitions submitted on or before the last day of the public comment period will be considered in the final decision on this TMDL Report. If the MPCA does not receive written comments, requests, or petitions during the public comment period, MPCA staff as authorized by the Board, will make the final decision on the draft TMDL Report.

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.

Grant Applicants

Have you checked up on all the "active" state grants? For *State Register* subscribers a "Contracts & Grants" section is available that lists all grants and contracts open for bid. Open the *State Register* and click on Bookmarks in the upper left corner. You will see a list of ALL the current rules, with an INDEX, and previous years' indices, as well as a list of all contracts and grants open for bid. Subscribe and receive LINKS to the *State Register*. You also receive 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

Department of Commerce

Office of Energy Security

Notice of Grant Availability to Study a Low-Carbon Fuel Standard for Minnesota Vehicles

RFP# ES-0811-04-LCFS

The Minnesota Office of Energy Security is requesting proposals for the purpose of studying how a Minnesota appropriate low-carbon fuel standard (LCFS) for vehicles operated on public roads could be designed to take advantage of Minnesota's biofuel policies, provide maximum economic and environmental benefits to Minnesotans, and ensure the continued viability of the state's current biofuel industry.

Work is proposed to start late October/early November 2008.

A Request for Proposals will be available by e-mail from this office through Monday, September 8, 2008. **A written request (by e-mail, direct mail, or fax) is required to receive the Request for Proposal.** After Monday, September 8, 2008, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Preferred Method: *energy.contracts@state.mn.us*

Amy Bicek
Office of Energy Security
Minnesota Department of Commerce
85 Seventh Place E, Suite 500
Saint Paul, MN 55101
Fax: (651) 297-7891

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than **4:00pm CDT on Tuesday, September 9, 2008. Late proposals will not be considered.** Fax 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.

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

How to Work with Contracts

A summarized "Contracts & Grants" section of all contracts and grants open for bid is available only to subscribers. Obtain MORE and FASTER information with a SUBSCRIPTION to the *State Register*. You also receive LINKS to the *State Register*. Open the *State Register* and click on Bookmarks in the upper left corner. You will see a list of the contents of the current issue, with an INDEX, and previous years' indices. You also receive "Contracts & Grants." 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

Subscriptions cost \$180 a year (an \$80 savings). 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

Department of Administration

Minnesota Multistate Contracting Alliance for Pharmacy

Notice of Request for Information (RFI) from Parties Interested in Offering Information to MMCAP about Pharmaceutical Wholesale Distribution Services to MMCAP Member Facilities with Sales Equal to or Less than \$25,000

I. NOTICE OF REQUEST FOR INFORMATION

Purpose

The Minnesota Multistate Contracting Alliance for Pharmacy ("MMCAP") is interested in assessing various strategic options as it considers how to proceed with its pharmaceutical wholesale distribution services to MMCAP member facilities serving a variety of Class of Trade designations with sales equal to or less than \$25,000 ("Program"). As part of that effort, MMCAP is interested in gathering information and recommendations from companies and organizations with expertise in pharmaceutical wholesale distribution services and provides these services to government - authorized healthcare facilities. MMCAP intends to use the information and recommendations received through this RFI to assist it in making decisions about how to move its Program forward for the greatest benefit of its membership.

Background

The Minnesota Multistate Contracting Alliance for Pharmacy is a public sector group purchasing organization (GPO) operated by the State of Minnesota serving government-authorized healthcare facilities in 45 states, and the cities of Chicago and Los Angeles. (For detailed information visit: www.mmcap.org.) MMCAP provides a full range of pharmaceuticals and related health care products to its eligible participating facilities (6,000 total) with the intent to provide member organizations the combined purchasing power to receive the best prices available for pharmaceuticals, and related health care products. Participation in MMCAP is limited to facilities with statutory authority to purchase commodities from member entities' contracts; including but not limited to state agencies and political subdivisions, such as correctional facilities, regional psychiatric treatment facilities, student health services, public health services, veterans' nursing

homes, and public hospitals. MMCAP contracts directly with pharmaceutical and allied products manufacturers and suppliers for their products, then uses contracted distributor(s) to deliver the products to its member facilities.

