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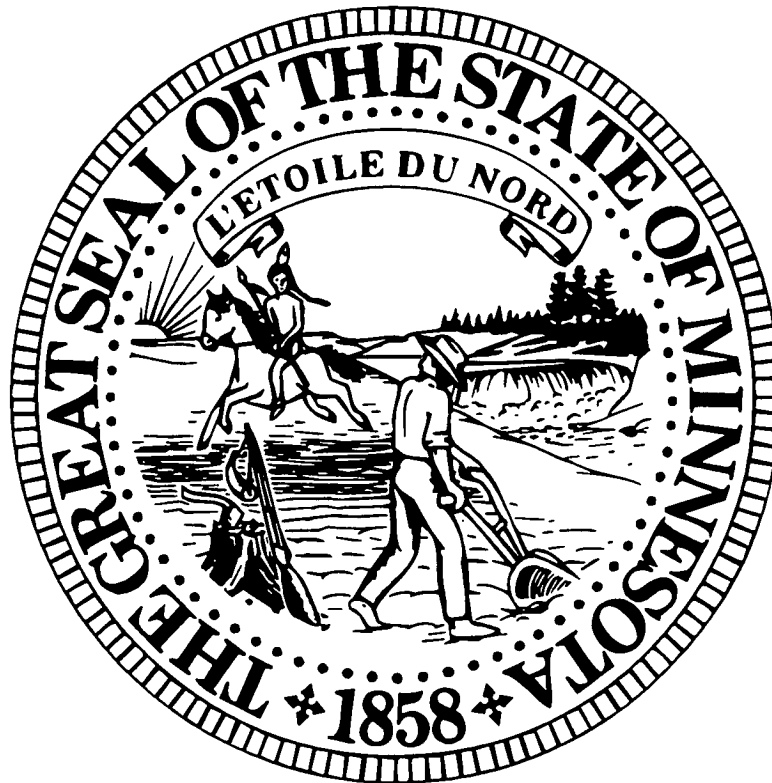
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The Minnesota

State Register

Rules and Official Notices Edition



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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.

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# 51	Monday 16 June	Monday 2 June	Monday 9 June
# 52	Monday 23 June	Monday 9 June	Monday 16 June
# 53	Monday 30 June	Monday 16 June	Monday 23 June
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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 <i>Awards Report</i> .	
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Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific Minnesota Rule chapter numbers. Every odd-numbered year the Minnesota Rules are published. The current 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*.

JOINT NOTICE:

Department of Health

Department of Trade and Economic Development

Proposed Permanent Rules Relating to Drinking Water Revolving Fund

Joint Notice of Intent to Adopt Rules Without a Public Hearing

Proposed Rules Governing the Drinking Water Revolving Fund, *Minnesota Rules*, parts 4720.9000 to 4720.9080, and parts 7380.0245 to 7380.0297.

Introduction. The Department of Health and the Department of Trade and Economic Development for the Public Facilities Authority intend 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. 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 for both sets of these joint rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is:

Jeanne Eggleston
Minnesota Department of Health
Division of Environmental Health
121 East Seventh Place, Suite 220
P.O. Box 64975
St. Paul, Minnesota 55164-0975
Ph. (612) 215-0735
FAX (612) 215-0979

TTY users may call the Department at (612) 623-5522.

Subject of Rules and Statutory Authority. The proposed rules are about providing financial assistance, through the Drinking Water Revolving Fund, primarily in the form of low interest loans, to eligible public drinking water supplies for the planning, design and construction of facilities to ensure safe drinking water for the citizens of Minnesota. The statutory authority to adopt the rules is *Minnesota Statutes*, section 446A.081, subdivisions 11 and 12.

Proposed Rules

The Drinking Water Revolving Fund will be jointly administered by the Department of Health (Department) and the Public Facilities Authority (Authority). The Department will set priorities for the use of fund money, review the proposed projects for technical adequacy, and provide technical assistance and training for public drinking water supplies. The Authority will review the financial capability of applicants, set interest rates, terms and conditions of the loans, award loans and process repayments.

A copy of the proposed rules is published in the *State Register*. 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 Wednesday, July 16, 1997, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. 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 Wednesday, July 16, 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 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 withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules. 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 rules and an estimate of the probable cost of the proposed rules. Copies of the statement may be obtained at the cost of reproduction from the agency.

Adoption and Review of Rules. If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings 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: 2 June 1997

Anne M. Barry
Commissioner of Health

Dated: 29 May 1997

Jay Novak
Commissioner of Trade and Economic
Development

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

Department of Health

Proposed Permanent Rules Relating to Drinking Water Revolving Fund

4720.9000 PURPOSE.

The drinking water revolving fund provides financial assistance to eligible public drinking water suppliers for the planning, design, and construction of facilities to ensure safe and adequate drinking water. The program is jointly administered by the Minnesota Department of Health and the Minnesota Public Facilities Authority. The Minnesota Department of Health establishes priorities for the use of the drinking water revolving fund. All projects must be approved by the Minnesota Department of Health before they may be considered for funding by the Minnesota Public Facilities Authority. Parts 4720.9000 to 4720.9085 provide, for the Minnesota Department of Health, administration of its responsibilities under *Minnesota Statutes*, section 446A.081. Rules governing the Minnesota Public Facilities Authority's administration of its responsibilities under *Minnesota Statutes*, section 446A.081, are contained in chapter 7380.

The United States Environmental Protection Agency provides capitalization grants for this program to the state of Minnesota. Financial assistance projects must be in conformance with the requirements of the Public Health Service Act, *United States Code*, title 42, sections 300f et seq., Public Law Number 104-182, title XIV, section 1452, Part E.

4720.9005 DEFINITIONS.

Subpart 1. Scope. The terms defined in this part, in *Minnesota Statutes*, section 446A.081, and in the Public Health Service Act, apply to parts 4720.9000 to 4720.9085.

Subp. 2. Act. "Act" means the Public Health Service Act, *United States Code*, title 42, sections 300f et seq., Public Law Number 104-184, title XIV, section 1452, Part E.

Subp. 3. Authority. "Authority" means the Minnesota Public Facilities Authority.

Subp. 4. Commissioner. "Commissioner" means the commissioner of the Minnesota Department of Health.

Subp. 5. Project priority list. "Project priority list" means the document prepared pursuant to section 1452(b)(3)(B) of the act. The list shall identify all projects eligible for funding and the points assigned to the project as provided in parts 4720.9020 to 4720.9040.

Subp. 6. Treatment technique. "Treatment technique" means an enforceable procedure developed by the United States Environmental Protection Agency when it is not economically or technologically feasible to ascertain the level of a contaminant and that public drinking water suppliers must follow to treat their drinking water.

4720.9010 ELIGIBILITY.

The following entities are eligible to receive funds from the drinking water revolving fund for eligible activities listed in the act:

A. a community drinking water supply;

B. a nonprofit noncommunity drinking water supply;

C. a county, city, or town; or

D. any other governmental subdivision of the state responsible for the treatment and distribution of piped drinking water for human consumption, serving or proposing to serve a minimum of 15 connections or 15 living units, or serving or proposing to serve an average of 25 people daily for 60 days of the year.

4720.9015 PROJECT PRIORITY LIST.

Subpart 1. General. The commissioner must develop and maintain a project priority list for entities that have a need for a new or upgraded water supply system.

Subp. 2. Notice. At least once a year, the commissioner must provide notification to all eligible public drinking water suppliers that requests for placement on the project priority list are being accepted. The notice must include the schedule for submittal of the requirements listed in subparts 4 and 5, or subpart 6, in order to be placed on the project priority list.

Subp. 3. Project priority list amendments. As needed, but at least once per year, the commissioner must amend the project priority list to add or delete projects.

Subp. 4. General requirements. To be eligible for placement on the project priority list, a written request for placement on the project priority list must be submitted to the commissioner. The request must include:

A. the type of project (planning, design, or construction) for which financial assistance is being requested;

B. a current cost estimate and, if different, the amount of financial assistance being requested; and

C. a proposed project schedule in a form acceptable to the commissioner.

Subp. 5. Additional requirements for applicants seeking financial assistance for planning activities and design. The request for inclusion of a project under the planning or design section of the project priority list must include:

- A. a description of the need for the project;
- B. an estimate of the population and number of households to be served; and
- C. a map showing the geographical area the project is expected to serve.

Subp. 6. Additional requirements for applicants seeking financial assistance for construction. The request for listing a construction project on the project priority list under this part must include:

- A. a map of the geographical area;
- B. the population and number of households to be served;
- C. a description of the current drinking water supply system;
- D. a discussion of any existing and potential problems or failures in the current drinking water system;
- E. an analysis of possible alternatives for the correction of the problems or failures, including a cost estimate for each alternative;
- F. the selection of an alternative, including the reasons for the selection of this alternative and a detailed cost estimate; and
- G. for public water suppliers serving more than 1,000 persons, the status of the applicant's implementation of an approved emergency and water conservation plan required under Minnesota Statutes, section 103G.291.

Subp. 7. Priority points. A project must be assigned project priority points before being listed on the project priority list. The commissioner must review and approve the information submitted under subpart 4, 5, or 6 before assigning project priority points. Approval must be based on the determination that the information addresses the requirements under subpart 4, 5, or 6 and an evaluation that the selected alternative will provide a solution to the problems presented. A project's priority points must be the total number of priority points assigned under parts 4720.9020 to 4720.9040. The project priority points may be recalculated when new information becomes available until the project is placed on the intended use plan as provided in part 7380.0255, as proposed at 21 SR 1814.

Subp. 8. Listing order. Projects must be listed on the project priority list in descending order according to the number of total priority points assigned to each one. When two or more projects have the same priority point total, the project sponsored by the entity with the lowest median household income must receive the highest priority.

4720.9020 PUBLIC HEALTH PRIORITY POINTS.

Subpart 1. Existing eligible public drinking water supply. Only existing eligible public drinking water supply projects can be assigned priority points under subparts 2 to 4.

Subp. 2. Acute violations. A maximum of 100 priority points may be assigned to a project as described in items A to E.

A. Twenty five priority points must be assigned if there have been one or more violations defined as an acute violation in Code of Federal Regulations, title 40, section 141.32(a)(1)(iii)(A), within the past 36 calendar months.

B. Twenty five priority points must be assigned if there have been one or more violations defined as an acute violation in Code of Federal Regulations, title 40, section 141.32(a)(1)(iii)(B), within the past 36 calendar months.

C. Twenty five priority points must be assigned if there have been one or more occurrences defined as a waterborne disease outbreak in Code of Federal Regulations, title 40, section 141.2, within the past 36 calendar months.

D. Twenty five priority points must be assigned if there have been one or more violations of the maximum contaminant level for total coliforms pursuant to Code of Federal Regulations, title 40, section 141.32(a)(1)(iii)(C), when total coliforms are determined to be present in the wells of a groundwater system or at the point of entry for a surface water system within the past 36 calendar months.

E. Fifteen priority points must be assigned if there have been one or more violations of the maximum contaminant level for total coliforms pursuant to Code of Federal Regulations, title 40, section 141.32(a)(1)(iii)(C), when total coliforms are determined

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to be present in a part of the system other than the wells of a groundwater system or at the point of entry for a surface water system within the past 36 calendar months. Points may not be assigned under this item if points have been assigned under item D.

Subp. 3. Failure to comply with treatment technique requirements.

A. Fifteen priority points must be assigned if there have been one or more failures to comply with a treatment technique requirement pursuant to *Code of Federal Regulations*, title 40, sections 141.70 to 141.74.

B. Thirteen priority points must be assigned if there have been one or more failures to comply with a treatment technique requirement, other than those referred to in item A, within the past 36 calendar months. Additional points must not be assigned for multiple failures to comply with the same requirement.

Subp. 4. Violations of nonacute primary maximum contaminant levels. Fifteen priority points must be assigned if there has been a violation of any nonacute primary maximum contaminant levels within the past 36 calendar months.

Subp. 5. Contaminated private wells. Only projects that will result in the creation of an eligible public water supply or connection to an eligible public water supply may be assigned points under this subpart. More than 50 percent of the private wells in the proposed project service area must meet a criterion in item A or B for priority points to be assigned under item A or B. If 50 percent or less of the private wells in the proposed project service area meet a criterion, one-half of the listed points must be assigned. Results of tests, done in accordance with the United States Environmental Protection Agency approved analytical methods, must be submitted.

A. Twenty five priority points must be assigned if test results indicate that a condition exists that meets the criteria in subpart 2, item A, B, C, or D.

B. Ten priority points must be assigned if a drinking water advisory has been issued by the Minnesota Department of Health.
4720.9025 INADEQUATE WATER SUPPLY PRIORITY POINTS.

Subpart 1. Consistently provide. For the purposes of this part, the term "consistently provide" means that, at all times, the minimum pressures and flow rates for plumbing fixtures, as defined in the Minnesota Plumbing Code, part 4715.1770, are maintained.

Subp. 2. Existing public drinking water suppliers. For existing public drinking water suppliers serving more than 1,000 people, evidence of the implementation of an emergency and water conservation plan approved by the Minnesota Department of Natural Resources pursuant to *Minnesota Statutes*, section 103G.291, subdivision 3, must be provided to the commissioner before priority points may be assigned under this subpart.

A. Fifteen priority points must be assigned if an existing public drinking water supply is unable to consistently provide for the domestic water demand, excluding industrial and commercial uses.

B. Seven priority points must be assigned if an existing public drinking water supply is able to consistently provide domestic water demand for the uses listed under item A, but is unable to consistently provide water for other uses, including industrial and commercial uses.

Subp. 3. Inadequate supply from private wells. Only projects that result in the creation of an eligible public water supply or connection to an eligible public water supply may be assigned points under this subpart.

A. Fifteen priority points must be assigned if more than 50 percent of the private wells in the proposed project service area are unable to consistently provide an adequate amount of water for general household purposes as demonstrated by an analysis of the aquifer supply and the demand for water in the area.

B. Five points must be assigned if 50 percent or less of the private wells in the proposed project service area meet the criteria in item A.

4720.9030 PUBLIC DRINKING WATER INFRASTRUCTURE IMPROVEMENT PRIORITY POINTS.

Subpart 1. Existing public drinking water suppliers. Only existing eligible public drinking water supply projects may be assigned priority points under this part. A project may be assigned priority points under only one subpart. If it has been assigned points under part 4720.9020 or 4720.9025, it may not be assigned points under this part.

Subp. 2. System reliability. Seven priority points must be assigned to projects that will address a demonstrated need for a new backup well or interconnection with another public water supply.

Subp. 3. Looping of water mains. Seven priority points must be assigned to projects that will address a demonstrated need for looping of water mains.

Subp. 4. Chlorine feed equipment. Seven priority points must be assigned to projects that will address a demonstrated need for chlorine feed equipment.

Subp. 5. One-day storage. Six priority points must be assigned to projects that allow the supply to have one-day storage capacity equal to the average daily use.

Subp. 6. Other infrastructure projects. Five priority points must be assigned to projects that will address a demonstrated need for new or upgraded public drinking water facilities if priority points have not been assigned under subpart 2, 3, 4, or 5.

