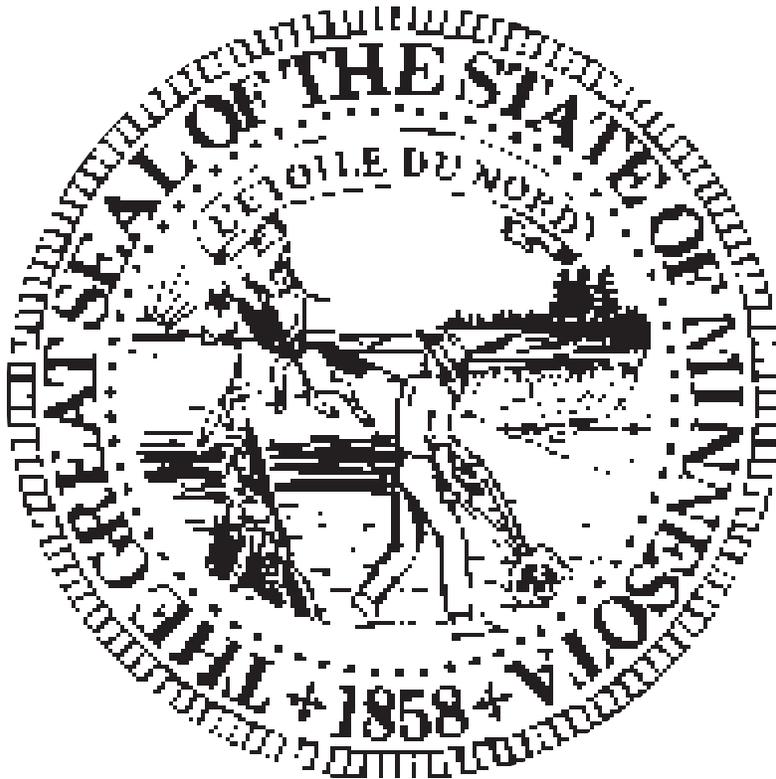


The Minnesota
**State
Register**

Rules and Official Notices Edition



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

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

Printing Schedule and Submission Deadlines

Vol. 23 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
#10	Tuesday 8 September	Noon Wednesday 26 August	Noon Tuesday 1 September
#11	Monday 14 September	Noon Wednesday 2 September	Noon Tuesday 8 September
#12	Monday 21 September	Noon Wednesday 9 September	Noon Tuesday 15 September
#13	Monday 28 September	Noon Wednesday 16 September	Noon Tuesday 22 September

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Room 231 State Capitol, St. Paul, MN 55155

Contact: House Information Office (651) 296-2146
Room 175 State Office Building, St. Paul, MN 55155

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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 1997 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 (651) 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*.

Board of Pharmacy

Proposed Permanent Rules Relating to Pharmacy Technicians and Miscellaneous Changes

Notice of Intent to Adopt Rules Without a Public Hearing

Proposed Amendment to Rules Governing Pharmacy Practice including Registration of Pharmacy Technicians, Minnesota Rules, 6800.0100, et. seq.

Introduction. The Board of Pharmacy intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules* parts 14000.2300 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 on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: David Holmstrom, Executive Director, Minnesota Board of Pharmacy, 2829 University Avenue Southeast, #530, Minneapolis, Minnesota 55414, (612) 617-2201. TTY users may call the Board of Pharmacy at (612) 297-5353 metro, or 1-800-627-3529 non-metro.

Subject of Rules and Statutory Authority. The proposed rules are about the registration of pharmacy technicians and other miscellaneous changes to pharmacy practice rules. The statutory authority to adopt the rules is *Minnesota Statutes*, Section 151.06, Sub (C), and 151.102. A copy of the proposed rules is published in the *State Register*.

Comments. You have until 4:30 p.m., on Friday, October 9, 1998, 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 October 9, 1998. 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 for 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: 25 August 1998

David E. Holmstrom, Executive Director

6800.0100 DEFINITIONS.

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

Subp. 1a. **Board.** “Board” means the board of pharmacy.

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

Subp. 10. [See repealer.]

Subp. 11. **Prescription drug order.** “Prescription drug order” means a lawful written ~~or~~, oral, or electronic order of a practitioner for a drug for a specific patient.

[For text of subps 12 and 13, see M.R.]

6800.0700 PHARMACY, SPACE, AND SECURITY.

Subpart 1. **Minimum requirements.** No person shall be issued a license to conduct a pharmacy located in Minnesota unless the pharmacy:

A. contains more than ~~400~~ 250 square feet in the dispensing and drug storage area;

B. maintains a prescription dispensing counter at least 18 inches deep that provides two linear feet, which must be kept clear and free of all merchandise and other materials not currently in use in the practice of compounding and dispensing, for each pharmacist and each technician working concurrently on compounding and dispensing; this counter shall provide an additional space for computers if they are used in the dispensing process;

C. maintains an aisle behind the prescription dispensing counter at least 36 inches wide, extending the full length of the counter, which shall be kept free of obstruction at all times;

D. is surrounded by a continuous partition or wall extending from the floor to the permanent ceiling, containing doors capable of being securely locked to prevent entry when the pharmacy is closed; and

~~E.~~ E. in the case of a community/retail pharmacy, contains an area where consultation between the patient and the pharmacist may be conducted with ~~a reasonable expectation~~ an assurance of privacy. Community/retail pharmacies in existence on ~~November 1, 1993, the effective date of this part~~ January 1, 1994, two years from the effective date of this part to comply with this item.

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

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> 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 — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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Proposed Rules

6800.1010 CLOSING A PHARMACY.

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

Subp. 2. **At time of closing.** Effective with the closing date, the pharmacist-in-charge shall:

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

B. notify the board as to the disposition of the prescription files, prescription drugs, insulin, hypodermic syringes and needles, contraceptive drugs and devices, chemicals, and nonprescription drugs;

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

6800.2250 UNPROFESSIONAL CONDUCT.

Subpart 1. **Prohibited conduct.** Unprofessional conduct shall include, but is not limited to, the following acts of a pharmacist or pharmacy:

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

C. Refusing to compound and dispense prescriptions that may reasonably be expected to be compounded or dispensed in pharmacies by pharmacists, except as provided for in *Minnesota Statutes*, sections 145.414 and 145.42.

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

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

6800.2400 PHARMACIST-IN-CHARGE.

Subpart 1. **Responsibilities and duties.** No person shall conduct a pharmacy without a pharmacist-in-charge, who shall be a pharmacist regularly employed in the pharmacy department and shall be designated in the application for license, each renewal thereof or pursuant to subpart 4. It is the pharmacist-in-charge's duty and responsibility, consistent with the accepted standards of professional conduct and practice and in compliance with all applicable laws:

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

E. to develop appropriate detailed written procedures directing activities of ~~supportive personnel~~ pharmacy technicians and to submit these procedures to the board, and to ensure that all persons working as pharmacy technicians are registered with the board, in accordance with part 6800.3850;

[For text of items F and G, see M.R.]

H. to notify the board immediately upon receiving knowledge that his or her services as pharmacist-in-charge have been or will be terminated; ~~and~~

I. to respond to deficiency reports; and

J. to ensure that staffing and operational quality assurance policies are developed, implemented, and followed for the purpose of decreasing and monitoring prescription errors.

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

6800.2600 VENDING MACHINES.

It ~~shall be deemed~~ is unlawful to distribute, dispense, or vend any legend drug by automatic or vending machine without first providing the board with written notification of the location of the automated medication management system, the name and address of the pharmacy responsible for control of the system, and the name of the pharmacist-in-charge of the pharmacy. ~~Provided, however, that~~ Nothing in this ~~rule shall prohibit~~ part prohibits a licensed hospital receiving pharmaceutical services from a licensed pharmacy on the premises from utilizing such a device in an emergency, after regular pharmacy hours, when the hospital's pharmacist ~~shall have~~ has complete control over the monitoring of drug therapy, packaging, labeling, filling, recordkeeping, and security of the drugs involved and of the device, and when ~~such the~~ device is utilized in compliance with all other state and federal laws and regulations regarding the distribution of legend drugs. In addition, nothing in this part prevents a licensed hospital, receiving pharmaceutical service from a licensed pharmacy on the premises, from using an automated medication management system as its primary drug distribution system if the system requires that drug orders are reviewed and released by a pharmacist before hospital nursing staff are allowed access to the drug.

Use of automated medication management systems at sites remote from the location of the pharmacy responsible for the system must be approved by the board before installation and implementation. Requests for approval must be submitted in writing and must include a copy of the policies and procedures which will govern the operation of the system.

6800.3100 COMPOUNDING AND DISPENSING.

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

Subp. 2. **Verification.** Verification of validity and propriety under subpart 1, item C, must be of the original prescription order. A copy, rewritten, verbal, or electronically produced, is not acceptable except as provided in parts 6800.3000, subpart 2, ~~and~~ 6800.3120, subpart 7, and 6800.3950, subpart 1a.

Subp. 3. **Certification.** In certifying and documenting the completed prescription order under subpart 1, item F, the pharmacist, practitioner, or pharmacist-intern shall include:

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

E. initialing of the prescription or other permanently maintained record by the individual performing the certification. Those pharmacists using automated medication management dispensing systems must develop written policies and procedures which provide that all certification steps are performed and documented before the medication is distributed to the patient. These policies and procedures must be made available for inspection by the board upon request.