MMCAP is seeking information to help it advance the following objectives:

- A. Increase accessibility of an estimated 1644 MMCAP member facilities with sales equal to or less than \$25,000 from a variety of class of trade designations to pharmaceutical wholesale distribution services.
- B. Maintain or improve current levels of cost-effectiveness, quality, and satisfaction for recipients of the pharmaceutical wholesale distribution services.
- C. Create service delivery mechanisms that are at or near the best offered by any GPO organization.

Responses

RFI questions will be available and posted on the MMCAP website (www.mmcap.org, click on “Vendors & RFP’s”) on Monday, August 11, 2008. Responses submitted to the Request for Information in this notice must be sealed and received no later than 3:00p.m. Central Daylight Time on Monday, August 25, 2008 at the following address:

MMCAP
Pharmaceutical Wholesale Distribution Services RFI
C/o Minnesota Department of Administration
50 Sherburne Avenue, Room 112
St. Paul, MN 55155

Late proposals will not be considered. Fax or e-mailed responses will **not** be considered.

This RFI is NOT a request for proposal, bid, or quotation. This RFI does not obligate the State to complete the work contemplated in this notice. All expenses incurred in responding to this notice are solely the responsibility of the responder. All materials and information submitted will be considered property of the State of Minnesota, and will not be returned.

II. CONTACT FOR RFI INQUIRIES

Questions regarding the Request for Information must be in via e-mail and submitted by 2:00 p.m. Central Daylight Time on Friday, August 15, 2008 to:

Almena Dees
Minnesota Department of Administration
Minnesota Multistate Contracting Alliance for Pharmacy
50 Sherburne Avenue, Room 112
St. Paul, MN 55155
E-mail address: almena.dees@state.mn.us

Answers not attributed to the entity asking the question, will be provided on the MMCAP website (www.mmcap.org, click on “Vendors & RFP’s”) no later than Wednesday, August 20th, 2008.

State Department of Administration / Minnesota State Colleges and Universities

State Designer Selection Board

Notice of Availability of Request for Proposal (RFP) for Designer Selection for: Science Laboratory Renovation State Designer Selection Board Project No. 08-13

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of Southwest Minnesota State University, through the State Designer Selection Board, is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

State Contracts

A full Request for Proposals is available on the Minnesota State Colleges Universities website,
<http://www.finance.mnscu.edu/facilities/index.html>

click on “Announcements.” A copy of the pre-design is available for review at <http://www.finance.mnscu.edu/facilities/index.html>. An informational meeting is scheduled for 10:00 AM, Tuesday August 19, 2008 in Bellows Hall, Room BA 524, on the Southwest Minnesota State University campus, 1501 Sate Street, Marshall, MN 56258. All firms interested in this meeting should contact Cyndi Holm , at e-mail: holmcm@southwestmsu.edu to sign up to attend the meeting. Project questions will also be taken by this individual.

Proposals must be delivered to Alisha Cowell, Executive Secretary, State Designer Selection Board, Administration Building, Room 200 in the Commissioner’s Office, 50 Sherburne Ave., St. Paul, MN 55155; **phone:** (651) 201-2627 not later than 4:00 P.M., August 25, 2008. Late responses will not be considered.

Minnesota State Colleges and Universities is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

Department of Administration (Admin) WSCA/NASPO Contract Administration Pre-Solicitation Notification

The Minnesota Department of Administration, Materials Management Division, on behalf of the State of Minnesota, and in association with the National Association of State Procurement Officials (NASPO) and the Western States Contracting Alliance (WSCA) is preparing a Request for Proposal (RFP) from Manufacturers of Personal Computer Equipment and Related Devices for the WSCA/NASPO PC Contracts 2009-2014.