4720.9035 ADDITIONAL PRIORITY POINTS CATEGORIES.

Subpart 1. Natural disaster. In order to be assigned priority points under this subpart, a description of the existing public drinking water supply, or portion thereof, damaged or destroyed by a natural disaster, must be submitted along with a statement that other state or federal disaster relief is not available.

A. Fifteen extra priority points must be assigned if more than 50 percent of the proposed project will replace or repair the existing public drinking water supply damaged or destroyed by a natural disaster.

B. Ten extra priority points must be assigned if 50 percent or less of the proposed project will replace or repair the existing public drinking water supply damaged or destroyed by a natural disaster.

Subp. 2. Compliance. Ten extra priority points must be assigned if the proposed project will enable an eligible public drinking water supply to comply with an administrative penalty order, bilateral compliance agreement, permit, or other enforceable document issued by the Minnesota Department of Health.

Subp. 3. Consolidation. Ten extra priority points must be assigned if the proposed project will result in the consolidation of existing public drinking water suppliers.

Subp. 4. Source water protection. Three extra priority points must be assigned if the proposed project, or any portion thereof, is needed in order to protect the drinking water source.

4720.9040 FINANCIAL NEED.

Subpart 1. General. Only projects sponsored by community public drinking water suppliers can be assigned priority points under this part.

Subp. 2. Median household income. The median household income levels of the state must be determined from income data from the most recent census of the United States or from data from the state demographer.

A. A municipal community public water supply must use the median household income for the appropriate political subdivision or subdivisions encompassing its service area, except as provided in item C.

B. A nonmunicipal community drinking water supply must use the median household income for the smallest political subdivision encompassing the nonmunicipal community drinking water supply, except as provided in item C.

C. If there is reason to believe that the United States census data or the data from the state demographer is not a currently accurate representation of the median household income, documentation of the reasons why the data is not an accurate representation may be submitted. If the commissioner, after review, agrees, the applicant may submit additional information regarding median household income. The information must consist of reliable data from local, regional, state, or federal sources, or from a survey conducted by a reliable impartial source. The median household income level must be updated to reflect the most current and accurate figures.

Subp. 3. Assignment of points. A project sponsored by a community public drinking water supply with a median household income less than either the median household income for a metropolitan or nonmetropolitan area, as applicable, must be assigned five priority points.

4720.9045 PLAN AND SPECIFICATION REQUIREMENTS.

Subpart 1. General. An applicant seeking financial assistance from the drinking water revolving fund for a construction project must submit plans and specifications to the commissioner for review and approval. Plans and specifications must:

A. be signed by a professional engineer registered in Minnesota, except as provided in subpart 2;

B. be consistent with the selected alternative approved under part 4720.9015, subpart 6, item F;

C. describe the project in full and detail the construction requirements;

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D. include the latest detailed cost estimate for the project prepared by the person preparing the plans and specifications for the project;

E. comply with applicable state statutes, rules, and requirements; and

F. for public water suppliers serving more than 1,000 persons, include the status of the applicant's implementation of an approved emergency and water conservation plan required under *Minnesota Statutes*, section 103G.291.

Subp. 2. Exception to registered professional engineer requirement. Plans and specifications for a nonmunicipal community or noncommunity public drinking water supply project may be signed by a licensed plumber, a licensed water conditioning contractor, or a licensed water well contractor if the scope of the project is totally within the field for which the person is licensed to practice in Minnesota.

4720.9050 DEPARTMENT APPROVAL OF PROJECTS.

The commissioner must approve the project upon review of the documents submitted and a determination that the project meets the applicable requirements of the act, federal regulations, *Minnesota Statutes*, and parts 4720.9000 to 4720.9080.

If there is significant alteration to the project after the commissioner approves the project, the eligible applicant must request in writing an amended approval. The commissioner must review the request and project alteration and, upon a determination that the project meets the applicable requirements of the act, federal regulations, *Minnesota Statutes*, and parts 4720.9000 to 4720.9085, the commissioner must approve the project.

4720.9055 EMERGENCY LOAN PROGRAM.

Subpart 1. General. An eligible public drinking water supply may apply for emergency assistance in the case of catastrophic failure of the drinking water supply or unforeseen threats of contamination to the drinking water supply. Emergency projects need not comply with parts 4720.9015 to 4720.9050, but must be eligible under part 4720.9010.

Subp. 2. Notification. An eligible public drinking water supply must notify the commissioner of the need for emergency remediation of threats of contamination or catastrophic failure of the drinking water supply. The notification must include the nature of the threat or failure, the proposed remediation, and estimated costs.

Subp. 3. Approval. Upon review of the information required by subpart 2 and a determination that the project meets the applicable requirements of the act, federal regulations, *Minnesota Statutes*, and parts 4720.9000 to 4720.9085, the commissioner must approve the project. Approval must be based on the determination that the information demonstrates the need for emergency funding and that the proposed remediation will provide a solution to the problems presented.

4720.9060 CERTIFICATION OF PROJECT TO AUTHORITY.

Upon approval of a project pursuant to part 4720.9050 or 4720.9055 and verification that the project is listed on the current project priority list, the commissioner must certify the project to the authority for review and consideration.

4720.9065 CONSTRUCTION PHASE AND POSTCONSTRUCTION PHASE REQUIREMENTS.

Subpart 1. Project completion and final inspection. The financial assistance recipient must notify the commissioner of the estimated date on which the operation of the project's major components is initiated or is capable of being initiated. A final inspection of the project must be performed if the commissioner determines it is necessary to verify that construction conforms with approved plans and specifications and any change orders.

Subp. 2. Project performance.

A. Three months after initiation of operation of the project, the financial assistance recipient must certify to the commissioner that the project is operating as planned and designed. This certification must be made in a form acceptable to the commissioner.

B. If the financial assistance recipient is unable to certify the project is operating as planned and designed, the recipient must submit a corrective action report to the commissioner for review and approval. The corrective action report must contain an analysis of the project's failure to operate as planned and designed; a discussion of the nature, scope, and cost of the action necessary to correct the failure; and a schedule for completing the corrective work.

4720.9070 CERTIFIED OPERATOR.

Subpart 1. General. Except as provided in subpart 2, before the financial assistance recipient submits its final financial assistance payment request to the authority, it must submit to the commissioner the name, certification number, and certification expiration date of the operator certified under chapter 9400 and directly responsible for the operation of the facility.

Subp. 2. Exception for transient noncommunity public drinking water supply. A financial assistance recipient that is a transient noncommunity public drinking water supply is exempt from the requirement in subpart 1, but must perform monitoring of its drinking water supply as specified in the plans and specifications approval letter and have periodic inspections of the supply done by qualified personnel during the term of the loan.

4720.9075 SANCTIONS.

If a project fails to conform substantially to approved plans and specifications, or a financial assistance recipient fails to comply with the requirements of parts 4720.9000 to 4720.9085, the commissioner must request the authority to withhold or terminate either total or partial disbursements to the financial assistance recipient. Once an agreement for correcting the condition which led to the withholding of funds is reached between the commissioner and the financial assistance recipient, the commissioner must recommend to the authority that the retained funds be released according to the provisions of the agreement.

4720.9080 DISPUTES.

A person adversely affected by an action of department staff may request a review of the action. A request for review must be submitted in writing to the commissioner by the person within 45 days of the date of notification of the commissioner's final decision. The request must be reviewed under parts 4720.9000 to 4720.9080 by the commissioner.

Department of Trade and Economic Development**Proposed Permanent Rules Relating to Drinking Water Revolving Fund****7380.0245 PURPOSE.**

The drinking water revolving fund provides loans and other forms of financial assistance to eligible public drinking water suppliers for the planning, design, and construction of facilities to ensure safe and adequate drinking water. Under the provisions of the federal Safe Drinking Water Act and Minnesota Statutes, section 446A.081, the Minnesota Public Facilities Authority receives capitalization grants from the United States Environmental Protection Agency and manages the fund, including making loans to eligible borrowers and receiving loan repayments. The authority also raises funds for loans through the sale of revenue bonds. Parts 7380.0245 to 7380.0297 provide for the authority's administration of its responsibilities under Minnesota Statutes, section 446A.081. The Minnesota Department of Health also has administrative responsibilities under Minnesota Statutes, section 446A.081, including determining project priorities and approving projects prior to the award of financial assistance by the authority. Parts 4720.9000 to 4720.9085, as proposed at 21 SR 1806, provide for the administration of the Minnesota Department of Health's responsibilities.

7380.0250 DEFINITIONS.

Subpart 1. Scope. The terms defined in this part, the federal Safe Drinking Water Act, and Minnesota Statutes, section 446A.081, apply to parts 7380.0245 to 7380.0297.

Subp. 2. Act. "Act" means the Public Health Service Act, United States Code, title 42, sections 300f et seq., Public Law Number 104-184, title XIV, section 1452, Part E.

Subp. 3. Applicant. "Applicant" means any county, city, town, township, regional entity, or other governmental entity, or such other entity as provided in part 4720.9010, as proposed at 21 SR 1806, which is responsible for providing public drinking water, and which intends to apply or has applied to the authority for financial assistance from the fund. If an entity responsible for providing public drinking water is not empowered to issue a general obligation bond to the authority and another governmental entity agrees to issue a general obligation note on behalf of the drinking water supplier, applicant refers to both entities. All data used in these circumstances to determine the interest rate of a loan under part 7380.0270 shall be based on the entity responsible for providing public drinking water.

Subp. 4. Application. "Application" means the documents submitted to the executive director of the authority by the applicant which contains information and data in support of the applicant's loan request to the authority. The application includes the completed application forms provided by the authority; a municipal profile and current annual budget, or financial forecasts, as applicable; and financial audits for the last three years. Application materials submitted by a private provider of a public drinking water system may be private data as provided in part 7380.0260.

Subp. 5. Authority. "Authority" means the Minnesota Public Facilities Authority created in Minnesota Statutes, chapter 446A.

Subp. 6. Basis point. "Basis point" means the shorthand reference to 1/100 (0.01) of one percent.

Subp. 7. Borrower. "Borrower" means any county, home rule charter or statutory city, town, township, regional entity, or other governmental entity, or other entity as provided in part 4720.9010, as proposed at 21 SR 1806, which is responsible for providing public drinking water, and which will enter into or has entered into a loan agreement with the authority. If an entity responsible for

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providing public drinking water is not empowered to issue a general obligation bond to the authority and another governmental entity agrees to issue a general obligation note on behalf of the drinking water supplier, borrower refers to both entities. All data used in these circumstances to determine the interest rate of a loan under part 7380.0270 shall be based on the entity responsible for providing public drinking water.

Subp. 8. CD. "CD" means certificate of deposit.

Subp. 9. Debt service account. "Debt service account" means a separate booking account established and maintained in a borrower's official financial records to account for the accumulation of resources for, and the payment of, the general obligation bond issued by a borrower and purchased by the authority to effect the loan transaction for the financing of the borrower's drinking water supply project.

Subp. 10. Dedicated sources of revenue. "Dedicated sources of revenue" means one or more dedicated sources of revenue pledged by a borrower issuing a general obligation or revenue bond to the authority to service debt incurred from the fund as required by the act and Minnesota Statutes, section 446A.081, subdivision 8, paragraph (d).

Subp. 11. Department. "Department" means the Department of Health.

Subp. 12. Eligible costs. "Eligible costs" means the project costs that may be financed by the authority, pursuant to the act and parts 7380.0245 to 7380.0297, provided that the project costs are reasonable and necessary, as determined by the authority, and subject to applicable law, provisions of the capitalization grant, and the authority's basic bond resolution and series bond resolution, may include the following:

- A. acquisition costs of land, as permitted under the act;
- B. site preparation;
- C. construction costs;
- D. engineering costs;
- E. cost of equipment and machinery;
- F. bond issuance costs;
- G. underwriting, financial advisor, or placement fees;
- H. trustee or paying agent fees;
- I. fees of guarantor, insurer, or financial institution, which provide letters of credit, surety bonds, or equivalent security;
- J. authority fees, including application and guaranty of the authority;
- K. certain contingency costs up to the amount permitted by the act;
- L. interest costs during construction; and
- M. legal fees, including those of the authority.

Subp. 13. Emergency project. "Emergency project" means a project so designated by the commissioner of the department as provided in part 4720.9055, as proposed at 21 SR 1810.

Subp. 14. Executive director. "Executive director" means the executive director of the authority.

Subp. 15. Financial capability.

A. "Financial capability" for a municipal borrower means the capability of the municipality to retire debt incurred from the fund, as measured by its current fiscal and socioeconomic data as determined through such measures as population trends, median household income, per capita debt load, user fee impact, composition of municipal long-term debt, debt service coverage ratio, planned capital improvements, and liquidity, as well as a review of the municipality's last three years' annual audits.

B. "Financial capability" for a private borrower means the capability of the private borrower to retire debt incurred from the fund, as determined by such measures as income and earnings forecasts, financial forecasts, credit reports, net worth calculations, and other related documents that demonstrate that the borrower has sufficient revenues to repay the loan.

Subp. 16. Financial institution. "Financial institution" means an investment or banking institution, a savings and loan, an insurance company, an investment company, or a public entity authorized to make loans.

Subp. 17. Fund. "Fund" means the drinking water revolving fund as provided in Minnesota Statutes, section 446A.081, subdivision 2.

Subp. 18. General obligation bond or general obligation note. "General obligation bond" or "general obligation note" means bonds or notes which are secured by the full faith and credit of a borrower as provided in Minnesota Statutes, chapters 116A and 475.

Subp. 19. Interest. "Interest" means the interest charged on the loan principal plus any servicing fees as provided in Minnesota Statutes, section 446A.04, subdivision 5.

Subp. 20. Linked deposit loan. "Linked deposit loan" means a loan made under contract by the authority with a financial institution authorized to issue CDs, where the authority invests funds in a CD up to an amount equal to the amount of the loan. The CD is intended to be a source of funds for the loan and may not be pledged as security on the loan.

Subp. 21. Loan agreement. "Loan agreement" means the financing agreement between the borrower, the financial institution, if utilized for a project, and the authority, which along with the general obligation bond, revenue bond, or promissory note and security agreement, as applicable, provides the terms and conditions of the loan.

Subp. 22. Municipal bond index. "Municipal bond index" means the index compiled by Merrill Lynch and Co. which is represented as being based on the yield that about 500 major issuers, mainly of investment grade, would pay on new long-term (20 years) general obligation, tax-exempt bonds. The index is published weekly in the Wall Street Journal. If this index is discontinued, the authority shall select a similar alternative index.

Subp. 23. Official statement. "Official statement" means the legal document prepared by the authority which summarizes all the salient features of the underlying documents and agreements which support the bond offerings of the authority. It is considered a disclosure document which presents information that is material to the offering, and contains what a reasonable investor would need to know in making a decision about investing in the issue. The document sets forth the pertinent facts concerning the issuer, the issuer's financial condition, the security pledged for the bonds being offered, the projected use of the proceeds of the bond sale, and, in the case of the authority, pertinent facts about the authority's borrowers.

Subp. 24. Participation loan. "Participation loan" means a loan made under contract with a financial institution in which the authority purchases up to a 50 percent share of a financial institution's loan to an eligible borrower.

Subp. 25. Poverty level. "Poverty level" means the number of persons in poverty within a municipality, expressed as a percentage, identified as the poverty level of a municipality by the United State Census Bureau, or by another federal or state agency, or by an accredited independent survey, which most accurately measures the level of poverty within a municipality.

