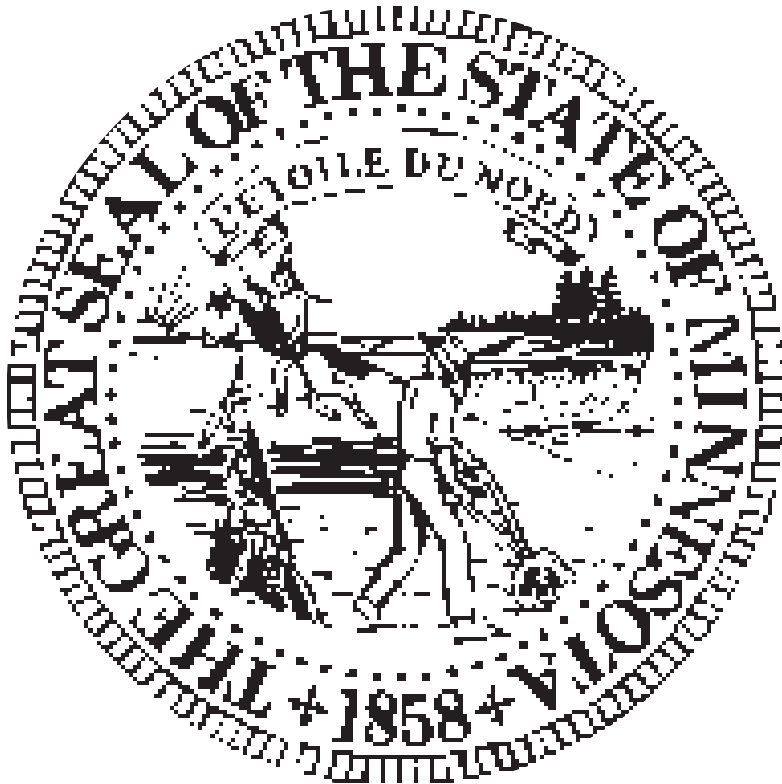


State of Minnesota

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 2 August 1999
Volume 24, Number 5
Pages 163-198

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, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes* § 14.46. The *State Register* contains:

- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
- certificates of assumed name, registration of insignia and marks

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Printing Schedule and Submission Deadlines

Vol. 24 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
#5	Monday 2 August	Noon Wednesday 21 July	Noon Tuesday 27 July
#6	Monday 9 August	Noon Wednesday 28 July	Noon Tuesday 3 August
#7	Monday 16 August	Noon Wednesday 4 August	Noon Tuesday 10 August
#8	Monday 23 August	Noon Wednesday 11 August	Noon Tuesday 17 August

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Publication Number: 326630. (ISSN 0146-7751)

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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.

The *State Register* is published by Communications.Media Division, Department of Administration, State of Minnesota, pursuant to *Minnesota Statutes* § 14.46 and is available at the main branch of county libraries in Minnesota and all "State Depository Libraries": State University and Community College libraries; the University of Minnesota libraries; St. Paul, Minneapolis and Duluth Public Libraries; the Legislative Reference Library; State Law Library; Minnesota Historical Society Library; and the Library Development Service at the State Department of Children, Families and Learning.

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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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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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*.

Minnesota State Arts Board

Proposed Permanent Rules Relating to Grants and Other Forms of Assistance

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

Proposed Amendment to Rules Governing Procedures for Receiving and Reviewing Requests for, and Standards for Distribution of, Grants and Other Forms of Assistance, *Minnesota Rules*, Chapter 1900, Arts Board Grant Procedures

Introduction. The Minnesota State Arts Board intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on September 2, 1999, a public hearing will be held at the Arts Board offices at Park Square Court, 400 Sibley Street, Suite 200, St. Paul, Minnesota 55101, starting at 1:00 p.m. on September 15, 1999. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after September 2, 1999, and before September 15, 1999.

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: Lisa McDaniel, Minnesota State Arts Board, Park Square Court, 400 Sibley Street, Suite 200, St. Paul, Minnesota 55101, 651-215-1600 and fax 651-215-1602. TTY users may call the Arts Board at 651-215-6235.

Subject of Rules and Statutory Authority. The proposed rules are about governing procedures for receiving and reviewing requests for, and standards for distribution of, grants and other forms of assistance. The statutory authority to adopt the rules is *Minnesota Statutes*, section 129D.04, subdivision 1, clauses (e) and (f). A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. A free copy of the rules is available upon request from the agency contact person listed above.

Comments. You have until 4:30 p.m. on September 2, 1999, to submit written comment in support of or in opposition to the proposed rules or 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 comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

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

Proposed Rules

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 September 2, 1999. 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/Accommodation. Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

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

Cancellation of Hearing. The hearing scheduled for September 15, 1999, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at 651-215-1600 after September 2, 1999, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Barbara Neilson is assigned to conduct the hearing. Judge Neilson can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 612-341-7604, and fax 612-349-2665.

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

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

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

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

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

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

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

Dated: 16 July 1999

Robert C. Booker
Executive Director

1900.0310 DEFINITIONS.

[For text of subps 1 to 7, see M.R.]

Subp. 7a. **Event.** “Event” means a performance, exhibition, or screening intended for an audience. It does not include workshops or classes whose primary intent is teaching an arts skill.

[For text of subps 8 to 17, see M.R.]

1900.0410 AGENCY ADVISORY PANELS.

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

Subp. 2. **Nomination and appointment to advisory panels.** Individuals may nominate themselves or someone else by contacting the board during regular business hours. All interested persons shall be provided information describing the process and procedures for pursuing a nomination.

Appointments to advisory panels must be made by majority vote of the board. Under emergency circumstances, when panel service is required prior to convening the next scheduled meeting of the board, the board's executive director in consultation with the board chair, or designated board member, may make such an appointment. Members shall serve one panel-specific fiscal year term at the pleasure of the board for a maximum of three consecutive fiscal years. Panelists who serve on a panel for a two-year grant are considered to be serving only for the first fiscal year of the grant and are eligible to serve on a different panel for the second fiscal year of the grant. Panelists who serve on a panel that meets more than once per fiscal year are eligible to serve for all of the panels in a fiscal year, which is considered to be one fiscal year of service. Appointments to advisory panels must be made so that the appointment terms of at least one-third of the membership of each panel will expire in each year. Advisory panels shall be geographically balanced and include at least one person of color, insofar as is reasonably possible.

No member of an advisory panel may serve on a panel which would review an application from that member for a grant or other form of assistance from the board.

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

1900.1010 ELIGIBILITY REQUIREMENTS FOR APPLICANTS REQUESTING GRANTS OR OTHER FORMS OF ASSISTANCE.

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

Subp. 2. **All applicants.** An application shall not be eligible to be funded when one or more of the following activities, conditions, or use of funds exist or are proposed:

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

G. funds are requested to support ~~strictly~~ primarily commercial activities or activities intended primarily for mass-market distribution;

[For text of items H to K, see M.R.]

[For text of subps 3 to 5, 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

Subp. 6. **Additional requirements.** Additional requirements are identified in the specific program parts listed in items A to C.

A. Pilot or new programs, part 1900.1410.

B. Grant programs:

(1) part 1900.1510, Institutional Support;

(2) part 1900.1620, Arts Across Minnesota;

(3) part 1900.1710, Presenter Support;

(4) part 1900.1810, Folk Arts: Apprenticeships and Sponsorship;

(5) part 1900.1910, Artist Assistance: Fellowship, Career Opportunity Grants, and Cultural Collaborations;

(6) part 1900.2010, Arts in Education: School Support, and Organizational Support.

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

1900.1620 ADDITIONAL REQUIREMENTS AND PROCESSES FOR ARTS ACROSS MINNESOTA PROGRAM.

Subpart 1. Definitions.

A. "Arts festival" means a celebration of art and culture that:

(1) has a significant focus on the arts;

(2) has a mission statement;

(3) provides a showcase for Minnesota artists;

(4) may be held at any location;

(5) may have a variety of media or be focused on one artistic area;

(6) contains many activities consolidated into a condensed time period;

(7) has several different, yet related, arts activities happening simultaneously;

(8) is at least an all-day event, lasting six to ten hours; and

(9) is open, inviting, and available to a diverse audience.

B. "Host community" means a Minnesota organization, such as a community group, local government unit, arts organization, or any other group that:

(1) is exempt from taxation under section 501(c)(3) of the *Internal Revenue Code* or has a nonprofit, tax-exempt fiscal agent; and

(2) has two recent years of arts presenting experience in Minnesota.

C. "Organization" means institutions that are exempt from taxation under section 501(c)(3) of the *Internal Revenue Code* and established in Minnesota, including schools, government units, and departments and agencies of the state. This does not include radio and television stations.

Subp. 2. Purpose of program. The Arts Across Minnesota program exists to make outstanding arts experiences available to citizens in every region of the state through festivals and tour presentations that engage local artists, children, and other members of the public in community-wide arts celebrations.

