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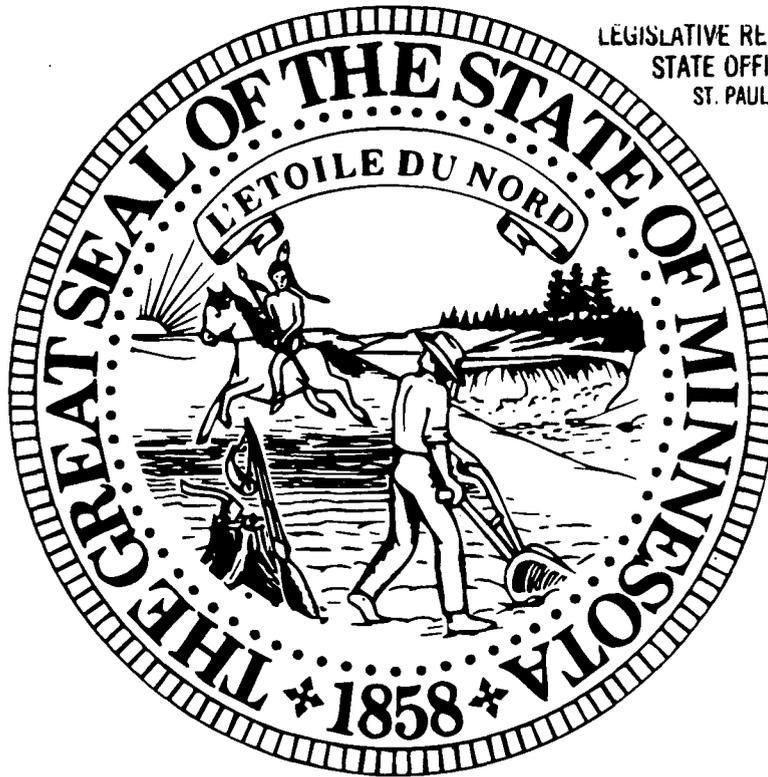
The Minnesota
**State
Register**

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.

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
# 33	Monday 10 February	Monday 27 January	Monday 3 February
# 34	Tuesday 18 February	Monday 3 February	Monday 10 February
# 35	Monday 24 February	Monday 10 February	Friday 14 February
# 36	Monday 3 March	Friday 14 February	Monday 24 February

Arne H. Carlson, Governor 612/296-3391	Hubert H. Humphrey III, Attorney General 612/297-4272	Joan Anderson Growe, Secretary of State 612/296-2079
Joanne E. Benson, Lt. Governor 612/296-3391	Judi Dutcher, State Auditor 612/297-3670	Michael A. McGrath, State Treasurer 612/296-7091
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- "Professional, Technical and Consulting Contracts Awards Reports," – published each month listing the previous month's awards of contracts and RFPs that appeared in the Monday edition of the "*State Register*." Appears monthly in hard copy format only. Single copies are \$15.00 per report, plus \$3.00 shipping if applicable. Order stock # 99-43. Six-month subscriptions cost \$75.00. Order stock #90-15.

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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Professional, Technical and Consulting contract awards are published monthly in an *Awards Report*.

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

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 1995 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

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

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

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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*.

Department of Commerce

Proposed Permanent Rules Governing Financial Institutions; Internal Control Systems

Notice of Intent to Adopt a Rule Without a Public Hearing

Proposed Rules Governing Bank Audits, *Minnesota Rules* 2675.2600-2675.2640.

Introduction. The Minnesota Department of Commerce intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedures Act, *Minnesota Statutes*, sections 14.22-14.28. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to:

Allyn R. Long
Minnesota Department of Commerce
133 East Seventh Street
St. Paul, MN 55101
Phone (612) 297-2750; Fax (612) 296-8591

Subject of Rules and Statutory Authority. The proposed rules are in reference to bank audits and internal control systems. The statutory authority to adopt these rules is *Minnesota Statutes*, section 45.023. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m., March 7, 1997, to submit written comment in support of or in opposition to the proposed rules and any 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 and the reason for the comment. You are encouraged to propose any change desired. Any comment you would like to make on the legality of the proposed rule must also be made during the 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 March 7, 1997. 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 rule. Any request that does not comply with these requirements is not valid.

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

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 request in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.14-14.20.

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by the comments and information submitted to the agency, and the adopted rule may not be substantially different than this proposed rule. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A Statement of Need and Reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules including a description of who will be affected by the proposed amendments/rule and an estimate of the probable cost of the proposed rules.

Adoption and Review of the Rules. If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings 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.

Dated: 30 January 1997

David B. Gruenes, Commissioner
Department of Commerce

FINANCIAL INSTITUTION ~~AUDIT~~ INTERNAL CONTROL SYSTEM AND POLICIES

2675.2600 INTERNAL AUDIT CONTROL.

Subpart 1. **Written internal audit control policy.** ~~The board of directors~~ Management of a bank, trust company, or savings bank, or deposit taking industrial loan and thrift company shall establish a written internal audit control system. A report describing the scope of coverage and effectiveness of the internal control system shall be reviewed for adequacy and approved by the board annually. Documentation of internal audit procedures performed in testing this internal control system and the reports shall be maintained by the bank for inspection by the supervisory examiners and by the external auditors. ~~The scope of coverage and effectiveness of the internal audit control system shall be reviewed for adequacy and approved by the board annually.~~ The board shall consider inclusion of recommendations made by supervisory examiners and external auditors in regarding the internal audit control system.

