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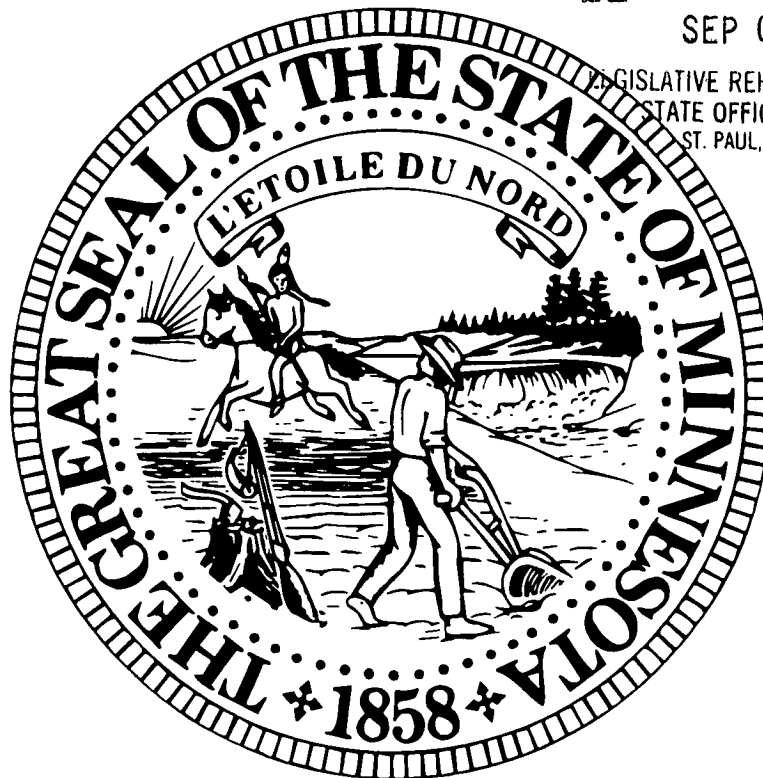
P182

The Minnesota  
**State  
Register**

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**Rules and Official Notices Edition**

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# 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, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals for commodities, including printing bids.

### Printing Schedule and Submission Deadlines

Vol. 21 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	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
# 11	Monday 9 September	Monday 26 August	Friday 30 August
# 12	Monday 16 September	Friday 30 August	Monday 9 September
# 13	Monday 23 September	Monday 9 September	Monday 16 September
# 14	Monday 30 September	Monday 16 September	Monday 23 September

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- "Professional-Technical-Consulting Award Reports," - monthly listing of previous month's awards of contracts and RFPs appearing in Monday's "State Register" magazine. Individual copies are \$15.00 per report, plus \$3.00 shipping if applicable. Order stock # 99-43. Six-month subscriptions cost \$75.00 and issues appear monthly. Order stock # 90-15. Available in hard copy format only.

### FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

Contact: Senate Public Information Office (612) 296-0504  
Room 231 State Capitol, St. Paul, MN 55155

Contact: House Information Office (612) 296-2146  
Room 175 State Office Building, St. Paul, MN 55155

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*A State Register Contracts Supplement* listing commodity and service contracts advertised by the state is published every Tuesday, Wednesday and Friday. Award results are currently only available from the Materials Management Helpline.

Individual copies and subscriptions for both publications are available through Minnesota's Bookstore, (612) 297-3000 or 1-800-657-3757.

Vendors interested in responding to the commodity and service contracts advertised in the Contracts Supplement should contact the Department of Administration **Materials Management Division Helpline** 612/296-2600.

# 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 75 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. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or 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 *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 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-657-3757.

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## Proposed Rules

Pursuant to Minn. Stat. §14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted

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*.

Pursuant to Minn. Stat. §§14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

## Department of Public Service

### Weights and Measures Division

### Proposed Permanent Rules Relating to Weights and Measures Fees

### DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received

Proposed Permanent Rules Relating to Weights and Measures Fees, 7602.0100, *et. seq.*

**Introduction.** The Department of Public Service intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on October 9, 1996, a public hearing will be held in the Minnesota Room, 200 Metro Square Building, 121 Seventh Place East, St. Paul, Minnesota 55101, starting at 9:30 a.m. on Tuesday, October 22, 1996. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after October 9, 1996.

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is Michael Blacik at 2277 Hwy. 36, Roseville, Minnesota 55113, telephone (612) 639-4010, FAX 639-4014. TDD users may call the Department of Public Service at TDD phone #639-4017.

**Subject of Rules and Statutory Authority.** The proposed rules are about proposed increases to Weights and Measures Fees. The statutory authority to adopt the rules is *Minnesota Statutes*, section 239.101 (1996). A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. A free copy of the rules is available upon request from the agency contact person listed above.

**Comments.** You have until 4:30 p.m. on Thursday, October 9, 1996, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comments must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on October 9, 1996. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the with-

drawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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

**Modifications.** The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing.** The hearing scheduled for October 22, 1996, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at telephone number (612) 639-4010 after October 9, 1996, to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Howard L. Kaibel is assigned to conduct the hearing. Judge Kaibel can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 341-7608, and fax 612/349-2665.

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented 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. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day response period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or response period also submit a copy of the written views or data to the agency contact person at the address stated above.

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

**Other notices required by law or chosen to be inserted in this notice**

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at: First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 612/296-5148 or 1-800-657-3889.

**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Proposed Rules

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**Adoption Procedure After a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rules and files them with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

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

Dated: 20 August 1996

Kris Sanda, Commissioner  
Department of Public Service

### Rules as Proposed

#### 7602.0100 INSPECTION FEES.

Subpart 1. **Generally.** The Weights and Measures Division of the Department of Public Service shall charge the following fees for all regular and special inspections as required by *Minnesota Statutes*, section 239.101:

A. For scales classified by capacity;

- (1) \$9 for scales up to and including six pounds capacity;
- (2) ~~\$16~~ \$19 for scales of seven pounds capacity up to and including 250 pounds capacity;
- (3) ~~\$25~~ \$30 for scales of 251 pounds capacity up to and including 1,100 pounds capacity;
- (4) \$50 for scales of 1,101 pounds capacity up to and including 2,000 pounds capacity;
- (5) \$75 for scales of 2,001 pounds capacity up to and including 4,000 pounds capacity;
- (6) \$145 for scales of 4,001 pounds capacity up to and including 10,000 pounds capacity;
- (7) \$175 for scales of 10,001 pounds capacity up to and including 30,000 pounds capacity; and
- (8) \$240 for scales over 30,000 pounds capacity.

