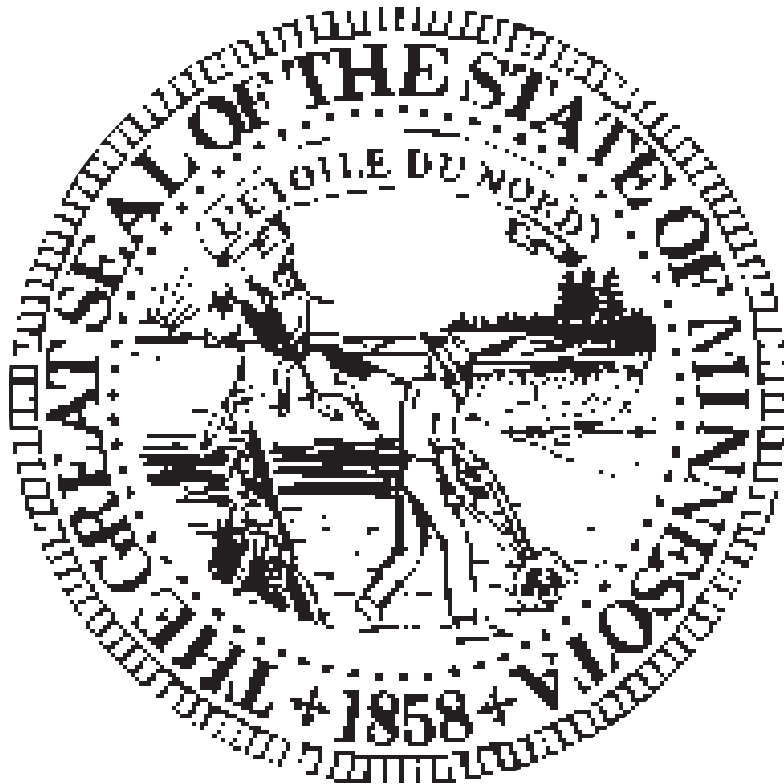


The Minnesota
State
Register

Rules and Official Notices Edition



Published every Monday (Tuesday when Monday is a holiday) by the
Department of Administration – Communications Media Division

Monday 19 October 1998
Volume 23, Number 16
Pages 827-848

State Register

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

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

Printing Schedule and Submission Deadlines

Vol. 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
#16	Monday 19 October	Noon Wednesday 7 October	Noon Tuesday 13 October
#17	Monday 26 October	Noon Wednesday 14 October	Noon Tuesday 20 October
#18	Monday 2 November	Noon Wednesday 21 October	Noon Tuesday 27 October
#19	Monday 9 November	Noon Wednesday 28 October	Noon Tuesday 3 November

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PUBLISHING NOTICES IN THE *State Register*: Submit TWO COPIES of your notice, typed double-spaced. State agency submissions must include a "State Register Printing Order" form, and a "Certification/Internal Contract Negotiation" form with contracts for professional, technical and consulting services. Non-State Agencies should submit TWO COPIES, with a letter on your letterhead stationery requesting publication and date to be published. FAXED submissions to 651-297-8260 are received to meet deadline requirements, but must be followed by originals and applicable forms or letters to be accepted. The charge is \$115.00 per page, billed in tenths of a page (columns are seven inches wide). About 2-1/2 pages typed double-spaced on 8-1/2"x11" paper equal one typeset page in the *State Register*. Contact the editor if you have questions.

An "Affidavit of Publication" can be obtained at a cost of \$10.00 for notices published in the *State Register*. This service includes a notarized "Affidavit of Publication" and a copy of the issue of the *State Register* in which the notice appeared.

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- **13-week trial subscription** which includes both the *State Register* and *Contracts Supplement*. \$65.00
- **Single issues** are available for a limited time: *State Register* \$5.00, *Contracts Supplement* \$1.00. Shipping is \$3.00 per order.

FOR LEGISLATIVE NEWS

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

Contact: Senate Public Information Office (651) 296-0504
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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Individual copies and subscriptions are available through
Minnesota's Bookstore, (651) 297-3000, or 1-800-657-3757.