A. The host community grants help to bring quality performing arts experiences to citizens throughout Minnesota through arts residencies and presentations.

B. The festival grants help to involve individual Minnesota artists and small- to mid-size Minnesota arts organizations in arts festivals primarily, and secondarily in the arts component of community-based festivals.

Subp. 3. Uses of grants. The Arts Across Minnesota program shall provide grants to Minnesota host community organizations and to organizations that sponsor or organize festivals to support both the artistic and administrative costs necessary for the artistic activities of the grant.

Subp. 4. Advisory panel criteria to make recommendations to board. The advisory panel criteria apply to the specific programs in items A and B.

A. For the host community program, the review criteria by which an applicant is evaluated by the advisory panel are: artistic excellence of the proposed touring activities, program administration, demand for the tour presentation within the community, and geographic distribution. Artistic excellence is the primary criterion. Program administration, demand for the tour presentation, and geographic distribution are secondary criteria and equally important to each other.

- (1) Artistic excellence of the proposed touring activities is demonstrated by:
 - (a) the qualities and characteristics of the artistic activities;
 - (b) contributions to the artistic growth of the host community's constituency;
 - (c) how the activities support the host community's mission and complement and build upon past programming; and
 - (d) the merit and quality of the educational and community components of the tour presentation.
- (2) Program administration is demonstrated by:
 - (a) presentation skills and experience in areas such as planning and evaluation;
 - (b) proposed marketing strategies and budget;
 - (c) the relationship of decisions to planning and evaluation processes;
 - (d) planning to broaden and diversify the audience and ensure accessibility;
 - (e) community residency stability viewed in terms of organizational stability and strength of fiscal position;
 - (f) leadership's qualifications; and
 - (g) a higher ratio of artistic fees, in comparison to the level of administrative costs associated with the tour presentation.
- (3) Demand for the tour presentation within the community is demonstrated by:
 - (a) quality and appropriateness of venue within the community;
 - (b) objectives that address the community's artistic needs;
 - (c) the role of the host community as an advocate for the arts in the community;
 - (d) efforts to create community understanding and awareness of works of art through educational offerings and programs; and
 - (e) community investment through cash and in-kind contributions.
- (4) Geographic distribution of grants, in consideration of:
 - (a) equitable geographic distribution of grants to host communities throughout Minnesota, with at least one tour presentation in each region, as funds permit; and
 - (b) extra consideration allowed for communities that are new applicants to the program and proposals that reach new audiences.

B. For the festivals program, the review criteria by which an applicant shall be evaluated by the advisory panel are: artistic excellence of the companies, artists, or exhibitions to be presented; program administration; demand for the festival within the community; and geographic distribution. Artistic excellence is the primary criterion. Program administration, demand for the festival, and geographic distribution are secondary criteria and equally important to each other.

- (1) Artistic excellence of the companies, artists, or exhibitions to be presented shall be demonstrated by:
 - (a) the qualities and characteristics of the artistic activities;
 - (b) contributions to the artistic growth of the applicant organization's constituency;
 - (c) program selection that reflects a diversity of artists or genres;
 - (d) how the activities support the festival's mission and complement and build upon past programming;
 - (e) a higher ratio of artistic fees, in comparison to the level of administrative costs associated with the festival activities; and
 - (f) the merit and quality of the educational components of the festival.

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(2) Program administration shall be demonstrated by:

- (a) festival presentation skills and experience in areas such as planning and evaluation;
- (b) proposed promotional strategies and budget;
- (c) the relationship of decisions to planning and evaluation processes;
- (d) planning to broaden and diversify the festival audience and ensure accessibility;
- (e) festival stability viewed in terms of organizational stability and strength of fiscal position; and
- (f) leadership's qualifications.

(3) Demand for the festival within the community shall be demonstrated by:

- (a) quality and appropriateness of venue within the community;
- (b) objectives that address the community's artistic needs;
- (c) the role of the festival presenter as an advocate for the arts in the community;
- (d) efforts to create community understanding and awareness of works of art through educational offerings and programs; and
- (e) community investment through cash and in-kind contributions.

(4) Geographic distribution of grants, in consideration of:

- (a) equitable geographic distribution of grants to festivals throughout Minnesota, with at least one festival in each region, as funds permit; and
- (b) extra consideration allowed for communities that are new applicants to the program and proposals that reach new audiences.

Subp. 5. Additional eligibility requirements.

A. All host community applicants must meet the additional eligibility requirements in subitems (1) to (9) to apply for funds.

- (1) The applicant shall submit only one application per fiscal year to the host community program.
- (2) The applicant shall present activities by a Minnesota arts organization that include all three required residency components listed in units (a) to (c):
 - (a) public performances or exhibitions for the community;
 - (b) community classes or training workshops for adults, including, where possible, local avocational or professional artists; and
 - (c) workshop activities involving young people or K-12 students in schools or community organizations.
- (3) The applicant must have two recent years of arts presenting experience in Minnesota.
- (4) The applicant must meet or exceed the minimum cash expenses for the proposed host community activities as determined by the board and printed in current program information.
- (5) Recipients of host community grants shall not be eligible to receive a festivals grant in the same fiscal year.
- (6) Applicants to the host community program must not have received a host community grant in the fiscal year immediately preceding the current fiscal year.
- (7) The applicant must not apply for or have received an institutional support grant from the board in the same fiscal year of funding.
- (8) The applicant must not apply for or have received a series presenter support or folk arts sponsorship grant from the board representing the same activity in the same fiscal year of funding.
- (9) Host community grant funds cannot be used for fund raisers.

B. All festivals applicants must meet the additional eligibility requirements in subitems (1) to (8).

- (1) The applicant shall submit only one application per fiscal year to the festivals program.
- (2) The applicant's proposed festival arts activities to be supported by this grant involve only individual Minnesota artists or Minnesota arts organizations.
- (3) The applicant must meet or exceed the minimum cash expenses for the proposed festival activities as determined by the board and printed in current program information.

(4) Recipients of festivals grants shall not be eligible to receive a host community grant in the same fiscal year.

(5) The applicant must not apply for or have received an institutional support or institutional presenter support grant from the board in the same fiscal year of funding.

(6) The applicant must not apply for or have received a series presenter support or folk arts sponsorship grant from the board representing the same activity in the same fiscal year of funding.

(7) Festivals grant funds cannot be used for a series of events, county fairs, the state fair, fund raisers, conferences, carnivals, midways, or fairways.

(8) Festivals grant funds cannot be used for artist residencies that take place outside of the primary festival dates.

Subp. 6. **Dollar amount of grants.** The minimum and maximum amounts for grant awards for Arts Across Minnesota host community or festivals shall be determined by the board based upon available resources and printed in current program information.

1900.1710 ADDITIONAL REQUIREMENTS AND PROCESSES FOR PRESENTER SUPPORT PROGRAM.

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

Subp. 4. **Advisory panel criteria to make recommendations to board.** The advisory panel criteria apply to the specific programs in items A and B.

A. For series presenter support, the three review criteria by which a series presenter support applicant shall be evaluated by the advisory panel are: artistic excellence of the companies, artists, or exhibitions to be presented is the primary criterion. Program administration and demand for the series within the community are secondary criteria and equally important to each other.

[For text of subitems (1) and (2), see M.R.]

(3) Demand for the series within the community shall be demonstrated by:

(a) accessibility to and continued development of broad audiences, including efforts to increase accessibility as shown by an Americans with Disabilities Act (ADA) plan;

[For text of units (b) to (d), see M.R.]

B. The institutional presenter support grant must be based on two components of one review process: the formula funds component and the merit component. An applicant meeting the eligibility and review criteria shall receive an award in the formula funds component of the grant. An applicant that can show exceptional achievement in any of the stated criteria shall also receive an award in the merit component.

The four review criteria by which an institutional presenter support applicant shall be evaluated by the advisory panel are listed in this part. Artistic excellence and leadership shall be the primary criteria. Management and fiscal responsibility, accessibility and education, and service to the state shall be secondary criteria and equally important to each other.

(1) Artistic excellence and leadership shall be demonstrated by:

(a) the qualities and characteristics of the artistic activities or services;

(b) contributions to the artistic growth of the ~~organization's~~ presenter's constituencies;

(c) ~~program selection~~ professional presentations or events that ~~reflects~~ reflect a diversity of artists or genres;

[For text of units (d) to (f), see M.R.]

(2) Management and fiscal responsibility shall be demonstrated by:

(a) evidence of sound financial planning and marketing that supports ~~the~~ artistic programs;

[For text of units (b) to (j), see M.R.]

(3) Accessibility and education shall be demonstrated by:

(a) efforts to increase accessibility as shown by an Americans with Disabilities Act (ADA) plan;

[For text of units (b) to (f), see M.R.]

[For text of subitem (4), see M.R.]

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Subp. 5. **Additional eligibility requirements.**

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

B. In addition to the requirements in item A, all series presenter support applicants must also meet the requirements in subitems (1) ~~and (2)~~ to (3).