Subp. 26. Project completion. "Project completion" means the date on which the operation of the project's major components will be initiated or will be capable of being initiated.

Subp. 27. Quarterly set rate. "Quarterly set rate" means the maximum rate of interest in a given quarter on a 20-year loan to a borrower providing a general obligation or revenue bond to the authority, using as guidance the average of the municipal bond index for the four weeks prior to the beginning of the quarter minus 50 basis points. For loans less than 20 years, an additional five basis points shall be deducted for each year less than 20 years.

Subp. 28. Revenue bond. "Revenue bond" means a bond payable from specified sources of revenue and to which the full faith and credit of the issuing entity is not pledged, issued by a city of the first class which cannot issue a general obligation bond or note to finance its water supply system without first obtaining the approval of the electors at a referendum.

Subp. 29. Significant water user. "Significant water user" means a nonresidential user of an applicant's water supply system whose current water needs or projected water needs cause the need for construction of the drinking water project, and whose water intake after the project is completed will be greater than or equal to 50 percent of the total gallons annually supplied by the water supply system.

Subp. 30. True interest cost. "True interest cost" means the weighted rate of interest on an authority series bond issue as determined at the time of bid opening and award of the issue to an underwriter.

Subp. 31. Water service area. "Water service area" means the area serviced by a borrower's drinking water project.

Subp. 32. Water service charge. "Water service charge" means the total charges levied upon the residential and nonresidential users of a borrower's water supply system for the purposes of operating and maintaining the system and paying debt service costs. Water service charges may include tax assessments, special assessments, user charges, user fees, or other charges for the use of the borrower's water supply system identified by any other name.

Subp. 33. Water supply system. "Water supply system" means the collective term to denote all of the property involved in the operation of a borrower's water system, including, but not limited to, the source of the water supply, treatment facilities, water storage, water lines, valves, meters, and general property.

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7380.0255 INTENDED USE PLAN.

Subpart 1. Adoption of intended use plan. The authority shall, after providing for public notice and comment, annually adopt an intended use plan which describes the intended uses of the amounts in the fund in a particular fiscal year. The intended use plan shall identify:

- A. the projects meeting the eligibility requirements in subpart 2 which are expected to be funded in the fiscal year;
- B. the other eligible activities to be funded as provided in the act, and the amounts to be set aside for each; and
- C. the amount to be reserved for emergency projects.

Subp. 2. Eligibility. To be eligible for placement on the intended use plan:

A. the project must be listed on the project priority list maintained by the department as provided in part 4720.9015, as proposed at 21 SR 1806; and

B. the applicant must submit a written request to the authority for placement on the intended use plan that includes:

- (1) a brief description of the project for which financial assistance is sought;
- (2) an updated project cost estimate and the requested loan amount;
- (3) a project schedule indicating that the project will proceed in the fiscal year for which the intended use plan is being prepared; and
- (4) an estimate of the monthly drawdown of the loan proceeds.

Subp. 3. Priority order. Projects shall be listed on the intended use plan in order of their priority on the project priority list maintained by the department as provided in part 4720.9015, as proposed at 21 SR 1806. If the total requested loan amount from applicants meeting the eligibility requirements in subpart 2 exceeds the amount expected to be available for loans, all eligible projects shall be listed on the intended use plan and the intended use plan shall identify the projects that are expected to be funded, beginning with the highest priority projects.

Subp. 4. Bypass procedure. If an applicant whose project is identified to receive funding on the intended use plan fails to meet the timing requirements in part 7380.0260, subpart 1, the project shall be bypassed and the loan amount designated for that project shall be offered to the remaining projects on the intended use plan, in priority order, that were not previously identified to receive funding.

Subp. 5. Amendments to intended use plan. The authority shall amend the intended use plan to add additional eligible projects to the extent sufficient funds are available.

7380.0260 APPLICATIONS.

Subpart 1. Timing. Applicants whose projects are identified to receive funding on the intended use plan described in part 7380.0255 must submit the items specified in items A and B within six months after the date the authority adopts the intended use plan or an amendment to the intended use plan. If the applicant fails to submit these items by the required date, the applicant's project will be subject to the bypass procedure as provided in part 7380.0255, subpart 4. The applicant must:

A. submit an application for financial assistance to the authority; and

B. for construction projects, submit plans and specifications to the department as provided in part 4720.9045, as proposed at 21 SR 1809.

Subp. 2. Financial information. Financial information submitted by an applicant in support of a loan application to the authority, which may include credit reports, financial statements, and net worth calculations, is private data with regard to data on individuals as defined in *Minnesota Statutes*, section 13.02, subdivision 12, and nonpublic data as defined in *Minnesota Statutes*, section 13.02, subdivision 9.

Subp. 3. Municipal profile. An applicant must submit a municipal profile that contains basic applicant data and information. The profile shall include, at a minimum, population trends, major employers, building permits, largest taxpayers, trends of estimated market values, property tax rates, property tax collection, net tax capacity, indebtedness, budget forecasts, project capital expenditures, educational and health care facilities, and other information deemed necessary by the authority or its rating agencies in order to make an informed determination on the creditworthiness of the applicant. The borrower shall authorize the use of the municipal profile in any official statements of the authority relating to its issuance of bonds and attest that the municipal profile does not contain an untrue statement of material fact, and to notify the authority if the borrower becomes aware of any changes which cause the information in the municipal profile to contain an untrue fact or omit a material fact.

Subp. 4. Complete applications. An application is considered complete when the executive director of the authority determines that the applicant has provided the required forms, and that the data, exhibits, and documentation which have been submitted are sufficient for the authority to make an informed determination that:

- A. the financing of the project is fully assured;
- B. the applicant has the financial capability to repay the loan; and
- C. adequate collateral is being provided by the applicant to secure the loan to the extent required by the authority.

Subp. 5. Incomplete applications. If an application is received that does not meet the requirements of subpart 4, the application shall be considered incomplete and the applicant shall be asked to provide the required data or information. Should the applicant not respond to the request, the executive director shall notify the applicant in writing of specific deficiencies in the application. The applicant has 60 days from the date of mailing of the executive director's notification to complete the application. If the application is not completed and received by the executive director within 60 days, the application shall be rejected, and the applicant, subject to the authority and department rules, must reapply to be further considered.

Subp. 6. Evaluation of certified applications. The executive director and staff shall evaluate applications for projects certified by the department to determine the applicant's capacity to comply with the act, *Minnesota Statutes*, section 446A.081, parts 7380.0245 to 7380.0297, the loan agreement, and the covenants of the general obligation bond, revenue bond, or promissory note and security agreement that will be issued by the applicant to the authority. When the department's certification of an applicant's project and the as-bid costs have been received, the staff shall provide a signed recommendation to the authority, approved and countersigned by the executive director, recommending whether the loan should be approved, approved with special conditions, or rejected.

Subp. 7. Rejection of an application. The authority shall reject an application for financial assistance for one or more of the following reasons:

- A. failure of the project to receive certification by the department under part 4720.9060, as proposed at 21 SR 1810;
- B. failure of the applicant to submit a complete application as provided in subpart 4;
- C. failure of the applicant to develop dedicated sources of revenue sufficient to ensure repayment of the loan and adequate operation and maintenance of the facility;
- D. failure of the applicant to demonstrate that it has the technical, managerial, and financial capability to construct the facility and adequately operate and maintain the water supply system for the term of the loan;
- E. failure of the applicant to adequately collateralize the loan; or
- F. failure of the applicant to demonstrate its capacity to comply with the act, *Minnesota Statutes*, section 446A.081, parts 7380.0245 to 7380.0297, the loan agreement, and the covenants of the general obligation bond, revenue bond, or promissory note and security agreement that will be issued by the applicant to the authority.

7380.0265 LOAN TERMS AND CONDITIONS.

Subpart 1. In general. The authority shall provide loans or other financial assistance for eligible costs of projects listed on the intended use plan, or for emergency projects designated by the commissioner of the department, which are not rejected for any of the reasons listed in part 7380.0260, subpart 7. The terms and conditions for loans or other financial assistance provided by the authority to borrowers for certified projects are as provided by the act, *Minnesota Statutes*, section 446A.081, subdivision 8, parts 7380.0245 to 7380.0297, the capitalization grant, the authority's basic bond resolution and series bond resolution, the loan agreement, and the general obligation bond, revenue bond, or promissory note and security agreement issued by the borrower to the authority for the project financing. Borrowers shall also comply with chapter 4720.

Subp. 2. Borrowers providing general obligation or revenue bonds. A borrower providing a general obligation or revenue bond to the authority must use a nationally recognized bond counsel identified as such and included in The Bond Buyer's Municipal Marketplace Directory to prepare the bonds and other related documentation and render an opinion to the authority. Items A to F apply to borrowers providing general obligation or revenue bonds to the authority.

- A. The term of the loan shall not exceed 20 years.
- B. The borrower shall designate and maintain dedicated sources of revenue sufficient to fully amortize the loan and to fully provide for the operation and maintenance of the drinking water system.
- C. The borrower shall establish and maintain a debt service account and an operation and maintenance account in amounts to achieve the purposes in items A and B.

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Proposed Rules

D. The borrower shall maintain the technical, managerial, and financial capability to adequately operate and maintain the water supply system for the full term of the loan.

E. The borrower shall begin making principal and interest payments on the loan no later than one year after approval of the loan or one year after project completion as estimated in the application, whichever is earlier. Subsequent principal and interest payments must be made in the amounts and at the times given in the loan agreement. In no case shall payments be less frequent than annual principal and interest payments sufficient to amortize the debt within the term of the loan.

E. If the project involves a significant water user, the borrower must enter into an agreement with the significant water supply user which ensures that the borrower and the authority are adequately protected in the event the significant water supply user curtails or ceases its operations.

Subp. 3. Borrowers not providing general obligation or revenue bonds. The authority shall provide financial assistance, up to a maximum of \$250,000, to a borrower not providing a general obligation or revenue bond by utilizing either a linked deposit loan or participation loan, as determined by the authority. The terms and conditions in items A to E apply to linked deposit loans and participation loans.

A. The maximum term of the loan shall first be determined by determining the useful life of the property being acquired with the loan proceeds. The term of the loan shall not exceed the following limits:

(1) 12 years for land, buildings, or other real property;

(2) the lesser of 80 percent of the useful life or seven years for equipment or machinery; or

(3) a weighted average of the limits provided in subitems (1) and (2) for loans that are a combination of real property and equipment or machinery.

B. Principal and interest payments are due in accordance with the loan agreement and the promissory note.

C. The borrower shall maintain the technical, managerial, and financial capability to adequately operate and maintain the water supply system for the full term of the loan.

D. For linked deposit loans, the authority's CD shall be insured by the Federal Deposit Insurance Corporation or secured as provided in *Minnesota Statutes*, section 118A.03, subdivision 3. The CD term and amount shall be equal to the term and amount of the borrower's loan.

E. For participation loans, the financial institution and the authority shall take a security interest in capital assets or real property of the borrower to collateralize the loan.

7380.0270 INTEREST RATE DETERMINATIONS FOR BORROWERS PROVIDING GENERAL OBLIGATION OR REVENUE BONDS.

Subpart 1. In general.

A. The interest rate charged a borrower providing a general obligation or revenue bond to the authority for the full amount of the loan shall be based on the quarterly set rate in effect when the application is received and the cumulative interest rate reductions provided in this part, except as provided in subparts 5 and 6. In no case shall the rate of interest on a loan to a borrower be discounted to less than one percent.

B. In order to effect the purposes and carry out the responsibilities of the authority as provided in *Minnesota Statutes*, section 446A.081, subdivision 2, and in accordance with the powers vested in the authority in *Minnesota Statutes*, section 446A.04, subdivision 7, the authority may, by resolution, reset the criteria and the means by which it determines terms, conditions, and interest rates on loans to borrowers, and shall effect the changes after providing public notice.

C. The authority shall suspend offering loans with interest rates based on the quarterly set rate if it determines that market conditions impacting the municipal bond index are:

(1) not representative of current market conditions; or

(2) such that continued use of the index would be detrimental to the viability of the fund.

At the time of that determination, the authority shall by resolution adopt a revised rate for a period of time determined by the authority. The authority shall, based on market conditions, extend the offering of loans at the revised rate and continue to do so until the time the authority considers it prudent to again use the municipal bond index as guidance for the set rate.

D. The data used to determine the population, median household income, and poverty level of the borrower shall be that which most accurately measures the current population, median household income, and poverty level of the borrower's water service area. If there is reason to believe that the United States Census data or the data from the state demographer is not a currently accurate representation of the median household income, poverty level, or population of the borrower's water service area, the borrower may document the reasons why the data is not an accurate representation, and obtain additional information regarding median

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household income, poverty level, or population of the borrower's water service area. The information must consist of reliable data from local, regional, state, or federal sources, or from a survey conducted by a reliable impartial source. If the authority determines that the demographic data submitted by the borrower does not reflect the most current or accurate measure of the population, median household income, and poverty level of the borrower's water service area, the authority shall update the demographic data to reflect the most current and accurate figures.

Subp. 2. Population discounts. A borrower shall receive interest rate discounts based on its population according to items A to D.

- A. A borrower with a population of 25,000 or less and larger than 5,000 shall receive a 25 basis point discount.
- B. A borrower with a population of 5,000 or less and larger than 2,500 shall receive a 50 basis point discount.
- C. A borrower with a population of 2,500 or less and larger than 1,000 shall receive a 75 basis point discount.
- D. A borrower with a population of 1,000 or less shall receive a 100 basis point discount.

Subp. 3. Median household income and poverty level discounts. A borrower shall receive interest rate discounts based on its median household income and poverty level as follows:

A. if the median household income level of the borrower is below the median household income level for the metropolitan or nonmetropolitan area, as applicable, based on the most recent census, the borrower shall receive a 50 basis point discount; or

B. if the poverty level of the borrower is at or above the national average, the borrower shall receive a 100 basis point discount.

Subp. 4. Water service charge discounts. A borrower shall receive interest rate discounts based on its estimated average annual residential water service charges after completion of the project as follows:

A. if the estimated average annual residential water service charge is at or exceeds one percent of the median household income level of the borrower, the borrower shall receive a 50 basis point reduction in the interest rate;

B. if the estimated average annual residential water service charge is at or exceeds 1-1/2 percent of the borrower's median household income, the borrower shall receive a 100 basis point reduction in the interest rate; or

C. if the estimated average annual residential water service charge is at or exceeds two percent of the borrower's median household income, the borrower shall receive a 150 basis point reduction in the interest rate.

Subp. 5. Loans funded through sale of authority bonds. Items A to C apply to loans funded through the sale of authority bonds.

A. Borrowers whose projects are funded through the sale of authority bonds shall have the option, except as provided in items B and C and subpart 6, of selecting an interest rate determined according to subparts 1 to 4, or selecting an interest rate determined by a specific basis point reduction from the true interest cost of the bonds sold by the authority. The authority shall annually provide by resolution the specific basis point reduction it will allow. Borrowers selecting this option must also comply with the following conditions:

- (1) the payment schedule of the loan must follow the payment schedule of the bonds sold by the authority;
- (2) an acceptable agreement on fund accountability must be reached;
- (3) the borrower must demonstrate its creditworthiness; and
- (4) the integrity of the fund must be maintained.