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

2675.2610 ANNUAL ~~AUDIT~~ EXAMINATION REPORT.

Subpart 1. **Contents.** ~~The~~ An annual audit examination report made under the direction of the board of directors pursuant to *Minnesota Statutes*, section 48.10, must include as at a minimum:

- A. a review of the adequacy of the ~~determine that an~~ internal control system and a test check to determine is in place as required by part 2675.2600 and that control procedures are being followed ~~(describe process and findings);~~
- B. a review to determine that policies are in place, are adequate, and are being implemented; determine when the board last reviewed loan, investment, audit, and asset/liability policies;
- C. confirmation of assets through a sample positive or negative verification and inspection of assets ~~confirm securities~~ held at the bank, in safekeeping elsewhere, or in book entry form;
- D. confirmation of ~~confirm loans~~ and deposits through a sample positive or negative verification ~~(define and describe process);~~
- E. a review of all ~~determine if the board has reviewed~~ fixed assets, other real estate, and equity accounts since the last audit and recordation of board approval of transactions involving these accounts ~~examination;~~
- F. a review of ~~examine~~ income, expense, and related accrual accounts since the last audit examination ~~(describe process and findings);~~
- G. a review of all ~~determine that~~ general ledger supporting accounts to determine their balanced condition, prompt reconciliation are promptly reconciled and appropriateness of reconciling items, and account makeup ~~(describe process and findings);~~

- H. a review of determine that the board is reviewing delinquent loans and collection action taking place (show frequency of review);
- I. a review of determine when the board last reviewed the allowance for loan loss account and the basis on which the funding determination was made;
- J. a review of charge off loans, including loan files and notes; determine that the board has approved charge off loans, that charge off notes and files are secure, and that IRS Forms 1099C have been prepared where appropriate;
- K. a test check of sample loan files for documentation and approvals required by loan policy (describe sample methodology and findings);
- L. review of determine that an internal audit function exists regarding the electronic data processing systems and procedures if applicable; system or computer applications and that procedures are in place for authorizing input data and master file changes and consider the effect of a service organization on the bank's internal control system and, if applicable, obtain an auditor's report on the policies and procedures in operation at the service organization;
- M. review of examine significant activity in employee and officer accounts (depository and loan) for propriety and compliance with bank policies and regulations (describe process and findings); and
- N. review of determine that off-balance sheet items including letters of credit have been authorized and detail items that may have a material impact on the condition of the financial institution.

Subp. 3. **Preparation.** A written report of the annual audit examination must be prepared and must include the scope of audit the examination including the size of the samplings taken. The report must summarize the findings and make recommendations for improving conditions, where appropriate.

Subp. 4. **Transmittal.** The written report shall be transmitted to the board of directors within 30 days of completion of the annual audit examination.

Subp. 5. **Board response.** The board shall prepare a written response on the findings and recommendations contained in the report and submit the response, the report, and its findings and recommendations to the Department of Commerce, Division of Financial Examinations, within 60 days of receipt of the audit report.

The board response shall be filed with the annual audit examination report as part of the bank's permanent records.

2675.2620 QUALIFICATIONS OF EXAMINING AUTHORITY.

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

Subp. 2. **Examining committee.** If the requirements of this part are to be accomplished in whole or in part by an examining committee appointed by the board, the annual audit examination must be completed by qualified directors or their appointees who are in fact reasonably independent. A director or appointee serving as a member of the examining committee will not be considered independent if:

- A. the person is closely related to active officers or employees of the bank;
- B. the person has outstanding loans with the bank subject to criticism by state or federal supervisory agencies; or
- C. the person has other unusual relationships or affiliations with the bank that raise the question of independence.

Subp. 3. **Internal auditor.** If the requirements of this part are to be accomplished in whole or in part by an internal auditor, the examination must be completed by a qualified internal auditor who is in fact reasonably independent. An internal auditor will not be considered independent if:

- A. the person is employed or accountable to anyone other than the board of directors, and salary and annual bonus are not set by the board, unless the person is employed by the institution's holding company;
- B. the person's duties within the bank are not confined entirely to bank auditing;
- C. the person has any proprietary interest in any partnership, firm, or corporation which controls the bank, directly or indirectly;
- D. the person has outstanding loans subject to criticism by state or federal supervisory agencies;
- E. the person is a member of the immediate family of an officer, director, attorney, or employee for the bank; or
- F. the person has other unusual relationships or affiliations with the bank that raise the question of independence.

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

In banks of less than ~~\$40,000,000~~ \$50,000,000 in total assets as of the immediately preceding calendar year end, where duties of the internal auditor cannot be confined entirely to bank auditing, the internal auditor will be considered reasonably independent only if someone else audits the areas for which the internal auditor has operational responsibilities. The board is responsible for determining that this degree of internal audit dependence is maintained.