[For text of subitems (1) and (2), see M.R.]

(3) The applicant must not apply for or have received an Arts Across Minnesota host community or festivals grant from the board representing the same activities.

C. In addition to the requirements in item A, all institutional presenter support applicants must also meet the requirements in subitems (1) ~~and (2)~~ to (3).

[For text of subitems (1) and (2), see M.R.]

(3) The applicant must not apply for or have received an Arts Across Minnesota host community grant.

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

1900.1810 ADDITIONAL REQUIREMENTS AND PROCESSES FOR FOLK ARTS PROGRAMS.

[For text of subs 1 to 4, see M.R.]

Subp. 5. **Additional eligibility requirements.** Folk arts applicants must meet the additional program specific requirements in items A and B.

A. For folk arts sponsorship:

[For text of subitems (1) to (3), see M.R.]

(4) The applicant must not apply for or have received another operating institutional support or series presenters grant from the board for the same activity or fiscal year of funding. The applicant must not apply for or have received an Arts Across Minnesota festivals or host community grant for the same activity in the same fiscal year of funding.

[For text of subitem (5), see M.R.]

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

[For text of subp 6, see M.R.]

1900.1910 ADDITIONAL REQUIREMENTS AND PROCESSES FOR ARTIST ASSISTANCE PROGRAMS.

Subpart 1. **Definitions.**

A. "Artist partner" means the Minnesota individual artists named in a cultural collaborations application. The artist partner may or may not be the actual applicant.

B. "Collaboration" means the process that occurs when more than one artist or an artist and an organization work together to create and present artwork.

C. "Collaborating organization" means the organization (as defined in part 1900.0310, subpart 11, except also including radio and television stations) named in a cultural collaborations application. The collaborating organization may or may not be the actual applicant.

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

Subp. 3. **Uses of grants.** The artist assistance program shall provide grants to fund time and costs related to continuing or creating new work. Each program focuses on the specific activities in items A to C.

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

C. The cultural collaborations grants shall provide funds to persons of color, directly or through the collaborating organization, for the collaborative creation of any style of art, ranging from contemporary to classical or traditional in the visual, literary, or performing arts.

Subp. 4. **Criteria used by advisory panel to make recommendations to board.** The primary review criterion by which an artist assistance application shall be evaluated by the advisory panel, with the exception of the career opportunity grant application, to make recommendations to the board is artistic quality of work, as demonstrated by an artist's work sample. For the cultural collaborations program, the work sample of the collaborating organization may also be considered. In addition, the secondary criteria stated in items A to C apply to specific program areas.

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

C. For a cultural collaborations grant, merit and feasibility shall be demonstrated by:

- (1) the strength of the project idea;
- (2) a clear and complete project description;
- (3) an achievable timeline;
- (4) the commitment to and ability to accomplish the project by the collaborating organization;
- (5) ~~the suitability of the plans for access and involvement with the artist's respective community~~ degree to which the project helps the collaborating organization reach artistic and diversity goals;
- (6) the degree that the project advances the artist's career; and
- (7) the strength of the public presentation component.

Subp. 5. **Additional requirements.** Artist assistance applicants must meet the additional program specific eligibility requirements in items A to C to receive a grant.

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

B. Cultural collaborations applicants shall be either individual Minnesota artists or nonprofit Minnesota organizations. Each application must name at least one and no more than two artist partners and a nonprofit entity as the collaborating organization as defined in part 1900.0310, subpart 11. However, for this program, an exception to that definition is that a radio or television station may be the collaborating organization.

(1) Artist partners named in the application must not have received a cultural collaborations, folk arts apprenticeship (either as apprentice or master), or fellowship award from the board in ~~either of the two fiscal years~~ year preceding the current year or in the current fiscal year, regardless of whether or not they are the official applicant. ~~Applicants~~

(2) Artist partners must identify with and be recognized as a person of color. ~~Each applicant must name a nonprofit entity as the collaborating organization as defined in part 1900.0310, subpart 11. However, for this program, an exception to that definition is that a radio or television station may be the collaborating organization.~~

(3) Artist partners may be named in only one cultural collaborations application per deadline.

(4) Collaborating organizations may submit only one application per deadline.

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

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

1900.2010 ADDITIONAL REQUIREMENTS AND PROCESSES FOR ARTS IN EDUCATION PROGRAMS.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Additional requirements.** Arts in education applicants must meet the additional program specific requirements in items A and B.

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

B. Arts in education organizational support.

[For text of subitems (1) to (5), see M.R.]

(6) The applicant must not propose or engage in any of the activities or uses of funds in units (a) to (j):

[For text of units (a) to (g), see M.R.]

(h) a residency budget that includes any administrative costs, if the applicant is already funded through the board's operating support program; and

(i) a residency budget that includes indirect production expenses associated with the creation of an arts event, such as costumes, sets, matting, and framing costs; ~~and~~

~~(j) a residency plan that does not involve multiple sites.~~

[For text of subitem (7), see M.R.]

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Proposed Rules

[For text of subp 6, see M.R.]

1900.2110 ADDITIONAL REQUIREMENTS AND PROCESSES FOR JURIED LISTINGS.

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

Subp. 2. **Purpose of juried listing.** The purpose of a juried listing is to provide a centralized source of written information about a specific group of artists. Based on a board review, artists who are included shall have been judged to be qualified to represent their art form or expertise to the public. The board is not an agent of any artist or group.

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

C. The Arts Across Minnesota touring directory is a list of nonprofit performing and visual arts organizations in Minnesota that offer public performances, exhibitions, and community residency programming. The directory is intended to serve as a reliable source of high-quality touring organizations and as a reference for Arts Across Minnesota host community applicants.

Subp. 3. **Criteria used for recommendations to board.** The program specific review criteria in items A ~~and~~, B, ~~and~~ C shall be used by the advisory panel to make juried listing recommendations to the board.

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

C. For the Arts Across Minnesota touring directory, the two criteria by which an applicant shall be evaluated are listed and described in subitems (1) and (2). The two criteria shall be equally important.

(1) Artistic quality and merit of the touring program shall be demonstrated by:

- (a) quality of the touring program;
- (b) proven ability to tour;
- (c) a commitment to and history of touring outside of the seven-county metropolitan area;
- (d) how tours are booked and managed;
- (e) evidence that the touring program contributes to the artistic growth and quality of life in the host community; and
- (f) the role of the touring group as a catalyst for other arts activities in the host community.

(2) Ability to execute performances or exhibitions and community residency activities shall be demonstrated by:

- (a) merit and quality of community residency components;
- (b) experience working with young people and K-12 populations;
- (c) ability to work with adults in the community, including artists, both professional and avocational;
- (d) programs that actively involve the local community;
- (e) ability and willingness to work with experienced and inexperienced presenters; and
- (f) previous experience with Arts Across Minnesota residencies, if applicable.

Subp. 4. **Additional juried listings eligibility requirements.** Juried listings applicants must meet the additional program specific eligibility requirements in items A ~~and~~, B, ~~and~~ C.

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

C. For the Arts Across Minnesota touring directory, applicants must be a nonprofit Minnesota performing or visual arts organization that:

- (1) is able to demonstrate a history of touring activity;
- (2) is able to travel to every region of Minnesota; and
- (3) is proposing to provide services which include the following residency components:

- (a) public performances or exhibitions for the community;
- (b) community classes or training workshops for adults, including, where possible, local professional or avocational artists; and
- (c) workshop activities involving young people or K-12 students in schools or community organizations.

Subp. 5. **Additional processes for reviewing juried listings applications.** The additional program specific processes for reviewing juried listing applicants are described in items A ~~and~~, B, ~~and~~ C.

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

C. Arts Across Minnesota touring directory.

(1) Applicants in a current touring directory may be listed in up to one future edition of the directory without additional review.

(2) Each applicant listed in the touring directory shall reapply at least once every other year following the processes and procedures described in part 1900.0510.

1900.4010 AUTHORITY OF DESIGNATED REGIONAL ARTS COUNCILS.

A designated regional arts council may:

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

G. operate administratively and programmatically within the framework of the approved biennial plan.

There are no limitations on programs or grants which regional arts councils may award, including the opportunity to award funds to grantees of the board; ~~as long as funds from the legislative arts appropriation awarded for a project do not exceed 50 percent of the total cash cost of the project.~~

Public Utilities Commission

Proposed Permanent Rules Relating to Public Utility Contracts with Affiliated Interests

DUAL NOTICE: Notice of Intent to Repeal Rule Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing If 25 or More Requests for Hearing are Received

Planned Repeal of Rule Governing Contracts or Agreements Between a Public Energy Utility and an Affiliated Interest, *Minnesota Rules*, Part 7825.2100; Public Utilities Commission Docket No. E,G-999/R-98-1307

Introduction. The Public Utilities Commission intends to repeal a rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the repeal within 30 days or by 4:30 p.m. on September 1, 1999, a public hearing will be held at the Public Utilities Commission small hearing room, 121 Seventh Place East, Suite 350, St. Paul, Minnesota, starting at 9:30 a.m. on Monday, September 13, 1999. To find out whether the Commission will repeal the rule without a hearing or if the hearing will be held, you should contact the agency contact person after September 1, 1999, and before September 13, 1999.