B. The authority shall have the option to fund projects in excess of \$5,000,000 through the sale of authority bonds and to set the interest rate based on the specific basis point reduction from the true interest cost of the authority's bonds provided by resolution as described in item A.

C. If the authority funds a loan through the sale of bonds to a borrower providing a revenue bond to the authority, the interest rate shall be based on the specific basis point reduction from the true interest cost of the authority's bonds provided by resolution as described in item A.

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Proposed Rules

Subp. 6. Loans for projects involving significant water users. If a borrower's project involves a significant water user, the interest rate on the loan or portion of the loan for the project costs directly attributable to the significant water user shall be the same as for United States treasury bills, notes, or bonds of a comparable maturity.

7380.0275 INTEREST RATE DETERMINATIONS FOR BORROWERS NOT PROVIDING GENERAL OBLIGATION OR REVENUE BONDS.

Subpart 1. In general. The authority shall set the interest rate for a borrower not providing a general obligation or revenue bond to the authority, and utilizing a linked deposit or participation loan, as provided in this part.

Subp. 2. Linked deposit loans. The interest rate on a CD purchased by the authority to effect a linked deposit loan shall be at the rate of the financial institution's interest rate on a CD equal to the term of the loan being made, minus 200 basis points. The interest rate to the borrower on the linked deposit loan made by the financial institution shall be discounted by 200 basis points from the lending rate that the borrower would have been entitled to under normal circumstances. The borrower shall not be entitled to any other interest rate discounts pursuant to part 7380.0270.

Subp. 3. Participation loans. The interest rate on the authority's portion of a participation loan shall be at the rate of a United States government treasury security of a comparable maturity to the term of the loan being made, minus 100 basis points. The interest rate to a borrower on the total amount of a participation loan shall be a blended rate of the financial institution's rate and the authority's rate in proportion to the respective rates of participation. The borrower shall not be entitled to any other interest rate discounts pursuant to part 7380.0270.

7380.0280 SUPPLEMENTAL ASSISTANCE FOR DISADVANTAGED COMMUNITIES.

Subpart 1. In general. The authority shall provide supplemental assistance, in the form of a reduction in the amount of loan principal which a borrower has to repay, to public water supply systems owned by a governmental or intergovernmental agency, a non-profit organization, an Indian tribe, or any combination of them that meet the criteria in subpart 2. The total amount of supplemental assistance provided in any one year shall not exceed ten percent of the federal capitalization grant for that year or \$2,000,000, whichever is less.

Subp. 2. Disadvantaged community criteria. A borrower is eligible for supplemental assistance as described in subpart 1 if:

A. the borrower's project receives public health priority points on the department's project priority list under part 4720.9020, as proposed at 21 SR 1807;

B. after completion of the proposed project, the borrower will have an estimated average annual residential water service charge of 1.4 percent of median household income or more; and

C. the borrower has also applied to all other federal and state financial assistance programs for which it is eligible.

Subp. 3. Amount of supplemental assistance. The supplemental assistance amount shall be equal to 80 percent of the amount needed to reduce the estimated average annual residential water service charge to 1.4 percent of median household income. If the current average annual residential water service charge is at or exceeds 1.4 percent of median household income, the supplemental assistance amount shall be 80 percent of the project cost. The supplemental assistance amount provided to a single borrower shall not exceed \$500,000.

7380.0285 OTHER FINANCIAL ASSISTANCE.

In addition to the loans provided in parts 7380.0265 to 7380.0275 and the supplemental assistance provided in part 7380.0280, the authority may provide other forms of financial assistance as provided in the act and in *Minnesota Statutes*, section 446A.081, subdivision 9. The executive director shall determine when other forms of financial assistance are appropriate based on existing financial conditions, the impact on the drinking water revolving fund, the financial capacity of the borrower, and the advantages to the borrower in using one form of financing as opposed to another form.

7380.0290 FEES.

If the authority charges fees, they must be as provided in *Minnesota Statutes*, section 446A.04, subdivision 5, paragraph (a).

7380.0295 RELEASE OF FUNDS.

Subpart 1. In general. Subject to the availability of funds, disbursements to the borrower shall be made in accordance with applicable state and federal law governing the disbursements. In addition, no disbursements shall be made to a borrower until and unless the authority has determined the total estimated cost of the project and ascertained that the financing of the project is assured by:

A. a loan authorized by state law or appropriation of bonds or other money of the borrower to a fund for the construction of the project; and

B. an irrevocable undertaking, by resolution of the borrower, to use all the money made available for the project exclusively for the project, and to pay any additional amount by which the cost of the project exceeds the estimate by the appropriation to the construction fund of additional money or proceeds of additional bonds to be issued by the borrower.

Subp. 2. Adverse change. The authority shall not release funds to a borrower for an approved project until the authority has determined that there has been no material negative change in the financial condition of the borrower, as reasonably determined by the authority, since the day of the completion of the application. The authority reserves the right to suspend or terminate funding to a borrower if the authority determines that there has been such a change.

Subp. 3. Withholding, disallowance, or termination of disbursements.

A. The authority shall withhold or disallow either total or partial disbursements if:

(1) the commissioner of the department requests disbursements be withheld or disallowed as provided in part 4720.9075, as proposed at 21 SR 1811; or

(2) the borrower fails to comply with the requirements of the act, Minnesota Statutes, section 446A.081, parts 7380.0245 to 7380.0297, the loan agreement, or the bonds or promissory note and security agreement issued by the borrower to the authority.

B. If the authority withholds or disallows disbursements under item A, the executive director shall give a borrower written notice of the reasons and the time in which the borrower must demonstrate to the authority's satisfaction that the condition has or will be corrected. If the condition has not been corrected in the specified time period, withheld disbursements may be terminated. Termination of disbursements means that the amount of the loan available to the borrower is reduced by the amount so terminated.

7380.0296 PENALTY FOR NONCOMPLIANCE WITH LOAN CONDITIONS.

If the authority determines that a borrower has failed to fully comply with the loan conditions provided in parts 7380.0245 to 7380.0297, the executive director shall notify the borrower in writing of the authority's determination. The borrower has three months from the date of notification to return to compliance or provide a written plan, acceptable to the authority, for returning to compliance. Upon submission of a plan by the borrower, the authority shall either accept or reject the plan. If an accepted plan has a longer time period for returning to compliance, the time period for compliance shall be the period specified in the accepted plan. If after three months the borrower fails to return to compliance or provide an acceptable plan, or fails to return to compliance within the time period specified in an accepted plan, the interest rate on the unpaid loan principal shall increase from and after the date of required compliance to the quarterly set rate in effect when the borrower's loan application was received, with no further discounts as provided in part 7380.0270. If the borrower subsequently returns to compliance, the borrower may request the authority to reinstate the original interest rate. If the authority determines, upon written request of the borrower, that the borrower has returned to compliance, the interest rate on the unpaid loan principal shall revert back to the original interest rate as of the date of the determination by the authority.

7380.0297 REPORTS, DISCLOSURE, AND AUDITS.

Subpart 1. Reports. During the term of the loan, the borrower shall make written reports to the authority on forms provided by the authority and on a schedule determined by the executive director.

Subp. 2. Disclosure. During the term of the loan, the borrower is required on its own volition to disclose to the authority any material information or events impacting the creditworthiness of the borrower, including, but not limited to, those requirements contained in Code of Federal Regulations, title 17, section 240.15c2-12 adopted by the United States Securities and Exchange Commission. If and when required by the rule, as determined by the authority, the borrower shall enter into a continuing disclosure document in a form provided by the authority.

Subp. 3. Audits. During the term of the loan, the borrower must provide annual independent audits acceptable to the authority. Additionally, a borrower must provide an annual independent audit performed in compliance with the requirements of the federal Office of Management and Budget, circular A-133, published in the Federal Register, volume 61, number 215, on November 5, 1996, and in compliance with the Single Audit Act Amendment of 1996, United States Code, title 31, sections 7501 to 7507. A borrower providing a general obligation or revenue bond to the authority must provide such audits for those years in which the authority disburses \$300,000 or more to the borrower.

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Proposed Rules

Department of Natural Resources

Division of Enforcement

Proposed Amendment to Rules Governing Off-Highway Motorcycles, Off-Road Vehicles, and All-Terrain Vehicles, *Minnesota Rules* 6102.0001 through 6102.0090

Notice of Hearing

Public Hearing. The Department of Natural Resources intends to adopt rules after a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing on the above-entitled rules, in the Auditorium at the Ogilvie High School Building, 333 School Drive, Ogilvie, Minnesota 56358, starting at 1:30 p.m. on July 21, 1997, and continuing until the hearing is completed. Additional days of hearing will be scheduled if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

Administrative Law Judge. The hearing will be conducted by Administrative Law Judge Richard C. Luis, who can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 612/349-2542, and fax 612/349-2665. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge.

Subject of Rules, Statutory Authority, and Agency Contact Person. The subject of the hearing will be the proposed rules governing modifications to the rules governing all terrain vehicles, *Minnesota Rules* parts 6102.0010-.0800. The proposed rules will include off-highway motorcycles and off-road vehicles in *Minnesota Rules*, parts 6102.0010-.0800. The amendments will also relate to vehicle registration, display, description and replacement of numbers and decals; reporting of abandoned, stolen or destroyed vehicles; dealer's and manufacturer's registration; special permits; required equipment; towing by a vehicle; permanent identification numbers; muffler requirements; use of vehicles on public lands, water, trails and roadways; regulations by governmental subdivision; official use and variance; uniform signs; education and training programs for ATV and OHM and penalties.

The proposed rules are authorized by *Minnesota Statutes*, sections 84.787 to 84.796, 84.797 to 84.805, and 84.92 to 84.929. A copy of the proposed rules is published at page 1395 in Volume 21, Number 40 of the *State Register* dated March 31, 1997. A free copy of the rules is available upon request from the agency contact person. The agency contact person is: Lt. Michael Hamm at Minnesota Department of Natural Resources, Division of Enforcement, Box 47, 500 Lafayette Road, St. Paul, MN. TDD users may call the Department of Natural Resources at (612) 296-5484 or 1-800-657-3929.

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

Public Comment. You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. 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.

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

Alternative Format/Accommodation. Upon request, 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 as a result of the rule hearing process. Modifications must be supported by data and views presented during the rule hearing process, 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.

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

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State 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.

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

Name: Gail Lewellen
Title: Assistant Commissioner
for Legal Affairs and Human Resources

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.

Higher Education Services Office

Adopted Permanent Rules Governing Audit Requirements for Financial Assistance

The rules proposed and published at *State Register*, Volume 21, Number 35, pages 1213-1214, February 24, 1997 (21 SR 1213), are adopted as proposed.

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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.

Department of Agriculture

Agronomy and Plant Protection Division

Notice of Special Local Need Registration

On June 4, 1997, the Minnesota Department of Agriculture issued a Special Local Need (SLN) registration for Transline herbicide manufactured by DowElanco, Indianapolis, IN 46268, for use on tree plantations and forest sites.

A federal or state agency, a local unit of government, or any person or groups of persons filing with the commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age, shall have 30 days from publication of notice in the *State Register* to file written objections with the commissioner regarding the issuance of the special local need registration.

Objections may be submitted to: John C. Sierk, Minnesota Department of Agriculture, Agronomy and Plant Protection Division, 90 West Plato Boulevard, St. Paul, MN 55107. Comment deadline is July 16, 1997.

Minnesota Board of Boxing

Request for Comments on Planned Rules and Amendments to Rules Governing: Amateur and Professional Boxing and Equipment for the Conduct of Professional Exhibits, Matches and Contests, *Minnesota Rules* 2200.0100 to 2200.8500 and 2205.1500

Subject of Rules. The Minnesota Board of Boxing requests comments on its planned amendments to rules governing amateur and professional boxing and equipment for the conduct of professional exhibits, matches and contests. Specifically, the Board is considering rule amendments that would:

- implement the federal Professional Boxing Safety Act of 1996 (P.L. 104-272), including the adoption of new provisions regarding mandatory health insurance and identification cards for professional boxers;
- add provisions concerning rules' variances, conflicts of interest and, in the case of professional fights, accessories and substances;
- amend existing rules regarding: i) generally: definitions, purpose, construction and interpretation, complaints, basic requirements, applications, granting, suspending and revoking licenses/registrations/and approvals, advance reports, filing of contracts, tickets, seating, postcontest reports, medical examinations; ii) amateur boxing: jurisdiction, registration and licenses, franchise licenses, form of amateur franchise license, compensation, officials, safety, equipment and amateur matches; iii) professional boxing: jurisdiction, licenses, professional franchise licenses, safety and professional matches; iv) equipment for professional exhibitions, matches and contests: gloves, scales, protective equipment, ring costume, shaving and cosmetics; v) conduct of professional exhibitions, matches and contests: weigh-ins and examinations, professional main event boxers, officials, seconds, knockdowns.

Persons Affected. The planned rules and rule amendments would affect amateur and professional boxers, boxing announcers, franchisees, judges, matchmakers, promoters, referees, seconds, sponsors, timekeepers, assistant timekeepers, deputy commissioners and other Board appointed representatives.

Statutory Authority. *Minnesota Statutes*, section 341.05, subd. 1(1), authorizes the Board to promulgate rules governing the conduct of boxing and sparring exhibitions and the time and place thereof.

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 August 29, 1997. The Board has prepared a draft of the planned rule amendments. Written or oral comments, questions, requests to receive a draft of the rules' amendments, and requests for more information on these planned amendments should be addressed to:

Jim O'Hara
Minnesota Board of Boxing
The Golden Rule Building, Suite 170
85 East Seventh Place
St. Paul, Minnesota 55101
Tel. No. (612) 296-2501

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: 9 June 1997

Executive Secretary
Jim O'Hara, Minnesota Board of Boxing

Department of Children, Families and Learning

Office of Community Services

Updated Child Care Fund Sliding Fee Co-Payment Schedule

Pursuant to *Minnesota Statutes* section 119B. and *Minnesota Rules*, part 3400.0100, Subp. 5 (Family Co-Payment Schedule), the Department of Children, Families and Learning hereby gives notice of the updated Sliding Fee Co-Payment Schedule. This revised schedule is based on the 1997 state median income as published in the March 17, 1997 Federal Register. The schedule published are for family size two through thirteen and are effective July 1, 1997 until further notice. This revised fee schedule replaces the schedule published May 6, 1996.