Minnesota Rules: Amendments and Additions

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

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

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

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

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

Exempt Rules

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

Emergency Expedited Rules

Provisions for the Commissioner of Natural Resources to adopt emergency expedited Game and Fish Rules are specified in *Minnesota Statutes* §§ 84.027. The commissioner may adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months.

Gambling Control Board

Adopted Permanent Rules Governing Lawful Gambling

The rules proposed and published at *State Register*, Volume 23, Number 2, pages 59-81, July 13, 1998 (23 SR 59), are adopted with the following modifications:

7861.0070 BINGO.

Subp. 6a. **Bingo prizes.** Prizes for games won at a bingo occasion or session shall be awarded at that bingo occasion or session according to *Minnesota Statutes*, section 349.211, and the following procedures.

D. A prize for a single bingo game shall not exceed ~~\$100~~ \$200.

E. A prize for a cover-all bingo game may exceed ~~\$100~~ \$200 provided that the aggregate value of all cover-all prizes in any bingo occasion does not exceed \$1,000.

F. A prize for a progressive bingo game may start at up to \$300 and be increased by up to \$100 for each occasion during which the progressive bingo game is played. If the progressive prize is not awarded at a particular bingo occasion, the progressive bingo game shall be continued at a future bingo occasion until such time as a winner is determined. The winning prize in a progressive bingo game does not have to be the full amount of the jackpot, but may be a consolation prize of up to \$100. If the progressive prize is not awarded at a particular occasion, it may be carried over to a future bingo occasion and increased in value, provided that the prize never exceeds ~~\$1,000~~ \$2,000 for any progressive bingo game.

7861.0080 PULL-TABS.

Subpart 1. **Restrictions.** The following items are restrictions on pull-tabs:

B. A gambling employee of an organization may purchase pull-tabs at the site of the employee's place of employment if:

(2) the gambling employee is not involved in the sale of pull-tabs at the site of the employee's place of employment. For purposes of this part, the sale of pull-tabs includes, but is not limited to, auditing pull-tab games, redeeming winning pull-tabs, performing inventory of pull-tab games, making deposits of receipts from pull-tab games, and the sale of pull-tabs to players.

~~An organization may adopt broader restrictions regarding employee participation as a player in pull-tab games conducted by the organization in its house rules, internal controls, or otherwise.~~ For purposes of this subpart, the term "employee" includes a volunteer.

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

Adopted Rules

Minnesota Racing Commission

Adopted Permanent Rules Governing Broodmare Registration

The rules proposed and published at *State Register*, Volume 22, Number 52, pages 2339-2342, June 29, 1998 (22 SR 2339), are adopted as proposed.

Department of Public Safety

Adopted Permanent Rules Relating to Information on Drivers' Licenses, Permits, Identification Cards, and Vehicle Records

The rules proposed and published at *State Register*, Volume 22, Number 48, pages 2117-2124, June 1, 1998 (22 SR 2117), are adopted with the following modifications:

7410.0400 DOCUMENTATION OF PROOF OF FULL NAME, DATE OF BIRTH, AND IDENTITY.

Subp. 2. **Primary documents.** If the applicant for a driver's license, permit, or identification card, or an individual who is applying as the owner for a vehicle title or registration, cannot present a Minnesota driver's license, identification card, or permit that is current or expired for one year or less at the time of application, or a driver's license, identification card, or permit issued by a United States state, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, or a Canadian province or territory that is current or not expired for more than one year and has a color photograph or electronically produced or digitized image of the applicant, then the applicant must present one legible, unaltered, primary document that contains the applicant's full name and date of birth as proof of name, date of birth, and identity, which are described as follows:

B. A copy of the applicant's certificate of birth certified by the issuing government jurisdiction of the United States, Canada, District of Columbia, Guam, Puerto Rico, or Virgin Islands may be presented if it satisfies the following conditions:

(4) Instead of a certified copy of a birth certificate issued by a United States government bureau of vital statistics or by a board of health, an original certificate is acceptable only if it is in the files of the bureau or board and can be readily viewed by the official accepting the application.