B. For specific classes of scales;

- (1) \$170 for a two-section vehicle scale;
- (2) \$180 for a three-section vehicle scale;
- (3) \$190 for a four-section vehicle scale;
- (4) \$200 for a five-section vehicle scale;
- (5) ~~\$400~~ \$210 for a six-section vehicle scale;
- (6) \$500 for a railroad track scale tested with equipment owned by the department;
- ~~(6)~~ (7) \$200 for a railroad track scale test monitored by the department, or for an additional test at a location with two or more railroad track scales;
- ~~(7)~~ (8) \$250 for a livestock scale;
- ~~(8)~~ ~~\$80~~ (9) \$100 for a wheel load weigher used for law enforcement purposes; and
- ~~(9)~~ (10) \$125 for an agricultural liquid chemical scale.

C. For liquid measuring devices;

- (1) \$75 for an agricultural chemical meter;
- (2) ~~\$75~~ \$135 for a liquefied petroleum gas meter or stationary dispenser of liquefied petroleum gas; and
- (3) ~~\$75~~ \$100 for a milk meter.

D. For a linear measuring machine, \$15.

E. For issuance or renewal of a placing-in-service permit, ~~\$65~~ \$100. This fee includes administrative costs, supplies registered agents, and 20 minutes of equipment calibration time. When calibration costs exceed this limit, the regular laboratory calibration rate will be charged.



F. For an inspection at an individual business location to determine whether a single lot of packaged commodities complies with the net content requirements of Minnesota Statutes, section 239.011, subdivision 2:

(1) \$30 when the lot of packages kept, offered, or exposed for sale at a single business location includes 300 or fewer packages;

(2) \$75 when the lot of packages kept, offered, or exposed for sale at a single business location includes at least 301 packages, up to and including 1,000 packages;

(3) \$200 when the lot of packages kept, offered, or exposed for sale at a single business location includes at least 1,001 packages, up to and including 2,500 packages; and

(4) \$300 when the lot of packages kept, offered, or exposed for sale at a single business location includes more than 2,500 packages.

G. A surcharge of \$100 is added to the applicable inspection fee in item F for a reinspection at an individual business location conducted within 60 days after an inspector has issued a written caution or warning statement to the business for failure to comply with the net content requirements of Minnesota Statutes, section 239.011.

Subp. 2. **Other Hourly rates.** The fees in subpart 1 are based on the average amount of time required for an individual inspection and test. This average includes travel, equipment, and administrative costs. For a nonroutine inspection and test, or when a device is not specified in subpart 1, the inspector shall calculate the total charge based on the following hourly rates:

A. ~~\$60~~ \$65 for one inspector and appropriate test equipment designated for light capacity scale and volumetric equipment testing;

B. \$75 for one inspector and appropriate test equipment designated for heavy capacity scale testing; and

C. ~~\$75~~ \$125 for metrology laboratory calibration time.

Subp. 3. **Zone charges for heavy capacity scales.** A zone charge is added to the fees in subparts 1 and 2 for the initial inspection of a new or newly installed vehicle, industrial, livestock, hopper, or railroad track scale, as follows:

A. zone 1: ~~a zone charge of \$25 for scales a scale~~ located within and including a 20-mile radius of the work station;

B. zone 2: ~~a zone charge of \$50 for scales a scale~~ located beyond a 20-mile radius, but within and including a 50-mile radius of the work station;

C. zone 3: ~~a zone charge of \$100 for scales a scale~~ located beyond a 50-mile radius, but within and including a 100-mile radius of the work station;

D. zone 4: ~~a zone charge of \$150 for scales a scale~~ located beyond a 100-mile radius, but within and including a 150-mile radius of the work station; and

E. zone 5: ~~a zone charge of \$200 for scales a scale~~ located beyond a 150-mile radius of the work station.

Subp. 4. Zone charges for liquefied petroleum gas meters. A zone charge is added to the fees in subparts 1 and 2 for inspecting a newly installed liquefied petroleum gas meter or stationary dispenser of liquefied petroleum gas, or for inspecting a liquefied petroleum gas meter or stationary dispenser of liquefied petroleum gas at the request of its owner or operator, as follows:

A. zone 1: \$50 for a meter located within and including a 75-mile radius of the work station;

B. zone 2: \$75 for a meter located beyond a 75-mile radius, but within and including a 150-mile radius of the work station; and

C. zone 3: \$100 for a meter located beyond a 150-mile radius of the work station.

Subp. 5. Petroleum laboratory charges. In compliance with the requirement in Minnesota Statutes, section 239.75, to offer petroleum testing services to licensed petroleum distributors, and in compliance with the requirement in Minnesota Statutes, section 239.101, to charge for those services, the department will charge the fees specified in items A to D for the petroleum tests listed in subpart 6 and performed at the request of a licensed petroleum distributor. The ASTM tests listed in subpart 6 are incorporated in the ASTM petroleum product specifications incorporated by reference in Minnesota Statutes, section 296.01. The tests for compliance with United States Environmental Protection Agency (EPA) requirements, also listed in subpart 6, are offered strictly as a

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## Proposed Rules

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service to licensed petroleum distributors. The department does not enforce EPA requirements for gasoline volatility or sulfur-in-diesel fuel.

A. \$30 to ship one sample container to a licensed petroleum distributor located in Minnesota, and to perform one of the tests specified in subpart 6, which includes prepaid return shipping and all necessary shipping containers, labels, and documents;

B. \$20 for each additional test specified in subpart 6 and performed on a sample submitted according to item A;

C. \$20 for each test specified in subpart 6 performed on a sample delivered to the petroleum laboratory by a licensed petroleum distributor in a container provided by the distributor; and

D. \$100 per hour for the time required to perform a special test or other special service not specified in subpart 6.

Subp. 6. Tests performed. The petroleum laboratory will perform any of the following tests at the request of a licensed petroleum distributor:

A. gasoline distillation according to ASTM method D-86;

B. flash point for heating fuel or diesel fuel according to ASTM method D-56;

C. calculated cetane value for diesel fuel according to ASTM method D-976, including a distillation test according to ASTM method D-86;

D. gasoline octane by spectrophotometric methods;

E. gasoline oxygenate content according to ASTM method D-4815;

F. gasoline volatility (Reid Vapor Pressure) by the Grabner method, according to ASTM method D-323;

G. API gravity for gasoline, diesel fuel, or heating fuel;

H. compliance with the gasoline volatility requirements of the United States Environmental Protection Agency, including a volatility test according to ASTM method D-323, and an oxygenates test according to ASTM method D-4815;

I. sulfur content of diesel fuel according to ASTM method D-4294; and

J. compliance with the sulfur-in-diesel fuel requirements of the United States Environmental Protection Agency, including a sulfur content test according to ASTM method D-4294, and a cetane value calculation according to ASTM method D-976.