Any questions about the new schedule should be directed to:

Brenda Clark or Cherie Kotilinek
Department of Children, Families and Learning
Office of Community Services
Saint Paul, Minnesota 55101-2273

Official Notices

<u>Two Person Household</u>		
State Median Income		\$36,989
Poverty Threshold		\$10,610
	<u>Gross</u>	<u>Monthly</u>
	<u>Income Range</u>	<u>Copayment</u>
Minimum Fee		
\$10,611	\$15,538	\$17
Sliding Fee		
\$15,539	\$15,908	\$34
15,909	16,278	38
16,279	16,648	42
16,649	17,018	45
17,019	17,388	49
17,389	17,758	53
17,759	18,127	57
18,128	18,497	62
18,498	18,862	65
18,683	18,867	69
18,868	19,052	73
19,053	19,237	77
19,238	19,422	81
19,423	19,607	85
19,608	19,792	89
19,793	19,977	93
19,978	20,162	97
20,163	20,347	102
20,348	20,532	107
20,533	20,717	112
20,718	20,902	118
20,903	21,087	123
21,088	21,272	129
21,273	21,456	134
21,457	21,641	140
21,642	21,826	146
21,827	22,011	151
22,012	22,196	157
22,197	22,381	163
22,382	22,566	169
22,567	22,751	175
22,752	22,936	182
22,937	23,121	188
23,122	23,306	194
23,307	23,491	202
23,492	23,676	209
23,677	23,861	217
23,862	24,046	224
24,047	24,231	232
24,232	24,416	240
24,417	24,601	248
24,602	24,786	256
24,787	24,970	264
24,971	25,155	273
25,156	25,340	281
25,341	25,525	289
25,526	25,710	298
25,711	25,895	306
25,896	26,080	315
26,081	26,265	324
26,266	26,450	333
26,451	26,635	342
26,636	26,820	351
26,821	27,005	360
27,006	27,190	369
27,191	27,375	379
27,376	27,560	388
27,561	27,745	398
27,746		INELIGIBLE

<u>Three Person Household</u>		
State Median Income		\$45,693
Poverty Threshold		\$13,330
	<u>Gross</u>	<u>Monthly</u>
	<u>Income Range</u>	<u>Copayment</u>
Minimum Fee		
\$13,331	\$19,194	\$22
Sliding Fee		
\$19,195	\$19,651	\$43
19,652	20,108	47
20,109	20,565	51
20,566	21,022	56
21,023	21,479	61
21,480	21,936	66
21,937	22,393	71
22,394	22,850	76
22,851	23,078	81
23,079	23,307	85
23,308	23,535	90
23,536	23,764	95
23,765	23,992	100
23,993	24,221	105
24,222	24,449	110
24,450	24,678	115
24,679	24,906	120
24,907	25,135	126
25,136	25,363	132
25,364	25,591	139
25,592	25,820	145
25,821	26,048	152
26,049	26,277	159
26,278	26,505	166
26,506	26,734	173
26,735	26,962	180
26,963	27,191	187
27,192	27,419	194
27,420	27,648	202
27,649	27,876	209
27,877	28,105	217
28,106	28,333	224
28,334	28,561	232
28,562	28,790	240
28,791	29,018	249
29,019	29,247	258
29,248	29,475	268
29,476	29,704	277
29,705	29,932	287
29,933	30,161	297
30,162	30,389	306
30,390	30,618	316
30,619	30,846	326
30,847	31,075	337
31,076	31,303	347
31,304	31,531	357
31,532	31,760	368
31,761	31,988	379
31,989	32,217	389
32,218	32,445	400
32,446	32,674	411
32,675	32,902	422
32,903	33,131	433
33,132	33,359	445
33,360	33,588	456
33,589	33,816	468
33,817	34,045	479
34,046	34,273	491
34,274		INELIGIBLE

<u>Four Person Household</u>		
State Median Income		\$54,396
Poverty Threshold		\$16,050
<u>Gross</u>	<u>Income Range</u>	<u>Monthly Copayment</u>
Minimum Fee		
\$16,051	\$22,851	\$26
Sliding Fee		
\$22,852	\$23,395	\$51
23,396	23,939	56
23,940	24,483	61
24,484	25,027	67
25,028	25,571	72
25,572	26,115	78
26,116	26,658	84
26,659	27,202	91
27,203	27,746	96
27,747	28,290	102
28,019	28,834	107
28,291	29,378	113
28,563	29,922	119
28,835	30,466	125
29,107	31,010	131
29,379	31,554	137
29,651	32,098	143
29,923	32,642	150
30,195	33,186	157
30,467	33,730	165
30,739	34,274	173
31,011	34,818	181
31,283	35,362	189
31,555	35,906	197
31,827	36,450	206
32,099	36,994	214
32,371	37,538	223
32,643	38,082	231
32,915	38,626	240
33,187	39,170	249
33,459	39,714	258
33,731	40,257	267
34,003	40,801	276
34,275		286
34,547		297
34,819		308
35,091		319
35,363		330
35,635		341
35,907		353
36,179		365
36,451		377
36,723		389
36,995		401
37,267		413
37,539		425
37,811		438
38,083		451
38,355		463
38,627		476
38,899		489
39,171		503
39,443		516
39,715		530
39,986		543
40,258		557
40,530		571
40,802		585
		INELIGIBLE

<u>Five Person Household</u>		
State Median Income		\$63,099
Poverty Threshold		\$18,770
<u>Gross</u>	<u>Income Range</u>	<u>Monthly Copayment</u>
Minimum Fee		
\$18,771	\$26,507	\$30
Sliding Fee		
\$26,508	\$27,138	\$59
27,139	27,769	65
27,770	28,400	71
28,401	29,031	77
29,032	29,662	84
29,663	30,293	91
30,294	30,924	98
30,925	31,555	105
31,556	31,870	112
31,871	32,186	118
32,187	32,501	125
32,502	32,817	131
32,818	33,132	138
33,133	33,448	145
33,449	33,763	152
33,764	34,079	159
34,080	34,394	166
34,395	34,710	174
34,711	35,025	182
35,026	35,341	191
35,342	35,656	201
35,657	35,972	210
35,973	36,287	219
36,288	36,603	229
36,604	36,918	238
36,919	37,234	248
37,235	37,549	258
37,550	37,865	268
37,866	38,180	278
38,181	38,496	289
38,497	38,811	299
38,812	39,127	310
39,128	39,442	320
39,443	39,758	331
39,759	40,073	344
40,074	40,389	357
40,390	40,704	370
40,705	41,020	383
41,021	41,335	396
41,336	41,651	410
41,652	41,966	423
41,967	42,282	437
42,283	42,597	451
42,598	42,913	465
42,914	43,228	479
43,229	43,544	493
43,545	43,859	508
43,860	44,175	523
44,176	44,490	538
44,491	44,806	553
44,807	45,121	568
45,122	45,437	583
45,438	45,752	599
45,753	46,068	614
46,069	46,383	630
46,384	46,699	646
46,700	47,014	662
47,015	47,330	678
47,331		INELIGIBLE

Official Notices

<u>Six Person Household</u>		
State Median Income		\$71,803
Poverty Threshold		\$21,490
<u>Gross</u>	<u>Monthly</u>	
<u>Income Range</u>	<u>Copayment</u>	
Minimum Fee		
\$21,491	\$30,163	\$34
Sliding Fee		
\$30,164	\$30,881	\$67
30,882	31,599	74
31,600	32,317	81
32,318	33,035	88
33,036	33,753	96
33,754	34,471	103
34,472	35,190	111
35,191	35,908	120
35,909	36,267	127
36,268	36,626	134
36,627	36,985	142
36,986	37,344	149
37,345	37,703	157
37,704	38,062	165
38,063	38,421	173
38,422	38,780	181
38,781	39,139	189
39,140	39,498	197
39,499	39,857	208
39,858	40,216	218
40,217	40,575	228
40,576	40,934	239
40,935	41,293	249
41,294	41,652	260
41,653	42,011	271
42,012	42,370	282
42,371	42,729	294
42,730	43,088	305
43,089	43,447	317
43,448	43,806	329
43,807	44,165	340
44,166	44,524	352
44,525	44,883	365
44,884	45,242	377
45,243	45,601	391
45,602	45,960	406
45,961	46,319	421
46,320	46,678	436
46,679	47,037	451
47,038	47,396	466
47,397	47,755	482
47,756	48,114	497
48,115	48,473	513
48,474	48,832	529
48,833	49,191	545
49,192	49,550	562
49,551	49,909	578
49,910	50,268	595
50,269	50,627	612
50,628	50,986	629
50,987	51,345	646
51,346	51,704	664
51,705	52,063	681
52,064	52,422	699
52,423	52,781	717
52,782	53,140	735
53,141	53,499	753
53,500	53,858	772
53,859		INELIGIBLE

<u>Seven Person Household</u>		
State Median Income		\$73,435
Poverty Threshold		\$24,210
<u>Gross</u>	<u>Monthly</u>	
<u>Income Range</u>	<u>Copayment</u>	
Minimum Fee		
\$24,211	\$30,849	\$34
Sliding Fee		
\$30,850	\$31,583	\$68
31,584	32,318	75
32,319	33,052	83
33,053	33,786	90
33,787	34,521	98
34,522	35,255	106
35,256	35,989	114
35,990	36,724	122
36,725	37,091	130
37,092	37,458	137
37,459	37,825	145
37,826	38,192	153
38,193	38,560	161
38,561	38,927	169
38,928	39,294	177
39,295	39,661	185
39,662	40,028	193
40,029	40,395	202
40,396	40,763	212
40,764	41,130	223
41,131	41,497	233
41,498	41,864	244
41,865	42,231	255
42,232	42,598	266
42,599	42,966	277
42,967	43,333	289
43,334	43,700	300
43,701	44,067	312
44,068	44,434	324
44,435	44,801	336
44,802	45,169	348
45,170	45,536	360
45,537	45,903	373
45,904	46,270	386
46,271	46,637	400
46,638	47,004	415
47,005	47,372	430
47,373	47,739	446
47,740	48,106	461
48,107	48,473	477
48,474	48,840	492
48,841	49,208	508
49,209	49,575	525
49,576	49,942	541
49,943	50,309	558
50,310	50,676	574
50,677	51,043	591
51,044	51,411	608
51,412	51,778	626
51,779	52,145	643
52,146	52,512	661
52,513	52,879	679
52,880	53,246	697
53,247	53,614	715
53,615	53,981	733
53,982	54,348	752
54,349	54,715	771
54,716	55,082	790
55,083		INELIGIBLE

<u>Eight Person Household</u>		
State Median Income		\$75,066
Poverty Threshold		\$26,930
<u>Gross</u>	<u>Income Range</u>	<u>Monthly Copayment</u>
Minimum Fee		
\$26,931	\$31,534	\$35
Sliding Fee		
\$31,535	\$32,285	\$70
32,286	33,036	77
33,037	33,786	84
33,787	34,537	92
34,538	35,288	100
35,289	36,038	108
36,039	36,789	116
36,790	37,540	125
37,541	37,915	133
37,916	38,290	140
38,291	38,666	148
38,667	39,041	156
39,042	39,416	164
39,417	39,792	172
39,793	40,167	181
40,168	40,542	189
40,543	40,918	198
40,919	41,293	206
41,294	41,668	217
41,669	42,044	228
42,045	42,419	239
42,420	42,794	250
42,795	43,170	261
43,171	43,545	272
43,546	43,920	284
43,921	44,296	295
44,297	44,671	307
44,672	45,046	319
45,047	45,422	331
45,423	45,797	343
45,798	46,172	356
46,173	46,548	369
46,549	46,923	381
46,924	47,298	394
47,299	47,674	409
47,675	48,049	424
48,050	48,424	440
48,425	48,800	455
48,801	49,175	471
49,176	49,550	487
49,551	49,926	503
49,927	50,301	520
50,302	50,676	536
50,677	51,052	553
51,053	51,427	570
51,428	51,802	587
51,803	52,178	604
52,179	52,553	622
52,554	52,928	640
52,929	53,304	657
53,305	53,679	675
53,680	54,054	694
54,055	54,430	712
54,431	54,805	731
54,806	55,180	750
55,181	55,556	769
55,557	55,931	788
55,932	56,306	807
56,307		INELIGIBLE

<u>Nine Person Household</u>		
State Median Income		\$76,698
Poverty Threshold		\$29,650
<u>Gross</u>	<u>Income Range</u>	<u>Monthly Copayment</u>
Minimum Fee		
\$29,651	\$32,220	\$35
Sliding Fee		
\$32,221	\$32,987	\$71
32,988	33,754	79
33,755	34,521	86
34,522	35,288	94
35,289	36,055	102
36,056	36,822	110
36,823	37,589	119
37,590	38,356	128
38,357	38,739	136
38,740	39,123	143
39,124	39,506	151
39,507	39,890	160
39,891	40,273	168
40,274	40,657	176
40,658	41,040	185
41,041	41,424	193
41,425	41,807	202
41,808	42,191	211
42,192	42,574	222
42,575	42,958	233
42,959	43,342	244
43,342	43,725	255
43,726	44,108	266
44,109	44,492	278
44,493	44,875	290
44,876	45,259	302
45,260	45,642	314
45,643	46,026	326
46,027	46,409	338
46,410	46,793	351
46,794	47,176	364
47,177	47,560	377
47,561	47,943	390
47,944	48,327	403
48,328	48,710	418
48,711	49,094	434
49,095	49,477	449
49,478	49,861	465
49,862	50,244	482
50,245	50,628	498
50,629	51,011	514
51,012	51,395	531
51,396	51,778	548
51,779	52,162	565
52,163	52,545	582
52,546	52,929	600
52,930	53,312	618
53,313	53,696	635
53,697	54,079	653
54,080	54,463	672
54,464	54,846	690
54,847	55,229	709
55,230	55,613	728
55,614	55,996	747
55,997	56,380	766
56,381	56,763	785
56,764	57,147	805
57,148	57,530	825
57,531		INELIGIBLE

Official Notices

<u>Ten Person Household</u>		
State Median Income		\$78,330
Poverty Threshold		\$32,370
<u>Gross</u>	<u>Income Range</u>	<u>Monthly Copayment</u>
Minimum Fee		
\$32,371	\$32,906	\$36
Sliding Fee		
\$32,907	\$33,689	\$73
33,690	34,472	80
34,473	35,255	88
35,256	36,039	96
36,040	36,822	104
36,823	37,605	113
37,606	38,389	122
38,390	39,172	131
39,173	39,564	138
39,565	39,955	147
39,956	40,347	155
40,348	40,739	163
40,740	41,130	171
41,131	41,522	180
41,523	41,914	189
41,915	42,305	197
42,306	42,697	206
42,698	43,088	215
43,089	43,480	226
43,481	43,872	238
43,873	44,263	249
44,264	44,655	260
44,656	45,047	272
45,048	45,438	284
45,439	45,830	296
45,831	46,222	308
46,223	46,613	320
46,614	47,005	333
47,006	47,397	346
47,398	47,788	358
47,789	48,180	371
48,181	48,572	385
48,573	48,963	398
48,964	49,355	411
49,356	49,747	427
49,748	50,138	443
50,139	50,530	459
50,531	50,921	475
50,922	51,313	492
51,314	51,705	508
51,706	52,096	525
52,097	52,488	542
52,489	52,880	560
52,881	53,271	577
53,272	53,663	595
53,664	54,055	613
54,056	54,446	631
54,447	54,838	649
54,839	55,230	667
55,231	55,621	686
55,622	56,013	705
56,014	56,405	724
56,406	56,796	743
56,797	57,188	763
57,189	57,580	782
57,581	57,971	802
57,972	58,363	822
58,364	58,755	842
58,756		INELIGIBLE