Subp. 4. **Exception.** ~~The provisions of This rule shall apply part applies~~ to all pharmacies. Provided, however, that nothing in this ~~rule shall prevent part prevents~~ pharmacists in hospitals from dispensing to hospital inpatients according to parts 6800.7100 to 6800.7950.

6800.3120 TRANSFER OF PRESCRIPTIONS BETWEEN PHARMACIES.

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

Subp. 2. **Conditions of transfer.** A pharmacy may transfer prescription information for the purpose of refilling a prescription if the information is communicated directly by one licensed pharmacist to another. Schedule II prescriptions may not be transferred. ~~Schedule III-V prescriptions may only be transferred once.~~

Subp. 3. **Duties of transferring pharmacist.** The transferring pharmacist shall:

A. write the word "VOID" across the face of the current prescription to make the prescription invalid ~~and~~ or, if records are electronically maintained, void all remaining refills previously authorized and carried in the electronic record;

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

[For text of subps 4 to 10, see M.R.]

6800.3850 SUPPORTIVE PERSONNEL PHARMACY TECHNICIANS.

Subpart 1. ~~Nonspecified tasks~~ **Technician registration.** ~~Supportive personnel, commonly known as Pharmacy technicians, may be used in performing pharmacy tasks not specifically reserved in this chapter to a licensed pharmacist, practitioner, or pharmacist-intern under the immediate and personal supervision of a pharmacist only when the technician is properly registered with the board. Registration does not include any determination of the competency of the registered individual. Registration is established for the purpose of identification, tracking, and disciplinary action.~~

Subp. 1a. Denial and suspension of registration. The board may deny, suspend, revoke, refuse to renew, or place conditions on the registration of a technician for any violation of the rules of the board or the laws of this state, another state, or the United States relating to the practice of pharmacy, prescription drugs, or controlled substances.

Subp. 1b. Registration, renewals.

A. A pharmacy technician registration expires each year on December 31.

B. For the purposes of implementing this subpart, beginning January 1, 1999, a pharmacy technician must register with the board pursuant to the requirements of this part.

C. Initial registration shall not be prorated.

Subp. 1c. Registration fee, late fee.

A. The fee for an initial registration is \$15.

B. The fee for each annual renewal is \$15.

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Proposed Rules

C. The fee must be paid at the time when a new application or a renewal application is submitted to the board.

D. Persons required to renew their registration under this part, who file an application which is received by the board after the date at which it is due, must pay a late fee of one-half of the renewal fee in addition to the renewal fee.

Subp. 1d. **Notifications to board.** A pharmacy technician must report any changes in name, residence, or place of employment to the board within ten days of the change.

Subp. 1e. **Identification of technician.**

A. A pharmacy technician must wear a name badge while on duty which clearly identifies the person as a "Pharmacy Technician."

B. Pharmacy technicians must not represent themselves as pharmacists in any manner.

Subp. 1f. **Posting of registration.** A pharmacy technician shall post the registration most recently issued by the board in a conspicuous place within the pharmacy in which the technician is working. For all pharmacies, this place shall be a place which is readily accessible to the board.

Subp. 1g. **Minimum age.** The board shall not register as a pharmacy technician any individual who is less than 16 years of age.

Subp. 2. **Permissible duties.** ~~Supportive personnel~~ Pharmacy technicians may perform technician functions which do not involve professional pharmaceutical judgment.

Subp. 3. **Certifying.** Pharmaceutical products prepared by ~~supportive personnel~~ a pharmacy technician must be certified for accuracy by a licensed pharmacist, practitioner, or pharmacist-intern as provided for in part 6800.3100, subpart 1, item F, prior to release for patient use.

Subp. 4. **Written procedures.** Written procedures for the use of ~~supportive personnel~~ pharmacy technicians in a pharmacy shall be prepared by the pharmacist-in-charge, shall be submitted to the board, A copy of the procedures must be given to each technician and a copy shall must be kept on file in the pharmacy. The written procedures must be made available for inspection by the board upon request. These procedures must comply with the standards in this chapter and will be ~~approved~~ reviewed for compliance on that basis. Approval must be obtained prior to implementation of the procedures.

These procedures shall must indicate in detail the tasks performed by the ~~supportive person~~ pharmacy technician; the name, address, and ~~social security registration~~ number of the ~~supportive person~~ pharmacy technician; that the ~~supportive person~~ will be identified to the public by the use of a name tag giving both the ~~supportive person's~~ name and title; and the certification steps performed by the licensed pharmacist in verifying the technician's work. New procedures or changes in procedures shall be submitted to the board for approval as specified in this subpart. Procedures shall be updated and resubmitted every five years.

The submitted procedures shall be automatically approved 90 days after receipt by the board unless the pharmacist-in-charge is notified by the board of the specific reasons the procedures are unacceptable. A change in personnel filling the approved position does not require resubmission of procedures but does require notification of the board of the names, addresses, and social security numbers of the individuals involved.

Subp. 5. **Supervision.** ~~Supportive personnel~~ Pharmacy technicians shall be supervised by a licensed pharmacist, practitioner, or pharmacist-intern stationed within the same work area who has the ability to control and is responsible for the action of the ~~supportive person~~ pharmacy technician.

Subp. 6. **Ratios.** The basic ratio of ~~supportive personnel~~ pharmacy technicians to pharmacists on duty in a pharmacy is ~~1:1~~ two technicians to one pharmacist. Specific functions are excepted from the ~~1:1~~ basic ratio as follows:

A. ~~patient counseling and drug use review applied to all patients, not just Medicaid patients, 2:1;~~

~~B.~~ intravenous admixture preparation (parts 6800.7510 to 6800.7530), 3:1;

~~C.~~ B. setting up or preparing patient specific prescriptions in unit dose dispensing or modified unit dose packaging (part 6800.3750), 3:1;

~~D.~~ C. prepackaging (part 6800.3200), 3:1; and

~~E.~~ D. bulk compounding (part 6800.3300), 3:1.

Subp. 7. **Persons not included.** Personnel used solely for clerical duties such as typing, other than prescription data entry, and recordkeeping need not be included in the ratios of the functions performed by ~~supportive personnel~~ pharmacy technicians.

A pharmacist-intern submitting hours toward completion of the 1,500-hour requirement is not considered a ~~supportive person~~ pharmacy technician for the purpose of determining the number of ~~supportive persons~~ pharmacy technicians supervised by a licensed pharmacist.

Subp. 8. [See repealer.]

Subp. 9. **Penalty.** The use of ~~supportive personnel~~ pharmacy technicians in the performance of delegated tasks not included in ~~approved~~ written procedures may be considered to be unprofessional conduct on the part of the pharmacist supervising the ~~supportive personnel and technician, the pharmacist-in-charge, and the pharmacy technician.~~

6800.3950 ELECTRONIC DATA PROCESSING; COMPUTER USAGE.

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

Subp. 2. **Minimum requirements.** Electronic data processing equipment, when used to store prescription information, must:

A. be structured in such a manner that all prescription drug orders, communicated to a pharmacy by way of electronic transmission, will be transmitted with no intervening person having access to the information contained in the prescription drug order;

B. not infringe on a patient's freedom of choice of pharmacy provider;

C. guarantee the confidentiality of the information contained in the data bank;

~~B, D.~~ produce a hard copy daily summary of controlled substance transactions and be capable of producing a hard copy print-out of legend drug transactions going back two years, except that if this information is already available in hard copy form it is not necessary to duplicate the data through computer-generated hard copy;

~~C, E.~~ be capable of recording and carrying in the record all dates of refills of any prescription and initials of the pharmacist which shall act in lieu of the requirements of part 6800.3100, subpart 1, item G (initials);

~~D, F.~~ be capable of producing a patient profile indicating all drugs being taken and the dates and quantities of refills of these prescriptions and:

(1) in the case of hospital or long-term care inpatients, these records shall be kept in the computer system or on hard copy and be immediately retrievable for two years;

(2) in all other cases the data shall be kept in the computer system and be immediately retrievable for at least two years;

~~E, G.~~ be capable of being reconstructed in the event of a computer malfunction or accident resulting in destruction of the data bank;

~~F, H.~~ be capable of producing a printout providing a refill-by-refill audit trail for any specified strength and dosage form of any controlled substance. The audit trail must include the name of prescribing practitioner, the name and location of patient, the quantity dispensed on each refill, the date of dispensing of each refill, the name or identification code of the dispensing pharmacist, and the prescription number;

~~G, I.~~ be capable of identifying any authorized changes in drug, quantity, or directions for use of any order including the date of change, the identity of the individual making the change, and what the original information was; alternatively a new prescription may be created for each change; and

~~H, J.~~ be capable of preventing unauthorized access, modification, or manipulation of patient prescription data.

[For text of subps 3 to 6, see M.R.]

6800.4300 DISPENSING SCHEDULE II CONTROLLED SUBSTANCES FOR PATIENTS IN LONG-TERM CARE FACILITIES AND TERMINALLY ILL PATIENTS.

Subpart 1. **Authorization.** Prescriptions for schedule II controlled substances written for patients in long-term care facilities and terminally ill patients may be dispensed in partial quantities, including individual dosage units.