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

## Department of Revenue

### Revenue Notice #96-14: Sales and Use Tax: Capital Equipment - Research, Development, and Design; Revocation of Revenue Notice #96-09

#### Introduction

*Minnesota Statutes*, section 297A.25, subdivision 42 provides an exemption from sales and use tax for sales of capital equipment. Procedures for obtaining a refund of taxes paid on capital equipment and replacement capital equipment are found in *Minnesota Statutes*, section 297A.15, subdivision 5. *Minnesota Statutes*, section 297A.01, subdivisions 16 and 20, define capital equipment as machinery and equipment used by the purchaser or lessee primarily for manufacturing, fabricating, mining, or refining tangible personal property to be sold ultimately at retail, and for electronically transmitting results retrieved by a customer of an on-line computerized data retrieval system.

#### General Requirements

Quality control, testing, design, and research and development activities are part of the integrated production process. Equipment used for quality control, testing, design, and research and development activities, qualifies for the capital equipment or replacement capital equipment refund if the equipment is used primarily (50 percent or more of its operating time) to develop tangible personal property intended to be sold at retail. This is true even if no tangible personal property is ultimately produced and sold at retail. Equipment used for similar activities done in conjunction with electronically transmitting results retrieved by a customer of an on-line computerized data retrieval system also qualifies.

#### Examples:

A manufacturer hires a company to develop a treatment to extend the shelf life of an article of tangible personal property. The company purchases the equipment used in its general research and development activities. The equipment used by the company qualifies for the refund if it is used 50 percent or more of its operating time to develop tangible personal property that is intended to be sold at retail.

A retailer purchases computer equipment to be used exclusively to design packaging for a shirt that they intend to sell at retail. The retailer contracts with a manufacturer to produce the packaging and the item to be sold at retail. Since the package design is a part of the integrated production process, the retailer's computer equipment qualifies for the capital equipment or replacement capital equipment refund.

#### Effective Date

This notice is effective for purchases or leases of capital equipment or replacement capital equipment made on or after July 1, 1994.

**Revenue Notice #96-09, Sales and Use Tax: Capital Equipment - Research, Development, and Design, is hereby revoked.**

Dated: 9 September 1996

Patricia A. Lien  
Assistant Commissioner for Tax Policy

## Department of Revenue

### Revenue Notice # 96-15: Sales and Use Tax: Capital Equipment and Replacement Capital Equipment - What Activities Qualify; Revocation of Revenue Notice #96-11

#### Introduction

*Minnesota Statutes*, section 297A.25, subdivision 42 provides an exemption from sales and use tax for sales of capital equipment. Procedures for obtaining a refund of taxes paid on capital equipment and replacement capital equipment are found in *Minnesota Statutes*, section 297A.15, subdivision 5. *Minnesota Statutes*, section 297A.01, subdivisions 16 and 20, define capital equipment as provide for a refund of taxes paid for equipment and machinery used by the purchaser or lessee primarily for manufacturing, fabricating, mining, or refining tangible personal property to be sold ultimately at retail, and for electronically transmitting results retrieved by a customer of an on-line computerized data retrieval system.

#### Sold Ultimately at Retail

Although the tangible personal final product property produced must be intended to ultimately be sold at retail, the capital equipment refund extends to all businesses in the manufacturing machinery and equipment used in the integrated production process. Each processor that modifies the article of tangible personal property or makes a component of the final article of tangible personal property may qualify for the refund. The tangible personal property produced does not need to be a taxable item final sale must be at retail, but is not necessarily a taxable sale. In addition, this refund also extends to machinery and equipment used to electronically transmit results retrieved by a customer of an on-line computerized data retrieval system. It might be the sale of an exempt item such as a piece of clothing; it can be sold to an exempt entity such as a school; or it might be shipped to an out-of-state purchaser.

#### Tangible Personal Property Created vs. Business Activity

Previously, the capital equipment refund only applied to businesses that were *primarily* engaged in the manufacture, fabrication, mining, or refining of tangible personal property to be sold at retail. However, law changes made in 1994 expanded the eligibility for the refund. The refund now focuses on the purpose and use of the individual equipment and machinery, not on the principal activity of the business. The refund may also apply to businesses that provide outside fabrication services that are part of the integrated production process. Equipment and machinery used 50% or more of its operating time to fabricate tangible personal property for other precision drilling of the manufacturer's product is eligible for a refund. For example:

- A retailer selling lumber and other building materials, buys a saw and sander to cut and finish wood to its customers' specifications. While the primary business is that of a retailer, the saw and sander are used to fabricate the lumber that is sold at retail. The saw and sander are eligible for refund.
- A manufacturer contracts with an outside fabricator for precision drilling to be performed on its steel tubes. While the outside fabricator does not sell produce a tangible product that will be sold ultimately at retail, the precision drilling is essential to the integrated production process for the manufacturer. Any equipment and machinery used 50% or more of the time to fabricate tangible personal property for other precision drilling of the manufacturer's product is eligible for a refund.

#### Effective Date

This notice is effective for purchases or leases of capital equipment or replacement capital equipment made on or after July 1, 1994.

**Revenue Notice #96-11 : Sales and Use Tax: Capital Equipment and Replacement Capital Equipment - What Activities Qualify, is hereby revoked.**

Dated: 9 September 1996

Patricia A. Lien  
Assistant Commissioner for Tax Policy

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## Official Notices

Pursuant to the provisions of Minnesota Statutes §14.101, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

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### Department of Agriculture

#### Dairy and Food Inspection Division

#### Request for Comments on Planned Rule Governing Dairy Processor Fees

**Subject of the Rule.** The Minnesota Department of Agriculture requests comments on its planned rule governing fees paid by processors of Grade A fluid milk and fluid milk products. The department is considering a rule that will raise the processing fee from six to eight cents per hundredweight.

**Persons Affected.** The rule would likely affect fluid milk processors who process and sell in Minnesota. The rule could also indirectly affect wholesalers, retailers or consumers if the processors choose to pass on the cost of the fee. The department does not contemplate appointing an advisory committee to comment on the planned rule.

**Statutory Authority.** *Minnesota Statutes*, section 32.394, subd. 8d., sets the fee at six cents per hundredweight but allows the commissioner to change the fee to not less than five cents or more than nine cents per hundredweight.

**Public Comment.** Interested persons or groups may submit comments or information on the planned rule in writing or orally until 4:30 p.m. on November 8, 1996. The department has not yet prepared a draft of the planned rule. Written or oral comments, questions, requests to receive a draft of the proposed rule when it has been prepared, and requests for more information on the planned rule should be addressed to: Bill Coleman, Minnesota Department of Agriculture, 90 W. Plato Blvd., St. Paul, MN 55107: Phone 612/296-1586, Fax 612/297-5176.