The purpose of this pre-solicitation announcement is to give interested parties notice that the RFP will be issued in September, 2008.

The Contracts resulting from the RFP will replace the current WSCA/NASPO PC Contracts 2004-2009. For reference purposes, you may see copies of all the RFP’s issued under the WSCA/NASPO PC Contracts 2004-2009 at the following url:

<http://www.mmd.admin.state.mn.us/wscs/News.htm>.

This might assist you in understanding both the process and requirements for these contracts. The current contracts are generating an average of over \$2 billion in sales annually. As of July 18, 2008, twenty states have executed an Intent to Participate in the new contracts.

The RFP will include EPEAT minimum requirements and preferences for verification of third-party certifications from bodies such as Blue Angel, Energy Star, etc.

The categories of equipment in the RFP will include, but not be limited to: servers, desktops, laptops, tablet PCs, PDAs, printers, multi-functional printing devices, storage solutions, monitors, local area network devices, and instructional bundles.

The sale of LCD Projectors, separate from an instructional bundle, will be allowed under the new Contracts resulting from the RFP.

Interested parties, who logged in and downloaded this document from the MMD website, will be added to an e-mail distribution list that will be used to announce the actual advertisement of the RFP in September, 2008.

However, interested parties are cautioned that it is still their responsibility to watch the MMD website for the solicitation announcement. MMD will not be held responsible for an interested party not receiving the e-mail notification announcement of the RFP.

The announcement will also be linked on www.naspo.org (under Cooperative Purchasing, Opportunities), www.aboutwsca.org (under Opportunities) and may appear, in compliance with applicable state laws, on the websites of states that potentially might participate in the resulting contracts.

Minnesota State Colleges and Universities (MnSCU)**Anoka-Ramsey Community College****Request Proposals for a Donor Recognition System Agent for Development of Upgraded Design and Functionality of Web Presence**

NOTICE IS HEREBY GIVEN that Anoka-Ramsey Community College will receive proposals for a donor recognition system agent to provide consultation, creative conceptualizing, design, and installation of a donor recognition display for the Cambridge Campus. Specifications are available on the website <http://www.anokaramsey.edu/IT/proposal.cfm>. Copies of the specifications can also be obtained from Kally Ormson at (763) 433-1628 or kally.ormson@anokaramsey.edu. Sealed proposals must be received by the Business Office of Anoka-Ramsey Community College, 11200 Mississippi Blvd., Coon Rapids, MN 55433 by 4 p.m. on Aug. 18, 2008. Bid openings will be in the Mississippi Room of Anoka-Ramsey Community College at 4:30 p.m. on Aug. 18, 2008. Anoka-Ramsey Community College reserves the right to reject any or all proposals, or portions thereof, or to waive any irregularities or informalities, in proposals received.

Minnesota State Colleges and Universities (MnSCU)**Anoka-Ramsey Community College****Request Proposals for a Web Consultant for Development of Upgraded Design and Functionality of Web Presence**

NOTICE IS HEREBY GIVEN that Anoka-Ramsey Community College will receive proposals for a web consultant to design and develop an effective web presence. Specifications are available on the website <http://www.anokaramsey.edu/IT/proposal.cfm>. Copies of the specifications can also be obtained from Kally Ormson at (763) 433-1628 or kally.ormson@anokaramsey.edu. Sealed proposals must be received by the Business Office of Anoka-Ramsey Community College, 11200 Mississippi Blvd., Coon Rapids, MN 55433 by 4 p.m. on Aug. 25, 2008. Bid openings will be in the Mississippi Room of Anoka-Ramsey Community College at 4:15 p.m. on Aug. 25, 2008. Anoka-Ramsey Community College reserves the right to reject any or all proposals, or portions thereof, or to waive any irregularities or informalities, in proposals received.