Agency Contact Person. Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to the agency contact person for this rulemaking: Eric Witte, Commission Attorney, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, ST. PAUL, MN 55101-2147, 651-296-7814 (voice), 651-297-7073 (FAX), 651-297-1200 (TTY), eric@pucgate.puc.state.mn.us.

Subject of Repealer and Statutory Authority. The rule to be repealed governs relationships between a public energy utility and its affiliate. The statutory authority to repeal the rule is *Minnesota Statutes*, section 216B.08. A copy of the proposed rule repealer is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Wednesday, September 1, 1999, to submit written comment in support of or in opposition to the proposed rule repeal or any part or subpart of the repeal. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the rule addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed repeal must also be made during this comment period. Please include a reference to **Public Utilities Commission Docket No. E,G-999/R-98-1307** at the beginning of your comments.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule repeal. 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 September 1, 1999. Your written request for a public hearing must include your name and address. You must identify the portion of the rule repeal to which you object or state that you oppose the entire repealer. Any request that does not comply with these requirements is not valid.

<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

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 repealer. Again, please include a reference to **Public Utilities Commission Docket No. E,G-999/R-98-1307** at the beginning of your request.

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

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

Cancellation of Hearing. The hearing scheduled for September 13, 1999, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the proposed rule repeal. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person after September 1, 1999, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. The Administrative Law Judge assigned to conduct the hearing is Judge Richard C. Luis, Office of Administrative Hearings, 100 Washington Square, Suite 1700, MINNEAPOLIS, MN 55401-2138, 612-349-2542 (voice), 612-349-2665 (FAX).

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

Any person submitting written views or data to the Administrative Law Judge prior to the hearing, or during the comment or response periods, will also please submit them to the agency contact person at the address stated above. Please include a reference to **Public Utilities Commission Docket No. E,G-999/R-98-1307** at the beginning of the documents.

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 rule repeal, including a description of who will be affected by the repeal and an estimate of the probable cost. You may review the statement, or obtain copies for the cost of reproduction, from either the agency or the Office of Administrative Hearings.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board, Centennial Building, First Floor South, 658 Cedar Street, ST. PAUL MN 55155, 651-296-5148, (800) 657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the Commission may repeal the rule after the end of the comment period. The repealer 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 repealer is submitted to the office. If you want to be so notified, or to receive a copy of the repealer, or to register with the Commission to receive notice of future rule proceedings, you may submit your request to the agency contact person listed above.

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

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

Dated: 21 July 1999

Burl Haar, Executive Secretary
Minnesota Public Utilities Commission

REPEALER. *Minnesota Rules*, part 7825.2100, is repealed.

Adopted Rules

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

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

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

Exempt Rules

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

Emergency Expedited Rules

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

Pollution Control Agency

Adopted Permanent Rules Relating to Listed Metals in Specified Products

The rules proposed and published at *State Register*, Volume 23, Number 22, pages 1264-1271, November 30, 1998 (23 SR 1264), are adopted with the following modifications:

7039.0010 SCOPE.

The purpose of this chapter is to implement the program created by *Minnesota Statutes*, section 115A.9651. This chapter establishes the procedures that the Listed ~~Meta~~ Metals Advisory Council will follow for review of specified products.

7039.0050 CONFLICT OF INTEREST.

No permanent or temporary member of the council who is an employee of a manufacturer or user of a specified product may sit in consideration of that product. As used in this part, "employee" includes officers and directors. No permanent or temporary council member who has a direct ~~and substantial~~ financial interest relating to any matter before the council shall vote on the matter.

7039.0070 REQUIRED REPORTS AND CERTIFICATIONS.

Subp. 2. **Product review reports.** Following receipt of product review reports as provided in subpart 1, the commissioner shall review the reports for completeness and to verify that each product is the subject of an appropriate report. If the product review report is not complete, the commissioner shall indicate in writing that the report is incomplete and shall indicate the information that is needed. Product review reports are required for each product as defined by statute, except that if the ~~formulation~~ formulations, uses,

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Adopted Rules

and limitations for an entire product line are substantially similar, the product line may be the subject of one product review report. In determining if a product line can be addressed with one report, the commissioner shall consider if the products have substantially similar formulations, uses, and limitations. If there is a dispute about the number of product review reports due, the commissioner shall notify the submitter of the commissioner's preliminary determination. Following an opportunity to comment, the ~~commissioner~~ commissioner shall consider any additional information received and shall issue a decision stating the number of product review reports required.

7039.0080 DUTIES OF COUNCIL WITH REGARD TO EXISTING PRODUCTS.

Subpart 1. **Recommendations to commissioner.** The council shall recommend to the commissioner the prohibition for distribution for sale or use in this state of an existing specified product that is not an essential product in accordance with this part. A recommendation that the commissioner take action shall include all information required by *Minnesota Statutes*, section 14.131, that the council can ascertain. The council may also recommend to the commissioner that a product it has considered not be prohibited for distribution for sale or use in this state.

Subp. 3. **Schedule for consideration of specified products or product groups.** The permanent members of the council shall prioritize the council's review of a specified product for consideration and shall publish a notice in the *State Register* by October 1, 1998, identifying those specified products, or groups of products, which will be reviewed by July 1, 2000. By October 1, 2000, the council shall publish a notice in the *State Register* identifying those remaining specified products, or groups of products, which will be reviewed by July 1, 2005. Following publication of the products or product groups that will be considered by the council, the council shall establish a detailed schedule for consideration. The council shall amend the detailed schedule as information changes or as provided by subpart 4 or as new products are submitted for review or as otherwise appropriate. Council staff shall provide the revised detailed schedule ~~shall be available~~ upon request ~~to council staff~~.

Subp. 8. **Preliminary report.** Before making a recommendation to the commissioner, the council shall ~~make available its~~ send a written copy of its preliminary recommendation ~~for at least 30 days to receive written comments from~~ to interested persons. Interested persons shall have 30 days to submit written comments on the preliminary recommendation to the council.

7039.0090 DUTIES OF COUNCIL WITH REGARD TO NEW PRODUCTS.

Subp. 2. **Notice.** The chair shall publish notice in the *State Register* of its decision to consider a new product by amending the detailed schedule as provided in part 7039.0080.

Subp. 4. **Standard of review for new products.** The council's advice to the commissioner shall be based on an evaluation of the environmental impact of the product and the ability of the manufacturer or user to reduce or eliminate the listed metal. Before making a recommendation ~~that~~ to the commissioner, the council must conclude that:

7039.0110 ESSENTIAL PRODUCTS REVIEW.

Subpart 1. **Verification.** The commissioner shall publish in the *State Register* a list of essential products for which the commissioner has received ~~certification~~ certifications pursuant to *Minnesota Statutes*, section 115A.9651, subdivision 7, as provided in that subdivision. If the commissioner has reason to believe that a product identified as an essential product does not meet the requirements for an essential product, the commissioner shall give written notice to the manufacturer or user and provide ~~an opportunity~~ 30 days to respond.

State Lottery

Adopted Permanent Rules Governing Lottery Prize Payments

The rules proposed and published at *State Register*, Volume 23, Number 44, pages 2106-2108, May 3, 1999 (23 SR 2106), are adopted as proposed.

Expedited Emergency Rules

Provisions exist for the Commissioners of some state agencies to 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. Specific *Minnesota Statute* citations accompanying these emergency expedited rules detail the agency's rulemaking authority.

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules; Fall Turkey Season

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 97A.435 and 97B.711.

Dated: 26 July 1999

Allen Garber
Commissioner of Natural Resources

6236.0700 FALL TURKEY SEASON.

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

Subp. 4. **Open areas.** Wild turkey permit areas are open for the fall turkey season as prescribed by the commissioner. The following wild turkey permit areas are open for the 1999 fall season: 337-338; 339-462; 341-342; 343-347; 344; 345-348; 346; 349; 461; 464-465; and 466-467.

Subp. 5. **Registration.** Turkeys must be registered within 24 hours after being taken during the fall turkey season.