<u>Eleven Person Household</u>		
State Median Income		\$79,962
Poverty Threshold		\$35,090
<u>Gross</u>	<u>Income Range</u>	<u>Monthly Copayment</u>
Minimum Fee		
NA	NA	NA
Sliding Fee		
0	0	0
0	-0	0
35,191	35,990	90
\$35,991	\$36,790	\$98
36,791	37,589	107
37,590	38,389	115
38,390	39,188	124
39,189	39,988	133
39,989	40,388	141
40,389	40,788	150
40,789	41,187	158
41,188	41,587	166
41,588	41,987	175
41,988	42,387	184
42,388	42,787	193
42,788	43,187	202
43,188	43,586	211
43,587	43,986	220
43,987	44,386	231
44,387	44,786	243
44,787	45,186	254
45,187	45,585	266
45,586	45,985	278
45,986	46,385	290
46,386	46,785	302
46,786	47,185	315
47,186	47,584	327
47,585	47,984	340
47,985	48,384	353
48,385	48,784	366
48,785	49,184	379
49,185	49,584	393
49,585	49,983	406
49,984	50,383	420
50,384	50,783	436
50,784	51,183	452
51,184	51,583	469
51,584	51,982	485
51,983	52,382	502
52,383	52,782	519
52,783	53,182	536
53,183	53,582	554
53,583	53,981	571
53,982	54,381	589
54,382	54,781	607
54,782	55,181	625
55,182	55,581	644
55,582	55,980	662
55,981	56,380	681
56,381	56,780	700
56,781	57,180	720
57,181	57,580	739
57,581	57,980	759
57,981	58,379	778
58,380	58,779	798
58,780	59,179	819
59,180	59,579	839
59,580	59,979	860
59,980		INELIGIBLE

<u>Twelve Person Household</u>		
State Median Income	\$81,594	
Poverty Threshold	\$37,810	
<u>Gross Income Range</u>	<u>Monthly Copayment</u>	
Minimum Fee	NA	NA
Sliding Fee	NA	NA
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
\$38,357	\$39,172	\$118
39,173	39,988	127
39,989	40,804	136
40,805	41,212	144
41,213	41,620	153
41,621	42,028	161
42,029	42,436	170
42,437	42,844	179
42,845	43,252	187
43,253	43,660	196
43,661	44,068	206
44,069	44,476	215
44,477	44,884	224
44,885	45,292	236
45,293	45,700	248
45,701	46,108	259
46,109	46,516	271
46,517	46,924	283
46,925	47,332	296
47,333	47,740	308
47,741	48,148	321
48,149	48,556	334
48,557	48,964	347
48,965	49,372	360
49,373	49,779	373
49,780	50,187	387
50,188	50,595	401
50,596	51,003	414
51,004	51,411	428
51,412	51,819	445
51,820	52,227	461
52,228	52,635	478
52,636	53,043	495
53,044	53,451	512
53,452	53,859	530
53,860	54,267	547
54,268	54,675	565
54,676	55,083	583
55,084	55,491	601
55,492	55,899	620
55,900	56,307	638
56,308	56,715	657
56,716	57,123	676
57,124	57,531	695
57,532	57,939	715
57,940	58,347	734
58,348	58,755	754
58,756	59,163	774
59,164	59,571	794
59,572	59,979	815
59,980	60,387	835
60,388	60,795	856
60,796	61,203	877
61,204		INELIGIBLE

<u>Thirteen Person Household</u>		
State Median Income	\$83,226	
Poverty Threshold	\$40,530	
<u>Gross Income Range</u>	<u>Monthly Copayment</u>	
Minimum Fee	NA	NA
Sliding Fee	NA	NA
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
40,789	41,620	139
\$41,621	\$42,036	\$147
42,037	42,453	156
42,454	42,869	164
42,870	43,285	173
43,286	43,701	182
43,702	44,117	191
44,118	44,533	200
44,534	44,949	210
44,950	45,365	219
45,366	45,782	229
45,783	46,198	241
46,199	46,614	252
46,615	47,030	265
47,031	47,446	277
47,447	47,862	289
47,863	48,278	302
48,279	48,694	314
48,695	49,111	327
49,112	49,527	340
49,528	49,943	354
49,944	50,359	367
50,360	50,775	381
50,776	51,191	395
51,192	51,607	409
51,608	52,023	423
52,024	52,440	437
52,441	52,856	454
52,857	53,272	471
53,273	53,688	488
53,689	54,104	505
54,105	54,520	522
54,521	54,936	540
54,937	55,353	558
55,354	55,769	576
55,770	56,185	595
56,186	56,601	613
56,602	57,017	632
57,018	57,433	651
57,434	57,849	670
57,850	58,265	689
58,266	58,682	709
58,683	59,098	729
59,099	59,514	749
59,515	59,930	769
59,931	60,346	790
60,347	60,762	810
60,763	61,178	831
61,179	61,594	852
61,595	62,011	873
62,012	62,427	895
62,428		INELIGIBLE

Department of Health

Health Policy and Systems Compliance Division

Request for Application for the Voluntary Nonprofit Reporting Organization for Collecting and Reporting Hospital Cost Information

The Minnesota Department of Health (MDH) is requesting applications from qualified organizations to contract with the State of Minnesota as the voluntary nonprofit reporting organization (VNRO) for the hospital reporting period of July 1, 1997 to June 30, 1998. The VNRO is responsible for administering the hospital financial, utilization, and services reporting requirements of *Minnesota Statutes*, sections 144.695 to 144.703, and *Minnesota Rules*, chapter 4650. The VNRO must be a nonprofit association or other organization which has as one of its primary functions the collection and dissemination of acute care cost information.

The VNRO shall collect information from hospitals, psychiatric hospitals and specialized hospitals according to the Commissioner's written operating requirements, *Minnesota Statutes*, 144.695 to 144.703, and *Minnesota Rules*, chapter 4650. Responsibilities of the VNRO include, but are not limited to: notifying hospitals of reporting requirements, collecting, verifying, and auditing required information from hospitals, complying with the Minnesota Data Practices Act, periodic reporting of hospital report status, maintaining a computer data base of financial, utilization, and services report information and audited financial statement data, collecting and delivering hospital documents and computerized hospital information to MDH, developing and preparing useful reports and analyses of hospital information, and responding to public requests for hospital information.

The VNRO will assess hospital filing fees to support, but not exceed, the operating costs of collecting and processing hospital data described in the request for application and written operating requirements. An estimate of the current cost of the system is \$350,000 with hospital fees based on a rate structure that is applied to each hospital's total revenues.

Please direct questions and requests for copies of the complete request for applications, including the fiscal year 1998 written operating requirements, *Minnesota Statutes*, sections 144.695 to 144.703, and *Minnesota Rules*, chapter 4650, to:

Sharon Mitchell (612) 282-3874, or
Jane Vaughan (612) 282-5645
Minnesota Department of Health
Health Policy and Systems Compliance
P.O. Box 64975
St. Paul, Minnesota 55164-0975
Fax # (612) 282-5628

The deadline for submitting completed applications is 4:30 p.m., July 14, 1997.

Minnesota Higher Education Services Office

Request for Comments on Planned Amendment to Rules Governing the Student Educational Loan Fund Program, *Minnesota Rules* 4850.0014 and 4850.0015

Subject of Rules. The Minnesota Higher Education Services Office requests comments on its planned amendments to the rule governing the Student Educational Loan Fund (SELF) Program. The Higher Education Services Office is considering rule amendments to change the manner in which a borrower's cumulative loan limit is determined by only considering Student Educational Loan Fund (SELF) in a borrower's cumulative loan limit for purposes of this program. This could result in some borrower's being able to borrow more under the SELF Program. In addition, another amendment to the rule would clarify procedures related to electronic funds transfers for purposes of loan disbursement.

Persons Affected. The amendments to the rule would likely affect post-secondary institutions participating in the Student Educational Loan Fund (SELF) Program, borrowers from the program and their co-signers.

Statutory Authority. *Minnesota Statutes*, section 136A.101, Subd. 2 authorizes the Higher Education Services Office to adopt rules to administer programs under its supervision.

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 August 19, 1997. The Higher Education Services Office Department does not contemplate appointing an advisory committee to comment on the planned rules.

Rules Draft. The Higher Education Services Office has prepared a draft of the planned rules amendments.

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

Mary Lou Dresbach
Minnesota Higher Education Services Office
400 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
(612) 296-3974
Fax: (612) 297-8880

TTY users may call the Minnesota relay service at 800-627-3529 to contact the Agency Contact Person.

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 rules after they are proposed.

Dated: 29 May 1997

Robert K. Poch, Director
Minnesota Higher Education Services Office

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective June 16, 1997 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Anoka: Roof Replacement Building "B" Lino Lakes Correctional Facility-Lino Lakes.

Dakota: ISD 196 Rosemount High School Bleacher Upgrade-Rosemount; Masonry Wall Infill-Dakota County Technical College-Rosemount; Asbestos Removal-Heating Plant Minnesota Veterans Home-Hastings.

Fillmore: Accessibility Remodeling-Lanesboro Fish Hatchery-Lanesboro.

Goodhue: Asbestos Removal-Heating Plant MCF-Red Wing.

Hennepin: Remodel G.I. Lab-Hennepin County Medical Center-Minneapolis; Ground Service Building Addition-MAC-Minneapolis.

Polk: Northwest Experimental Station-Beef Research Facility U of M-Crookston.

Stearns: Replace Interior Door & Frames-Alcott & Evers Cottages-Youth Correctional Facility-Sauk Centre; Remodel 2nd Floor Bathroom-Stowe Cottage-Youth Correctional Facility-Sauk Centre.

Washington: Fabricate/Finish & Install Ceiling/Walls/Doors for Sharp Freezer & Main Cooler-Minnesota Correctional Facility-Lino Lakes-Stillwater; Cottage Grove WWTP Solids Pumping Controls-Cottage Grove.

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

Official Notices

Department of Military Affairs

National Guard ARMORY for Sale

The Adjutant General, State of Minnesota, offers for sale the property known as the Montevideo National Guard Armory located at 101 Miawakon Ave., in Montevideo. This property is 76 years old 20,800 sf facility which includes office space and a large gym type area. Facility is heated by a steam boiler and has an 8 yr old roof. New windows and tuckpointing were completed in 1989. Appraised value (July 1990) - \$102,000.

Property will be sold to the highest acceptable bid. Sealed bids must be delivered or mailed to Mr. Gary Bloedel, Department of Military Affairs, Room 115, 20 W. 12th St., St. Paul, MN 55155 and received not later than July 10, 1997. Bids will be opened at the 101 Miawakon Avenue property at 1:00 PM on July 11, 1997. All bids will be accepted for review.

For bid forms, information and terms and conditions of the sale, call Mr. Bloedel at 612-282-4447. To view property, contact Erik Arne in Montevideo, 320-269-9284/5180.

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 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 1996, the MPCA has received a pass-through allocation of \$149,831.

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 1996 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 July 18, 1997.

Sentencing Guidelines Commission

Notice of Public Hearing to Consider Modifications to the Sentencing Guidelines

The Minnesota Sentencing Guidelines Commission will hold a public hearing on Thursday, July 17, 1997, at 4:00 PM in Room 15, Ground Floor, State Capitol, St. Paul, Minnesota. The public hearing is to consider proposed modifications to the sentencing guidelines and commentary regarding the ranking for new and amended crimes, other action to address legislation passed during the 1997 legislative session, and other technical modifications.

Additional copies of the proposed modifications are available, free of charge, by contacting the Minnesota Sentencing Guidelines Commission at University National Bank Building, 200 University Avenue West, Suite 205, St. Paul, MN 55103, or by calling Voice: (612) 296-0144. Deaf/Hard of Hearing/Speech Impaired Only TTY users may call this agency through the MN Relay Service: 1 (800) 627-3529; ask for (612) 296-0144. If you need special accommodations to attend, please contact the Minnesota Sentencing Guidelines Commission as soon as possible. This notice is available in alternative formats upon request.

All interested persons are encouraged to attend the hearing and offer comments. Persons wishing to speak may register in advance by contacting the Commission staff at the above address/telephone number.

The Commission will hold the record open for five days after the public hearing to accept additional written comment on the proposed modifications. On July 24, 1997, the Commission will meet at 3:00 PM at the Minnesota Department of Corrections, Orville Pung Conference Room, 1450 Energy Park Drive, Suite 200, St. Paul, MN 55108 to formally adopt or reject the proposed modifications. **If adopted, the modifications will become effective as noted in each of the sections.**

I. PROPOSED MODIFICATIONS TO RANK THE SEVERITY OF NEW OR AMENDED CRIMES PASSED BY THE 1997 LEGISLATURE - EFFECTIVE AUGUST 1, 1997

The Commission proposes to rank the following crimes in Section V. OFFENSE SEVERITY REFERENCE TABLE as follows:

Severity Level VIII

Tampering with Witness, Aggravated First Degree - 609.498, subd. 1b

Severity Level VI

Controlled Substance Crime in the Third Degree (non aggregated offenses) - 152.023

Severity Level IV

Violation of an Order for Protection - 518B.01, subd. 14 (d)

Violation of Restraining Order - 609.748, subd. 6 (d)

The Commission proposes to place or continue to place the following crimes on the Unranked Offense List in Section II.A.03. of the Commentary:

Cigarette tax and regulation violations - 297.12, subd. 1 297F.20

Controlled substance crime in the third degree (aggregated offenses) - 152.023

Interstate compact violation - 243.161

Racketeering, criminal penalties (RICO) - 609.904

Registration of predatory offenders - 243.166, subd. 5

Official Notices

The Commission considered the changes made by the 1997 Legislature to the following crimes and proposes to continue the existing severity level rankings in Section V. **OFFENSE SEVERITY REFERENCE TABLE**, unless otherwise noted above: Aiding an Offender to Avoid Arrest, Assault 1, Assault 4, Controlled Substance Crimes in the First, Second, Fourth, and Fifth Degree, Fleeing a Peace Officer, Harassment/Stalking, and Motor Vehicle Use Without Consent.

II. OTHER PROPOSED MODIFICATIONS - EFFECTIVE AUGUST 1, 1997

The Commission proposes to clarify how to determine the severity level for convictions for Crimes Committed for Benefit of a Gang by adding language to Section II.A. **Offense Severity** that deals with determining severity levels:

A. **Offense Severity:** The offense severity level is determined by the offense of conviction. When an offender is convicted of two or more felonies, the severity level is determined by the most severe offense of conviction. For persons convicted under Minnesota Statutes § 609.229, subd. 3 (a) - Crime Committed For Benefit of a Gang, the severity level is the same as that for the underlying crime with the highest severity level.

The Commission proposes to add language to Section II. B. **Criminal History** that now only appears in Section II.B.101. of the Commentary regarding how to determine the severity level of prior offenses for purposes of assigning weights for criminal history points:

The offender's criminal history index score is computed in the following manner:

1. Subject to the conditions listed below, the offender is assigned a particular weight . . .
 - a. The weight assigned to each prior felony sentence is determined . . .

The severity level to be used in assigning weights to prior offenses shall be based on the severity level ranking of the prior offense of conviction that is in effect at the time the offender commits the current offense.

The Commission proposes to remove the following sentence from Section II.B.102. of the Commentary that is no longer correct:

II.B.102. In addition, the Commission established policies to deal with several specific situations which arise under Minnesota law. The first deals with conviction under Minnesota Statutes § 609.585, under which persons committing theft or another felony offense during the course of a burglary could be convicted of and sentenced for both the burglary and the other felony, or a conviction under Minnesota Statutes § 609.251 under which persons who commit another felony during the course of a kidnapping can be convicted of and sentenced for both offenses. In all other instances of multiple convictions arising from a single course of conduct, where there is a single victim, persons may be sentenced on only one offense. For purposes . . .