G. An applicant or owner may present one of the following documents issued by the United States Department of Justice, Immigration and Naturalization Service or any subsequent form or version of the documents specified in this item:

- (1) Certificate of Naturalization (Form N-550, N-570, N-578);
- (2) Certificate of Citizenship (Form N-560, N-561, N-645);

Subp. 3. **Secondary documents.** If an applicant for a driver's license, permit, or identification card cannot present a Minnesota driver's license, identification card, or permit that is current or expired for one year or less, or a driver's license, identification card, or permit issued by a United States state, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, or a Canadian province or territory that is current or not expired for more than one year and has a color photograph or electronically produced or digitized image of the applicant, then, in addition to presenting a primary document, the applicant must also present a secondary document, described as follows:

B. a driver's license, identification card, or permit that has expired for more than one year but not more than five years, or that is current but without a photograph;

G. a copy of a marriage certificate certified by the issuing government jurisdiction, or the original certificate only if it is in the files of the issuing jurisdiction and can be readily viewed by the official accepting the application;

Subp. 5. **Non-English documents; translation.** For all documents submitted to the department in a language other than English:

D. The translator must be either:

7410.0425 ADDITIONAL DOCUMENTATION.

Subp. 4. **Notice of refusal.** This subpart applies if: an application is not accepted because suspected fraudulent documents were presented at the application site; or an application is accepted at the application site but, upon subsequent review of the documents presented, the department refuses to issue a driver's license, identification card, or permit.

A. If an application is not accepted because of suspected fraudulent documents, the applicant must be given a written notice when the application is refused at the application site indicating that the applicant is entitled to an administrative review by the department's office of driver evaluation and a judicial review under *Minnesota Statutes*, section 171.19. The notice must indicate:

- (1) the location and telephone number of the St. Paul driver evaluation office; and
- (2) what documents are acceptable for identification and application purposes.

B. If an application is accepted at an application site and the documents presented are viewed, but fraudulent documents are suspected, the application and a copy of the documents presented must be transmitted to the department's driver and vehicle services division for review and verification with the issuing authority.

(1) If verification of the presented documents is confirmed, the department shall issue the driver's license, identification card, or permit.

(2) If verification of the presented documents is not confirmed by the department within 45 days of the application date, a written notice of refusal must be sent to the applicant to the address on the application form, indicating the department is not able to approve the application.

(3) The applicant must be advised on the notice to contact the St. Paul driver evaluation office within 180 days of the date of the notice for an administrative review of the documents presented and of the applicant's right to a judicial review under *Minnesota Statutes*, section 171.19.

(4) If the applicant does not contact the driver evaluation office within 180 days of the date on the notice, the application must be placed in suspense. The application may remain in suspense for up to five years if the department is not contacted by the applicant, after which the application must be destroyed.

C. The applicant may appear at the department's driver evaluation office in St. Paul for an administrative review, or may call the St. Paul driver evaluation office at the telephone number indicated on the notice to schedule an administrative review, at an alternate driver evaluation site.

(1) The commissioner may seek additional written information from the applicant requesting the administrative review or from an agency or person believed to have information relating to the facts underlying the matter.

(2) The applicant may present additional information to the department at the time of the administrative review.

D. If the department is able to verify the authenticity of presented documents and the applicant's identity as a result of the administrative review, the department shall notify the applicant within 15 days after completion of the administrative review that the application has been approved.

E. If the administrative review causes the department to refuse to issue the driver's license, identification card, or permit, the applicant must be notified in writing of the refusal within 15 days after completion of the administrative review. The notice shall provide the reasons for the refusal.

Subp. 5. Title and registration. An owner that is an entity with a name that is not one listed in part 7410.0100, subpart 3, items A and B, may be required to provide evidence to verify the authority of the individual to sign on behalf of the entity if the authority of the individual signing is unknown.

Subp. 5. 6. Rules of evidence. ~~Authentication of a disputed primary or secondary document subject to dispute must comply with the~~ may be proved by any of the standards or methods listed in *Minnesota Rules* of Evidence, Rule 902.

<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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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.