Subp. 2. **Records.** For each partial dispensing, the dispensing pharmacist shall record on the back of the prescription, or on another appropriate record uniformly maintained and readily retrievable, the date of the partial dispensing, the quantity dispensed, the remaining quantity authorized to be dispensed, and the identification of the dispensing pharmacist. The pharmacist must record on the prescription whether the patient is "terminally ill" or an "LTCF patient."

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

Subp. 4. **Validity of prescription.** Schedule II prescriptions for patients in a long-term care facility and terminally ill patients shall be valid for a period not to exceed 60 days from the issue date unless terminated sooner by the discontinuance of medication.

Subp. 5. **Computerization of information.** Information pertaining to current schedule II prescriptions for patients in a long-term care facility and terminally ill patients may be maintained in a computerized recordkeeping system if the system has the capability to permit:

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Proposed Rules

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

6800.4800 REPORTING CONTROLLED SUBSTANCE LOSSES.

Any pharmacy, drug wholesaler, drug manufacturer, or controlled substance researcher detecting the theft or significant loss of any controlled substance drug, where the loss is attributable to other than inadvertent error, must report the loss, in writing, to the board and to the Drug Enforcement Administration immediately. The report must include a description of how the loss occurred, if known, the date the loss occurred, if known, the steps being taken to prevent future losses, and an inventory of the missing drugs.

6800.5300 REGISTRATION AND REPORTING.

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

Subp. 4. **Records of professional activities.** The intern may be required to maintain additional records of the intern's professional activities. The records, which shall be submitted after the completion of each ~~quarter segment~~ of internship, are to be prescribed by the board for the purpose of recording details of the scope of internship experience and may include examinations to test the competency of interns.

Subp. 5. **Examinations.** Examinations shall be administered approximately quarterly at times and locations that the board designates. These examinations shall be of a pretest and posttest nature bracketing the segments of the intern's experience as the board deems appropriate. Interns will be required to attain a passing score of 75 percent on the posttest examination as verification of having met the minimum objectives of an internship before qualifying to sit for the examination for licensure as a pharmacist. Candidates for licensure by examination who are licensed as pharmacists in another state are exempt from this requirement.

[For text of subs 6 and 7, see M.R.]

6800.5350 PRECEPTORS.

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

Subp. 3. **Other requirements.** In addition to fulfilling the requirements of subpart 2, item A or B, applicants must show that:

- A. they are currently in practice at least 20 hours per week as a pharmacist;
- B. they have a history of exemplary practice with respect to compliance with state and federal laws;

C. they will provide at least 12 hours per calendar quarter of scheduled, uninterrupted time, in segments of not less than 30 minutes, for the intern for purposes of education and discussion time for the purpose of helping the intern meet the competencies of the internship requirement as the board may from time to time establish; and

D. for renewal of a certificate only, they have participated in the board's an instructional programs on pharmacy law program specifically for preceptors, provided by or approved by the board, within the previous 24 months.

6800.5400 TRAINING.

Subpart 1. **Intent.** The intent of this ~~rule part~~ is to provide a proper preceptor-intern (teacher-student) relationship within the context of the employer-employee relationship, provide a broad base of internship experience, and supplement didactic academic training in a manner which prepares the intern for all aspects of the practice of pharmacy.

Subp. 2. **Nonreciprocity.** Nothing in this ~~rule part~~ shall imply that the standards described herein are acceptable to other states on a reciprocal basis.

[For text of subs 3 and 4, see M.R.]

Subp. 5. **Guides and objectives Competencies.** Upon registration, interns and preceptors will be furnished ~~guides and objectives the competencies~~ for internship training. The ~~guides competencies~~ are furnished to suggest appropriate types and order of training experience and shall be used to ensure that the intern's practical experiences are commensurate with the intern's educational level, and broad in scope.

Subp. 6. **Evidence of completion.** Applicants for licensure as pharmacists who are examined and licensed after September 17, 1973, shall submit evidence that they have successfully completed not less than 1,500 hours of internship under the instruction and supervision of a preceptor. Credit for internship shall be granted only to registered interns who have completed the third year of the five-year or six-year pharmacy curriculum, provided, however, that:

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

- B. not more than 700 hours of internship credit may be given during any internship ~~quarter segment~~; and

C. ~~800~~ 860 hours of internship credit may be acquired through Pharm D clinical rotations on condition that the remaining ~~700~~ 640 hours of the 1,500-hour total requirement is of a traditional compounding, patient counseling, and dispensing nature.

6800.6200 PRESCRIPTION ORDER COMMUNICATION.

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

Subp. 3. **Schedule II orders.** Except as provided in part 6800.3000, subpart 2, Schedule II controlled substances shall be dispensed only upon receipt of an original written order signed by the prescribing individual practitioner or upon an oral order reduced to writing given in emergency situations as allowed by these criteria:

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

6800.6700 DRUGS FOR USE IN EMERGENCY KITS.

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

Subp. 2. **Emergency drug supplies.** Only emergency drug supplies determined by the quality assurance and assessment committee necessary for patient care in life threatening emergencies may be made available. The drugs in the emergency kit are the responsibility of the pharmacist and, therefore, shall not be used or altered in any way except as outlined in this subpart. The emergency drug supplies shall comply with the following:

A. The drugs shall be limited to the extent possible to a 72-hour supply of any one emergency drug in either sealed ampules, vials, or prefilled syringes. If an emergency drug is not available in parenteral form, a supply in an alternate dosage form may be provided. Notwithstanding these restrictions, if the quality assurance and assessment committee considers it necessary, up to a 72-hour supply of each of a maximum of ~~ten~~ 15 different oral pharmaceuticals, not counting oral antibiotics, restricted to therapeutic categories related to symptomatic patient distress or emergencies may be stocked. An unlimited number of oral antibiotics may be stocked in 72-hour supplies of each. Inclusion of other oral legend drugs is permissible only through the granting of a variance by the board. Drugs in the supply shall be properly labeled, including expiration dates and lot numbers.

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

[For text of subps 3 to 5, see M.R.]

6800.6800 STAFF PROTECTION FROM HIV TRANSMISSION.

A pharmacy may provide to a nursing home a separate supply of medications containing the prophylaxis regimen currently recommended by the Centers for Disease Control for the prevention of HIV due to accidental contact with contaminated body fluids by health care workers.

6800.8007 PATIENT CARE GUIDELINES.

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

Subp. 4. **Emergency kit.** The pharmacy may provide emergency medications and supplies to be used by designated, registered nurses, employed in the hospice or home health care setting.

The minimum requirements relating to the establishment of an emergency kit are described in items A to C.

A. The pharmacy must have ownership of and assume the responsibility for the emergency supply.

B. Appropriate and agreed-to policies and procedures for the use of the kit must be developed by hospice and home health agencies in conjunction with the supplying pharmacy. Copies of the policies and procedures must be kept at the supplying pharmacy and a copy submitted to the board. The policies and procedures must address the following:

(1) the signed prescriber's protocols stating the drugs to be used, under what medical circumstances they are to be used, who can administer these drugs, how the prescriber is notified of the use of drugs from the kit, and how the prescription covering the drugs that were used is transmitted to the pharmacy;

(2) the storage, temperature, stability, humidity, and proper transportation of the portable container of drugs;

(3) security and who has access to the drugs. An acceptable method is assigning responsibility by a numbering system for each separate box, designated to each separate registered nurse;

(4) replacement of the medications used from the container within 72 hours and the application of tamperproof seals;

(5) the method by which a pharmacy would be furnished with a copy of each prescriber's prescription order or approved protocol reference which will be used as a hard copy prescription and will trigger drug replacement; and

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Expedited Emergency Rules

(6) a system whereby the supplying pharmacy inspects the contents of the emergency box at least every 60 days for expiration dates of the medications, the tamperproof seal, and the correctness of the contents list; and documents and retains records of the inspection.

C. The pharmacy having ownership and responsibility shall ensure that each portable emergency supply is:

- (1) sealed with a tamperproof seal to ascertain entry into the kit;
- (2) delivered to and kept under the control of a registered nurse;
- (3) labeled on the outside of the container with a list of drugs and quantities contained in the kit; and
- (4) limited to drugs that are not controlled substances.

REPEALER. *Minnesota Rules*, parts 6800.0100, subpart 10; 6800.3550; 6800.3650; 6800.3850, subpart 8; 6800.5100, subpart 7; 6800.6400; and 6800.7600, are repealed.

Expedited Emergency Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited emergency rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Expedited emergency rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Expedited emergency rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these Expedited emergency rules detail the agency's rulemaking authority.

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules; Waterfowl Hunting Regulations

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of these rules is *Minnesota Statutes*, sections 97B.731 and 97B.803.

Dated: 31 August 1998

Rodney W. Sando
Commissioner of Natural Resources
By Gail Lewellan, Assistant Commissioner of
Human Resources and Legal Affairs

6240.0200 GENERAL RESTRICTIONS FOR TAKING AND POSSESSION OF MIGRATORY GAME BIRDS.

Subpart 1. **Shooting hours.** Shooting hours for migratory game birds are one-half hour before sunrise to sunset, except as follows:

A. on ~~the opening day of the duck season~~ October 3, shooting hours for all migratory game birds, except woodcock, are 12:00 noon to 4:00 p.m.; and

B. from ~~the opening day of the migratory waterfowl season~~ October 4 to ~~the Friday nearest~~ October 10, shooting hours end at 4:00 p.m.

[For text of subps 2 to 6, see M.R.]