**Comments submitted in response to this notice will not be included in the formal rulemaking record when a proceeding to adopt a rule is started.**

Dated: 22 August 1996

Gene Hugoson  
Commissioner

### Department of Agriculture

#### Agronomy & Plant Protection Division

#### Notice of *Location Change* for the Minnesota Agricultural Chemical Response Compensation Board (ACRRA Board) Meeting

**NOTICE OF LOCATION CHANGE** for the Minnesota Agricultural Chemical Response Compensation Board (ACRRA Board) meeting scheduled for September 18, 1996. The regularly scheduled ACRRA Board meeting will convene at 9:00 a.m., St. Paul Downtown/Holman Field Airport, 644 Bayfield, St. Paul, Minnesota, second floor conference room.

Should you require additional information, please call the ACRRA Program at (612) 297-3490.

## Gambling Control Board

### Request for Comments on Planned Amendment to Rules Governing:

**Minnesota Rules 7861.0020 - Licensed Organizations,  
Minnesota Rules 7861.0030 - Gambling Manager,  
Minnesota Rules 7861.0040 - Premises Permit,  
Minnesota Rules 7861.0050 - Illegal Gambling, and  
Minnesota Rules 7861.0120 - Organization Operations, Accounts, and Reports**

**Subject of Rules.** The Minnesota Gambling Control Board requests comments on its planned amendment to rules governing licensed organizations, gambling managers, premises permits, illegal gambling, and organization operations, accounts, and reports. The Board is considering rule amendments that would:

- eliminate the requirement of submitting a sketch of the leased premises along with license renewal applications, if there are no changes;
- incorporate the requirements of *Minnesota Statutes* 349.16, subd. 9 (1995) regarding the timeframe within which an organization must file a complete application for an organization license, premises permit, and gambling manager license;
- reduce the number of days that an organization license is lapsed for failure to submit complete license renewal information;
- eliminate the requirement that organizations file expense calculations with the Board, and replace it with language requiring timely tax filings with the Commissioner of Revenue; and
- address the issue of discipline against organization licenses and premises permits when illegal gambling is conducted at a site where lawful gambling is permitted and conducted.

**Persons Affected.** The amendment of the rules would likely affect licensed organizations, licensed gambling managers, and owners of premises where lawful gambling is conducted.

**Statutory Authority.** *Minnesota Statutes*, chapter 349.151, Subd. 4(a)(2) authorizes the Board to issue licenses to organizations, distributors, bingo halls, manufacturers, and gambling managers. *Minnesota Statutes*, chapter 349.151, Subd. 4(a)(5) authorizes the Board to make rules authorized by Chapter 349. *Minnesota Statutes*, Chapter 349.151, Subd. 4(a)(10) authorizes the Board to issue premises permits to organizations licensed to conduct lawful gambling. *Minnesota Statutes*, Chapter 349.151, Subd. 4(a)(17) authorizes the Board to take all necessary steps to ensure the integrity of and public confidence in lawful gambling.

**Public Comment.** Interested persons or groups may submit comments or information on these planned rules in writing or orally until further notice is published in the *State Register* that the Board intends to adopt or withdraw the rules. The Board plans to appoint an Advisory Committee to comment on the planned rules.

**Rule Drafts.** The Board has not yet prepared a draft of the planned rule amendments.

**Agency Contact Person.** Written or oral comments, questions, requests to receive rule drafts, and requests for more information on these planned rules should be addressed to:

Sharon A. Beighley, Rules Coordinator  
Minnesota Gambling Control Board  
1711 West County Rd B, #300S  
Roseville, MN 55113  
612-639-4035.

TDD users may call the Board at 1-800-627-3529.

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

**Note:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The Board is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: 23 August 1996

Harry W. Baltzer, Executive Director  
Minnesota Gambling Control Board

## Department of Health

### Health Policy and Systems Compliance Division

#### Notice of Application for Essential Community Provider Designation

**NOTICE IS HEREBY GIVEN** that an application for Essential Community Provider designation has been received from the applicant listed below. Pursuant to *Minnesota Statutes* section 62Q.19, subdivision 1, the public has 30 days from the date of this publication to submit written comments regarding this application. Written comments should be submitted to: Tom Johnson, Minnesota Department of Health, Health Policy and Systems Compliance Division, 121 East Seventh Place, P.O. Box 64975, St. Paul, Minnesota 55164-0975. Telephone inquiries may be directed to Mr. Johnson at (612) 282-6333.

**Pine City Area Clinic**  
510 Second Street  
Pine City, Minnesota 55063

**Date application was received: August 29, 1996**

Dated: 30 August 1996

Anne M. Barry, Commissioner  
Minnesota Department of Health

## Department of Health

### Health Policy and System Compliance Division

#### 1994 Group Purchaser Growth Limit Results

An integral component of the 1993 MinnesotaCare legislation was to begin efforts to reduce the rate of growth of health care expenditures in the state of Minnesota. Annual limits on the growth rate of health care spending were established under the MinnesotaCare law of 1993 (*Minnesota Statutes* §62J.04, subdivision 1), and apply to both health care providers and payers.

The results of the 1994 Group Purchaser Financial and Statistical Survey have been calculated and reviewed by the Department of Health and Department of Commerce. *Minnesota Statutes* §62J.041 requires the Commissioner of Health to publish a list of all health plan companies that exceeded their expenditure limit for 1994 in the *State Register*. Pursuant to that requirement: thirty six group purchasers reported annual premiums of \$3,000,000 or more. All have been determined to be in compliance with the 1994 growth limits set by law.

## Department of Labor and Industry

### Labor Standards Division

#### Notice of Prevailing Wage Certifications for Commercial Construction Projects

**Correction:** Prevailing wage rate for 421 - Sheet Metal Workers certified 960513 and 960617 Winona County Commercial Construction:

**Projects:** Red Wing/Winona Technical College Winona Campus Workforce Center Remodeling-Winona.  
WSU Sheehan Hall Elevator Modernization-Winona.

Effective September 9, 1996 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

**Hennepin:** Field/Northrop Elementary Schools - Deferred Maintenance-Minneapolis.

**Wright:** Wastewater Treatment Plant Expansion-Monticello.

Copies of the certified wage rate for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

Gary W. Bastian, Commissioner

## Office of the Ombudsman for Mental Health and Mental Retardation

### Notice of Meeting of the Advisory Committee

The Ombudsman for Mental Health and Mental Retardation Advisory Committee will hold a general meeting from 9:00 a.m. until 1:00 p.m. on Thursday, September 19, 1996. The meeting will be held in Suite 400, Conference Room 1, Metro Square Building on 7th and Robert Street, St. Paul.