Minnesota State Colleges and Universities (MnSCU)**St. Cloud State University****Advertisement for Bids for Immigration Attorney Services**

Sealed proposals for services hereinafter described will be received by St. Cloud State University at the Business Services Office, AS 122, St. Cloud Minnesota until **3:00 PM on August 26, 2008** and will be publicly opened and read aloud. The right is reserved to accept or reject any or all bids or parts of bids and to waive informalities therein.

Bids are requested for **Immigration Attorney Services** as per Request for Proposal available in the Business Services Office, St. Cloud State University.

For further information contact:

Lisa Sparks
Director of Purchasing
St. Cloud State University – AS 122
720 - 4th Ave. South
St. Cloud, MN 56301-4498
(320) 308-4788 or Doris Frieler @ (320)308-4001

State Contracts

Minnesota Department of Human Services (DHS)

Continuing Care Division

Notice of Request for Proposals to Study the Cost and Rate Increase Necessary to Provide Health and Dental Insurance Coverage to Long-term Care Workers in Minnesota and Provide Technical Assistance to the State

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting proposals to complete a study of the cost and the percentage increase in anticipated reimbursement rates needed in future fiscal years under the state Medical Assistance Program and other state and federally funded long-term care programs, to cover the long-term care employers' average increased contribution to employee health coverage, in order to provide health and dental insurance coverage for long-term care workers in Minnesota.

Work is proposed to start October 10, 2008. For more information, or to obtain a copy of the Request for Proposal, contact:

Michael Turpin
Department of Human Services
Phone: (651) 431-4221
E-mail: michael.a.turpin@state.mn.us

This is the only person designated to answer questions by potential responders regarding this request.

Proposals submitted in response to this Request for Proposals must be received at the following address no later than **4:00 p.m., Central Time, September 12, 2008:**

Department of Human Services
Attn: Michael Turpin (64998)
444 Lafayette Road North
St. Paul, MN 55155

Late proposals will not be considered. Fax or e-mailed proposals will **not** be considered.

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

Department of Natural Resources (DNR)

Notice of Intent to Hold State Metallic Minerals Lease Sale - State Lands to be Offered for Metallic Minerals Exploration

The Minnesota Department of Natural Resources announces that plans are being developed to hold the state's 30th sale of metallic minerals exploration and mining leases. The sale is tentatively scheduled for January of 2009. The lease sale plans are being announced at this time in order to give mining companies, public interest groups and all other interested parties additional time to review the areas under consideration.

The purpose of Minnesota's metallic minerals rules (*Minnesota Rules*, parts 6125.0100 - .0700) is to promote and regulate the exploration for, mining and removal of metallic minerals on state-owned and state-administered lands. These rules, and the leases issued under these rules, authorize exploration and development of these minerals and impose certain requirements on the lessee. The requirements include: the payment of rentals that increase with the passage of time, the payment of royalty for all ore mined and removed, the submission of data and other reports, and the addressing of environmental considerations. In addition, the state lessee must comply with all applicable regulatory laws.

The areas under consideration for the lease sale cover portions of Beltrami, Koochiching, Lake, Lake of the Woods, Roseau and Saint Louis Counties. The lands being considered have been offered in previous metallic minerals lease sales, but based upon the interest shown

by industry, new geologic data, and exploration techniques developed during the past few years, it is felt that within these lands there is potential for the discovery of mineral resources.

The exact time and place of the lease sale will be announced by legal notice at least thirty (30) days prior to the sale. Mining unit books, listing the state lands to be offered at the lease sale, will be available for inspection or purchase at that time.

A map showing the general areas under consideration may be obtained from the Division of Lands and Minerals, Box 45, 500 Lafayette Road, Saint Paul, MN 55155-4045, **telephone:** (651) 259-5959, or by visiting the DNR **website** at www.dnr.state.mn.us.