Subp. 6. **Turkey hunt quotas.** Permit quotas for 1999 are as follows:

1999 WILD TURKEY PERMIT AREA QUOTAS (FALL)

<u>Wild Turkey Permit Area</u>	<u>Time Period and Date</u>	
	<u>October 13-17, 1999</u>	<u>October 20-24, 1999</u>
<u>337-338</u>	<u>40</u>	<u>40</u>
<u>339-462</u>	<u>60</u>	<u>60</u>
<u>341-342</u>	<u>300</u>	<u>300</u>
<u>343-347</u>	<u>150</u>	<u>150</u>
<u>344</u>	<u>100</u>	<u>100</u>
<u>345-348</u>	<u>250</u>	<u>250</u>
<u>346</u>	<u>195</u>	<u>195</u>
<u>349</u>	<u>280</u>	<u>280</u>
<u>461</u>	<u>25</u>	<u>25</u>
<u>464-465</u>	<u>25</u>	<u>25</u>
<u>466-467</u>	<u>20</u>	<u>20</u>
<u>TOTAL</u>	<u>1,445</u>	<u>1,445</u>

Grand Total = 2,890

EFFECTIVE PERIOD. The emergency amendments to *Minnesota Rules*, part 6236.0700, subparts 4 and 6, expire December 31, 1999. After the emergency amendments expire, the permanent rule as it read prior to those amendments again takes effect, except as it may be amended by permanent rule.

Executive Orders

The governor has the authority to issue written statements or orders, called Executive Orders, as well as Emergency Executive Orders. The governor's authority is specified in the *Constitution of the State of Minnesota*, Article V, and in *Minnesota Statutes* 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

Office of the Governor

Executive Order #99-17: Designating the Commissioners of the Department of Natural Resources and the Pollution Control Agency as Co-Trustees for Natural Resources

I, **JESSE VENTURA, 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 Executive Order:

WHEREAS, the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), 42 U.S.C. § 9607(f), authorizes the State to recover damages for injury to, destruction of, or loss of natural resources resulting from a release of hazardous substances and provides that the governor of each state shall designate state officials who may act on behalf of the public as trustees for natural resources for purposes of CERCLA and the Clean Water Act, 33 U.S.C. § 1321(f); and

WHEREAS, the Oil Pollution Act of 1990, 33 U.S.C. § 2706, authorizes the State to recover damages for injury to, destruction of, loss of, or loss of use of, natural resources resulting from the discharge of oil and provides that the governor of each state shall designate state and local officials who may act on behalf of the public as trustee for natural resources under its trusteeship; and

WHEREAS, the Minnesota Environmental Response and Liability Act ("MERLA"), *Minnesota Statutes* § 115B.17, subd. 7, provides that the State is the trustee of the air, water and wildlife of the State for purposes of MERLA and authorizes the Attorney General to bring an action in the name of the State to recover for damage to such resources resulting from a release of hazardous substances;

NOW, THEREFORE, I hereby order that:

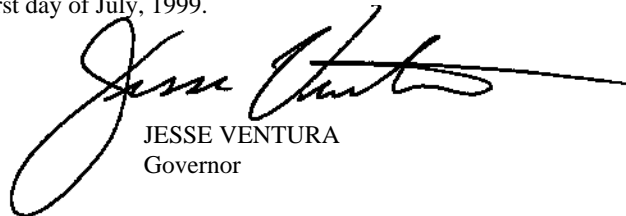
1. The Commissioner of Natural Resources and the Commissioner of the Pollution Control Agency are designated as co-trustees for natural resources under CERCLA, 42 U.S.C. § 9607(f), the Clean Water Act, 33 U.S.C. § 1321 (f) and the Oil Pollution Act of 1990, 33 U.S.C. § 2706, and to act on behalf of the State as trustee under MERLA, *Minnesota Statutes* § 115B.17, subd. 7.
2. Except as provided below, any action by the Commissioner of Natural Resources and the Commissioner of the Pollution Control Agency in their capacity as co-trustees for natural resources for purposes of CERCLA, 42 U.S.C. § 9607(f), the Clean Water Act, 33 U.S.C. § 1321 (f) and the Oil Pollution Act of 1990, 33 U.S.C. § 2706, and on behalf of the State as trustee under MERLA, *Minnesota Statutes* § 115B.17, subd. 7, shall require the concurrence of both the Commissioner of Natural Resources and the Commissioner of the Pollution Control Agency, or their designees.
3. The Commissioner of Natural Resources and the Commissioner of the Pollution Control Agency may enter into a memorandum of agreement with respect to the fulfillment of their responsibilities as co-trustees for natural resources. Such memoranda may, among other things, specify actions that the Commissioner of Natural Resources or the Commissioner of the Pollution Control Agency may take independently without the concurrence of the other Commissioner.
4. The Commissioner of Natural Resources and the Commissioner of the Pollution Control Agency shall notify the President of the United States of their designation as co-trustees for natural resources pursuant to the requirements of CERCLA, 42 U.S.C. § 9607(f) and the Oil Pollution Act of 1990, 33 U.S.C. § 2706.

Pursuant to *Minnesota Statutes* 1998, section 4.035, subd. 2, this Order shall be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 1998, section 4.035, subd. 3.

IN TESTIMONY WHEREOF, I have set my hand this twenty-first day of July, 1999.



Filed According to Law:
MARY KIFFMEYER
Secretary of State



JESSE VENTURA
Governor

Official Notices

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

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

Board of Animal Health

Notice of Quarterly Meeting

The Board of Animal Health will hold its quarterly meeting on Tuesday, September 7, 1999 at 9:30 a.m. at the Holiday Inn in Willmar, MN.

Health Technology Advisory Committee

Notice of: 1) Availability of Preliminary "Preventive Therapies for Women at Increased Risk for Breast Cancer" 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 specific 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 on the HTAC technology evaluation report, HTAC solicits public comment on the report.

The Health Technology Advisory Committee (HTAC) has recently completed the preliminary evaluation report, "Preventive Therapies for Women at Increased Risk for Breast Cancer".

Brief Summary of the Preliminary HTAC Report: Preventive Therapies for Women at Increased Risk for Breast Cancer

This report evaluates available data on the efficacy, safety, and quality of life outcomes of preventive mastectomy for breast cancer and summarizes findings of the American Society of Clinical Oncology(ASCO) in their assessment of two drugs - tamoxifen citrate (Nolvadex®) and raloxifene hydrochloride (Evista®).

Recommendations

No therapy can prevent breast cancer with absolute certainty. Preventive mastectomy and drug therapies may reduce the risk of breast cancer in some carefully selected women at high risk for breast cancer. Therefore, the Health Technology Advisory Committee (HTAC) makes the following recommendations.

Health care providers should continue to stress the importance of regular medical examinations and mammography as well as breast self-examination to all women in their care.

Prior to starting preventive therapy, individual women must consider the benefits and risks of treatment, including their risk for breast cancer and their susceptibility to potential side effects, in order to arrive at a decision.

Women should be informed about the efficacy of the treatments, their potential risks and effects on quality of life, uncertainties in breast cancer risk estimates, the limitations and implications of genetic testing, insurance issues, and costs of the procedures or drug regimens.

Individuals or organizations requesting information or 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
121 East 7th Place, Suite 400
St. Paul, MN 55101
Phone: 651-282-6374
FAX: 651-282-5628
<http://www.health.state.mn.us/htac/index.htm>

State Grants & Loans

Department of Natural Resources

Division of Forestry

Notice of Opportunity for Public Comment on MN Forest Legacy Statewide Plan

NOTICE IS HEREBY GIVEN that the Department of Natural Resources through its Division of Forestry is requesting public comment through September 10, 1999 on the Forest Legacy Program Statewide Plan.

Forest Legacy is a state administered federal program. It provides funding for conservation easements to protect unique and/or working forests owned by private landowners. Only landowners who voluntarily wish to participate may do so. Conservation easements are legal deed restrictions determined by the landowner and the organization which will hold the easement to protect the land base.

The draft plan suggests 14 areas of the state where such funding would be a priority. It also lays out a process to assure local involvement before any easements could be taken.

To obtain a copy of the draft plan, please contact:

Sharon Schmitz
DNR-Forestry
500 Lafayette Road
St. Paul, MN 55155-4044
651-297-7298

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.

Minnesota Auto Theft Prevention Program

Grant Availability for State, County, Local Police Departments, Governmental Agencies, Prosecutors, Judiciary, Business, Community and Neighborhood Organizations

The Board of the Minnesota Auto Theft Prevention Program announces the availability of \$1,877,000 in grant funds accessible for the July 1, 2000 through June 30, 2001 grant period. Applications will be accepted from State, County, Local Police Departments, Governmental Agencies, Prosecutors, Judiciary, Business, Community and Neighborhood Organizations.

This reimbursement grant program must be for projects dedicated to the reduction of auto theft. Grant application packets may be obtained by contacting Denny Roske at the Auto Theft Prevention Board office at 651-405-6153 or 651-405-6155. To be considered applications must be received in the Board office at 1110 Centre Pointe Curve, Suite #405, Mendota Heights, MN 55120 by **4:30 p.m. on December 31, 1999.**

Department of Health

Environmental Health Division

Request for Proposals for Indoor Radon Grant

The Minnesota Department of Health (MDH) has obtained a grant from the U.S. Environmental Protection Agency (EPA) to conduct work on radon gas. MDH has the option to distribute some of these monies to local partners through grant contracts. MDH intends to award grants up to a total of \$150,000 for radon-related projects. Grants will be in the amounts of \$5,000, \$15,000 or \$25,000. Grants for projects serving more than one county can be in the amount of \$5,000, \$15,000, \$25,000 or \$30,000.