Subp. 4. **Certified public accountants or licensed public accountants.** If the requirements of this part are to be accomplished in whole or in part by a certified public accountant or licensed public accountant, the audit examination must be completed by a qualified certified public accountant or a qualified licensed public accountant who is in fact independent. A certified public accountant or licensed public accountant will not be considered independent if:

A. The certified public accountant, licensed public accountant, or any member of a firm performing the audit examination is connected with the bank as an officer, director, attorney, or employee or is a member of the immediate family of an officer, director, bank attorney, or employee.

B. He or she is the beneficial owner, directly or indirectly, of any of the shares of stock of the bank.

C. He or she has any proprietary interest in any partnership, firm, or corporation which controls the banks, directly or indirectly.

D. The bank under examination has outstanding loans to the certified public accountant, licensed public accountant, partners, principals of the firm, or employees of such a firm who are directly involved in the examination, unless the loans are adequately disclosed in the audit examination report to the board of directors of the bank. Adequate disclosure includes the name of the borrower, the amount of the loan, the security pledged, and the appraisal or market value of the security at the time of the engagement.

E. He or she makes entries or postings on the books of account or performs any other operating functions for the bank, except functions for which prior approval was requested and obtained in writing from the commissioner of commerce.

F. He or she has other unusual relationships or affiliations with the bank that raise the question of independence.

In circumstances where directors, appointees, or the internal auditor are considered not independent or qualified to perform the annual audit examination, the board should engage a certified public accountant or licensed public accountant.

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

Subp. 6. [See repealer.]

2675.2630 OPINION AUDIT.

Subpart 1. Request by commissioner. The board of directors of institutions covered by parts 2675.2600 to 2675.2630 will engage an independent certified public accountant to provide an opinion audit on the financial statements of the institution or a consolidated opinion audit on the institution taken as a whole when requested to do so by the commissioner of commerce.

Subp. 2. Issuance of no opinion. In the event of material issues leading to the issuance of a qualified or no opinion on an engagement referenced in subpart 1, the board shall direct immediate action to correct deficiencies preventing the issuance of an unqualified opinion.

Subp. 3. Satisfaction of annual examination report requirement. An unqualified opinion audit on the financial statement of the institution or a consolidated opinion audit on the institution taken as a whole will satisfy the annual examination report requirements of part 2675.2610, subpart 1. However, documentation of internal audit procedures performed in testing the internal control system, part 2675.2600, must be maintained by the bank for inspection by the supervisory examiners and external auditors.

2675.2640 AGREED UPON PROCEDURES EXAMINATION.

The board of directors shall engage an independent certified public accountant to conduct an agreed upon procedures examination when requested to do so by the commissioner of commerce. When requested by the Department of Commerce, the engagement letter must be forwarded to the department for acceptance and approval before the examination is performed.

REPEALER. Minnesota Rules, part 2675.2620, subpart 6, is repealed.

Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

Exempt Rules

An exempt rule adopted under *Minnesota Statutes* §§ 14.386 or 14.388 is effective upon its publication in the *State Register*.

Emergency Expedited Rules

Provisions for the Commissioner of Natural Resources to adopt emergency expedited Game and Fish Rules are specified in *Minnesota Statutes* §§ 84.027. The commissioner may adopt emergency expedited 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. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months.

Department of Commerce

Exempt Rules Governing Uniform Conveyancing Forms

2820.6040 FORM 98-M: AFFIDAVIT OF SERVICE OF NOTICE TO THE COMMISSIONER OF HUMAN SERVICES REGARDING POSSIBLE CLAIMS UNDER MINNESOTA STATUTES, SECTION 246.53, 256B.15, 256D.16, OR 261.04.

Subpart 1. Recommended form. The recommended form for an affidavit of service of notice to the commissioner of human services regarding possible claims under *Minnesota Statutes*, section 246.53, 256B.15, 256D.16, or 261.04, is contained in subpart 2.

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.

Adopted Rules

Subp. 2. Contents.

Minn. Stat. § 524.3-801

Form No. 98-M

Minnesota Uniform Conveyancing Blanks (9/20/96)

STATE OF MINNESOTA
COUNTY OF _____

DISTRICT COURT
PROBATE DIVISION
_____ JUDICIAL DISTRICT

Court File No. _____

In Re: Estate of

Deceased
**AFFIDAVIT OF SERVICE OF NOTICE TO THE
COMMISSIONER OF HUMAN SERVICES
REGARDING POSSIBLE CLAIMS UNDER MINN.
STAT. §§ 246.53, 256B.15, 256D.16 OR 261.04**

(reserved for recording data)

STATE OF MINNESOTA
COUNTY OF _____ } ss.

_____, being first duly sworn, on oath, says that on
_____, at _____, I served a copy of the
(Date) (City/State)
attached Notice upon the Commissioner of Human Services by mailing it in a sealed envelope, postage prepaid by
depositing the same with the United States Postal Service, addressed to Commissioner of Human Services,
Attention: Special Recovery Unit/Estate Notice, 444 Lafayette Road, St. Paul, Minnesota, 55155-3863.