6240.0600 TAKING DUCKS, COOTS, AND MOORHENS.

Subpart 1. **Open season.** Ducks, coots, and moorhens may be taken statewide during the 60-day period from October 3 to December 1, 1998.

Subp. 2. **Daily limits.** A person may not in any one day take more than six ducks other than mergansers, five mergansers, and a total of 15 coots and moorhens. The daily limit of ducks other than mergansers may not include more than four mallards, of which not more than two may be female mallards; one black duck; one canvasback; two redheads; one pintail; and two wood ducks. The daily limit of mergansers may not include more than one hooded merganser.

6240.0650 TAKING GEESE AND BRANT IN THE WEST, WEST CENTRAL, LAC QUI PARLE, AND NORTHWEST GOOSE ZONES.

Subpart 1. **Open season in the West Goose Zone.** Canada and white-fronted geese and brant may be taken during the 25-day period from October 3 to October 27, 1998, except in the West Central Goose Zone and in the Lac qui Parle Goose Zone as provided in subparts 2 and 3.

Subp. 2. **Open season in the West Central Goose Zone.** Canada and white-fronted geese and brant may be taken during the 20-day period from October 15 to November 3, 1998, except that the season may close earlier in the Lac qui Parle Goose Zone as provided in subpart 3.

Subp. 3. **Open season in the Lac qui Parle Goose Zone.** Geese and brant may be taken during the 20-day period from October 15 to November 3, 1998, except that the season on geese shall be closed earlier than November 3, 1998, if and when the harvest index reaches 10,000. The commissioner shall provide public notice of the closing no less than 48 hours prior to the effective time of closing by:

A. issuing a news release specifying the time of closing and describing the zone; and

B. posting written notices of the closing at the headquarters of the Lac qui Parle Wildlife Management Area and at four other points around the perimeter of the zone.

Subp. 4. **Open season in the Northwest Goose Zone.** Canada and white-fronted geese and brant may be taken during the 20-day period from October 3 to October 22, 1998.

6240.0870 TAKING GEESE IN THE NORTHEAST GOOSE ZONE.

Subpart 1. **Zone.** The Northeast Goose Zone is the area lying within Zone 1 for firearms deer hunting, as described in part 6232.1400, subpart 1.

Subp. 2. **Open season.** Canada and white-fronted geese and brant may be taken during the 70-day period beginning the Saturday on or nearest October 1.

6240.1100 TAKING GEESE IN REMAINDER OF STATE.

Subpart 1. **Zone.** The remainder of the state consists of all areas not within the Southeast, Northwest, Northeast, and West Goose Zones.

Subp. 2. **Open season.** Canada and white-fronted geese and brant may be taken during the 70-day period beginning the Saturday on or nearest October 1.

6240.1160 DAILY LIMITS ON TAKING GEESE AND BRANT.

A. A person may not take more than ten snow, blue, and Ross' geese in any one day.

B. A person may not take more than two brant, two white-fronted geese, and one Canada goose, except that:

(1) two Canada geese may be taken in the Northeast Goose Zone described in part 6240.0870; and

(2) two Canada geese may be taken beginning November 2, 1998, in the Southeast Goose Zone and the remainder of the state described in part 6240.1100.

6240.1900 LATE SEASON FOR TAKING GEESE.

Subpart 1. **Daily limit.** A person may not take more than two Canada geese per day during the late season.

Subp. 2. **Public roads.** Taking Canada geese from public roads and their rights-of-way is prohibited in the Twin Cities Metropolitan Metro Canada Goose Zone during the late season established by this part.

Subp. 3. **Seasons.** Canada geese may be taken in the Twin Cities Metropolitan Metro Canada Goose Zone and in Olmsted County from December 15 through December 24. Canada geese may be taken in the Fergus Falls/Alexandria Goose Zone during the ten-day period beginning the second Saturday in December, the Fergus Falls/Alexandria Canada Goose Zone, and Olmsted county from December 12 to December 21, 1998. Taking Canada geese on or within 100 yards of all surface waters, excluding ice, is prohibited in the Twin Cities Metropolitan Metro Canada Goose Zone during the late season.

EFFECTIVE PERIOD. The emergency amendments to *Minnesota Rules*, parts 6240.0200, 6240.1100, and 6240.1900 expire December 31, 1998. After the emergency amendments expire, the permanent rules as they read prior to those amendments again take effect, except as they may be amended by permanent rule. *Minnesota Rules*, parts 6240.0600, 6240.0650, 6240.0870, and 6240.1160, expire December 31, 1998.

Executive Orders

Office of the Governor

Emergency Executive Order #98-11: Providing for Assistance to the Beltrami County Sheriff

I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Emergency Executive Order:

WHEREAS, in Northwestern Minnesota a 43-year-old woman has not been seen for several days; and

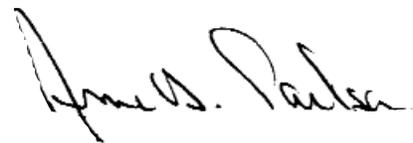
WHEREAS, the Beltrami County Sheriff's Department does not have adequate local resources for an intensive search;

NOW, THEREFORE, I hereby order that:

1. The Adjutant General of Minnesota order to active duty on August 25, 1998, in the service of the State, such personnel and equipment of the military forces of the State as required and for such period of time as necessary to conduct a missing person search in Beltrami County.
2. The Adjutant General is authorized to purchase, lease or contract goods or services necessary to accomplish the mission.
3. The cost of subsistence, transportation, fuel, pay, and allowances of said individuals shall be defrayed from the general fund of the State as provided for in *Minnesota Statutes* 1996, sections 192.49, subd. 1; 192.51, and 192.52.

Pursuant to *Minnesota Statutes* 1996, section 4.035, subd. 2, this Order shall be effective immediately, and shall remain in effect until such date as elements of the military forces of the State are no longer required.

IN TESTIMONY WHEREOF, I have set my hand this twenty-sixth day of August, 1998.



ARNE H. CARLSON
Governor

Filed According to Law:



JOAN ANDERSON GROWE
Secretary of State

Office of the Governor

Emergency Executive Order #98-12: Providing for Assistance to the Kittson County Sheriff

I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Emergency Executive Order:

WHEREAS, on August 20, 1998, Julie Holmquist's body was found in Kittson County; and

WHEREAS, the Ramsey County Medical Examiner is performing an autopsy; and

WHEREAS, investigators are searching for more evidence; and

WHEREAS, the Kittson County Sheriff's Department does not have adequate local resources for an organized, close-order search;

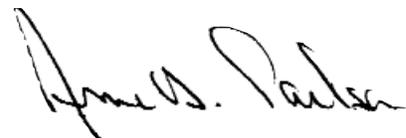
NOW, THEREFORE, I hereby order that:

1. The Adjutant General of Minnesota order to active duty on August 26, 1998, in the service of the State, such personnel and equipment of the military forces of the State as required and for such period of time as necessary to conduct a search in Kittson County.
2. The Adjutant General is authorized to purchase, lease or contract goods or services necessary to accomplish the mission.
3. The cost of subsistence, transportation, fuel, pay, and allowances of said individuals shall be defrayed from the general fund of the State as provided for in *Minnesota Statutes* 1996, sections 192.49, subd. 1; 192.51, and 192.52.

Revenue Notices

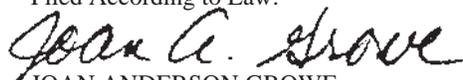
Pursuant to *Minnesota Statutes* 1996, section 4.035, subd. 2, this Order shall be effective immediately, and shall remain in effect until such date as elements of the military forces of the State are no longer required.

IN TESTIMONY WHEREOF, I have set my hand this twenty-sixth day of August, 1998.



ARNE H. CARLSON
Governor

Filed According to Law:



JOAN ANDERSON GROWE
Secretary of State

Revenue Notices

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

Department of Revenue

Revenue Notice # 98-18: Income Tax - Alimony Payments

The United States Supreme Court issued an opinion in the case of *Lunding v. New York Tax Appeals Tribunal*, No. 96-1462, on January 21, 1998. The Court held that a New York tax provision that effectively denied only nonresident taxpayers an income tax deduction for alimony paid was discriminatory and violated the Privileges and Immunities Clause of the U.S. Constitution. The New York provision limited or disallowed nonresidents' deduction of alimony payments, irrespective of whether those payments might relate to New York-source income, creating a situation where the nonresident taxpayer was required to pay more tax than an identically situated resident. The Court stated that, although precise equality in taxation between residents and nonresidents of a State is not required, the imposition of taxes on a nonresident must not be more onerous in practical effect than the tax imposed under similar circumstances upon residents.

Based upon the decision in *Lunding*, the Department adopts a position that modifies its instructions for line 13 of Schedule M-1NR for alimony paid by nonresidents for Minnesota individual income taxes filed for 1995, 1996, and 1997.

To determine the Minnesota portion of alimony allowed for column B of line 13 of Schedule M-1NR follow the steps below:

- 1) From column B, add lines 11, 12, and 14 of Schedule M-1NR.
- 2) Subtract the result in step 1 from the amount on line 10 of the Schedule.
- 3) Add line 30a (alimony) to line 32 (federal adjusted gross income) of 1997 federal Form 1040 (lines 29 and 31 respectively for 1995 or 1996).
- 4) Divide step 2 by step 3.
- 5) Multiply line 30a of 1997 federal Form 1040 (line 29 of 1040 for either 1995 or 1996) by the percentage from step 4 above. List this amount on line 13, column B on Schedule M-1NR.