## Pollution Control Agency

### Water Quality Division

### Notice of Proposed Reallocation of Federal Clean Water Act (CWA) Section 604b Funds Provided to Minnesota for Water Quality Management Planning through Section 205j(1) of the CWA: Solicitation of Comments in Consultation with Regional Public Comprehensive Planning Organizations

#### Background

The Minnesota Pollution Control Agency (MPCA) annually receives Section 604b funds provided to Minnesota through Section 205j(1) of the CWA. Since 1987, under Section 205j3, the CWA has required that at least 40 percent of 604b funds be allocated ("passed-through") to regional public comprehensive planning organizations to undertake comprehensive water quality management planning. For Federal Fiscal Year 1995, the MPCA has received a pass-through allocation of \$91,470.

Due in part to the absence of a comprehensive statewide water quality management planning initiative into which local efforts could be integrated, the pass-through projects funded through Section 205j3 have not proven to be a significant vehicle for accomplishing statewide comprehensive water quality management planning. Instead they have tended to address specific, limited or local issues or provide educational as opposed to planning initiatives. While these projects have been useful, they have generally been only tangentially related to the overall CWA goal of comprehensive statewide water quality management planning.

The MPCA now proposes to allocate Federal Fiscal Year 1995 Section 205j3 funds to accelerate its statewide basin planning initiative. This is allowed under the CWA with the approval of the U.S. Environmental Protection Agency Regional Administrator, and after the Governor has consulted with regional public comprehensive planning organizations. The Governor must determine that the allocation of these funds to such organizations will not result in significant participation by such organizations in water quality management planning and not significantly assist in development and implementation of the comprehensive water quality management planning goals of the CWA.

The MPCA's basin planning initiative is a cogent and comprehensive approach to water quality management. It focuses on the state's major hydrologic units and addresses regional water quality planning by providing a much needed comprehensive framework for the integration of local water quality planning initiatives into a basin-wide and statewide plan. The basin planning initiative addresses both point and nonpoint sources of pollution and their interrelationships.

#### Solicitation of Comments

The MPCA now requests comments, input, and consolidation with all interested regional public comprehensive planning organizations regarding water quality management under the Clean Water Act.

Information may be submitted in writing or verbally. Written statements should be addressed to:

Mr. James R. Anderson  
Watershed Assistance Section  
Water Quality Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
Saint Paul, Minnesota 55155-4194

Oral statements will be received during regular business hours over the telephone at (612) 296-8140 or toll-free at 1-800-657-3864, and in person at the above address.

Such information shall be accepted up until 5:00 p.m. on October 9, 1996.



## **Public Employees Retirement Association**

### **Board of Trustees, Notice of Meetings**

A meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) will be held on Thursday, September 12, 1996 at 9:30 a.m. in the offices of the association, 514 St. Peter Street, Suite 200, Saint Paul, Minnesota.

A meeting of the Legislative Committee of the Board of Trustees will be held on Wednesday, September 11, 1996, at 2:00 p.m. in the offices of the association.

## **Minnesota Racing Commission**

### **Request for Comments on Planned Amendment to Rules Governing:**

***Minnesota Rules 7873.0185 - Trifecta,***

***Minnesota Rules 7877.0170, subp. 3V(1) - Duties and Responsibilities of Class C Licensees,***

***Minnesota Rules 7883.0140 - Claiming Races,***

***Minnesota Rules 7890.0140 - Horse Medication, and***

***Other Rule Amendments Proposed by Industry Groups***

**Subject of Rules.** The Minnesota Racing Commission requests comments on its planned amendment to rules governing Trifecta Wagering, Duties and Responsibilities of Class C Licensees, Claiming Races, Horse Medication, and other rule amendments that may be proposed by industry groups. The Commission is considering rule amendments that would:

- both increase the number of betting entries in a race on which trifecta wagering is offered and reduce the number of starters required in a trifecta race as a condition for trifecta wagering to be continued to be offered,
- set responsibility for determining payment of jockey mount fees,
- set further standards required at the time a horse is claimed at a pari-mutuel racetrack, and
- set additional criteria for the administration of medication at a pari-mutuel racetrack.

**Persons Affected.** The proposed rule amendments would likely affect the betting patrons, horse owners and trainers competing at a licensed racetrack and individuals licensed to work at a licensed racetrack.

**Statutory Authority.** The Commission's statutory authority to amend these rules is set out in *Minnesota Statutes*, sections 240.23 general rulemaking authority; 240.08, Subd. 1, occupational licensing; 240.13, Subd. 3, types of betting; and 240.24, Subd. 1, medication.

**Public Comment.** Interested persons or groups may submit comments or information on these planned rules in writing or orally until further notice. The Commission has appointed an advisory committee to comment on the planned rules.

**Rule Drafts.** The Commission has not yet prepared a draft of the planned rules amendments.

**Agency Contact Person.** Written or oral comments, questions, requests to receive a draft of the rules when it has been prepared and requests for more information on these planned rules should be addressed to:

Richard G. Krueger, Executive Director  
Minnesota Racing Commission  
P. O. Box 630  
Shakopee, MN 55379  
612-496-7950

TTY users may call the Commission at 1-800-627-3529.

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

**Note:** Any written material received by the Commission shall become part of the rulemaking record to be submitted to the Attorney General or Administrative Law Judge in the event that the rule is adopted.

Dated: 30 August 1996

Richard G. Krueger, Executive Director  
Minnesota Racing Commission

## Minnesota Board of Teaching

### Request for Comments on Planned Rule Governing Teacher Continuing Education/Relicensure

**Subject of Rule.** The Minnesota Board of Teaching requests comments on its planned rule governing continuing education/relicensure. The Board is considering a rule that revises the continuing education/relicensure system to assure that relicensure requirements for teachers are grounded in actual teaching practice, encourages teacher collaboration and reflection, and facilitates growth toward highly accomplished practice. This revised system will focus on the needs of the educator in relationship to the needs of the students, the school, and the school district.

**Persons Affected.** The rule would likely affect future applicants for renewal of five-year continuing teaching licenses.

**Statutory Authority.** *Minnesota Statutes*, section 125.185 authorizes the Board to adopt rules to license public school teachers and to receive recommendations from local committees as established by the board for the renewal of teaching licenses.

**Public Comment.** Interested persons or groups may submit comments or information on the planned rule in writing until 4:30 p.m. on October 31, 1996. The Board does not contemplate appointing an advisory committee to comment on the planned rule.

**Rule Draft.** The Board has not prepared a draft of the planned rule.

**Agency Contact Person.** Written comments, questions, requests to receive a draft of the rule when it has been prepared, and requests for more information on this planned rule should be addressed to: Judith A. Wain, Executive Director, Minnesota Board of Teaching, 608 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101. TDD users may call the Board at (612) 297-2094.