The real property affected by the Notice is located in _____ County, Minnesota,
and is legally described as follows:

Check here if part or all of the land is Registered (Torrens)

Dated: _____

Affiant

THIS INSTRUMENT WAS DRAFTED BY (NAME & ADDRESS):

Signed and sworn to before me on

(Date)

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

(NOTE: Attach Notice to Commissioner)

2820.6050 FORM 99-M: NOTICE TO COMMISSIONER OF HUMAN SERVICES REGARDING POSSIBLE CLAIMS UNDER MINNESOTA STATUTES, SECTION 246.53, 256B.15, 256D.16, OR 261.04.

Subpart 1. Recommended form. The recommended form for a notice to commissioner of human services regarding possible claims under Minnesota Statutes, section 246.53, 256B.15, 256D.16, or 261.04, is contained in subpart 2.

Subp. 2. Contents.

<u>Minn. Stat. § 524.3-801</u>	Form No. 99-M	<u>Minnesota Uniform Conveyancing Blanks (8/20/96)</u>
STATE OF MINNESOTA		DISTRICT COURT
COUNTY OF _____		PROBATE DIVISION
		JUDICIAL DISTRICT _____
 In Re: Estate of _____		Court File No. _____
 Deceased		 NOTICE TO COMMISSIONER OF HUMAN SERVICES REGARDING POSSIBLE CLAIMS UNDER MINN. STAT. §§ 246.53, 256B.15, 256D.16 OR 261.04

TO THE COMMISSIONER OF HUMAN SERVICES:

1. Attached and served upon you pursuant to Minn. Stat. § 524.3-801, is a copy of the _____ (title of document) and Notice to Creditors which has been or will be published according to law in the above referenced matter.

(INSTRUCTIONS: Include all aliases and former names of the decedent and spouse(s) in paragraphs 2 and 3 and attach copy of Notice to Creditors.)

2. Decedent's Name(a)	Date of Birth	Social Security Number
------------------------------	----------------------	-------------------------------

3. Decedent was married to the following spouse(s) who predeceased decedent:

Spouse(s)' Name(s)	Date of Birth	Social Security Number
---------------------------	----------------------	-------------------------------

4. This notice is given pursuant to Minn. Stat. § 524.3-801 in case the decedent or a predeceased spouse of decedent might have received assistance for which a claim could be filed under one or more of the following Minnesota Statutes: §§ 246.53, 256B.15, 256D.16 or 261.04.

Dated: _____
Personal Representative

ATTORNEY for Personal Representative

Name:
Address:

Attorney License No.:
Telephone:
FAX:

This form cannot be recorded independently. It must be attached to Affidavit of Service of Notice to the Commissioner of Human Services (Form No. 98-M).

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.

Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rule-making 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.

Administration Department

Notice of Meeting of the Board of Directors of the UAW-Ford-MnSCU Training Center

NOTICE IS HEREBY GIVEN of a meeting of the Board of Directors of the UAW-Ford-MnSCU (Minnesota State Colleges and Universities) Training Center on:

Thursday, February 13, 1997
3:00 p.m.
Room 200 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155

Board of Animal Health

Notice of Quarterly Meeting of the Board of Animal Health

The Board of Animal Health quarterly meeting will be Thursday, March 20, 1997. The meeting will convene at 9:30 a.m. in conference room 3 at the Board offices, 90 West Plato Blvd., St. Paul, Minnesota.

Board of Dietetics and Nutrition Practice

Notice of Solicitation of Comments on the Development of Rules Governing License Renewal Fees

NOTICE IS HEREBY GIVEN that the Board of Dietetics and Nutrition Practice (BDNP) is seeking comments in preparing amended rules relating to license renewal fees pursuant to *Minnesota Statutes* 148.624, Subd. 4 and *Minnesota Rules* Chapter 3250.0050, Subp. 3.

Specifically, BDNP is looking for comments on:

- a. Annual renewal fee
- b. Late penalty fee

Individuals expected to be affected by these rules include all persons licensed under *Minnesota Statutes* 148.621 - 148.633.

BDNP does not contemplate appointing an advisory committee or advisory task force to comment on the proposed rules.

Written comments will be accepted until further notice or until a Notice of Hearing or Notice of Intent to Adopt Rules without a Hearing is published in the *State Register*. However, commenters are encouraged to submit comments before April 14, 1997. Comments may be mailed to:

Rules Committee
Board of Dietetics and Nutrition Practice
2829 University Avenue SE, Suite 555
Minneapolis, MN 55414

BDNP does not currently have a draft of the rules prepared. If you wish to receive a draft when it is prepared, or if you wish to be placed on the BDNP rulemaking list, please write or call Laurie Mickelson, Board of Dietetics and Nutrition Practice, 2829 University Avenue SE, Suite 555, Minneapolis, MN 55414, (612) 617-2175.