Department of Administration

State Designer Selection Board (SDSB)

Meeting Dates, Times and Agenda Items

Pursuant to SDSB *Minnesota Rule* 3200.0400, below is the schedule of State Designer Selection Board meeting dates, times and agenda items as of October 7, 1998:

- October 22, 1998, 9:00 a.m.
 1. Shortlisting for Project 29-98, Univ of Minn Duluth
 2. Shortlisting for Project 30-98, Univ of Minn Duluth
- October 27, 1998, 9:00 a.m.
 1. Interview/Award for Project 25-98, MnSCU North Hennepin Community College
- November 3, 1998, 9:00 a.m.
 1. Interview/Award for Project 28-98, Minnesota State Academy For The Blind
- November 10, 1998, 9:00 a.m., **Meeting Location is the Kitchigammi Club in Duluth**
 1. Interview/Award for Project 29-98, Univ of Minn Duluth
 2. Interview/Award for Project 30-98, Univ of Minn Duluth
- November 17, 1998, 9:00 a.m.
 1. Interview/Award for Project 27-98, Department of Natural Resources - Windom
 2. Shortlisting for Project 31-98, Winona State University

Unless otherwise stated, all meetings are held in the Administration Building, 50 Sherburne Avenue, St. Paul, Room G-10/Conference Room A. Other matters may come before the Board and be added to the agenda as needed. For additional information, contact Lisa Blue at (651) 297-5526.

Minnesota Comprehensive Health Association

Notice of Meeting of the Board of Directors

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA) Board of Directors will be held on Wednesday, October 21, 1998, at Allina Health System, 5601 Smetana Drive, Minnetonka, at 9:00 a.m.

For additional information, please call Lynn Gruber at (612) 593-9609.

Health Technology Advisory Committee

Notice of: 1) Availability of Preliminary "Positron Emission Tomography (PET) for Oncologic Applications" Evaluation Report; and 2) Solicitation of Written Comments

The Health Technology Advisory Committee (HTAC) is charged under *Minnesota Statutes* 62J.152 with conducting evaluations of technologies and their specific use and application. For the purposes of evaluation, the definition of technologies in statute includes "... drugs, devices, procedures, or processes applied to human health care" As part of the evaluation process, HTAC is required to submit a report to the Legislative Oversight Commission on Health Care Access and to solicit written comments on the report. Before completing its final comments and recommendations, HTAC is soliciting public comment on this report.

The Health Technology Advisory Committee (HTAC) has recently completed the preliminary evaluation report, "Positron Emission Tomography (PET) for Oncologic Applications".

Brief Summary: Positron Emission Tomography (PET) has been used mainly for neurological applications but is also used in oncology. Data is readily available on the use of PET for brain, lung, and head and neck tumor detection, and research in assessing the use of PET for breast, and prostate cancer detection. PET appears to be a very good diagnostic tool for some cancers and provides magnetic resonance imaging (MRI).

Individuals or organizations requesting a copy of the report should contact HTAC. Written comments regarding the report are due within 30 days from the publication of this notice. Any written material received by HTAC shall be subject to the requirements of the Minnesota Data Practices Act (*Minnesota Statutes*, Section 13) and should be forwarded to:

Nancy Cusick
Health Technology Advisory Committee
P.O. Box 64975
St. Paul, MN 55164-0975
Phone: (651) 282-6374 FAX: (651) 282-5628
<http://www.health.state.mn.us/htac/index.htm>

Department of Human Services

Notice of Availability of the Minnesota Health Care Programs Provider Participation List [Also Known as DHS Rule 101 Provider Compliance List]

NOTICE IS HEREBY GIVEN that the Minnesota Health Care Programs Provider Participation List for October 1, 1998 is now available. The Provider Participation List is a compilation of fee-for-service health care providers who are in compliance with DHS Rule 101. This list is distributed on a quarterly basis to the Department of Employee Relations, the Department of Labor and Industry, and the Department of Commerce. To obtain the list, contact Paul McCann, Rule 101 Specialist, at (651) 282-5328 or toll-free at 800-657-3974. You may FAX your request to (651) 296-5690 or mail to the Customer Services Division, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3856.