Dated: July 28, 2008

Marty K. Vadis, Director
Division of Lands and Minerals
Department of Natural Resources

Minnesota Public Utilities Commission (PUC) Contract Available for Providing Energy Analytical Services

The Minnesota Public Utilities Commission is requesting proposals from qualified individuals and organizations interested in providing expert opinion in the form of a report and testimony relating to various cost components of large electric energy generating plants. For a copy of the RFP, a written request by email or fax must be sent to:

Bob Cupit
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101
Fax: (651) 297-7073
E-mail: bob.cupit@state.mn.us

Work is proposed to begin to begin immediately upon execution of a contract and be completed within 30 days. **Proposals must be received at the Commission by September 5, 2008 at 2:00 PM, Central Daylight Time. Late proposals may NOT be accepted.**

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

State Contracts

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

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.

Department of Transportation (Mn/DOT) Bridge Office Request for Proposals (RFP) Statewide Bridge Inspection

The State of Minnesota through its Department of Transportation requests proposals to provide: Statewide routine and fracture critical inspections with documentation as detailed in the RFP and its accompanying attachments.

Responses to this advertisement become public information under the Minnesota Government Data Practices Act. This request does not obligate Mn/DOT to complete the work contemplated in this notice, and Mn/DOT reserves the right to cancel this RFP. All expenses incurred in responding to this notice will be borne by the responder.

The full RFP can be viewed on the Consultant Services Web Page at www.dot.state.mn.us/consult/index.html under the P/T Notices Section.

If you have any questions regarding this advertisement, or are having problems viewing the RFP on the Consultant Services Web Page, you may contact:

Victor E. Crabbe, Contract Administrator
E-mail: victor.crabbe@dot.state.mn.us
Telephone: (651) 366-4451

Note: **RESPONSES WILL BE DUE ON SEPTEMBER 3, 2008 AT 2:00 PM CENTRAL DAYLIGHT TIME**

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.

City of Waite Park, MN

Notice of Request for Proposals (RFP) for Engineering and Planning Consulting Services for the 10th/2nd Avenue Corridor from 3rd Street North to Stearns County Road 6

NOTICE IS HEREBY GIVEN that the City of Waite Park, MN is requesting proposals to complete an alternative scoping process and state/federal review for the 10th/ 2nd Avenue corridor from 3rd Street North to Stearns County Road 6.

The goal of this project is that an Environmental Impact Statement (EIS) Scoping Document and Scoping Decision Document be completed to evaluate alternatives for the proposed 10th/ 2nd Avenue corridor from 3rd Street North to Stearns County Road 6 as mandated by National Environmental Policy Act (NEPA) and the Minnesota Environmental Policy Act (MEPA) guidance. Alternatives recommended from this scoping process will be evaluated in a future EIS as part of a separate contract.

The following is the anticipated solicitation schedule:

<i>Issue Request for Proposals</i>	August 11th, 2008
<i>Receive Proposals</i>	4:00 PM, Tuesday, Sept. 9th, 2008
<i>Award of Contract</i>	November 2008

All firms interested in receiving a RFP may contact:

Ms. Mary O'Brien
St. Cloud Area Planning Organization
1040 County Road 4
St. Cloud, Minnesota 56303
Phone: (320) 252-7568
E-mail: obrien@stcloudapo.org

An electronic copy of the RFP can also be obtained on the St. Cloud Area Planning Organization website (www.stcloudapo.org).

Metropolitan Council

Notice of Invitation for Bids (IFB) for the Construction of a Sound Masking System for the 390 North Robert Street Building Reference Number 08P113

The Metropolitan Council is requesting bids for the Construction of a Sound Masking System for their Corporate Headquarters located at 390 North Robert Street in St. Paul, MN.

<i>Issue Invitation for Bids</i>	August 11, 2008
<i>Site Visit</i>	August 26, 2008
<i>Bids Due</i>	September 9, 2008
<i>Award Contract</i>	September 2008

Non-State Bids, Contracts & Grants

All firms interested in submitting bids for this contract and desiring to receive an IFB package are invited to make a request by e-mail, fax or mail to:

Sunny Jo Emerson
Senior Administrative Assistant
Metropolitan Council
390 North Robert Street
St. Paul, MN 55101-1805
Fax: (651) 602-1083
E-mail: sunnyjo.emerson@metc.state.mn.us

Metropolitan Council

Notice of Request for Proposals (RFP) for Industrial Strength Charge Formula Study for the MCES

Reference Number 08P078A

The Metropolitan Council is soliciting proposals for an Industrial Strength Charge Formula Study for the MCES.