Dated: 10 February 1997

Laurie Mickelson
Executive Director

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective February 10, 1997 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Anoka: 1997 Anoka Hennepin ISD #11 Reroofing Anoka Senior High School-Anoka; 1997 Anoka Hennepin ISD #11 Reroofing Educational Services Center-Coon Rapids; Addition and Alterations to Centerville Elementary School-Centerville; Alterations to Office at Golden Lake Elementary-Circle Pines

Becker: Sports Arena-Detroit Lakes

Carver: Carver Park Reserve Maintenance Facility-Victoria

Clay: Moorhead Minnesota Lift Station #12 Improvements-Moorhead

Dakota: Rosemount Senior Housing-Rosemount

Douglas: Chandler Field 8 Unit Tee Hanger-Alexandria

Hennepin: Southwest High School Asbestos Abatement-Minneapolis; Transportation Center Asbestos Project-Minneapolis; Deferred Maintenance for Minneapolis Schools Nutrition and Transportation Center-Minneapolis

St. Louis: University Of Minnesota Roof Replacement-Duluth

Scott: Lighting Retrofit Rahr Malting Company-Shakopee

Washington: Reroofing for Stillwater Area Schools Oak Park Elementary Oak-Land Junior High School-Stillwater/Lake Elmo

Winona: Airport Campus Red Wing/Winona Technical College Paint Spray Booth-Winona

Wright: 1997 Fire Protection System for Buffalo Middle School-Buffalo

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

Public Employees Retirement Association

Board of Trustees, Notice of Meeting

A meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) will be held on Thursday, February 13, 1997, at 9:30 a.m. in the offices of the association, 514 Saint Peter Street, Suite 200, Saint Paul, Minnesota.

State Grants and 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.

Department of Children, Families and Learning

Information Technology Division

Notice of Grant Availability for Use of Technology for Reading Improvement

The Department of Children, Families and Learning announces the availability of a grant to use technology for reading improvement as described in *Laws of Minnesota* for 1996, Chapter 412, Article 12, Section 15, Subd. 4(d). One grant of \$40,000 will be awarded to an organization with a demonstrated proficiency in applying computer hardware and software to reading improvement for at-risk students. Eligible applicants are schools, school districts or other educational organizations that work directly with students. The organization must already be using computer technology to improve attention skills and reduce hyperactivity among at-risk students and is required under the terms of this grant to share its techniques with other educational organizations.

The Request for Proposal and application information will be available on February 10, 1997. This information can be requested from Cherie Carlson, Division of Information Technologies, at (612)296-2752. Applications are due on March 12, 1997, by 4:00 p.m. Questions regarding this program should be directed to Theresa Mish at (612)296-6312 or Mary Mehsikomer at (612)215-1490.

Department of Children, Families and Learning

Information Technology Division

Notice of Grant Availability for Instructional Transformation Through Technology—Laptop Component

The Department of Children, Families and Learning announces the availability of grants for Instructional Transformation Through Technology—Laptop Component as described in *Laws of Minnesota* 1995, Chapter 3, Article 12, Section 8. Three grants of \$100,000 each will be awarded to will purchase a computer for each student enrolled in a selected grade or grade section. The goal of this program is to provide individualized access to technology and integrate computers into classroom learning activities in order to facilitate the objectives listed in law. A primary outcome of this program is to find out how and whether individualized access to computers impacts teaching and learning. Eligible organizations are individual school districts or groups of school districts. Each school district may be a part of only one application for the Instructional Transformation Through Technology Grant—Laptop Component.

The Request for Proposal and application information will be available on February 10, 1997. This information can be requested from Cherie Carlson at (612)296-2752. Applications are due on March 10, 1997, by 4:00 p.m. Questions regarding this program should be directed to Theresa Mish at (612)296-6312 or Mary Mehsikomer at (612)215-1490.

Department of Children, Families and Learning

Notice of Grant Availability for Capacity Building Around Non-Standard Hour Child Care

The Department of Children, Families and Learning is announcing the availability of federal grant funds to assist with building capacity for non-standard hour care for children. This grant availability is in response to families' changing child care needs due to new welfare reform requirements. Approximately \$200,000 is available for planning and implementation of care for children when parents work evenings, weekends and other flexible hours. Funding will be available on April 1, 1997 and implementation is anticipated to be no later than January 1, 1998.

Applications are due by 4:00 p.m. on March 14, 1997. To receive a complete Request for Proposals that provides details on how to apply, please contact: Barbara O'Sullivan, Department of Children, Families and Learning, 550 Cedar Street, St. Paul, Minnesota 55101-2273, telephone (612) 296-8540.

Department of Human Services

Deaf and Hard of Hearing Services Division

Grant Contract Available for Service Provision to Persons with Deafblindness

The State of Minnesota, Department of Human Services Deaf and Hard of Hearing Services Division, is soliciting proposals from qualified individuals and organizations interested in delivering services to individuals who are deafblind, on a statewide basis in the areas of: 1) educational support and community integration, 2) comprehensive case management, 3) children and family support services. A total of \$200,000* is available. The funded program(s) would begin on July 1, 1997, and would continue, based on funding and satisfactory performance, until June 30, 1999.