David Doth, Commissioner
Department of Human Services

Department of Human Services

Community Services Division

Notice of Publication of State Title XX Activities Report

The Community Services Division of the Minnesota Department of Human Services has submitted a Title XX Activities Report for the period of October 1, 1996 through September 30, 1997 to the United States Department of Health and Human Services, Office of Community Services. The report is intended to meet federal requirements for funds provided under Title XX of the Social Security Act.

The plan is available for public review and comment. A copy of the plan can be obtained by contacting:

Minnesota Department of Human Services
Community Services Division
Title XX Activities Report - 1997
444 Lafayette Road North
St. Paul, Minnesota 55155-3839

Department of Human Services

Community Services Division

Notice of Publication of State Title XX Intended Use Report

The Community Services Division of the Minnesota Department of Human Services has submitted a Title XX Intended Use Report for the period of October 1, 1999 through September 30, 2000 to the United States Department of Health and Human Services, Office of Community Services. The report is intended to meet federal requirements for funds provided under Title XX of the Social Security Act.

The plan is available for public review and comment. A copy of the plan can be obtained by contacting:

Minnesota Department of Human Services
Community Services Division
Title XX Intended Use Report - 1999
444 Lafayette Road North
St. Paul, Minnesota 55155-3839

Metropolitan Council Environmental Services

Public Hearing on Draft Facility Plan for Blue Lake Groundwater Relief Project (Project No. 980200) at City of Shakopee Council Chambers, 129 Holmes Street South, Shakopee, Minnesota, November 19, 1998 - 7 P.M.

The Metropolitan Council Environmental Services will hold a public hearing on the Draft Facility Plan for the Blue Lake Groundwater Relief Project, MCES Project 980200.

This plan identifies the most efficient and effective way to provide protection from high groundwater forces to the structures at the Blue Lake Wastewater Treatment Plant. In 1993 and 1997, 50-year flood conditions occurred at the Blue Lake Plant. The groundwater dewatering system, designed to protect original plant structures from damage due to hydraulic uplift, did not function as designed and as needed. CAMAS/Shiely, located near the Blue Lake Plant, is currently dewatering for their quarry operations. They have indicated that in three to five years they may terminate their quarry operations, which would result in cessation of dewatering. Termination or reduction of dewatering at the CAMAS/Shiely site will result in an increase of the groundwater levels at the Blue Lake Plant. This project is needed to design improved flood control dewatering, design a groundwater relief system and other protective measures to protect the plant from high groundwater conditions resulting from the modification or discontinuation of the CAMAS/Shiely quarry dewatering.

Copies of the Draft Facility Plan will be available for review no later than October 19, 1998, at the following locations:

- Metropolitan Council Data Center, 230 East Fifth St., St. Paul
- Metropolitan Council Environmental Services, Office of Customer Relations and Environmental Education, 230 East Fifth St., St. Paul
- Shakopee City Hall, 129 Holmes St., Shakopee
- Scott County Library, Shakopee Branch, 235 South Lewis St., Shakopee

All interested people are encouraged to attend the hearing on November 19, 1998 and provide comments.

Comments, which must be received by 5 p.m. on December 7, may also be submitted as follows:

- Send written comments to Pauline Langsdorf at Metropolitan Council Environmental Services, 230 East Fifth St., St. Paul, MN 55101
- FAX comments to Pauline Langsdorf at (651) 602-1003
- Record comments on Metropolitan Council's Public Comment Line at (651) 602-1500
- E-mail comments to data.center@metc.state.mn.us
- Send TTY comments to (651) 291-0904

Upon request, Metropolitan Council will provide reasonable accommodations to people with disabilities. Requests must be received prior to November 10, 1998. Additional information can be obtained from Metropolitan Council Environmental Services, Office of Customer Relations and Environmental Education at (651) 602-1805.

Department of Natural Resources

Division of Waters

Request For Comments on Planned Amendment to Rule Governing Frequency of State Dam Inspections *Minnesota Rules*, part 6115.0360

Subject of Rule. The Minnesota Department of Natural Resources requests comments on its planned amendment to the rule governing frequency of dam inspections. Specifically the amendment would reduce the frequency of inspections of Class II (medium hazard) and Class III (low hazard) dams. The current rule calls for, subject to the availability of staff and funds, inspection of medium hazard dams at least one time every two years and low hazard dams at least one time every four years. The amendment being considered would change the inspection frequency to five years for medium hazard dams and ten years for low hazard dams. Class I (high hazard) dams would remain on an annual inspection schedule. The purpose of the rule amendment is to make the rule consistent with current state dam safety inspection program practices.