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

**Note:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rule after it is proposed.

Dated: 21 August 1996

Judith A. Wain, Executive Director  
Board of Teaching

## Board of Veterinary Medicine

### Request for Comments on Planned Amendment to Rule Governing Fees, *Minnesota Rules* part 9100.0500

**Subject of Rule.** The Minnesota Board of Veterinary Medicine requests comments on its planned amendment to rules governing initial and renewal license fees. The board is considering rule amendments that increase initial license fees and renewal license fees.

**Persons Affected.** The amendment to the rules would affect veterinarians applying for an initial license in Minnesota and licensed veterinarians applying for biennial renewal of their Minnesota veterinary license.

**Statutory Authority.** *Minnesota Statutes*, section 214.06, requires the board, by rule, with the approval of the commissioner of finance, to adjust fees as needed to as closely as possible equal anticipated expenditures during the fiscal biennium.

**Public Comment.** Interested persons or groups may submit comments or information on these planned rules in writing or orally until 4:30 p.m. on Wednesday, October 9, 1996.

**Rule Drafts.** The board has not yet prepared a draft of the planned amendments.

**Agency Contact Person.** Written or oral comments, questions, requests to receive a draft of the rules when it has been prepared and requests for more information on these planned rules should be addressed to:

Roland C. Olson, DVM, Executive Director  
Minnesota Board of Veterinary Medicine  
2700 University Avenue West #102  
St. Paul, MN 55114  
(612) 642-0597

Comments submitted in response to this notice will not be included in the formal rulemaking record when a proceeding to adopt a rule is started.

Dated: 29 August 1996

Roland C. Olson, DVM  
Executive Director

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant 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 notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

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## Housing Finance Agency

### Notice of Funds Available and Request for Proposals for the Rental Assistance for Family Stabilization Program

The Minnesota Housing Finance Agency (MHFA) announces the availability of \$900,000 in rental assistance funds for the Rental Assistance for Family Stabilization (RAFS) Program. RAFS is available for assisting families with dependent children receiving public assistance (AFDC, MFIP, and Family General Assistance) that are participating in a certified self-sufficiency, education or job training program.

**Location:** The RAFS program is limited to counties in which the Section 8 existing fair market rents (FMR), as determined by HUD, are in the highest one-third of the average rents in the state. (Final '97 FMR)

**Amount of Funds:** \$900,000 in rental assistance. A maximum of \$250 per month per program participant in the 7 county metro area, excluding the cities of Hanover, Northfield, and New Prague, and a maximum of \$200 per month per program participant in greater Minnesota, including the cities of Hanover, Northfield, and New Prague. Administrative fee may not exceed \$40.00 per month per program participant. A one-time security deposit up to \$250 per program participant residing in the 7 county metro area, excluding the cities of Hanover, Northfield, and New Prague, and up to \$200 per program participant residing in greater Minnesota, including the cities of Hanover, Northfield, and New Prague, will be made available for security deposits.

**Type of Assistance:** Voucher or project-based.

**Term of Assistance:** A maximum of 36 months per program participant.

**Eligible Applicants:** Minnesota Self-sufficiency program administrators in partnership with non-profit and/or for-profit local Minnesota housing organizations.

**Eligible Unit:** A rental unit that is available in the community served by the local housing organization and meets federal Section 8 existing housing quality standards. Units shall have a self-contained kitchen, bathroom and living/sleeping areas.

**Eligible Projects (Project-based):** Rental property that is made available by a self-sufficiency program and meets federal Section 8 existing housing quality standards. Units shall have a self-contained kitchen, bathroom and living/sleeping areas.

**Rent Limits:** Not to exceed the Section 8 existing fair market rents.

**Income Limits:** Gross family income of program participant is such that 30% of said income is less than the housing cost.

**Program Participant:** For initial eligibility, a family with at least one dependent child must be receiving public assistance (AFDC, MFIP, or Family General Assistance), be participating in a Minnesota self-sufficiency program, and not be receiving other rental assistance.

**Procedures:** Applicants should request application packets from the Agency. Write or call: Minnesota Housing Finance Agency, 400 Sibley Street, Suite 300, St. Paul, MN 55101, Attention: RAFS, Multifamily Division, (612) 296-9832.

**Deadline:** The original and one copy of the completed application should be received at the above address by 5:00 PM on Friday, October 4, 1996.

**Selection Process:** All complete proposals which meet the basic requirements and the selection criteria of the program and are received by the deadline will be considered. Priority will be given to organizations 1) that have previously administered the program, 2) who have fully committed previous allocations, and 3) who have demonstrated ability to promptly issue vouchers. MHFA may request clarification of information after reviewing applications.

Final selections should be made by the MHFA Board on October 24, 1996. All applicants are notified of the selections.

**Disclaimer:** This Request for Proposals (RFP) is subject to all applicable federal, state, and municipal laws, rules, and regulations. MHFA reserves the right to modify or withdraw this RFP at any time and is not able to reimburse any applicant for costs incurred in the preparation or submittal of applications.

It is the policy of the Minnesota Housing Finance Agency (MHFA) to further fair housing opportunity in all Agency programs and to administer its housing programs affirmatively, so that all Minnesotans of similar income levels have equal access to Agency programs regardless of race, color, creed, religion, national origin, sex, marital status, status with regard to receipt of public assistance, disability, or familial status.

RENTAL ASSISTANCE FOR FAMILY STABILIZATION PROGRAM  
Proposed Counties Eligible to Apply

(Final 1997 FMR list will be published prior to selection)

	A	B	C	D	E	F	G
1	COUNTY	0BR	1BR	2BR	3BR	4BR	Aver 2-4 BR
2	Aitkin	258	334	446	558	624	543
3	Anoka	378	486	621	841	952	805
4	Beltrami	255	326	436	571	610	539
5	Benton	324	418	494	625	796	638
6	Blue Earth	313	378	471	603	766	613
7	Carver	378	486	621	841	952	805
8	Chisago	378	486	621	841	952	805
9	Clay	312	430	519	720	771	670
10	Crow Wing	255	310	414	517	650	527
11	Dakota	378	486	621	841	952	805
12	Goodhue	255	328	438	558	613	536
13	Hennepin	378	486	621	841	952	805
14	Houston	269	347	442	591	716	583
15	Isanti	378	486	621	841	952	805
16	Itasca	326	330	430	538	602	523
17	Koochiching	308	314	418	521	684	541
18	McLeod	255	329	438	545	611	531
19	Mille Lacs	271	310	394	549	647	530
20	Nicollet	319	341	455	602	638	565
21	Olmsted	298	417	545	755	847	716
22	Polk	323	385	506	698	778	661
23	Ramsey	378	486	621	841	952	805
24	Rice	267	365	486	607	680	591
25	Scott	378	486	621	841	952	805
26	Sherburne	378	486	621	841	952	805
27	St. Louis	260	342	440	587	684	570
28	Stearns	324	418	494	625	796	638
29	Washington	378	486	621	841	952	805
30	Wright	378	486	621	841	952	805

Proposed 1997 1/3 Cnty FMR

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# Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

In accordance with *Minnesota Rules Part 1230.1910*, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612)296-2600 or [TDD (612)297-5353 and ask for 296-2600].