Scope of the Projects:

All proposals must highlight measurable outcomes related to any or all of the following:

1. Develop and implement a community integration project that satisfies the social educational needs of deafblind consumers.
2. Identify deafblind and hearing/vision impaired consumers. Develop and oversee a comprehensive service management plan for these consumers assist them in obtaining or maintaining independent living skills.
3. Develop and facilitate a children and family support system to address issues facing children with deafblindness regarding community integration, socialization, recreation and mental health, as well as educational and respite opportunities for parents.

For a copy of the full text of the Request For Proposal, including the application packet, contact:

Amy McQuaid, Program Planner
Department of Human Services
Deaf and Hard of Hearing Services Division
444 Lafayette Road
St. Paul, Minnesota 55155-3814
612/296-8978 (Voice) or 612/297-1298 (TTY)

Proposals must be received by March 21, 1997, at 3:30 p.m. No late applications will be accepted. Anticipated award date for the contract(s) will be April 11, 1997.

* Pending approval of the 1997 legislature.

Department of Human Services

Deaf and Hard of Hearing Services Division

Contract Available for Interpreter Referral Services

The State of Minnesota Department of Human Services, Deaf and Hard of Hearing Services Division is soliciting proposals from qualified individuals and organizations interested in providing interpreter referral services used by deaf, hard of hearing and deafblind individuals and a variety of public and private human service agencies. Potential providers are being sought to coordinate interpreter referral requests for the Twin Cities metropolitan area.

The Twin Cities metropolitan area encompasses the seven counties of Hennepin, Ramsey, Anoka, Dakota, Carver, Scott and Washington.

Activities of the interpreter referral service must include the following:

1. Filling of interpreter referral requests by deaf, hard of hearing and deafblind consumers.
2. Filling of interpreter referral requests generated by the public, private and non-profit human service sector, with priority given to state and county human service agencies.
3. Emergency and after-hours interpreter referral coverage.
4. Design and development of a pilot interpreter mentorship program.

Contract activities must also include monitoring of interpreter services, provision of reports in the format specified and participation in quarterly evaluations of the interpreter referral service.

Professional, Technical & Consulting Contracts

The Deaf and Hard of Hearing Services Division anticipates contracting for a total amount not to exceed \$180,000 for fiscal years 1998 and 1999 (July 1, 1997 through June 30, 1999)*. Contract will be effective July 1, 1997, and continue for 12 months with an option to be renewed for a second year based on satisfactory performance of the provider.

The full text of the Request For Proposals is available upon request. Inquiries should be directed to:

Jan Radatz, Program Planner
Deaf and Hard of Hearing Services Division
444 Lafayette Road North
St. Paul, MN 55155-3814
612-297-7154 voice or 612-282-9944 tty

Proposals must be received by March 21, 1997, at 3:30 pm. No late applications will be accepted. Anticipated award date for the contract will be April 11, 1997.

* Pending approval of the legislature.

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, and final submission date of completed contract proposal.

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

Department of Administration

Materials Management Division

Notice of Request for Proposal for a Wide Area 800 Mhz Trunked Radio Network for the Nine County Minneapolis/St. Paul Metropolitan Area

The Owners of this network are seeking qualified vendors to furnish all labor and materials to successfully furnish and install a wide area 800 Mhz trunked radio network for the Nine County Minneapolis/St. Paul Metropolitan area. The initial network shall consist of three principal components serving: (1) State and regional agencies (First Phase); (2) Hennepin County; and (3) the City of Minneapolis. Purchasing entities for the initial network will be the State of Minnesota Department of Transportation, Hennepin County and the City of Minneapolis, respectively.

The initial network is to be designed, evaluated, awarded and constructed as an integrated concurrent project. Work to be performed consists of the furnishing of all materials, machinery, equipment, labor, supplies, tools, transportation and other incidentals necessary or convenient to complete the work as shown in the specifications.

All proposal responses shall be accompanied by a proposal guaranty in the amount of \$500,000.00 (U.S. currency). One original and twenty (20) copies of the RFP response are to be submitted no later than 3:00 PM central time on August 4, 1997. Vendors requesting a copy should contact Pat Anderson, State of Minnesota, Materials Management Division, 112 Administration Building, 50 Sherburne Avenue, St. Paul, MN 55155, in writing either via mail or fax. Fax number is 612-297-3996.

Department of Health

Division of Family Health

Minnesota Children with Special Health Needs

Consultant Contracts Available for Medical and Related Services for Children with Special Health Care Needs

Openings exist at clinics for:

1. Board certified or approved physicians to provide medical examinations;
2. Board certified dentists and dental specialists to provide dental examinations;
3. Registered/certified public health or pediatric nurses to provide nursing services;
4. Licensed psychologists to provide psychological assessments;
5. Licensed social workers to provide social work consultation;
6. Certified audiologists to provide audiological examinations;
7. Registered occupational therapists to provide occupational therapy assessments;
8. Certified speech pathologists to provide speech assessments;
9. Registered physical therapists to provide physical therapy assessments;
10. Registered dietitians to provide nutritional counseling;
11. Licensed educational consultants to provide educational assessments;
12. Technicians to provide examinations/assessments.

Qualified, interested persons should contact Mary Wanninger, Minnesota Children with Special Health Needs, 717 Delaware Street SE, Box 9441, Minneapolis, MN 55440-9441. Phone 612/623-5162 by February 28, 1997.