Persons Affected. Persons who may be affected by the proposed amendment would be owners of medium and low hazard dams.

Advisory Committee. The department does not contemplate appointing an advisory committee on the planned rule amendment.

Statutory Authority. The rule is authorized by *Minnesota Statutes*, section 103G.515, which allows the agency to conduct dam safety inspections.

Public Comment. Interested persons or groups may submit comments or information on this planned rule amendment in writing or verbally until 4:30 p.m. on December 18, 1998. The DNR has prepared a draft of the planned rule amendment. Written or verbal comments, questions, requests to receive a draft of the planned rule amendment, and requests for more information should be addressed to:

Mel Sinn
Department of Natural Resources
Division of Waters
Box 32
500 Lafayette Road 55155-4032
Saint Paul, MN 55155-4032
Telephone (651) 296-4806
TTY: 1-800-657-3929

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

Note. Comments submitted in response to this notice will be considered in drafting rules, but comments submitted in response to this notice will not be included in the formal rulemaking record when a proceeding to adopt a rule is started.

Dated: 8 October 1998

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

State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Administration

Governor's Council on Developmental Disabilities

Notice of Cosponsorship Funds for Statewide Training Conferences

The Governor's Council on Developmental Disabilities is pleased to announce the availability of a total of \$5,000 in cosponsorship funds for Minnesota statewide training conferences. Conferences should focus on leadership training and the developmental of personal leadership skills, and marketed to people with developmental disabilities and their families as the primary audience. A maximum of \$1,000 may be awarded to an agency/organization that meets eligibility criteria and shows the need for financial assistance in order to plan/carry out a statewide training conference.

Conferences must be **statewide and held between February 15 and September 1, 1999**. **Eligible applicants:** Minnesota associations/organizations of providers, advocates, parents, people with developmental disabilities, or professionals; Minnesota chapters of national organizations; or national organizations that are holding a conference in Minnesota. *Preference will be given to those applicants who did not receive a cosponsorship funds during FFY 1998 (October 1, 1997 - September 30, 1998)*. The Council reserves the right to award less than the maximum of \$1,000 to an applicant agency/organization, refuse to cosponsor a conference, or withdraw the availability of funds at any time.

For additional information or to request an application form, please contact:

Mary Jo Nichols
Governor's Council on Developmental Disabilities
300 Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155
(651) 282-2899 voice (651) 296-9962 TTY E-mail: admin.dd@state.mn.us

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

Facilities Management Bureau

Notice of Request for Proposals for a Ground Transportation Services Management and Operation Contract for Shuttle Service

The Department of Administration is requesting proposals for a two-year ground transportation service management and operation contract for shuttle services between the State Capitol Complex Lot X parking facility and downtown St. Paul, Minnesota. The term of the contract shall be January 15, 1999 to January 14, 2001, with an opportunity for three one-year extensions. It is anticipated that the two-year contract will not exceed \$180,000.00.

A Request for Proposal is to be obtained by calling or writing:

Department of Administration
Plant Management Division
395 John Ireland Boulevard, Room 123
St. Paul, Minnesota 55155
Telephone: (651) 296-6800

Proposal responses must be submitted no later than 4:00 p.m. on November 13, 1998. A mandatory pre-proposal meeting and ground transportation service ride-along tour with prospective service providers has been scheduled for October 29, 1998, 10:00 a.m. at the above address. It is anticipated evaluation and selection will be completed by Plant Management personnel by December 15, 1998.

Department of Administration

State Designer Selection Board

Request for Proposals for Winona State University (Project 31-98) for the Remodeling of Maxwell Hall

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 12 p.m., Monday, November 2, 1998, to:

Lisa Blue, Executive Secretary
State Designer Selection Board
Department of Administration
Materials Management Division
50 Sherburne Avenue, Room 112
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.