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## Department of Administration

### Real Estate Management Division

#### Wanted to Buy or Lease Residential Properties in Rice County

The State of Minnesota is interested in the following in Rice County: 1) buying or leasing *existing* 3 & 4 bedroom rambler style homes; 2) leasing *newly constructed* 4 bedroom rambler style homes; and 3) buying residential lots. If you own or develop such properties and are interested in selling or leasing, or have an exclusive listing on such properties, please send information to the Department of Administration, Room 309, 50 Sherburne Avenue, St. Paul, MN 55155. Call (612) 296-2278 if you have any questions regarding this request for information.

## Department of Administration

### State Designer Selection Board

#### REVISED Request for Proposal for a Department of Corrections (DOC) Project

##### To Minnesota Registered Design Professionals:

The State Designer Selection Board is READVERTISING Project 13-96 which was advertised in the Monday, August 26, 1996 edition of the *State Register*. An error was made on just this one project (it is an 80-bed segregation unit NOT 800-bed). Project 12-96 for the Brainerd Regional Human Services Center Capital Improvements remains the same. Project 16-96 for the Minnesota Center For Arts Education Instructional Resources Facility remains the same.

The Board has been requested to select a consultant for a Department of Corrections (DOC) project. Design firms who wish to be considered for this project should deliver proposals on or before 4:00 p.m., Monday, September 30, 1996, to:

Mary Closner, Executive Secretary  
State Designer Selection Board  
Department of Administration  
50 Sherburne Avenue, Room G-10  
St. Paul, Minnesota 55155-3000  
Phone: (612) 296-4655

##### The proposals must conform to the following:

- 1) Six (6) copies of the proposal will be required **plus (1) additional unbound copy in black and white for micro fiche purposes only.\***
- 2) All data must be on 8½" x 11" sheets, soft bound. No more than 20 printed faces will be allowed (see the following bullet points for clarification).
  - Any letters directed to the Board should be bound into the proposal. It is not necessary to do a cover letter to Mary Closner.
  - Blank dividers with printed tab headings are not counted as faces.
  - Front and back covers of proposals are not counted as faces.
  - None of the statutory or mandatory information, except as required for the front cover, should appear on the front or back covers.

## Professional, Technical & Consulting Contracts

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3) The cover of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number, and the name of the contact person.

4) Proposal Summary

All proposals shall begin with a summary which includes only the following items:

- a) Name of firm and its legal status;
- b) Names of the persons responsible for both the management and production of the work, including consultants, as well as Minnesota registration numbers for all.
- c) The proposal shall contain a statement indicating that the consultants listed have been contacted and have agreed to be a part of the design team.
- d) A commitment to enter the work promptly, if selected, by engaging the consultants and assigning the persons named in 4(b) above, along with adequate staff to meet the requirements of work.
- e) A list of State and University of Minnesota current and past projects and studies awarded to the prime firms(s) submitting this proposal during the four (4) years immediately preceding the date of this request for proposal. The prime firm(s) shall list and total all fees associated with these projects and studies whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects and studies listed pursuant to the above. **NOTE:** Please call Mary Closner for a copy of the acceptable format for providing this information.
- f) In accordance with the provisions of *Minnesota Statutes*, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted; therefore, the proposal shall include one of the following:
  1. A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
  2. A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
  3. A statement certifying that the firm has not had more than 20 full-time employees at any time during the previous 12 months.

5) Additional Proposal Contents:

- a) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualifications for the work. The graphic material must be identified. It must be work in which the personnel listed in 4(b) above have had significant participation and their roles must be clearly described. It must be noted if the personnel were, at the time of the work, employed by other than their present firms.
  - b) Expanded resumes showing qualification of individuals, listed in 4(b) above, administering or producing the major elements of the work, including consultants. Identify roles that such persons played in projects which are relevant to the project at hand.
  - c) A discussion of the firms understanding of and approach to the project.
  - d) A listing of relevant past projects.
- 6) Design firms wishing to have their proposals returned after the Board's review, must follow one of the following procedures:
- a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or
  - b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

In accordance with existing statutes, the Board will retain one copy of each proposal submitted.

Any questions concerning the Board's procedures, their schedule for the projects herein described, or the fee format form may be referred to Mary Closner at (612) 296-4655.

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## Professional, Technical & Consulting Contracts

7a) **PROJECT 13A-96 REVISED\*\*\*\*\***

**Department of Corrections (DOC)  
Minnesota Correctional Facility - Lino Lakes (MCF-LL)  
Predesign and Design of a Segregation Unit  
Lino Lakes, Minnesota**

**1. PROJECT DESCRIPTION:**

The 1996 Legislature appropriated \$500,000 for predesign and design of a segregation unit for 80 medium-security beds at the Minnesota Correctional Facility at Lino Lakes (MCF-LL). In order to move forward with this activity, it is required that we receive architectural and engineering assistance. This unit will be a self-contained, free-standing building located on a medium-security correctional institution campus that currently houses approximately 900 inmates.

**2. REQUIRED SERVICES:**

The architects/engineers will be required to assist the facility and DOC staff with developing an operational program for the proposed segregation unit; a space program; schematics; project budget estimate; and prepare a pre-design report for the Department of Administration as well as legislative review.

The design team should be comprised of firms familiar with the development of correctional institutions and with experience in detention/segregation units. The need for hardened materials and sophisticated electronics will require special detail and attention by the selected team.

**3. PROJECT SCHEDULE:**

It is the intent of the DOC to request funding for the remainder of the design activities, as well as construction funds, from the 1998 legislative session.

**4. INFORMATIONAL MEETING/SITE INSPECTION:**

A site tour will be limited to short-listed firms and will be scheduled prior to the final interviews.

**5. PROJECT CONTACT:**

Questions concerning the project should be referred to:

**James B. Zellmer, Director**  
Institution Support Services  
Department of Corrections  
1450 Energy Park Drive, Suite 200  
St. Paul, MN 55108-5219  
Phone: (612) 642-0247  
Fax: (612) 603-0150

**6. STATE DESIGNER BOARD REVISED SCHEDULE FOR PROJECT 13A-96:**

Tuesday, October 22, 1996—Shortlist

Tuesday, November 5, 1996—Interviews & Award

**\*The addition of the black and white copy is for time and money savings only. If you do not submit this unbound, file copy, you will *not* be disqualified. We will simply break down one of the bound copies you submit and recycle the components that are unusable for micro fiche (i.e., photos, tabs, decorative covers, laminated inserts, blank covers).**

Douglas Wolfangle, P.E., Chair  
State Designer Selection Board

## Professional, Technical & Consulting Contracts

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### Department of Corrections

#### Minnesota Correctional Facility - Shakopee

#### Notice of Request for Proposal for Dental Hygiene Services

NOTICE IS HEREBY GIVEN to request proposals for the provision of providing complete oral hygiene care for the inmate population of the Minnesota Correctional Facility at Shakopee. Proposals shall cover the period of November 1, 1996 to June 30, 1997. Proposals must be submitted by 4:00 p.m. on September 30, 1996.