The Commission proposes modify Section II. C. **Presumptive Sentence** and Section II. F. **Concurrent/Consecutive Sentences** to provide for a presumptive prison sentence that is also presumptive consecutive for all felony assaults committed by an inmate serving an executed prison sentence to correspond with new statutory language that mandates executed, consecutive prison sentences for such assaults:

C. **Presumptive Sentence:** The offense of conviction determines . . .

In addition, the presumptive disposition for escapes from executed sentences and felony assaults committed by an inmate serving an executed prison sentence is commitment to the Commissioner of Corrections and the presumptive duration is determined by the appropriate cell of the Sentencing Guidelines grid, or the mandatory minimum, whichever is longer. It is presumptive for these offenses to be sentenced consecutively to the offense for which the inmate was confined and the presumptive duration is determined by the presumptive consecutive policy (See II. F. Presumptive Consecutive Sentences).

F. **Concurrent/Consecutive Sentence:** . . .

Presumptive Consecutive Sentences

Consecutive sentences are presumptive in the following cases . . .

Consecutive sentences are presumptive under the above criteria only when the presumptive disposition for the current offense(s) is commitment to the Commissioner of Corrections as determined under the procedures outlined in section II.C. The presumptive disposition for escapes from executed sentences or felony assaults committed by an inmate serving an executed prison sentence, however, is always commitment to the Commissioner of Corrections.

II.F.03. The presumptive disposition for escapes from executed sentences or felony assaults committed by an inmate serving an executed prison sentence is commitment to the Commissioner of Corrections. It is presumptive for an escape from an executed prison sentence sentences for these offenses to be consecutive to the sentence for which the inmate was confined at the time the new offense was committed. Consecutive sentences are also presumptive for a crime committed by an inmate serving, or on escape status from, an executed prison sentence if the presumptive disposition for the crime is commitment to the Commissioner of Corrections as determined under the procedures outlined in section II.C..

The Commission proposes to modify Section II.G. Convictions for Attempts, Conspiracies, and Other Sentence Modifiers to clarify the current policy on the presumptive sentence for attempted offenses when a mandatory minimum applies to the case:

G. Convictions for Attempts, Conspiracies, and Other Sentence Modifiers: For persons convicted of attempted offenses or conspiracies to commit an offense . . . , For persons convicted of attempted offenses or conspiracies to commit an offense with a mandatory minimum of a year and a day or more, the presumptive duration is the mandatory minimum or one-half the duration specified in the applicable Sentencing Guidelines Grid cell, whichever is greater. . . .

The Commission proposes the following modifications to Section III. F. Modifications to clarify when modifications to the Commentary are effective:

F. Modifications: Modifications to the Minnesota Sentencing Guidelines and associated commentary will be applied to offenders whose date of offense is on or after the specified modification effective date. Modifications to the Commentary that relate to clarifications of existing policy will be applied to offenders sentenced on or after the specified effective date.

The Commission proposes the following technical changes to Section V. OFFENSE SEVERITY REFERENCE TABLE to correct cites and omissions:

Severity Level V

Tampering with Witness in the First Degree - 609.498, subd. 1a

Severity Level III

Depriving Another of Custodial or Parental Rights - 609.26, subd. 6 a (2)

Severity Level II

Check Forgery (\$200~~1~~ - \$2,500) - 609.631, subd. 4 (3) (a)

Severity Level I

Check Forgery (~~less than \$200~~ \$200 or less) - 609.631, subd. 4 (3) (b)

Depriving Another of Custodial or Parental Rights - 609.26, subd. 6 a (1)

False Information - Certificate of Title Application - 168A.30

III. PROPOSED MODIFICATIONS - EFFECTIVE AUGUST 1, 1998, AFTER THE 1998 LEGISLATURE HAS REVIEWED THE ADOPTED MODIFICATIONS

The Commission proposes to modify Section II. F. Concurrent/Consecutive Sentences to clarify the permissive consecutive policy regarding current offenses sentenced consecutive to prior offenses:

Except when consecutive sentences are presumptive, consecutive sentences are permissive (may be given without departure) only in the following cases:

1. A current felony conviction for a crime against a person may be sentenced consecutively to a prior felony sentence for a crime against a person which has not expired or been discharged; or . . .

Consecutive sentences are permissive under the above criteria only when the presumptive disposition for the current offense(s) is commitment to the Commissioner of Corrections as determined under the procedures outlined in section II.C. In addition, consecutive sentences are permissive under 1. above, involving a current felony conviction for a crime against a person and a prior felony sentence for a crime against a person which has not expired or been discharged, only when the presumptive disposition for the prior offense(s) was commitment to the Commissioner of Corrections as determined under the procedures outlined in section II.C.

The Commission proposes to modify Section II.F.04. of the Commentary to clarify that it is permissive to give consecutive sentences where there are multiple current felony convictions for crimes involving the same person in a single course of conduct:

II.F.04. The Commission's policy on permissive consecutive sentencing outline . . .

It is permissive for multiple current felony convictions against persons to be sentenced consecutively to each other when the presumptive disposition for these offenses is commitment to the Commissioner of Corrections as determined under the procedures outlined in Section II.C. Presumptive Sentence. Consecutive sentencing is permissive under these circumstances even when the offenses involve a single victim involving a single course of conduct. However, consecutive sentencing is not permissive under these circumstances when the court has given an upward durational departure on any of the current offenses. The Commission believes that to give both an upward durational departure and a consecutive sentence when the circumstances involve one victim and a single course of conduct can result in disproportional sentencing unless additional aggravating factors exist to justify the consecutive sentence.

Official Notices

The Commission proposes to modify Section III.C. **Jail Credit** to more clearly establish the rules and principles regarding jail credit supported by case law that are in agreement with the philosophy of the sentencing guidelines:

C. **Jail Credit:** Pursuant to *Minnesota Statutes* § 609.145, subd. 2, and *Minnesota Rules Criminal Procedure* 27.03, subd. 4(b), when a convicted felon is committed to the custody of the Commissioner of Corrections, the court shall assure that the record accurately reflects all time spent in custody ~~between arrest and sentencing in connection with the offense~~, including examinations under *Minnesota Rules Criminal Procedure* 20 or 27.03, subd.1(A), for the offense or behavioral incident for which the person is sentenced, which time shall be deducted by the Commissioner of Corrections from the ~~sentence imposed~~ specified minimum term of imprisonment. ~~Time spent in confinement as a condition of a stayed sentence when the stay is later revoked and the offender committed to the custody of the Commissioner of Corrections shall be included in the above record, and shall be deducted from the sentence imposed.~~ Time spent in confinement under Huber Law (*Minnesota Statutes* § 631.425) shall be awarded at the rate of one day for each day served. Jail credit shall be awarded based on the following criteria:

1. Jail credit for time spent in custody shall not turn on matters subject to manipulation by the prosecutor.
2. Jail credit shall not result in double credit when applied to consecutive sentences.
3. Jail credit shall reflect time spent in confinement as a condition of a stayed sentence when the stay is later revoked and the offender is committed to the custody of the Commissioner of Corrections. Such credit is limited to time spent in jails, workhouses, and regional correctional facilities.
4. Jail credit shall be awarded at the rate of one day for each day served for time spent in confinement under Huber Law (*Minnesota Statutes* § 631.425).

Comment

~~III.C.01. The Commission believes that offenders should receive jail credit for time spent in custody between arrest and sentencing. During that time, the defendant is presumed innocent. There is evidence that the poor and members of racial minorities are more likely to be subject to pre-trial detention than others. Granting such jail credit for those receiving executed sentences makes the total periods of incarceration more equitable.~~

In order to promote the goals of the sentencing guidelines, it is important to ensure that jail credit is consistently applied to reflect all time spent in custody in connection with the offense. Granting jail credit to the time served in custody in connection with an offense ensures that a defendant who cannot post bail because of indigency will serve the same amount of time that a person in identical circumstances who is able to post bail would serve. Also, the total amount of time a defendant is incarcerated should not turn on irrelevant concerns such as whether the defendant pleads guilty or insists on his right to trial. The Commission believes that greater uniformity in the application of jail credit can be achieved by following the general criteria noted above in section III.C. Jail Credit.

III.C.02. Determining the appropriate application of jail credit for an individual can be very complicated, particularly when multiple offenses are involved. While the Commission recognizes the difficulty in interpreting individual circumstances, it believes that the court should award jail credit so that it does not turn on matters that are subject to the manipulation by the prosecutor. The purpose of this criteria is to ensure that if the intent of the court is to give concurrent sentences, the withholding of jail credit does not result in de facto consecutive sentences.

III.C.03. The Commission is equally concerned that if the intent of the court is to give consecutive sentences, the awarding of jail credit should not result in de facto concurrent sentences. Therefore, when applying jail credit to consecutive sentences, credit is only applied to the first sentence in order to avoid awarding double credit. In order to avoid de facto concurrent sentences when a current offense is sentenced consecutive to a prior offense for which the offender is already serving time in a prison or jail, no jail credit shall be awarded on the current offense.

III.C.02 04. The Commission also believes that jail credit should be awarded for time spent in custody as a condition of a stay of imposition or stay of execution when the stay is revoked and the offender is committed to the Commissioner of Corrections. The primary purpose of imprisonment is punishment, and the punishment imposed should be proportional to the severity of the conviction offense and the criminal history of the offender. If, for example, the presumptive duration in a case is 18 months, and the sentence was initially executed by means of a departure the specified minimum term of imprisonment would be 12 months. If the execution of the sentence had initially been stayed and the offender had served four months in jail as a condition of the stay, and later the stay was revoked and the sentence executed, the offender would be confined for 16 months rather than 12. By awarding jail credit for time spent in custody as a condition of a stay of imposition or execution, proportionality is maintained.

Jail credit for time spent in confinement under the conditions of Huber Law (*Minnesota Statutes* § 631.425) should be awarded at the rate of one day for each day served. When a condition of jail time is that it be served on week ends, the actual time spent in jail rounded to the nearest whole day, should be credited. For example, if an offender arrives at jail at 6:00 p.m. Friday and leaves at

~~8:00 p.m. Sunday, 50 hours have been served and that time would be rounded to two days of jail credit if the stay were later revoked and the sentence executed.~~

Credit for time spent in custody as a condition of a stay of imposition or stay of execution is limited to time spent in jails, workhouses, and regional correctional facilities. Credit should not be extended for time spent in residential treatment facilities or on electronic monitoring as a condition of a stay of imposition or stay of execution.

III.C.05. Jail credit for time spent in confinement under the conditions of Huber Law (Minnesota Statutes § 631.425) should be awarded at the rate of one day for each day served. When a condition of jail time is that it be served on week-ends, the actual time spent in jail rounded to the nearest whole day, should be credited. For example, if an offender arrives at jail at 6:00 p.m. Friday and leaves at 8:00 p.m. Sunday, 50 hours have been served and that time would be rounded to two days of jail credit if the stay were later revoked and the sentence executed.

~~III.C.03 06. In order to ensure that offenders are not penalized for inability to post bond, credit for time in custody shall be computed by the Commissioner of Corrections and subtracted from the specified minimum term of imprisonment. For offenders sentenced for offenses committed before August 1, 1993, credit for time in custody shall be computed by the Commissioner of Corrections after projected good time is subtracted from the executed sentence.~~

~~Commission policy is that sentencing should be neutral with respect to the economic status of felons. When credit for time spent in custody is immediately deducted from the total sentence, the incongruous result is that individuals who cannot post bond are confined longer than those who post bond. In order to correct this incongruity, computation of projected good time shall be made by the Commissioner of Corrections at time of admission to prison and shall be subtracted from the sentence prior to crediting an offender for time spent in custody.~~

Department of Transportation

State Aid for Local Transportation Division

Notice of Appointment and Meeting of a State Aid Variance Committee

NOTICE IS HEREBY GIVEN that the Commissioner of Transportation has appointed a State Aid Variance Committee who will conduct a meeting on Wednesday, June 18, 1997 at 9:30 a.m. in Conference Room 148 Water's Edge Building, 1500 West County Road B-2, Roseville Minnesota, 55113.

This notice is given pursuant to *Minnesota Statute 47k.705*.

The purpose of this open meeting is to investigate and determine recommendations for variances from minimum State Aid roadway standards and administrative procedures as governed by *Minnesota Rules* for State Aid Operations 8820.3300 adopted pursuant to *Minnesota Statutes 161 and 162*.

The agenda will be limited to these questions:

1. **Petition of the City of Minneapolis** for a variance from *Minnesota Rules* 8820.9936 as they apply to a proposed construction project on East 50th Street (Municipal State Aid Street No. 264), between Nicollet Avenue and East Minnehaha Parkway in the City of Minneapolis, to allow three horizontal and six vertical curves with speeds varying from 27.1 km/h to 42.8 km/h, in lieu of the required 50 km/h design speed.
2. **Petition of the City of Eden Prairie** for a variance from *Minnesota Rules* 8820.9936 as they apply to a proposed construction project on Flying Cloud Drive at the intersection of Shady Oak Road (Municipal State Aid Street No. 106), to allow a 45 km/h horizontal design speed, in lieu of the required 50 km/h design speed.
3. **Petition of the City of Lake Elmo** for a variance from *Minnesota Rules* 8820.9936 as they apply to a proposed construction project on 30th Street North (Municipal State Aid Street No. 108), at Lisbon Avenue in the City of Lake Elmo, to allow construction of a Round-A-Bout with a design speed of 10 mph, in lieu of the required 50 km/h design speed.
4. **Petition of the City of Rochester** for a variance from *Minnesota Rules* 8820.9936 as they apply to a proposed construction project on Fourth Street Southwest (Municipal State Aid Street No. 119), between Second Avenue Southwest and South Broadway in the City of Rochester, to allow a 60 foot curb-to-curb street width and parking allowed on both sides, in lieu of the required 6.6 meter street width with parking allowed on both sides of Fourth Street Southwest between Second Avenue Southwest and South Broadway in the City of Rochester.

State Grants and Loans

The cities and counties previously listed are requested to follow the following time schedule when appearing before the Variance Committee:

9:30 a.m.	City of Minneapolis
9:45 a.m.	City of Eden Prairie
10:00 a.m.	City of Lake Elmo
10:15 a.m.	City of Rochester

Dated: 3 June 1997

Patrick B. Murphy
Division Director
State Aid for Local Transportation

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

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 \$400,000 is available for planning and implementation of care for children when parents work evenings, weekends and other flexible hours. Funding will be available on September 15, 1997 and implementation of newly created child care services is anticipated to be no later than September 15, 1998.

Applications are due by 4:00 p.m. on Wednesday, July 30, 1997. To receive a complete Request for Proposals that provides details on how to apply, please contact: Office of Child Care, Department of Children, Families and Learning, 550 Cedar Street, St. Paul, Minnesota 55101- 2273, telephone (612) 297-2359.

Department of Corrections

Notice of Availability of Funds for Services to Victims of Crime

The Minnesota Department of Corrections, Victims Services Unit, announces the availability of state and federal grant funds for community-based programs, programs serving traditionally underserved populations and special time-limited projects that provide services to battered women, general crime and sexual assault victims.