EFFECTIVE DATE: These instructions are effective for taxes filed for 1997 on Schedule

M-1NR, as well as amended M-1NR filings for 1995 and 1996. Original instructions for years prior to 1995 were consistent with the instructions announced in this revenue notice.

Dated: 8 September 1998

Terese Koenig, Director
Appeals, Legal Services and Criminal Investigation Division

Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

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

Housing Finance Agency

1999 Minnesota Consolidated Housing & Community Development Plan Public Meeting Notice

The Minnesota Housing Finance Agency (MHFA), the Minnesota Departments of Economic Security (DES) and Trade and Economic Development (DTED) are in the process of preparing the 1999 Minnesota Consolidated Plan. This Plan is a condition of funding for several U.S. Department of Housing and Urban Development (HUD) grants. The Consolidated Plan combines applications for several federal grants and the requirements of the Comprehensive Housing Affordability Strategy (CHAS).

The Consolidated Plan serves as: a housing and community development planning document for non-entitlement areas of the state; an application for several HUD grants; a strategy to be followed in carrying out HUD programs; and, an action plan that provides a basis for assessing performance.

The Minnesota Consolidated Plan serves as a condition of funding for non-entitlement areas of the state for the following HUD grants:

- The Community Development Block Grant (CDBG) programs;
- The Emergency Shelter Grants (ESG) program; and
- The HOME Investment Partnerships (HOME) program

This meeting will give interested parties an opportunity to voice their opinions about the state's housing and community development needs, and on the formulation of the state's housing and community development priorities.

The public meeting will be held on September 21, 1998 at 121 West Franklin Ave., the Assembly Room 1, Minneapolis, at 1 PM.

The meeting location is handicap-accessible; however, persons in need of other special accommodations for the meeting, interpretation services, or any other information, should contact Kirby Pitman at (651) 296-8147. The MHFA number for its Telecommunications Device for the Deaf (TTY) is (651) 297-2361.

Department of Human Services

Notice of Adds, Deletes and Changes to the Authorization List of All Health Services as a Condition of Minnesota Health Care Program Payments

The following is a listing of adds, deletes and changes to the current authorization list. The newly added and changed codes will require authorization on or after October 1, 1998. As authorized by *Minnesota Statutes*, section 256B.0625, subdivision 25, the following list includes all health services that have been added, changed, or deleted from authorization as a condition of Minnesota Health Care Programs (MHCP) payment. The list is presented in sections: Dental Services, Vision Care Services, Medical Supplies and Equipment, Prosthetics and Orthotics, Hearing Aids, Drugs, Rehabilitative Services, and All Other Services. The criteria used to develop this list are as follows:

- A. The health service could be considered, under some circumstances, to be of questionable medical necessity.
- B. Use of the health services needs monitoring to control the expenditure of program funds.
- C. Less costly, appropriate alternatives to the health services are generally available.
- D. The health service is newly developed or modified.
- F. The health service is of a continuing nature and requires monitoring to prevent its continuation when it ceases to be beneficial.
- G. The health service is comparable to a service provided in a skilled nursing facility or hospital but is provided in a recipient's home.
- H. The health service could be considered cosmetic.

These newly added or changed codes will require Authorization for services provided on or after October 1, 1998.

I. Dental

No updates this publication.

II. Vision Care Services

No updates this publication

III. Medical Supplies and Equipment; Prostheses and Orthoses

ADDED CODES

Service Code	Service Description
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A4210	Needle-free injection device, each.
A4358	Urinary leg bag; vinyl, with or without tube, each. Authorization is required in excess 10 per month.
K0194	Intermittent assist device with continuous positive airway pressure (CPAP), with humidifier.
X5690	Non- plastic backed underpads, disposable. Authorization is required in excess of 400 per month.
Z0999	Replacement of supply or accessory necessary for effective use of patient owned equipment.

CHANGED

Service Code	Service Description
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A4554	Disposable underpads, all sizes. Authorization is required in excess of 400 per month.
A4927	Gloves, sterile or nonsterile gloves, per pair. Authorization is required in excess of 200 pairs of gloves per month.

IV. Hearing Aids

No updates this publication

V. Drug

No updates this publication

VI. Rehabilitative Services

No updates this publication

VII. All Other Services

1. Non- Investigative Services

No updates this publication

2. Investigative List Alpha Order

No updates this publication

3. Investigative list Numeric

No updates this publication

Pollution Control Agency

Public Notice on Proposed Amendment No. 2 to Air Emission Facility Part 70 General Manufacturing General Permit

NOTICE IS HEREBY GIVEN, that the Commissioner of the Minnesota Pollution Control Agency (MPCA) proposes to issue an amendment to the Part 70 general permit governing stationary general manufacturing sources that was first issued by the MPCA on February 6, 1996. The issuance of this amendment to the general permit is authorized by *Minnesota Rules* 7007.1600, which allows the MPCA to reopen only those portions of the general permit that the MPCA proposes to amend.

The proposed amendment to the general permit addressed the following:

- specify the permit requirements for capture, collection/destruction and control efficiency as it applies to spray/coating and blasting operations;

Official Notices

- incorporate *Minnesota Rules* 7011.2300, the revised standard for stationary internal combustion engines;
- incorporate the revised *Minnesota Rules* 7011.0510, Standards of Performance for Existing Indirect Heating Equipment, subpart 2.; revised *Minnesota Rules* 7011.0515, Standards of Performance for New Indirect heating Equipment, subpart 2; revised *Minnesota Rules* 7011.0610, Standards of Performance for Fossil-Fuel-Burning Direct Heating Equipment, subpart 1(A)(2) and revised *Minnesota Rules* 7011.0710 Standards of Performance for Pre-1969 Industrial Process Equipment, subpart 1(B).
- add the permit requirement for risk management plan;
- clarifies the record keeping for Volatile Organic Compounds (VOC) usage requirement;
- add the requirement to update Operation and Maintenance Plan for all existing and new control equipment within 30 days after permit issuance and
- make other technical corrections to the permit.

The stationary sources eligible for the general permit are major sources as defined in *Minnesota Rules* 7007.0200. The general permit also covers sources required to obtain permits by *Minnesota Rules* 7007.0250.

This proposed amendment does not change the eligibility requirements established in the general permit. Briefly, the general permit contains federally enforceable conditions to limit the Potential-To-Emit (PTE) of VOC to less than a 12-month rolling sum of 250 tons and all other criteria pollutants to less than 100 tons each. The criteria pollutants are Particulate Matter less than 10 microns (PM₁₀), Carbon Monoxide (CO), Nitrogen Oxides (NO_x), Sulfur Dioxide (SO₂), Lead (Pb), and ozone (VOC). Each stationary source is non-major as defined in 40 CFR § 52.21 Prevention of Significant Deterioration (*Minnesota Rules* 7007.3000) and 40 CFR § 52.24 Nonattainment Area Review (*Minnesota Rules* 7007.4000-.4030), therefore, New Source Review (NSR) requirements do not apply.

Each stationary source eligible for the general permit may include the following types of equipment and activities for which a permit is required by *Minnesota Rules* 7007.0150: spray guns, spray booths, painting/coating, degreasers, cleaning of surfaces, abrasive blasting, molding, acid cleaning surfaces, fuel storage, boilers, catalytic and thermal afterburners, internal combustion engines (generators), fabric filters, wall filters, burnoff ovens, furnaces, space heaters, ovens, soldering, welding, brazing, engine testing, screen printing, injection molding, stenciling, storage tanks, unpaved roads and parking lots, and other insignificant activities listed in *Minnesota Rules* 7007.1300. The general permit describes in further detail when a stationary source of this type is not eligible for, or ceases to be eligible for, the general permit. A copy of the general permit is available from the MPCA as described below.

The preliminary determination to issue the amendment is tentative. There are four formal procedures for public participation in the MPCA's consideration of the proposed amendment. These procedures are set forth in *Minnesota Rules* 7007.0850, subp. 3.

First, interested persons may submit written comments on the proposed amendment.

Second, interested persons may also request that the MPCA hold a public information meeting.

Third, interested persons may request the MPCA to hold a contested case hearing. If the request is granted, the hearing would be conducted by the Office of Administrative Hearings pursuant to the Administrative Procedures Act.

Fourth, interested persons may submit a petition to the Commissioner requesting that the MPCA Board consider the permit amendment. The decision whether to issue the amendment and, if so, under what terms will be presented to the MPCA Board for decision if: (1) the Commissioner grants the petition requesting that the matter be presented to the MPCA Board; (2) an MPCA Board member requests to hear the matter prior to the time the Commissioner makes a final decision on the amendment; or (3) a request for a contested case hearing is pending. Otherwise, the Commissioner will make the decision.

Persons who submit comments or requests to the MPCA must state:

1. their interest in the draft amendment;
2. the action the person wishes the MPCA to take, including specific references to the section of the draft amendment that the person believes should be changed; and
3. the reasons supporting the person's position, stated with sufficient specificity as to allow the Manager of the Air Quality Division to investigate the merits of the person's position(s).