A total of \$200,000 for each of the two years has been budgeted to fund these positions. Funding for individual positions varies by category and position.

Dated: 31 January 1997

Non-State Public Bids, Contracts & Grants

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.

Metropolitan Council Environmental Services

Public Notice for Letters of Interest for Professional Services for Step I Facility Planning for the Southeast Regional Plant Interceptors Project

NOTICE IS HEREBY GIVEN that the Metropolitan Council Environmental Services (MCES) is soliciting qualifications for professional services for Step I Facility Planning for the Southeast Regional Plant Interceptors project. This project is to be completed within 180 calendar days after issuance of Notice To Proceed. The cost for this Step I Facility Plan is estimated to be less than \$500,000.

This project will have two distinct facility planning components: (i) an interceptor from Cottage Grove and eastern Woodbury, and possibly southern Lake Elmo and (ii) an interceptor to phaseout the existing Cottage Grove WWTP; each to convey wastewater to the new Southeast Regional WWTP.

The tentative schedule for selecting a consulting firm for this project is as follows:

Receive Letters of Interest	February 1997
Request for Qualifications (RFQ) issued	February 1997
Statement of Qualifications (SOQ) received	February 1997
Short list of firms developed	March 1997
Request for Proposals (RFP) issued	March 1997
General Informational Meeting	March 1997
Proposals Received	April 1997
Select Consultant	April 1997
Negotiate final Contract Agreement	April/May 1997
Notice To Proceed given	May 1997

All firms interested in being considered for this project are invited to submit a Letter of Interest asking for the Request For Proposals package.

All inquiries are to be addressed to:

Administrative Assistant, Contracts and Documents
Metropolitan Council Environmental Services
Mears Park Centre
230 East Fifth Street
St. Paul, MN 55101

Metropolitan Council Environmental Services

Public Notice for Letters of Interest for Professional Services for Step II Design Services and Step III Construction Support for the Blue Lake Waste Water Treatment Plant Grit Removal Project

NOTICE IS HEREBY GIVEN that the Metropolitan Council Environmental Services (MCES) is soliciting proposals for professional services for Step II Design Services and Step III Construction Support for the Blue Lake WWTP Grit Removal project, MCES Project Number 9704. The Step II Design Services are to be completed within 120 calendar days after issuance of Notice To Proceed. The cost for both Step II Design Services and Step III Construction Support is estimated to be less than \$200,000.

The services to be provided include design and construction support for grit removal at the Blue Lake WWTP following screening and prior to primary sedimentation installation of two vortex grit removal tanks and associated process equipment, and modifications to existing facilities.

The tentative schedule for selecting a consulting firm for this project is as follows:

Receive Letters of Interest	February 1997
Request for Proposals (RFP) issued	February 1997
General Information Meeting	February 1997
Proposals Received	March 1997
Select Consultant	March 1997
Negotiate final Contract Agreement	March/April 1997
Notice To Proceed given	April 1997

All firms interested in being considered for this project are invited to submit a Letter of Interest asking for the Request For Proposals package.

All inquiries are to be addressed to:

Administrative Assistant, Contracts and Documents
Metropolitan Council Environmental Services
Mears Park Centre
230 East Fifth Street
St. Paul, MN 55101

Minnesota Workers' Compensation Assigned Risk Plan

Notice of Request for Proposals for Safety Inspection Services

The Minnesota Workers' Compensation Assigned Risk Plan intends to contract with one or more firms to conduct on-site safety inspections of Plan insureds for purposes of a safety rating program. The contract period will commence on or about April 15, 1997. Interested parties may obtain the complete Request for Proposals by sending a written request by mail or fax to:

MWCARP Administrative Office
Safety Inspection RFP
4500 Park Glen Road Suite 410
Minneapolis, MN 55416
FAX: (612) 922-5423

Deadline for proposals is Friday, March 7, 1997 at 4:00 p.m.

Wild About Birds

The DNR Bird Feeding Guide

ISBN 0-9647451-0-0

Carrol L. Henderson, Supervisor of the Non-Game Wildlife Program at Minnesota's Department of Natural Resources, shares his knowledge and appreciation for the natural habitats and traits of the wild birds who, with a little help from us, can thrive in spite of a rapidly changing landscape. Written in the same instructive manner as his popular books "Woodworking for Wildlife" and "Landscaping for Wildlife," "Wild About Birds: The DNR Bird Feeding Guide" provides techniques used by the author to double the number of species using his feeders. Includes woodshop basics for construction of 26 different feeders and tips on 44 types of food, plus detailed descriptions and photos of almost all the feeder-using species east of the Rocky Mountains - 69 in all. There's even a section on some of the unusual and unexpected wild visitors that may show up for a free meal. Over 425 color photographs, illustrations and diagrams make "Wild About Birds" a great reference manual, display book or gift. Ideal for the ornithologist, woodworker, or backyard birdwatcher. Spiral bound, 288 pages. **Stock Number 9-24 \$19.95**

Also by Henderson...