Professional, Technical & Consulting Contracts

1. Eight 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;
- 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.

Professional, Technical & Consulting Contracts

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;
- 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 31-98

**Winona State University
Eighth and Johnson Streets
Winona, Minnesota 55987**

a. PROJECT DESCRIPTION:

Based on the completed predesign, Winona State University's Maxwell Hall remodeling will program and plan the complete interior remodeling of the building to include the demolition of existing partitions, HVAC, electrical systems and windows.

The remodeling will consist of constructing programmatically appropriate space for the following academic departments and functions:

	NASF
College of Education	
- Education Department	10,180
- Curriculum Library	3,250
- Child Care	4,425
Communications Studies Department	4,990
Computer Science Department	16,356
Classrooms, Small Group Study Rooms	11,815
TOTAL	51,016

Professional, Technical & Consulting Contracts

The project is anticipated to have an area of approximately 87,000 GSF. The original Maxwell Hall was built in 1939. A first addition was constructed in 1959 and a second more extensive addition was constructed in 1967. The building has three stories and is of brick construction. Most recently the building has served as the campus main library.

The remodeled facility will make intensive use of electronic data and telecommunications and will require the infrastructure for accessing and delivering information.

The infrastructure of the remodeled building must support the University's lap top university initiative. Such an infrastructure will include:

- Delivery of technology to the student desktop in all classrooms, small group study rooms and offices.
- Distant learning classrooms.
- Access to the Internet, various internal databases and the new library.

A copy of the Predesign Report is available from:

John Burros, Director of Facilities
Winona State University
P.O. Box 5838
Winona, MN 55987
(507) 457-5052

b. **REQUIRED CONSULTANT SERVICES:**

The consultant shall:

1. Provide schematic design, design development, contract documents, and, when funds become available, bidding and construction administration services.
2. Provide architectural, interior design and furniture selection, structural, mechanical, electrical and fire protection services.
3. Provide cost estimating and scheduling services.
4. Coordinate consultants design, contract documents and construction administration services with the University's representative for project management and the University's consultants for hazardous materials removal and telecommunications.

c. **SERVICES PROVIDED BY OTHERS:**

1. The University will contract for an owner's representative to assist with project management, inspections and quality assurance.
2. The University will contract consultants for hazardous materials removal and telecommunications.

d. **SPECIAL CONSIDERATIONS:**

Prior experience in architectural planning, engineering and project administration of large multi-purpose higher education buildings is required. Experience working with an owner's representative and MnSCU design standards is preferred.

e. **PROJECT BUDGET/FEES:**

The available planning budget for this project is: 1994 appropriation \$187,100; 1998 appropriation \$200,000. Total \$387,100. Funds amounting to \$7,717,000 will be requested from the 2000 Legislature to complete planning and construction.

f. **PROJECT SCHEDULE:**

- Phase I: includes schematic design, design development and contract documents, will begin January 1999
- Phase II: bid opening May 2000, construction start July 2000

g. **PROJECT INFORMATION MEETING:**

An information meeting is scheduled for October 26, 1998, at 10:30 a.m. in Room 213 Somsen Hall, Winona State University, Eighth and Johnson Streets, Winona, Minnesota. All firms interested in this tour should contact John Burros, Director of Facilities, at (507) 457-5052 to register.

Professional, Technical & Consulting Contracts

h. STATE DESIGNER SELECTION BOARD SCHEDULE:

Project Information Meeting:	October 26, 1998, at 10:30 a.m.
Project Proposals Due:	November 2, 1998, by 12 p.m.
Project Shortlist:	November 17, 1998
Project Interviews and Award:	December 8, 1998, at Winona

i. PROJECT CONTACT(S):

Questions concerning the project should be referred to:

John Burros, Director of Facilities
Winona State University
P.O. Box 5838
Winona, MN 55987
(507) 457-5052

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

Colleges and Universities, Minnesota State

Metropolitan State University

Request for Proposal for Construction Management Services

The Metropolitan State University is soliciting proposals from qualified firms to assist with owner's representative construction management services for Metropolitan State University's Community Library and Information Access Center.

Specifically the consultant will be responsible for recommending construction design, approach budget tracking and providing on-site project supervision. The dates of service are anticipated to be on/about November, 1998 through April, 2002.