Persons who submit requests for a contested case hearing must also state the issues they propose to address in a contested case hearing, the specific relief requested or resolution of the matter, and the reasons (or proposed findings) supporting an MPCA decision to hold a contested case hearing pursuant to the criteria in *Minnesota Rules* 7000.1900. The petition should also include a proposed list of prospective witnesses they would call, including experts, with a brief description of proposed testimony or summary of evidence to be presented at a contested case hearing; a proposed list of publications, references, or studies to be introduced and relied upon at a contested case hearing; and an estimate of time required for the petitioner to present the matter at a contested case hearing. The decision whether to hold a contested case hearing will be made under *Minnesota Rules* 7000.1900.

If the MPCA issues this amendment, it plans to reissue the general permit to stationary sources already covered by it in a format that includes both the amended text and the underlying permit conditions that are unaffected by the amendment.

The public comment period commences September 9, 1998, and terminates October 8, 1998. Comments must be received in writing at the MPCA by 4:30 p.m. October 8, 1998. Evidence of timely receipt could include a date/time stamp imprinted on the first page of the written comments by the first floor information and reception area of the MPCA or by the Metro District support staff, or receipt by FAX (651) 296-9707.

Comments, requests and petitions should be mailed to:

Amrill S. Okonkwo
Major Facilities Section
Metro District
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
(651) 296-7009

A copy of the draft amendment to the general permit will be mailed to any interested person upon the MPCA's receipt of a written request. A copy of additional materials relating to the amendment of this general permit are available upon request or for inspection at the Minnesota Pollution Control Agency, Metro District, 520 Lafayette Road North, St. Paul, Minnesota 55155, phone (651) 296-7009, and at the MPCA's Regional Offices at the following addresses and phone numbers between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. All MPCA offices may be reached by calling 1-800-657-3864.

MPCA Regional Offices:

- Region 1 Duluth Government Center
 Room 704
 320 West Second Street
 Duluth, Minnesota 55802
 Phone (218) 723-4660
- Region 2 1601 Minnesota Drive
 Brainerd, Minnesota 56401
 Phone (218) 828-2492
- Region 3 Lake Avenue Plaza
 714 Lake Avenue
 Suite 220
 Detroit Lakes, Minnesota 56501
 Phone (218) 847-1519
- Region 4 700 North Seventh Street
 Marshall, Minnesota 56258
 Phone (507) 537-7146 or (507) 537-7147
- Region 5 2116 Campus Drive Southeast
 Rochester, Minnesota 55904
 Phone (507) 285-7343

Dated: 26 August 1998

Peder A. Larson
Commissioner
Minnesota Pollution Control Agency

Minnesota Board of Psychology

Notice of Membership of Public Advisory Committee to Assist the Minnesota Board of Psychology in the Promulgation of Rule Amendments Concerning *Minnesota Rules 7200.0100 through 7200.5700*

NOTICE IS HEREBY GIVEN that the Minnesota Board of Psychology has formed a Public Advisory Committee (PAC) to offer assistance to the Board in drafting the above-captioned rule amendments. This PAC consists of Jacqueline Albright, R. Christopher Barden, Pearl Barner, Richard Friberg, Lou Fuller, John Gonsiorek, Dan Hanson, Pamela Hoopes, Stephen Huey, John Hung, Gregory Korgesky, Paula Laidig, Paul Meehl, John O'Regan, Thomas A. Pearson, Judith Pendergrass, William Robiner, Nancy Rust, Janet Schank, Gary Schoener, Elizabeth Super, and Janet Thomas. Also participating in the rule writing process are Board of Psychology Rules Committee Chair, Samuel Albert, and Rules Committee members, William Grove, Nicholas Ruiz, Jack Schaffer, and Board of Psychology, staff Pauline Walker-Singleton and Deborah Sellin-Beckerleg. Written or oral comments regarding the membership of the PAC may be directed to:

Deborah Sellin-Beckerleg, Rules Program Coordinator
Minnesota Board of Psychology
2829 University Avenue Southeast, Suite 320
Minneapolis, MN 55414-3237
Telephone: (612) 617-2230

Dated: 20 August 1998

Pauline Walker-Singleton
Executive Director

Department of Public Safety

Minnesota Auto Theft Prevention Program

Notice of Meeting of the Board of Directors

The Minnesota Auto Theft Prevention Program, will be holding its Board of Directors meeting on the following dates: September 10, 1998 and October 8, 1998. Meetings will begin at 9:00 a.m. and will be held at the Minnesota Auto Theft Prevention Program (MATPP) office located at 1110 Centre Pointe Curve, Suite 405, Mendota Heights, MN. (Hwy 110 and Lexington Ave., west of 35W (South) on the south side of the GNB Technologies Bldg.). Meetings are open to the public. For more information you may contact the MATPP office at (612) 405-6155.

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 Health

Notice of Availability of Funds for Agencies to Provide HIV Testing for Persons at Risk of HIV Infection

The Minnesota Department of Health (MDH) is issuing a Request for Proposals (RFP) to distribute funds to agencies to provide HIV testing for persons at risk of HIV infection.

The purpose of this funding is to conduct outreach and to test persons at high risk of HIV infection, and to make referrals for medical care for those found to be HIV positive. Innovative and creative approaches are encouraged. Agencies should direct their efforts towards those at highest risk and use the latest testing technology available when possible.

Up to \$430,000 is available to fund five to ten agencies to conduct the above services. Agencies will be funded from January 1, 1999 to December 31, 2000.

For a copy of the RFP Packet please contact:

Kathy Mueller
Minnesota Department of Health
AIDS/STD Prevention Services Section
717 Southeast Delaware Street, P.O. Box 9441
Minneapolis, Minnesota 55440-9441
(612) 676-5282

Letters of Intent are due October 2, 1998, before 4:00 p.m.

Full proposals are due on November 2, 1998, before 4:00 p.m.

Technical Assistance will be offered on:

Wednesday, September 23, 1998
1:00 p.m. to 3:00 p.m.
Room 350
Minnesota Department of Health
717 Southeast Delaware Street, P.O. Box 9441
Minneapolis, Minnesota 55440-9441

Professional, Technical & Consulting Contracts

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

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

Department of Administration

State Designer Selection Board

Request for Proposals for the Department of Natural Resources - Tower (Project 26-98)

To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select consultants for a project. Design firms who wish to be considered for these projects must deliver proposals on or before 4 p.m., Monday, September 21, 1998, to:

Lisa Blue, Acting Executive Secretary
State Designer Selection Board
Department of Administration
50 Sherburne Avenue, Room 200
St. Paul, Minnesota 55155-3000
(651) 297-5526

Questions concerning the Board's procedures herein described or the schedule in Item 8.h may be referred to the Executive Secretary at (651) 297-5526. Questions relating to the project may be referred to the project contact(s) in Item 8.i.

NOTE TO RESPONDERS: CHANGES MAY HAVE BEEN MADE IN THE CONTENT AND FORMAT REQUIREMENT. IN ORDER TO BE CONSIDERED BY THE BOARD, THE PROPOSALS MUST CONFORM TO THE FOLLOWING CONTENT, ORDER AND FORMAT REQUIREMENTS AS OUTLINED IN ITEMS 1 THROUGH 5 BELOW. FAILURE TO DO SO WILL RESULT IN THE DISQUALIFICATION OF THE PROPOSAL. PROPOSALS RECEIVED AFTER THE SUBMISSION DEADLINE WILL NOT BE CONSIDERED.

1. Nine copies of the proposal shall be submitted.
2. All data shall be on 8 1/2" x 11" sheets, soft bound. No more than 20 printed faces shall be allowed (see the following for clarification):
 - a. All letters directed to the Board shall be bound into the proposal and all pages shall be counted as printed face(s). It is not necessary to do a cover letter to the Executive Secretary.
 - b. Blank dividers (with printed tab headings only) shall not be counted as faces.
 - c. Front and back covers of proposals shall not be counted as faces.
 - d. None of the statutory or mandatory information, except as requested in Item 3 below, shall appear on the dividers or covers.
 - e. All pages shall be numbered.
3. The front cover of the proposal shall be clearly labeled with the project number and project title as shown at the top of this request for proposal, together with the designer's firm name, address, telephone number, fax number, and the name of the contact person. The back cover shall remain blank.
4. Brief Proposal Summary:

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

 - a. Name of firm and its legal status;
 - b. Names of the persons responsible for the management, design, and production of each major element of the work, including consultants, and Minnesota registration number for each person and consultant (e.g., architects, civil/electrical/mechanical/structural engineers, fire protection engineer, landscape architects, land surveyors, and geoscientist). Fire protection engineer shall mean services provided by a Minnesota professional engineer with proven competency in fire protection or a licensed fire protection engineer.
 - c. A statement indicating that the consultants listed have been contacted and have agreed to be a part of the design team;

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- d. A commitment to enter the work promptly, if selected, by engaging the consultants and assigning the persons named in Item 4.b above, along with adequate staff to meet the requirements of work;
- e. A list of State and University of Minnesota current and past projects and studies awarded to the prime firm(s) responding to this request for proposal during the four years immediately preceding the date of this request for proposal. For the purposes of this list, "awarded" shall mean you have been selected for a given project regardless of the status of the contract.

The prime firm(s) shall list and total all fees associated with these projects and studies whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects and studies listed pursuant to the above.

NOTE: Please call the Executive Secretary at (651) 297.5526 and leave your address or fax number to receive a copy of the acceptable format for providing fee information.