The following grants are for the nine-month period from October 1, 1997, through June 30, 1998. Applications are due on **Thursday, July 31, 1997.**

Battered Women Services

1. Women of Color Leadership Training: One grant of \$20,000 is available to increase the leadership skills of women of color in battered women's organizations. Training topics may include but are not limited to: community organizing, public speaking, needs assessment, grant writing, program development, communications and fundraising. Nonprofit organizations that have a primary mission of serving battered women are eligible to apply.

2. Training to Address the Needs of Minor Battered Women: Two grants of \$12,500 each are available to provide training to battered women's programs to address the needs of minor battered women. The project activities may include one or more training sessions, a training video, resource outreach efforts and technical assistance to programs. Applicants must demonstrate how minor battered women will be involved in the development and implementation of the project and how the program will relate with other agencies serving young women. Nonprofit organizations that have primary mission of serving battered women are eligible to apply.

Sexual Assault Services

1. New Community-Based Services: Up to three grants of \$30,000 each are available to establish sexual assault services in unserved geographic areas and unserved/underserved populations, with one grant designated for services for African American survivors. Successful applicants may be eligible to apply for continued funding at \$40,000 in FY99.

General Crime Victim Services

1. Services for Victims of Gang Related Activity: One grant of \$28,500 is available to establish general crime victim services for youth and young adults (aged 10-25) who are victims of gang-related violence. This grant is available for services in one or more of the seven counties in the Twin Cities metropolitan area. Nonprofit organizations and local units of government that work in collaboration with community-based programs servicing the same population are eligible to apply. Successful applicants may be eligible to apply for continued funding of \$38,000 in FY99.

2. Services for Youth/Young Adult Victims of General Crimes: One grant of \$28,500 is available to establish general crime victim services for youth and young adults (aged 10 - 25) who are victims of general crimes. Nonprofit organizations, Indian tribal governments and local units of government that work in collaboration with community based programs servicing the same population are eligible to apply. Successful applicants may be eligible to apply for continued funding of \$38,000 in FY99.

3. Services for Communities of Color: Two grants of \$28,500 each are available to establish general crime victim services for one or more of the following communities: African/African American; Hispanic/Latino; American Indian; and Asian/Southeast Asian. Nonprofit organizations with a primary mission of serving communities of color, Indian tribal governments and nonprofit or local units of government that work in collaboration with communities of color are eligible to apply. Applicants must demonstrate that the proposed project is a joint effort between the applicant agency and the community/communities to which services are provided. Successful applicants may be eligible to apply for continued funding of \$38,000 in FY99.

4. New Services: Three grants of \$28,500 each are available to establish general crime victims services. One grant is designated for services in one or more of the seven underserved counties in the Twin Cities metropolitan area. The other two grants are available statewide to counties that are currently without any DOC-funded general crime victim services. Nonprofit organizations, Indian tribal organizations and local units of government are eligible to apply. Successful applicants may be eligible to apply for continued funding of \$38,000 in FY99.

Applications are due Thursday, July 31, 1997. To receive a request for proposals that provides complete information and describes how to apply, contact: **Minnesota Department of Corrections, Victim Services Unit, 1450 Energy Park Drive, Suite 200, St. Paul, Minnesota 55108-5219** or call (612) 642-0251, (800)657-3679 outside the Twin Cities metropolitan area, or TDD at (612) 643-3589.

Department of Economic Security**Division of Rehabilitation Services****Notice of Availability of Funds for Extended Employment Programs**

A Request for Proposals defining program requirements and funding guidelines for Extended Employment Program funding in State Fiscal Year 1998 will be available to interested parties on 7/1/97. The Extended Employment Program includes Supported Employment and Center-based Employment which provide ongoing employment support services to workers with severe disabilities.

To be an Extended Employment Program provider, a community rehabilitation program must be certified by the Division of Rehabilitation Services in accordance with *Minnesota Rules* 3300.1950 to 3300.3050, as consistent with 1995 Minnesota Laws Chapter 224. Any city, town, county, non-profit organization or combination of these which operates or proposes to operate a public or non-profit Extended Employment program may apply for funding. Applications are required for funding Extended Employment programs currently receiving state Extended Employment funds, and are also required for new or expanded programs.

Persons or parties who wish to obtain a Request for Proposals for Extended Employment Program Funding for State Fiscal Year 1998 may contact:

David Sherwood-Gabrielson, Director
Extended Employment Program
Rehabilitation Services Branch
P.O. Box 1705
St. Paul, MN 55101
Phone: (612) 296-9150 FAX: (612) 297-5159

Completed applications must be postmarked no later than July 31, 1997 or delivered to Sharon Abrahamson, Extended Employment Program Secretary, First Floor, 390 North Robert Street, St. Paul, Minnesota by 4:30 p.m. on that date.

Professional, Technical & Consulting Contracts

Department of Economic Security

Workforce Preparation Branch

Notice of Request for Proposals for Designing Programs for Minnesota Youthbuild

The Minnesota Department of Economic Security announces the availability of funding under the Minnesota Youthbuild Program (Authorized by Minnesota Laws, Section 268.361 to 268.367). The Request for Proposals (RFP) is for the design of programs to provide specialized training, work experience and education for youth (16 through 24 years of age) at risk of not completing their high school education and are either eligible for the High School Graduation Incentives Program or are economically disadvantaged. A unique requirement of the program design is that work projects must result in the expansion of residential units for homeless persons and very low income families. Eligible projects also include renovation of education, social service, or health facilities. The total amount of funding available for the 1997 - 1999 biennium is \$200,000. The maximum available per year per proposal is \$50,000 (\$100,000 per biennium). A dollar for dollar match is required. For a copy of the RFP, contact:

Lizz Sheridan
Workforce Preparation Branch
Minnesota Department of Economic Security
390 N. Robert Street
St. Paul, Minnesota 55101
612/297-4335 or 1-800-456-8519

Applications for funding are due no later than 4:30 p.m. on Friday August 15, 1997.

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].

Anoka-Hennepin Technical College

Customized Training Division

Notice of Request for Professional and Technical Training Services in Manufacturing, Computer, Health, and Management Areas

Anoka-Hennepin Technical College Customized Training Division is requesting summaries of training qualifications, fees and references from interested individuals and companies to provide training and consulting to various industry clients. The areas of need include: machining, electronics, computers and network certification, information technology, quality processes, healthcare professions, employee and management enhancement, manufacturing development and technical skills advancement. The State anticipates awarding multiple contracts as a result of this solicitation. A proposer entering into a contract is not guaranteed any particular volume or frequency of work. Work will be assigned on an as needed basis. The terms of the contract(s) will be August 1, 1997 to June 30, 1998.

Questions regarding this request for training and consulting should be directed to Clo Skotterud at 576-4796.

Responses must be received either by mail or fax no later than 3:00 p.m. on July 22, 1997 and can be directed to:

Clo Skotterud
Anoka-Hennepin Technical College
1355 West Highway 10
Anoka, MN 55303
Fax # 576-4802

Department of Commerce

Second Notice of Request for Proposals for Preparation of Insert, or Preparation AND Insertion of "insert" for Circulation in Newspapers and Local Libraries

The Minnesota Department of Commerce is seeking proposals for bid estimates from individuals or organizations qualified to prepare in "insert" or prepare AND insert an "insert" for circulation in the St. Paul Pioneer Press and Minneapolis Star Tribune newspapers, and local libraries for the purpose of advertising owners with abandoned property for the State of Minnesota's Unclaimed Property program as required by *Minnesota Statutes* Chapter 345. *The deadline for accepting proposals has been extended until June 20, 1997.*

For a copy of the Request for Proposal or more information contact:

Cheryl Costello
Commerce Licensing Director
Minnesota Department of Commerce
133 E. Seventh Street
St. Paul, MN 55101
Voice: (612) 296-6313
Fax: (612) 296-8591
TTY/TDD: (612) 297-5353 and ask for 296-6313

Department of Corrections

Correctional Facility-Red Wing

Notice of Availability of Contract for Providing Adult Literacy Education

The Minnesota Correctional Facility-Red Wing is soliciting proposals for providing adult basic education instruction to low functioning adult residents and tutor residents in G.E.D. preparation for the time period of July 1, 1997 through June 30, 1998. Total cost for this contract is limited to approximately \$9,936.00 for the year.

Final submission date for this contract is June 23, 1997.

For further information on this contract contact:

Minnesota Correctional Facility-Red Wing
ATTN: Robert Svihel, Education Director
1079 Highway 292
Red Wing, Minnesota 55066
Telephone: (612) 388-7154

Professional, Technical & Consulting Contracts

Department of Corrections

Correctional Facility-Red Wing

Notice of Availability of Contract for Providing Physicals to Persons at Minnesota Correctional Facility-Red Wing

Pre-Employment Physicals/Physicals

The Minnesota Correctional Facility-Red Wing is soliciting proposals for providing physical exams to current employees and pre-employment physicals, and to provide other occupational and health services such as respiratory exams and exams related to specific MCF-Red Wing positions for the period July 1, 1997 through June 30, 1998. Total cost for the biennium is limited to \$20,000.00.

Final submission date for this contract is July 7, 1997.

For further information on this contract contact:

Minnesota Correctional Facility-Red Wing
ATTN: Kristi Rosenquist, Human Resource Mgmt.
1079 Highway 292
Red Wing, Minnesota 55066
Telephone: 612-388-7154

Minnesota State Lottery

Request for Bids for Promotional Merchandise

The Minnesota State Lottery will purchase a variety of promotional items for the purpose of marketing lottery games. Those items will be purchased under provisions of *Minnesota Statutes 349A.07* which states in part:

"The director shall utilize an open bid process and shall take into account the particular sensitive nature of the state lottery and shall consider the competence, quality of product, experience, and timely performance of each potential vendor in order to promote and ensure security, honesty, fairness, and integrity and the operation and administration of the lottery."

Since time frames of these purchases will often be extremely constrained, the Lottery will establish a list of vendors willing to deliver specific items or groups of items. Invitation to bid on specific items will then be mailed to these vendors and responses mailed directly to the Lottery offices in Roseville.

Companies interested in being included on the Minnesota State Lottery vendor list for promotional merchandise should submit: business name, address, contact person, phone number, fax number, and brief description of your product line.

All responses should be sent to: Susie Kivi, Minnesota State Lottery, 2645 Long Lake Road, Roseville, Minnesota 55113. Vendors may request their names and product lines be added to the list at anytime.

Department of Transportation

State Aid Division

Availability of a contract for Bridge Underwater Inspections

The Minnesota Department of Transportation (Mn/DOT) is seeking the services of an engineering consultant to perform inspection of the underwater portions of bridge structures for up to 200 bridges on the county, township, and city road systems in Minnesota.

A Request For Proposal can be obtained from:

Kim DeLaRosa
Division of State Aid for Local Transportation
MS 500, Transportation Building
395 John Ireland Boulevard
St. Paul, Minnesota 55155
(612) 296-3011 (Tuesday - Friday 8:00 AM to 5:00 PM)
FAX (612) 282-2727

Request For Proposals will be available by mail from this office through *May 23, 1997*. A written request is required to receive the Request For Proposal. Please indicate whether your firm is a Small Business, Small Targeted Business, or a Disadvantaged Business Enterprise in your written request. After *May 23, 1997*, the Request for Proposal must be picked up in person.

No time extensions will be granted.

Proposals must be received at the above address not later than 1:00 P.M. on *May 30, 1997*.

A minimum of 11 percent of the total dollar value of this contract shall be subcontracted to Disadvantaged Business Enterprise certified by Mn/DOT.

All respondents shall submit, with their proposal, a certification of the Minnesota Department of Human Rights that they are in compliance with requirements, or are exempt from certification.

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

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

Notice of Invitation to Bid on Contract Computer Programming Services

Sealed bids will be accepted at the offices of the Metropolitan Council, Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota 55101, until 4:00 P.M. on Monday, June 30, 1997, for contract computer programming services to assist our organization with maintenance and provide technical support of the TxBase Perpetual Inventory System at our Transit Operation Division.

Information packets are available and can be obtained by calling 612-602-1032 or via fax request at 612-602-1083.

The contract will be awarded to the lowest, responsive, responsible contractor that meets the specifications and is in compliance with all terms and conditions contained in the information packet.

The Metropolitan Council reserves the right to reject any and all bids, or any part of any bid, to waive minor defects or technicalities or to advertise for new bids as it deems in its best interest.

BY ORDER OF THE METROPOLITAN COUNCIL

Richard Johnson
Associate Regional Director

Minnesota Historical Society

Notice of Request for Bids for Roof Repairs at the Historic Forest History Center in Grand Rapids, Minnesota

The Minnesota Historical Society is seeking bids from qualified firms and individuals to provide roof repairs on the logging camp sleepcamp, cookcamp, horse barns, filer's shack and restroom building. This represents approximately 9,540 total square feet of roof. The estimated budget for this project is \$49,000.

Bidders are advised to inspect the project, verify the square footage, and discuss the project with the site manager prior to bidding.

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, June 26, 1997. Complete specifications and details concerning submission requirements are included in the Request for Bids.

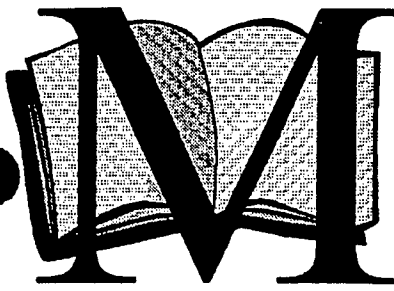
Minnesota Historical Society

Notice of Request for Proposals for Conceptual Function and Data Modeling

The Minnesota Historical Society is seeking proposals from qualified consultants with experience in the planning, design, and implementation of strategic information systems to begin the planning phase of a multi-phase project.

The Request for Proposals 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. **A mandatory pre-proposal meeting for all interested parties will be held at the Minnesota History Center. Details are available in the Request for Proposals.**

Details concerning submission requirements are included in the Request for Proposals.



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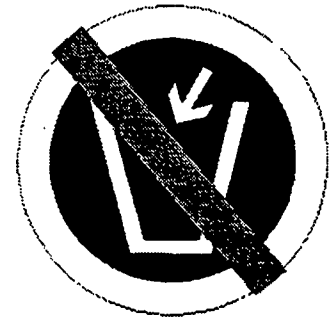
TRANSPORT PACKAGING REDUCING WASTE & SAVING MONEY

Preventing waste before it is produced is not only the best way to solve the garbage crisis--- it also saves money. This 12-minute video shows how business can eliminate waste and increase profits with reusable and source-reduced transport packaging. The basic steps to make the switch are outlined and demonstrated by business-people who have done it. (MN Office of Environmental Assistance, 1997) Stock No. 4-22 \$8.50

SOURCE REDUCTION NOW How To Implement a Source Reduction Program

This 12-minute video complements the resource manual *Source Reduction Now* and demonstrates how to set up a source reduction program in a commercial, industrial or institutional organization. Based on over two years of field research, it shows steps that have proven effective. It is designed to help businesses prevent waste, save money and the environment. (MN Office of Environmental Assistance, 1997) Stock No. 4-21 \$8.50

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