Landscaping for Wildlife

Revised, spiral-bound edition of our best-selling guide to landscaping your property to attract wildlife is now available! This book offers easy-to-follow, affordable landscape plans specifically geared for the Midwest climate. Attract everything from butterflies to hummingbirds, cardinals to wood ducks and deer. Features 185 color photos and numerous diagrams and charts. 138pp, plus index. (MN Dept. of Natural Resources, 1994) **Stock No. 9-15 \$10.95**

Woodworking for Wildlife

Revised and expanded in 1992. *Woodworking for Wildlife* is now full-color and spiral bound. Features numerous diagrams for building shelters for birds and mammals. Includes plans for the Peterson bluebird house, bat houses, platforms for the great horned owl, wood duck nest boxes, and more. Offers information on 50 species of birds and mammals. 111pp. (MN Dept. of Natural Resources, 1994) **Stock No. 9-14 \$9.95**



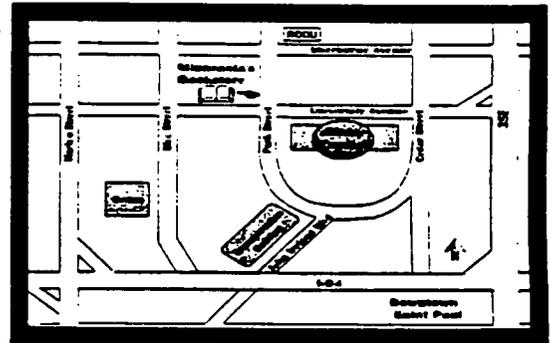
Minnesota's Bookstore

117 University Ave

St. Paul, MN 55155

(612) 297-3000 (8 - 5 Mon-Fri)

1-800-657-3757



Wholesale/Distributor discounts available. Call for more information.

Stock No.	Publication	Unit price	Quantity	Total
9-24	Wild About Birds	19.95		
9-15	Landscaping for Wildlife	10.95		
9-14	Woodworking for Wildlife	9.95		
9-25	Three-volume SET	36.95		
1 Tax:		2 Shipping Charges:		Subtotal
6 1/2% (7% for St. Paul residents). If tax exempt, please provide ES #		<i>Your order</i>	<i>add</i>	Tax¹
		Up to \$25.00	\$3.00	Shipping²
		\$25.01-\$50.00	\$5.00	Total
		Over \$50.00	\$7.00	

Send my order to:

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City	State	Zip
Daytime phone ()		

Please make checks payable to "State of Minnesota."

Credit card orders please check below;

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 MasterCard Discover

Card number _____

Expiration date _____

Signature _____

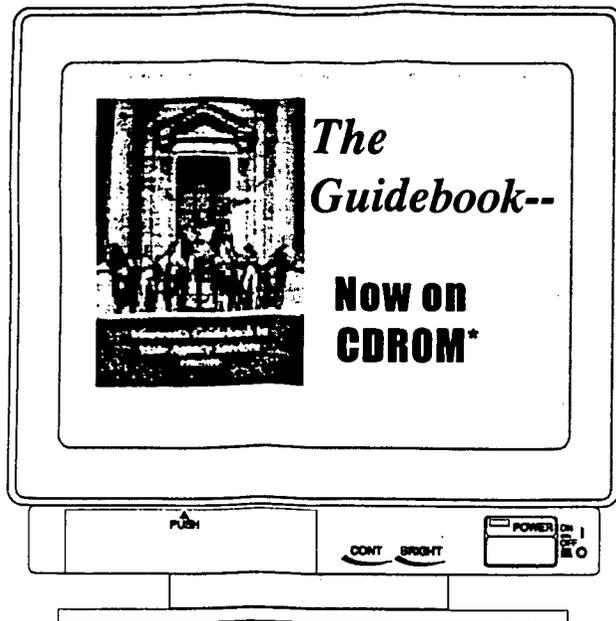
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- * information on grants, contracts, scholarships, loans
- * business development resources
to grow your business and renovate your community
- * license and permit information
professional plus hunting, fishing, boat, snowmobile and RV licenses
- * recreational opportunities
State parks, canoe routes, campgrounds, trails for biking, skiing, snowmobiling...

Choose the format that best suits your needs---

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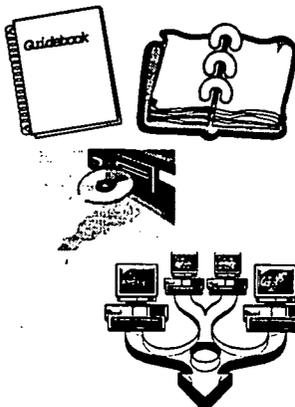
Spiral bound format	#1-3S	\$29.95
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Looseleaf Binder	#10-10	\$ 7.95

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INCLUDES 1 spiral bound copy



Combination Options-----

SAVE when you buy both CD and hard copy

One spiral bound copy & one single user CD	#1-3PS1	\$ 74.95
One looseleaf copy & one single user CD	#1-3LS1	\$ 74.95
One spiral bound copy & one small network CD	#1-3PS2	\$249.95
One looseleaf copy & one small network CD	#1-3LS2	\$249.95