- f. *Minnesota Statutes*, Section 363.073, subd. 1, in part, requires: "No department or agency of the state shall accept any bid or proposal for a contract or agreement unless the firm or business has an affirmative action plan submitted to the commissioner of human rights for approval. No department or agency of the state shall execute any contract or agreement for goods or services in excess of \$100,000 with any business having more than 40 full-time employees, either within or outside this state, on a single working day during the previous 12 months, unless the firm or business has an affirmative action plan for the employment of minority persons, women, and the disabled that has been approved by the commissioner of human rights." THEREFORE, THE PROPOSAL SHALL INCLUDE ONE OF THE FOLLOWING:
 - 1) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
 - 2) A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights with the expiration date included; or
 - 3) A statement certifying that the firm has applied for Affirmative Action Plan approval to the Commissioner of Human Rights and the date when such application was received by the Commissioner of Human Rights; or
 - 4) A statement certifying that the firm has not had a cumulative total of more than 40 full-time employees at any time during the previous 12 months, anywhere in the United States.
5. Additional Mandatory Proposal Contents:
- a. A section containing graphic material (e.g., photos, plans, drawings, etc.) as evidence of the firm's qualifications for the work. The graphic material shall be identified. It shall be work in which the personnel listed in Item 4.b above have had significant participation and their roles shall be clearly described. It shall be noted if the personnel were, at the time of the work, employed by other than their present firms.
 - b. Expanded resumes showing qualification of individuals, listed in Item 4.b above, administering or producing the major elements of the work, including consultants. Identify roles in which such persons played in projects which are relevant to the project at hand.
 - c. A discussion of the firm's understanding of and approach to the project.
 - d. A listing of relevant past projects.
6. Design firms wishing to have their proposals returned after the Board's review shall follow one of the following procedures:
- a. Enclose a **self-addressed, stamped** postal card with the proposals. Design firms shall be notified when material is ready to be picked up. Design firms shall have two weeks to pick up their proposals, after which time the proposals shall be discarded; or
 - b. Enclose a **self-addressed, stamped** mailing envelope with the proposals. When the Board has completed its review, proposals shall be returned using this envelope.

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

7. BOARD SELECTION CRITERIA

In making its selection of designers the Board shall consider the criteria listed below:

- a. Qualifications and technical competence in the required field of design;
- b. Ability to deal with aesthetic factors;
- c. Capacity to accomplish the work and services within the required constraints;
- d. Availability of appropriate personnel;

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- e. Geographic relationship of the designer's base to the project site; and
- f. Awards previously made to a designer by the state. This is in the interest of equitable distribution of commissions.

The criteria do not necessarily have the same weight, nor are their relative weights necessarily constant from one project to another. The Board may issue statements regarding criteria as they relate to individual projects.

8. PROJECT 26-98
DEPARTMENT OF NATURAL RESOURCES - TOWER
CONSOLIDATED AREA HEADQUARTERS
500 Lafayette Road
St. Paul, MN 55155

a. PROJECT DESCRIPTION:

Complete site development and construction of new facilities for a Consolidated Area Headquarters in Tower for the DNR Divisions of Ecological Services, Fisheries, Forestry, Trails and Waterways, Wildlife and the Minnesota Conservation Corps.

Office function will consist of work, resource (analysis, maps, GIS, etc.), lunch room, conferencing and sanitation with an approximate gross area of 8,000 sf.

Heated storage/shop will house freeze protected equipment and vehicles with space for heavy maintenance and repairs. The gross area will be approximately 7,350 sf.

Unheated storage function will house vehicles, boats & ATV's with a gross area of approximately 12,350 sf.

Site development will include construction of drives, public and employee parking, landscaping and development of an exterior resource demonstration area.

The proposed 20+ acre site is located approximately a half mile west of Tower on the south side of Hwy. 169. The parcel will be annexed and public utilities will be available. The site historically has been a borrow pit and informal gun range ringed by woodland, wetland, and rock outcroppings.

The predesign document used for legislative appropriation and a site location map is available upon request by contacting:

Kay Pfiffner
DNR Bureau of Engineering
500 Lafayette Rd., St. Paul, MN 55155
Phone: (651) 296.2119
FAX: (651) 297.5818

b. REQUIRED CONSULTANT SERVICES:

The consultant shall:

1. Demonstrate experience in the design and construction of facilities similar to that required for this facility.
2. Provide schematic design, design development, construction documents, bidding and construction administration services.
3. Provide architectural, interior design, structural, mechanical, electrical, civil and fire protection engineering, landscape architecture, project scheduling and cost management services.
4. Provide coordination and reviews with regulatory agencies.
5. Coordinate consultant's design and construction documentation with the DNR's project manager and overall project committee consisting of DNR principals and their facility programmer.
6. Provide construction services for Percent for Arts program, provide schedule and detailed layouts to facilitate purchase of facility furnishings and provide services during the commissioning and warranty period.

c. SERVICES PROVIDED BY OTHERS:

The DNR will:

1. Procure and provide a site survey with topography, restrictions or constraints and the locations of public utilities.
2. Procure geotechnical exploration, testing, opinions and any environmental assessments required.
3. Delineate wetlands and archeological sites.

The DNR is separately engaging the services of an independent facility programmer to produce a detailed program for use by the consultant. The facility programmer will provide counsel to the DNR and the consultant throughout the project on matters relating to design and program.

d. SPECIAL CONSIDERATIONS:

1. The Department of Natural Resources is the principal manager and steward for a large part of the State's natural resources and we are committed to working with the people of Minnesota to build a strong natural resources stewardship ethic. Therefore, we are committed to develop this area headquarters in an environmentally responsible manner. It is a major goal of this project to use principles of environmentally responsible or "sustainable" design. The designer will be required to address environmental goals related to site design, land use, water use, energy consumption, materials, waste management, and cycles of use, reuse, and deconstruction.
2. Consultant will be expected to synthesize information generated by the programmer, DNR, Office of Environmental Assistance and a representative of the University of Minnesota to assure that operational programs are met and that the project will be sustainable to the degree that the budget will support.

e. PROJECT BUDGET AND FEES:

1. The *fixed limit of construction cost* including site development is: \$3,137,500.
2. Estimated fees for Consultant services including all reimbursables is: \$205,000.
3. The form of agreement will be the State of Minnesota's standard form of agreement.
4. The project is fully funded for design and construction.

f. PROJECT SCHEDULE:

Based on contract execution by November 20, 1998, the estimated project schedule is as follows:

Schematic Design	February 1999
Design Development	May 1999
Contract Documents	July 1999
Bid	August 1999
Occupancy	May 2000

g. PROJECT INFORMATIONAL MEETING:

An informational meeting will be held on *Tuesday, September 15, 1998 - 1:00 p.m. at the Fort Snelling Chapel Basement located in the Fort Snelling Historical District* and will include project principals. No formal site meeting is scheduled, however, interested parties are invited to visit the site and immediate environs at their convenience.

h. STATE DESIGNER SELECTION BOARD SCHEDULE:

Project Information Meeting:	Tuesday, September 15, 1998
Project Proposals Due:	Monday, September 21, 1998
Project Shortlist:	Tuesday, October 6, 1998
Project Information Meeting for Shortlist Firms:	None
Project Interviews and Award:	Tuesday, October 20, 1998

I. PROJECT CONTACT:

Charles B. French, Supervising Architect
Department of Natural Resources
Bureau of Engineering
500 Lafayette Road
St. Paul, MN 55155-4029
Phone: (651) 296-0605
FAX: (651) 297-5818
E-mail: chuck.french@dnr.state.mn.us

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

Professional, Technical & Consulting Contracts

Colleges and Universities, Minnesota State (MnSCU)

Rochester Community and Technical College

Request for Proposal for an AS/400 Curriculum Developer/Project Manager

Rochester Community and Technical College (RCTC), and the Department of Workforce Education, is soliciting proposals to enter into a professional contract with an organization with a qualified individual to perform duties in relation to course development project on the AS/400 midrange computing platform. The courses will be technical in nature, and will be delivered in a variety of methods including standup, web based, prerecorded, ITV and satellite. The individual will be placed on-site at a partner institution, and will be working in collaboration on the development of new materials. The project timetable is from October 1, 1998 - July 31, 2000. A detailed RFP will be sent upon request. This request does not obligate Rochester Community and Technical College to complete the work contemplated in this notice, and the College reserves the right to cancel this solicitation at any time. All expenses incurred by the submitting contractors responding to this notice will be borne by the responder.

Qualifications

The AS/400 Curriculum Developer/Project Manager must have a minimum of 5 years experience with the IBM AS/400 Computer System, a variety of system operation releases, in addition to extensive experiences in the development of technical computer education courses. A strong training background is preferred, with a detailed understanding of the wide variety of course delivery methods, including distance delivery.

Requirements

The AS/400 Curriculum Developer/Project Manager must participate in technical specification meetings with the partner institution, and utilize their skills to create courseware directly from raw technical data. In addition, they must be able to decipher requirements for 14 core professional certification exams, and create classes aimed at successful completion of exams by participating individuals.

Estimated Costs and Completion Date

RCTC has estimated the cost of this project will not exceed \$100,000 per 12 month period. The completion date is June 31, 2000.

Selection

Responses will be reviewed by the Workforce Technology Director and Dean of Continuing Education and Economic Development. Organizations that submit proposals will be informed of their selection or non-selection, but no reasons will be given. The selection will be completed by September 28, 1998.