To submit proposals or for additional information, contact:

Trish Justen, Health Services  
Minnesota Correctional Facility - Shakopee  
1010 West 6th Avenue  
Shakopee, MN 55379  
(612) 496-4467

### Department of Corrections

#### Request for Proposal for Staffing Analysis at the Minnesota Correctional Facility-Lino Lakes

The purpose of this request is to solicit proposals for staffing analysis at the Minnesota Correctional Facility-Lino Lakes which will provide a method and justification to determine staffing levels needed to operate the prison at optimum efficiency. For further information and copy of the request for proposal, please contact Linda Bergan at 612/717-6112. All proposals must be received by 4:30 p.m., Friday, September 27, 1996.

### Department of Transportation

#### Notice to Registered Civil and Structural Consulting Engineers of Intention to Retain Firm for Construction Engineering Assistance for Proposed Bridge Spanning the St. Croix River near Stillwater Minnesota

The Minnesota Department of Transportation (Mn/DOT) intends to retain a consultant firm to provide construction engineering assistance for the proposed bridge spanning the St. Croix River near Stillwater Minnesota (the St. Croix Crossing).

Alternate bridge plans are currently being prepared by MnDOT for a November 22, 1996 letting:

- Alternate 1 - Continuous welding steel girder.
- Alternate 2 - Segmental, post tension concrete, box girder.

The bidding process will determine the alternate to be constructed. Construction engineering assistance will be required only for the segmental box girder.

Work is proposed to start after January 1, 1997. We anticipate a three year construction schedule.

A complete Request for Proposal (RFP) containing a description of qualifications and other required submittals may be obtained from the MnDOT Office of Bridges & Structures. Requests for RFP's may be by phone or fax but must be supported in writing.

Contact:

Robert J. Miller, P.E.  
Mn/DOT Bridge Agreements Engineer  
Waters Edge Building, Suite 200  
1500 West County Road B2  
Roseville, MN 55113  
Phone: (612) 582-1104  
Fax: (612) 582-1110

Consultant's application must be received in writing at the above address. Response deadline is 3:00 PM, October 4, 1996.



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## Professional, Technical & Consulting Contracts

This project does not contain Disadvantaged Business Enterprise requirements.

Applicants must meet Affirmative Action qualifications attached to the RFP to be considered.

This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice. The Department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

In compliance with *Minnesota Statute 16B.167* the availability of this contract opportunity is being offered to state employees. We will evaluate the responses of any state employee along with other responses to the RFP.

### Department of Transportation

#### Engineering Services Division

#### Notice of Request for Proposals for a Feasibility Study, Identification and Cost Benefit Analysis for Updating or Replacing the Current Project Management System

The Minnesota Department of Transportation is requesting proposals from qualified firms to perform a feasibility study, identification and cost benefit analysis of multiple alternatives and a recommendation for updating or replacing the current project management system, Artemis.

The agency has estimated that the cost of this project need not approach but shall not exceed \$100,000. It is anticipated that the contract period will begin November 1, 1996 and continue through June 28, 1996. For further information, or to obtain a copy of the complete Request for Proposal, write or fax to:

Minnesota Department of Transportation  
PMSIP  
Project Management Unit  
395 John Ireland Boulevard  
Mail Stop 676  
St. Paul, Minnesota 55155  
(612) 282-9834

In your request please indicate whether you are a minority vendor.

**ALL PROPOSALS ARE DUE BY 3:00 PM (CDT), OCTOBER 15, 1996. LATE PROPOSALS WILL NOT BE ACCEPTED.**

A pre-proposal conference will be held for questions and clarifications concerning this RFP. No more than 2 representatives from any one firm should attend the conference. Conference location, date and time:

State Office Building  
100 Constitution Avenue  
St. Paul, MN 55155  
Room 300 South (Third Floor)  
Tuesday, September 24, 1996  
9:00AM to 11:00AM (CDT)

In compliance with *Minnesota Statutes 16B.167*, the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state employee along with other responses to this Request for Proposal.

Other department personnel are NOT allowed to discuss the request for proposal with anyone, including responders, before the proposal submission deadline.

This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice, and the department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

# Non-State Public Bids, Contracts & Grants

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The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

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## Minnesota Historical Society

### Notice of Request for Bids for the Repair of Log Buildings at the Forest History Center

The Minnesota Historical Society is seeking bids from qualified firms and individuals to repair several log buildings at the Forest History Center.

The work will generally consist of wood preservation and replacement of logs as necessary. The estimated budget for this project is \$40,000.00.

The Request for Bids is available by calling or writing Deane M. Roe, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone (612) 297-5863.

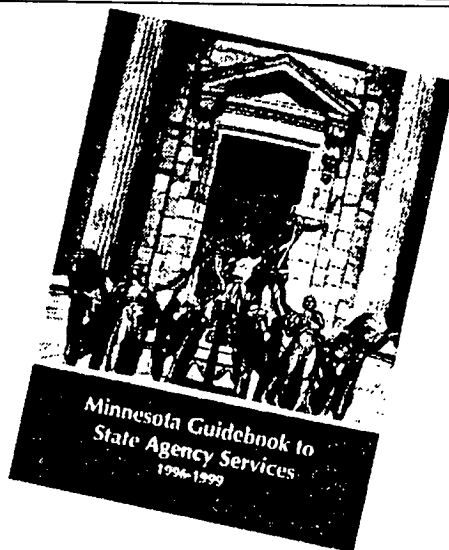
Bids must be received not later than 2:00 P.M. Central Time on September 23, 1996. Late submissions will not be considered.

Complete specifications and details concerning submission requirements are included in the Request for Bids.



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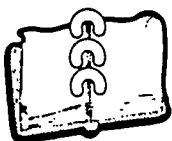
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\* Please Note: The CDROM edition of the Guidebook is currently in production. Anticipated delivery Sept. 16. Checks credit card orders for CDROM purchases will NOT be processed until CDROM available.



# Admin MINNESOTA

Department of Administration  
Communications Media

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Please include sales tax and \$3.00 postage and handling.

**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
Over \$50.00	\$7.00



**For Your Convenience, photocopy this order blank**

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

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