Applicants must request application packets by contacting Georg Fischer at the address below. The application packet includes a description of application requirements, forms, checklists, and a copy of MDH standard grant contract language. Previous applicants are reminded that each new application must be complete and stand on its own merits.

Key Dates

- Proposals must be postmarked by September 3, 1999, or hand delivered no later than 4:30 p.m. on September 3, 1999.
- Contracts will be executed by December 1, 1999. Work may begin sooner if all required signatures are obtained.
- All grant expenditures must be made by September 15, 2000.
- All grant related activities must be completed by September 30, 2000.

State Indoor Radon Grants

Proposals will be accepted for the following:

- Promoting radon-resistant new construction;
- Encouraging testing and mitigation in conjunction with real estate transactions;
- Planning and/or promotion of school testing and mitigation, where necessary;
- Promoting and/or developing local indoor air coalitions; or
- Working in underserved areas of the state.*

**For the purposes of this grant contract process, an "under-served area of the state" is defined as a county with a population of less than 100,000 according to the enclosed 1997 State Demographers County Population Estimates, OR a municipality or county which has not been served within the last 5 years by grantees funded by SIRG monies.*

In order to fund projects, MDH is required to provide a 50/50 match. One dollar of non-federal money is required for each dollar the EPA gives Minnesota organizations. MDH will contribute a minimum of \$2,500 toward each successful applicants' matching funds. Applicants must demonstrate that they can match the remainder of the required match. For example, an applicant for a \$5,000 grant would be required to provide \$2,500 in matching funds.

Eligible Applicants

Applicants eligible for this funding include county and city governments, boards of health, universities and colleges, and non-profit organizations.

Eligible Costs

- Personnel
- Fringe Benefits
- Travel (in-state only)
- Equipment
- Supplies
- Contracts

Contact Person:

Georg Fischer
Indoor Air Program
Environmental Health
121 East Seventh Place, Suite 220
PO Box 64975
St. Paul, Minnesota 55164-0975
Phone: 651-215-0932
FAX: 651-215-0975
e-mail: georg.fischer@health.state.mn.us

Housing Finance Agency

Notice of Funds Available for Bridges Rental Assistance Program

The Minnesota Housing Finance Agency (MHFA) and the Minnesota Department of Human Services (DHS), Mental Health Division, announces the availability of \$300,000 in grant funds through the Bridges Program. The funds will be targeted to those areas of the state which are unserved, or underserved by the current Bridge Rental Assistance Program.

Eligible Applicants:

A co-application is required by an Adult Mental Health Initiative (AMHI) and a housing agency (HA) who is able to administer a Section 8 rental assistance type program. Priority will be given to partnerships proposing to operate in counties in which no rental subsidies for persons with serious and persistent mental illness are available.

Location:

Bridges rental assistance is limited to counties in which an existing Section 8 certificate and voucher program is/can be administered under the jurisdiction of the U.S. Department of Housing and Urban Development (HUD).

Amount of Funds:

\$300,000 in grant funds is available for award. It is suggested that a minimum application be for \$50,000. Funds will be awarded to administer the program for the biennium ending June 30, 2001.

Eligible Uses:

Temporary rental assistance payments and security deposits paid directly to landlords on behalf of participants with a serious and persistent mental illness who are eligible for the Section 8 Rent Subsidy Program. Other eligible uses include utility deposits, contract rent for up to ninety days during a medical or psychiatric crisis, payment to utility companies for up to ninety days during medical or psychiatric hospitalization. Administrative fees charged by housing agencies may not exceed \$40 per month.

Eligibility Requirements:

The head of household, or other adult household member who has a serious and persistent mental illness and is eligible for a Section 8 subsidy. Gross income of the household is at or below 50 percent of the area median income for the household size as defined by HUD. Participants must be eligible to apply for and accept a federal or other permanent housing subsidy when offered.

Rents may not exceed fair market rent limits as established for geographical areas by HUD. Rental units must pass Housing Quality Standards.

Reporting:

Quarterly payment requests to be submitted to MHFA. Participant data submitted with second and fourth quarter payment requests.

Procedures:

Applicant should request application packets from Agency by writing or calling:

Minnesota Housing Finance Agency
Attention: Bridges, Multifamily Division
400 Sibley Street, Suite 300
Saint Paul, MN 55101-1998
1-800-657-3647, or 297-4455

The deadline for all applicants is **5:00 p.m. Friday, August 6, 1999.**

Selection Process:

All complete proposals which meet the basic requirements and the selection criteria of the program, and are received by the deadline, will be considered. MHFA/DHS may request clarification of information after reviewing applications.

Final selections should be made by the MHFA Board on August 26, 1999. All applicants are notified of the selections.

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

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

Department of Public Safety

Office of Drug Policy and Violence Prevention

Notice of Availability of Funds for Police Overtime and Costs for Officers Assigned to Juvenile Crime or Community Policing, and for the Purchase of Drug Dogs

Notice of availability of funds. The Minnesota Department of Public Safety announces the availability of funds to pay for police overtime, replacement costs for officers assigned to juvenile crime or community policing, and for the purchase of drug dogs. A total of \$500,000 is made available through *Minnesota 1999 Session Laws*, Chapter 216. Local law enforcement agencies may apply. The deadline for grant submission is 4:00 P.M. September 8, 1999. To receive an application contact:

Mary Ellison
Office of Drug Policy and Violence Prevention
Minnesota Department of Public Safety
444 Cedar Street
100 Town Square
St. Paul, Minnesota 55101
Telephone: 651-297-7883
TTY: 651-282-6555

Department of Public Safety in Cooperation with the Criminal and Juvenile Information Policy Group announces the availability of funds for the development and implementation of a criminal justice information integration plan. A total of \$1,000,000 is made available through *Minnesota 1999 Session Laws*, Chapter 216. Minnesota state, county and municipal agencies may apply. Deadline for applications is 4:00 P.M. on September 15, 1999. To receive an application contact:

Mary Ellison
Office of Drug Policy and Violence Prevention
Department of Public Safety
444 Cedar Street
100 Town Square
St. Paul, Minnesota 55101
Telephone: 651-297-7883
TTY: 651-282-6555.

Professional, Technical & Consulting Contracts

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

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (651) 296-2600 or [TTY (651) 297-5353 and ask for 296-2600].

College and Universities, Minnesota State (MnSCU)

St. Cloud Technical College

Request for Proposal (RFP) for Computer Equipment Lease Purchase

Introduction:

St. Cloud Technical College is soliciting bids for Computer Equipment Lease Purchase, beginning August 2, 1999.

Request for Proposals are available from:

St. Cloud Technical College
Melinda Begin
1540 Northway Drive
St. Cloud, MN 56303
320-202-6471

Proposal Due Date:

Vendor proposals are due no later than 2:00 pm, August 16, 1999.

Department of Health

Division of Disease Prevention and Control

AIDS/STD Prevention Services Section

Request for Proposals for HIV Prevention Needs Assessment Activities

NOTICE IS HEREBY GIVEN that the AIDS/STD Prevention Services Section, Division of Disease Prevention and Control, Minnesota Department of Health (MDH), is seeking proposals from qualified agencies for Human Immunodeficiency Virus (HIV) needs assessment activities within three project categories. All proposals submitted should assess risk for HIV infection within the proposed target population.

The three project categories (target populations) are:

1. Prostituted Individuals
2. Chemically Dependent Adults
3. Chemically Dependent Youth

Communities of color have higher rates of HIV and other sexually transmitted diseases. Prevention interventions and strategies developed to target these communities need to address the different cultural and psycho-social issues within each population. Agencies are encouraged to develop HIV prevention needs assessment activities for Prostituted Individuals, Chemically Dependent Adults, and Chemically Dependent Youth within communities of color. Communities of color include, but are not limited to, African-American, Hispanic/Latino, Native American, Asian Pacific Islander, and African.

Amount

Up to \$63,400 to fund three or four HIV prevention needs assessment projects.

Duration

The contract period is established for seven (7) months from January 1, 2000 through July 31, 2000.

PROCEDURE FOR APPLICATION

Letters of Intent

Agencies intending to submit a proposal for HIV prevention needs assessment activities are required to submit a Letter of Intent by 4:00 p.m. on Monday, August 30, 1999. A Letter of Intent outline which describes the required format is available upon request by calling Christine L. Jones, of MDH at 612-676-5925.

Full Proposals

All contractors which meet the eligibility criteria outlined above and which submit a Letter of Intent by the deadline are eligible to submit a full proposal. The complete request for proposals packet is available upon request, including instructions, format, and necessary forms. Agencies seeking MDH funding for HIV prevention needs assessment activities are required to submit ten (10) copies of the completed proposal by 4:00 p.m. on Wednesday, September 22, 1999.