Submission Format

One original and one copy of the proposal must be submitted by the deadline. The proposal must be signed in ink by an authorized representative of the organization. Statements must completely respond to the requirements listed above.

Submission Deadline

Address proposals to: Mary Long, Business Office, University Center Rochester, 851 30th Avenue SE, Box 51, Rochester, MN 55904. They must be received no later than noon September 23, 1998. Late submissions will not be accepted. Faxed or email copies are not accepted.

Treatment of Information

Information provided pursuant to this solicitation will be considered public information under the Minnesota Government Data Practices Act, *Minnesota Statutes* Chapter 13.

Communications Concerning this Solicitation

All questions and other communications concerning this solicitation should be directed to Scott Sahs, above address, telephone (507) 280-3511.

Department of Transportation

Engineering Services Division

Notice of Request for Proposals for Conceptual Data and Process Modeling, Define and Build a 3-D Spatial CADD Prototype, and Provide Improvement of Engineering Design Processes and Tools

The Minnesota Department of Transportation (Mn/DOT) is soliciting Requests for Proposals from Contractors who are qualified to perform conceptual data and process modeling, define and build a 3-D spatial CADD prototype, and provide related services that support the improvement of engineering design processes and tools.

These services require that the Contractor be experienced in the following technologies: computer systems conceptual modeling, Oracle Designer 2000, CADD based 3D visualization and analysis tools and transportation engineering. Experience with Oracle 7, GIS products, and spatial database engines is advantageous. All data must be compatible with Mn/DOT's Information Resource Standards and Policies.

All contracted activities are scheduled to start in November of this year with a completion date in June of 1999.

Requests for Proposal will be available by mail from the address indicated below through September 14, 1998. A written request (direct mail or FAX) is required to receive the Request for Proposal. After September 14, 1998, the Requests for Proposal must be picked up in person from our offices.

Requests for Proposal can be obtained from:

Joseph D. Pignato, P.E.
Agreements Administrator
Minnesota Department of Transportation
395 John Ireland Boulevard, Mail Stop 680
St. Paul, Mn 55155-1899
Phone: (651) 297-1172, FAX: (651) 282-5127

The proposal must be received in writing at the above address no later than two o'clock in the afternoon (2:00 PM) on September 25, 1998. **Late Submittals will not be accepted.**

The successful responder will be required to submit acceptable evidence of compliance with worker's compensation insurance coverage requirements prior to execution of the contract.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting as prime contractors will receive the equivalent of a 6% preference in the evaluation, and certified Economically Disadvantaged Businesses submitting as prime contractors will receive the equivalent of 4% preference in evaluation.

This request does not obligate the Minnesota Department of Transportation to complete the work contemplated in this notice, and the Department reserves the right to cancel this solicitation at any time. All expenses incurred by submitting contractors responding to this notice will 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 Request for Proposals (RFP) for Step II Design Services and Step III Construction Support for the MWWTP Solids Processing Improvements

The Metropolitan Council is requesting proposals for technical and professional services for Step II Design Services and Step III Construction Support for the MWWTP Solids Processing Improvements. These solids processing improvements are for a 250 MGD plant, and consist of decommissioning of 6 multiple hearth incinerators and replacing them with 3 fluidized bed incinerators with energy recovery and an alkaline stabilization facility, which will have a combined capacity of 300 dry tons per day. The Facility Plan for this project is being completed. The schedule is to have the facility operational in 2004.

The objectives of these services for this RFP are to provide design services consisting of detailed specification and drawings so as to have the project delivered in a traditional design-bid-build process and to provide construction support and oversight. Multiple equipment and construction contracts are anticipated.

A tentative schedule for consultant selection is:

Receive letters of interest	September 1998
Issue Request for Proposals	September 1998
Site Visit and Informational Meeting	October 1998
Receive Proposals	November 1998
Evaluate and Rank Proposals	November 1998
Metropolitan Council authorization	December 1998
Contract negotiated, executed, NTP	December 1998
Design Documents completed/Bidding Documents issued	1999/2000

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

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

Inquiries regarding this project should be directed to Al Dye at (651) 602-8721.

Minnesota Statutes, Sections 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Proposal or any modifications to it. If a contract for the project is awarded in excess of \$100,000, the requirements of *Minnesota Rules* 5000.3530 will be applicable.

Metropolitan Council

Notice of Request for Proposals (RFP) for Assisting the Council With the Design/Build Project Delivery Process for the South Washington County Plant

The Metropolitan Council is requesting proposals for technical and professional services to assist the Council with the design/build project delivery process for the South Washington County Plant. This plant will be a new 10 MGD facility replacing an older small plant on a constrained site. The Facility Plan for this project is scheduled to be completed on 8/28/98. The schedule is to have the facility operational in 2002.

The objectives of these services for this RFP are to provide a preliminary design report, develop performance specifications/standards and conceptual drawings, assist in design/build proposal document preparation, attend pre/post proposal conferences, evaluate design/build proposals, participate in discussion necessary to aid in executing a design/build agreement, and provide design and construction oversight support.

A tentative schedule for consultant selection is:

Receive letters of interest	September 1998
Issue Request for Proposals	September 1998
Site Visit and Informational Meeting	October 1998
Receive Proposals	November 1998
Evaluate and Rank Proposals	November 1998
Metropolitan Council authorization	December 1998
Contract negotiated, executed, NTP	December 1998
Design/Build Request for Proposal issued	May 1999

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

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

Inquiries regarding this project should be directed to Craig Christenson at (651) 602-1176.

Minnesota Statutes, Sections 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Proposal or any modifications to it. If a contract for the project is awarded in excess of \$100,000, the requirements of *Minnesota Rules* 5000.3530 will be applicable.

Minnesota Historical Society

Request for Bids for Birch Coulee Battlefield, Morton, Minnesota

The Minnesota Historical Society is seeking bids from qualified firms to provide all labor, materials, equipment, and supplies to complete the grading of the site and removal of grass, brush, and trees to prepare for building the trails. It also includes the recreation of knolls and depressions and planting new trees in appropriate locations. The trail will branch off from the access road and parking lot to take visitors on a logical path through the site. It will be from 1 to 1 1/4 miles long. The trail will be built of crushed limestone aggregate. The site now contains intrusive plants that will be replaced with prairie grasses and flowers that were once found in the area. Over an area of about 50 acres, native seeds will be planted into the existing plants. In addition to the site work, the project will also include a picnic shelter, kiosk shelter and bathroom shelter for portable units.

The Request for Bid is available by calling or writing Jenna Gruen, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone is (651) 297-5863 (jenna.gruen@mnhs.org).

Non-State Public Bids, Contracts & Grants

All bids must be received by Jenna E. Gruen, Contracting Officer for the Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102 or an authorized agent no later than 2:00 p.m. Central Time, Friday September 25, 1998. A bid opening will be conducted at that time. Bids must be submitted in a sealed envelope with the project name clearly written on the envelope. A Bid Bond must be included in the amount of 5% of the total base bid if the total base bid is over \$50,000. Late bids will not be considered.

Authorized agents for receipt of bids are the following: Jenna E. Gruen, Contracting Officer or any Work Service Center staff member in the Finance and Administration Division on the 4th floor of the History Center. Bids may not be delivered to the information desk, to the guard or to any location or individual other than as specified above.

There will be a MANDATORY pre-bid meeting for all interested parties on September 16, 1998 at 11:00am at the site. The site is located two miles north of Morton, Minnesota, at the junction of Renville County Roads 2 and 8.

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

Minnesota Historical Society

Notice of Request for Proposals for Cultural Resource Survey and Planning Work

The Minnesota Historical Society is seeking proposals from qualified firms and individuals to provide professional services for the following cultural resource planning project:

1. Preservation Management Plan for Agricultural Historic Landscapes in Minnesota
Time Period: October 1, 1998 - May 31, 1999

The Request for Proposal is available by calling or writing Jenna Gruen, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone is (651) 297-5863 (jenna.gruen@mnhs.org).

All proposals must be received by Jenna E. Gruen, Contracting Officer for the Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102 or an authorized agent no later than 2:00 p.m. Central Time, Tuesday September 29, 1998. A bid opening will be conducted at that time. Proposals must be submitted in a sealed envelope with the project name clearly written on the envelope.

Authorized agents for receipt of proposals are the following: Jenna E. Gruen, Contracting Officer or any Work Service Center staff member in the Finance and Administration Division on the 4th floor of the History Center. Proposals may not be delivered to the information desk, to the guard or to any location or individual other than as specified above.

Funds for these projects approved by the Minnesota Legislature, *Laws of Minnesota 1997*, Chap. 216, Sec. 15, Subd. 5(b) to document resources and prepare a management plan for historical agricultural landscapes in the St. Cloud-Rochester growth corridor as recommended by the Legislative Commission on Minnesota Resources from the Minnesota Future Resources Fund.

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

University of Minnesota

Notice of Bid Information Service (BIS) Available for All Potential Vendors

The University of Minnesota offers 24 hour/day, 7 day/week access to all Requests for Bids/Proposals through its fax back Bid Information Service (BIS). Subscriptions to BIS are \$75/per fiscal year (not prorated). Call 612-625-5534 for information or visit our web site at <http://purchserv.finop.umn.edu>. Choose BID Information Service.

Requests for Bids/Proposals are available to the public at no charge each business day from 8:00 a.m. - 4:30 p.m. in Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls, MN 55454.