Issue Request for Proposals

August 11, 2008

Proposals Due

August 28, 2008

Start of Services

September 17, 2008

All firms interested in submitting proposals for this contract and desiring to receive an RFP package are invited to make a request either by e-mail, fax, or mail to:

Miriam Lopez-Rieth
Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council
390 Robert Street
St. Paul, MN 55101
Fax: (651) 602-1083
E-mail: miriam.lopez-rieth@metc.state.mn.us

Metropolitan Council

Notice of Request for Proposals (RFP) for Vending Machines

Contract 08P063

The Metropolitan Council is requesting proposals for vending machines at all Metropolitan Council locations.

Issue Request for Proposals

August 5, 2008

Receive Proposals

September 8, 2008

Contract negotiated, executed, NTP

November 5, 2008

All firms interested in being considered for this project and desiring to receive an RFP package are invited to submit a Letter of Interest to:

Miriam Lopez-Rieth, Contracts and Procurement Unit
Metropolitan Council
390 North Robert Street
St. Paul, MN 55101

Non-State Bids, Contracts & Grants

Phone: (651) 602-1095
Fax: (651) 602-1183
E-mail: *Miriam.Lopez-Rieth@metc.state.mn.us*

Inquiries regarding technical aspects of the project should be directed to Gordon Backlund (651) 602-1801.

Metropolitan Council - Metro Mobility Notice of Invitation to Do Business Subsidized Taxi Service Program Reference Number 7832

The Metropolitan Council is soliciting interest from taxi service providers in participating in service to supplement its current Metro Mobility service. The Council requires taxi service providers to operate Premium Same-Day (PSD) service and Peak Demand Overflow (PDO) service.

Participation is open to all taxi service providers who meet the following minimum qualifications: providers must be licensed with the City of Minneapolis, City of St. Paul, City of Bloomington, or the Metropolitan Airport Commission; and, providers must have internet access to obtain information from the Council's website; and, providers must have established accounting procedures that allow for accurate and timely invoicing of trips.

Taxi service providers interested in participating must submit required information by August 27, 2008. An Invitation to Do Business, which describes the service requirements and the required submittals, is available from:

Paul Colton, Metro Mobility
Metropolitan Council
230 East 5th Street
St. Paul, MN 55101
Phone: (651) 602-1672
Fax: (651) 602-1660
TTY: (651) 229-3760
E-mail: *paul.colton@metc.state.mn.us*

University of Minnesota (U of M) Subscribe to Bid Information Service (BIS)

The University of Minnesota offers 24-hour/day, 7-day/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.



660 Olive Street • St. Paul, Minnesota 55155
Metro Area 651-297-3000; FAX 651-297-8260
Toll Free 1-800-657-3757

Web Site: <http://www.comm.media.state.mn.us>

Metro Area 651-282-5077 Greater MN 1-800-657-3706

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

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



Printed on recycled paper
20% post-consumer waste

TO ORDER:

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

PREPAYMENT REQUIRED.

Merchandise may be returned if it is in resalable condition.

NOTE:

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

Shipping Charges

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



Prices subject to change without notice.

Please allow about 6 weeks for delivery.

In a hurry? Stop by our Bookstore.

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

For Your Convenience, photocopy this order blank

Code No.	Quantity	Description	Item Price	Total
Name or Company			Subtotal	
Attention		6½ % tax MN residents 7% St. Paul residents		
Address				
City	State	Zip	Add Shipping Charges from chart at left.	
American Express/VISA/MasterCard/Discover No.			TOTAL	
Signature		Expiration Date	Telephone (During Day)	

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

Source Code SR007