All submissions are final. Full and complete proposals not received by the deadlines outlined about will not be considered.

Letters of Intent and full Proposals are to be submitted by the specified date and time to:

Christine L. Jones
AIDS/STD Prevention Services
Minnesota Department of Health
717 Southeast Delaware Street
P.O. Box 9441
Minneapolis, Minnesota 55440-9441
612-676-5925

Department of Health

Commissioner's Office

Public Notice for Proposals for a Study to Develop a Plan for Health Care Consumer Assistance Services

The Minnesota Department of Health is seeking proposals from individuals or organizations interested in competing for a contract to develop a plan to:

- 1) create a single point of entry for health care consumer assistance and advocacy services in the State of Minnesota;
- 2) integrate Minnesota state offices of health care consumer assistance; and
- 3) coordinate and collaborate with other state agencies and non-governmental entities to provide consumers with assistance and advocacy services related to health insurance and health services.

The plan shall also report on the feasibility of obtaining grants and other non-general revenue to provide these services.

The Commissioner of Health is required to report to the chairs of the Minnesota Senate Health and Family Security Committee and the House Health and Human Services Committee on a plan addressing the objectives stated above. The report must be submitted by January 15, 2000. The Minnesota Legislature appropriated \$50,000 to the Minnesota Department of Health to complete this study.

This RFP does not obligate the State to complete the proposed project, and the State reserves the right to cancel this solicitation if it is considered to be in its best interest. All proposals for this project must be submitted by 4:30 p.m. on Wednesday, August 25, 1999.

In compliance with *Minnesota Statutes*, section 16C.08, the availability of this contracting opportunity is being offered to state employees. The Commissioner will evaluate the response of any state employee, along with other responses to this Request for Proposal.

For a copy of the complete Request for Proposal please contact:

Flora Jenkins
Commissioner's Office
Minnesota Department of Health
P.O. Box 64882
St. Paul MN 55164-0882
phone: 651-282-3882
e-mail: flora.jenkins@health.state.mn.us

Professional, Technical & Consulting Contracts

Department of Human Services

Purchasing and Service Delivery Division

Notice of Availability of Contract for Computer Software to Assess the Health Risk of Managed Care Enrollees for the Medical Assistance (MA), General Assistance Medical Care (GAMC), and MinnesotaCare Programs

NOTICE IS HEREBY GIVEN that the Department of Human Services (DHS) is seeking proposals for purchasing or leasing computer software which will assess the health risk of managed care enrollees in Minnesota's public programs. The contract will be in effect from January 1, 2000 to December 31, 2000, renewable for up to two additional years at the discretion of the Department. The vendor selected will provide DHS with the following products and services:

1. **Adjusted Clinical Groups (ACG) computer grouper software** version 4.1 compatible with DHS's mainframe computer architecture for making risk-adjusted capitation payments to managed care organizations.
2. **Updates of the grouper software** as they are issued.
3. **Eighty (80) hours of technical assistance/support** in installing, implementing, and customizing the software on DHS's mainframe computer.
4. **Permission to use the software** for continuing research and customization of the technology, to better understand and assess the health risk of the public program enrollees in Minnesota.

Detailed information is contained in a Request for Proposal included in a bidder's packet which may be obtained by calling or writing:

Jason Wiley
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3853
Phone: 651-215-0120

Mr. Wiley is the only person authorized to discuss the proposal requirements. The deadline for submitting a written response is 4:00 pm on September 17, 1999.

Department of Human Services

Moose Lake Regional Authority

Notice of Request for Proposals for Clinical Pharmacology Consultations and a Drug Utilization Program

The Minnesota Department of Human Services, Moose Lake Regional Authority is soliciting proposals from qualified parties to provide clinical pharmacology consultations, and a drug utilization program. Contract would require services of a clinical pharmacist 3 days a week, 8 hours per day for the period August 1, 1999 - June 30, 2002. This request for proposal does not obligate the State to complete the contract, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

I. NATURE OF CONTRACT

Improved pharmacologic services and assurance of safe and proper use of medication.

II. GOALS AND OBJECTIVES

Clinical pharmacology services are necessary for two reasons:

- a. Clinical pharmacology consultations used by the physicians in direct management and care of the patients. These consultations look at issues as to the most effective drugs, drug combinations and dangerous combinations of those that may cause ineffectual treatment along with in depth reviews of previous pharmacology used on patients that can be then referred to the physician in a more comprehensive and appropriate treatment plan for the individual.
- b. Developing clinical research models and active involvement in the drug usage evaluation, as required by Joint Commission on Accreditation of Hospital's standards.

III. CONTRACTOR'S DUTIES

- a. The pharmacist shall, with input from the interdisciplinary team, review the drug regimen of each client at least quarterly.
- b. The pharmacist shall provide the facility with a written record of each client's medication review.
- c. The pharmacist shall report any irregularities in a client's medication regimen to the prescribing physician and the interdisciplinary team.
- d. The pharmacist shall ensure adverse reactions are reported to the vendor pharmacist.
- e. The pharmacist shall review medication administration of standing orders.
- f. The pharmacist shall ensure a proper system of security is in place, including storage, handling, and destruction of medications.
- g. The pharmacist shall ensure the drug reference manual is current.
- h. The pharmacist shall participate as appropriate in the development, implementation, and review of each client's program plan, in person or through a written report to the interdisciplinary team.

IV. HUMAN RIGHTS COMPLIANCE

It is hereby agreed between the parties that *Minnesota Statutes, Sec.363.073* and *Minnesota Rules, part 5000.3400 to 5000.3600* are incorporated into any contract between these parties based upon this specification or any modification to it. A copy of the above mentioned statutes and rule are available upon request from the contracting agency, the Department of Human Services.

V. SUBMISSION OF PROPOSALS

All proposals must be sent to and received by:

Moose Lake Regional State Operated Services
Frank R. Milczark
Chief Executive Officer
1111 Hwy. 73
Moose Lake, MN 55767

not later than 12:00 noon, August 1, 1999.

Late proposals will not be considered. Submit six copies of proposals. Proposals must be submitted in a sealed mailing envelope or package with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed, in ink, with original signature by an authorized member of the firm. Prices and terms of the proposal must be valid for the length of the proposal.

VI. AMOUNT OF CONTRACT

The estimated amount of contract is \$ 75,000.00 per year.

VII. PROPOSAL CONTENTS

- a. Resume with prospective contractor's educational and professional background required.
- a. Proof of valid license to practice pharmacy in State of Minnesota
- b. Proof of doctoral degree from an accredited College of Pharmacy.

VIII. EVALUATION

All proposals received by the deadline specified in Section V. will be evaluated by representatives of the Department of Human Services. A personal interview may be part of the evaluation process.

IX. DEPARTMENT CONTACTS

Prospective responders who have any questions regarding this Request for Proposals may call or write:

Moose Lake Regional State Operated Services
Gregory Peterson, M.D.
1111 Hwy. 73
Moose Lake, MN 55767
218-485-5300

X. IN COMPLIANCE WITH MINNESOTA STATE STATUTE 16C.08

The availability of this contracting opportunity is being offered to state employees We will evaluate responses of any state employee along with other responses to this Request for Proposal.

Professional, Technical & Consulting Contracts

Department of Human Services

Notice of Request for Proposals for the Development of a Performance Based Contracting Model

The Department of Human Services is soliciting proposals from qualified vendors for the development of a performance based contracting model for the provision of long term care nursing facility services in Minnesota which includes a system of incentive-based payments for achieving specified outcomes and to design a system which moves Minnesota from using dual assessment instruments to a system of adjusting payment based on acuity using the federally mandated resident assessment instrument.

Minnesota Statute 256B.434 authorizes the Commissioner of Human Services to establish a contractual alternative payment system as an alternative way to pay for nursing facility services under the Medical Assistance (MA) program. Included in this legislation is a requirement that nursing facilities participating in the Department's Alternative Payment Contract Project participate in a project to develop incentive-based payment based on performance and outcomes.

Requests for copies of the complete RFP, "Performance Based Contracting for Long Term Care Nursing Facility Services," should be directed to Jame Bovy at 651-296-2666. The original and seven (7) copies of the proposal in response to the RFP must be submitted to Allan Weinand, Minnesota Department of Human Services, Continuing Care for the Elderly Division, 444 Lafayette Road, St. Paul, MN 55155-3836, no later than 4:00 p.m. on Tuesday, September 7, 1999.

The Department of Human Services and the State of Minnesota reserve the right to reject any and all proposals submitted. This Request for proposals does not obligate the Department of Human Services to complete the project, and the department reserves the right to cancel the solicitation if it is considered to be in its best interest.