The project is currently at the beginning of the Schematic Design Phase with Construction Documents expected to be completed later in 1999. Metropolitan State University desires to involve the owner's representative early in the design process with more significant involvement when the project is under construction. Construction funding is pending based on anticipated legislative funding in July, 2000. If funding is provided, construction is expected to begin Fall, 2000.

This RFP does not obligate Metropolitan State University to complete the proposed project and Metro State reserves the right to cancel the solicitation if it is considered in its best interest.

To receive a full request for proposal, write or call:

Daniel Kirk
Metropolitan State University
700 East Seventh Street
St. Paul, MN 55106-5000
Phone: (651) 772-3710
FAX: (651) 772-7631
E-mail: kirkd@msus1.msus.edu

Completed proposals are due by 4:00 PM Thursday, October 29, 1998.

Professional, Technical & Consulting Contracts

Colleges and Universities, Minnesota State

Winona State University

Notice of Request for Professional/Technical Consultant to Prepare a Predesign Report for Construction of a New Science Building and Remodeling of Existing Science Building

Winona State University is seeking the services of a professional/technical team to prepare a predesign report for the construction of a new science building (wet lab) and remodeling of the existing science building. The consultant must have experience in designing large science facilities and the report shall be prepared following the guidelines spelled out in the Department of Administration's Predesign Manual for Capital Budget Projects.

Proposals are due November 9, 1998.

Firms interested in receiving a formal Request for Proposal can contact:

John Burros
Director of Facilities
Winona State University
P.O. Box 5838
Winona, MN 55987
(507) 457-5052
(507) 457-5466 FAX

Minnesota Forest Resources Council

Minnesota Department of Natural Resources, Division of Forestry - Fiscal Agent

Notice of Request for Proposals for the Public Concerns Registration Process

NOTICE IS HEREBY GIVEN that the Minnesota Forest Resources Council (MFRC) is requesting proposals to perform all necessary duties associated with implementation of its Public Concerns Registration Process (PCRP). The PCRP was established to provide an opportunity for citizens to register concerns and receive information on specific timber harvesting and forest management practices throughout the state. Information gathered through the process will provide the MFRC with a better understanding of public concerns over timber harvesting and forest management practices, as well as provide input into future natural resource professional and timber harvesting education and training programs.

Services needed by the Minnesota Forest Resources Council include, but are not limited to: contacting the citizen, the logger, the landowner and any other involved parties to verify their identification and the timber harvesting site location; gathering information about the concern in question; sending educational materials to individuals associated with the concern and encouraging communication between all parties; following up and maintaining contact with the individuals in questions; communicating with the Minnesota Logger Education Program; and writing summary reports to document all registered concerns and the outcome of efforts.

Proposals are due on October 26, 1998

To obtain a copy of the complete Request for Proposal, contact:

Sara Eliason
Minnesota Forest Resources Council
NRAB 35a
2003 Upper Buford Circle
St. Paul, MN 55108
(651) 603-0109
e-mail: seliason@forestry.umn.edu

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 Metro Mobility Agency Transportation

The Metropolitan Council is requesting proposals for turnkey purchase of service operation under contract to the Council to agencies located in Hennepin and Ramsey Counties. Successful contractors will provide, at revenue hourly rate: vehicles, labor to operate the service including drivers, dispatchers, and administration; a site/location with maintenance and administrative facilities; insurance coverage meeting minimum state requirements; performance bond equating to 10 percent of the proposed value; and PASS software by Trapeze as well as hardware to operate the software.

A tentative schedule for contractor selection is:

Receive Letters of Interest	October 1998
Issue Request For Proposals	October 1998
Receive Proposals	November 1998
Evaluate and Rank Proposals	December 1998
Metropolitan Council Authorization	February 1999
Contract Negotiated, Executed, NTP Issued	March 1999
Contract Start	July 5, 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
230 East Fifth Street
Mears Park Centre
St. Paul, MN 55101

Letters of Interest may also be submitted to: jan.bevins@metc.state.mn.us. Inquiries regarding this project should be directed to Steve Kaukola at (651) 602-1064. *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.

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.