State Lottery

Proposals Sought for Market Segmentation Study

The Minnesota State Lottery will issue a Request for Proposal (RFP) on August 2, 1999, for a market segmentation study. The study will involve a survey of the values, attitudes, motivations, and lottery buying behavior of adults in Minnesota that results in a division of the public into categories. The selected vendor must have market research experience. A copy of the RFP can be found on the Lottery's special website: www.lottery.state.mn.us/segmentation/, or call/write:

Tom Barrett, Administrative Services Manager
2645 Long Lake Road
Roseville, MN 55113
Ph: 651-635-8108 Fax: 651-635-8188
E-mail: tomb@mnl.state.mn.us

**Department of Transportation
Engineering Services Division**

Notice of Availability of Contract for Location Data Server

The Minnesota Department of Transportation (Mn/DOT) is requesting proposals for the purpose of designing, constructing and implementing a location data server that will capture, store and maintain location data and provide integration services for transportation management systems.

Work is proposed to start after October 1, 1999.

Request for Proposals will be available by mail from this office through August 10, 1999. **A written request (direct mail or FAX) is required to receive the Request for Proposal.** After August 10, 1999, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from the Agreement Administrator:

Mark Hagen
Consultant Services Unit - 7th Floor North
Minnesota Department of Transportation
395 John Ireland Boulevard, Mailstop 680
St. Paul, MN 55155
FAX: 651-282-5127

Proposals in response to the Request for Proposals in this advertisement must be received at the above address no later than 2:00 P.M. CDT on August 31, 1999. **Late proposals will not be considered.** No time extensions will be granted.

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

**Department of Transportation
Engineering Services Division**

Notice of Availability of Contract for Trunk Highway 169 Preliminary Design

The Minnesota Department of Transportation (Mn/DOT) is soliciting the proposals for preliminary design services to prepare Environmental Impact Statement, Scoping Documents and Record of Decisions for the highway reconstruction/capacity expansion for the portion of TH 169 located between TH 27 and TH 18 in Garrison.

Work is proposed to start October 1, 1999.

Request for Proposals will be available by mail from this office through August 16, 1999. **A written request (direct mail or FAX) is required to receive the Request for Proposal.** After August 16, 1999, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from Mn/DOT Senior Agreements Administrator:

Alex Chernyaev, P.E.
Consultant Services Unit - 7th Floor North
Minnesota Department of Transportation
395 John Ireland Boulevard, MailStop 680
St. Paul, MN 55155
FAX: 651-282-5127

Proposals in response to the Request for Proposals in this advertisement must be received at the above address no later than 2:00 P.M. CDT on August 24, 1999. **Late proposals will not be considered.** No time extensions will be granted.

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

Non-State Public Bids, Contracts & Grants

Department of Transportation

Notice of Availability of a Contract to Develop General Specifications for the Construction and Maintenance of Road and Weather Information Systems

The Department of Transportation (Mn/DOT) is requesting proposals to enter into a contract to obtain services for the purpose of developing generic specifications for the construction and maintenance of Road and Weather Information Systems (RWIS) stations that would allow state agencies to pick standardized wording when publishing a request for proposals for these services. The generic specifications would be developed in modules for different services that would allow agencies to pick the modules they need for the services they want. Each module would contain language for measures of performance of the hardware or service. Specific architecture components that may be addressed include open communication standards and open hardware platforms (Universal Roadside Platform).

Call or write for the full RFP which will be sent free of charge to interested vendors:

Karen Billiar, M.S. 330
Office of Research Services
Department of Transportation
395 John Ireland Boulevard
St. Paul, MN 55155
Phone: 651-282-2266
FAX: 651-215-0443

All proposals must be sent to and received by reception staff at the above address not later than August 27, 1999.

This Request for Proposal does not obligate the State to complete the proposed project, and the State reserves the right to cancel the solicitation if it is considered to be in its' best interest.

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

Invitation for Bid for Utility Tractor with Accessories

Sealed bids for a utility tractor with accessories will be received at the offices of the Metropolitan Council, Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota 55101, on August 17, 1999, at 2:00 P.M., at which time and place they will be publicly read.

Copies of specifications and bid instructions may be obtained from the offices of the Metropolitan Council or by calling 651-602-1499 or via Fax request at 651-602-1083. All bids to be considered must be submitted on Metropolitan Council approved forms.

The Metropolitan Council shall consider all bids received and intends to award a contract to the responsive and responsible bidder submitting the lowest total cost to the Council, by the due date and time. The Metropolitan Council reserves the right to reject all bids, to investigate the qualifications and experience of any bidder, to reject any provisions in any bid, to obtain new bids, or to proceed to do the work otherwise.

Minnesota Health Data Institute

Minnesota Center for Healthcare Electronic Commerce

Notice of Request for Proposals for MedNet Telecommunications Network and Central Query System (CQS) Support Services

The Minnesota Center for Healthcare Electronic Commerce (MCHEC), a division of the Minnesota Health Data Institute (MHDI), is requesting proposals from qualified vendors to provide telecommunications and computer network support services for two of its core health care electronic commerce operations: MedNet and the Central Query System (CQS).

MedNet, a non-proprietary, open-systems based telecommunications network for health care in Minnesota, was originally designed and deployed in 1995 to facilitate the external communication of clinical, administrative, and analytical data between health care organizations in the state. MCHEC is looking for a vendor to operate the network, provide network management and monitoring/user support, and expand the network services to other health care organizations in the state.

The Central Query System (CQS) was developed by MCHEC in 1997 to address the needs of the provider community for fast, accurate and reliable information about patient insurance and enrollment/eligibility information. The system provides real-time access to eligibility information for public programs administered by the Minnesota Department of Human Services, primarily Medicaid and MinnesotaCare. MCHEC is looking for a vendor with experience in similar complex networking and medical eligibility information processing applications to provide direct operating support and expansion capabilities to the service.

This is a competitive bid. Proposals are due by 5:00 p.m. central time, Friday, September 24, 1999.

Prospective vendors may obtain a copy of the Request for Proposals by contacting:

Juli Childs
Minnesota Health Data Institute
2550 University Avenue West, Suite 345 North
Saint Paul, MN 55114
phone: 612-917-6700
FAX: 612-917-6720
e-mail: juli.childs@mhdi.org

Minnesota Historical Society

Notice of Request for Proposals for the Construction of Casework and Millwork to Fabricate Museum Exhibit Furniture

The Minnesota Historical Society (Society) is seeking proposals from qualified vendors with experience in constructing casework and millwork to fabricate museum exhibit furniture. This exhibit, *Tales of the Territory: Minnesota 1849-1858*, at approximately 4,000 square feet, will replace the *Wild Rice* exhibit, in gallery "B" in the museum of the Minnesota Historical Society, located at 345 Kellogg Boulevard West, Saint Paul, Minnesota 55102.

The Request for Proposals is available by calling or writing Chris Bonnell, Contracting Officer, Minnesota Historical Society, 345 Kellogg Boulevard West, Saint Paul, MN 55102. Telephone 651-297-5863 or e-mail: chris.bonnell@mnhs.org.

Proposals must be submitted in the format provided for in the Request for Proposals. Proposals must be received no later than 2:00 P. M., Central Time, Wednesday, August 18, 1999.

Non-State Public Bids, Contracts & Grants

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 cultural resource survey and planning projects as follows:

1. Multiple projects involving survey and National Register nominations for various individual properties and districts in Nicollet, St. Louis, and Steele Counties determined eligible to the Register.

Time Period: 10/1/99 - 7/31/00

Estimated Budget: A total of approximately \$25,000 is available in federal Historic Preservation Funds (HPF) to award in contracts for these projects in 1999.

2. Phase I: Literature Search and Theme selection for Web initiative: "Using National Register Properties to Interpret Minnesota History"

Time Period: 9/15/99 - 11/30/99

Estimated Budget: \$5,000

The Request for Proposals and Project Descriptions are available by calling or writing Chris M. Bonnell, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone: 651-297-5863.

Proposals are due no later than 2 p.m. Standard Time, August 23, 1999. Details concerning submission requirements and evaluation criteria for awards are included in the Request for Proposals.

Funds for project 2 approved by the Minnesota Legislature, *1999 Minnesota Laws*, Ch. 231, Sec. 16, Subd. 5(a) as recommended by the Legislative Commission on Minnesota Resources from the Minnesota Future Resources Fund.

This program 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 Request for Bids/Proposals through its web based Bid Information Services (BIS). Subscriptions to BIS are \$75/year. Visit our web site at bidinfo.umn.edu or call the BIS Coordinator at 612-625-5534.

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

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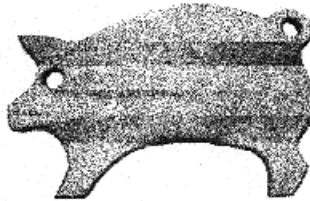
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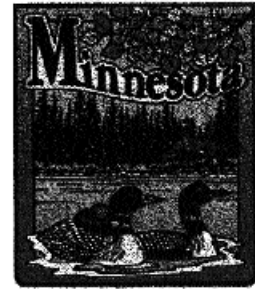
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