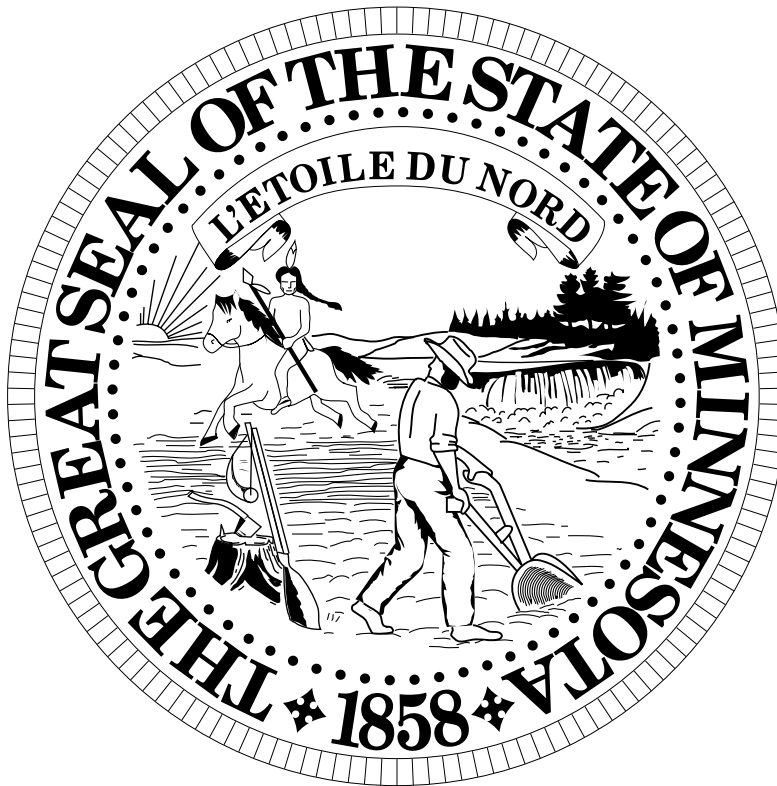


State of Minnesota

State Register

Rules and Official Notices Edition



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State Register

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

The *State Register* is the official publication of the State of Minnesota, 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- proposed, adopted, exempt, expedited emergency and withdrawn rules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
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Judi Dutcher, State Auditor (651) 297-3670

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Mary Mikes, Director (651) 297-3979

Chris Schanus, Manager (651) 282-2974

Mary Kiffmeyer, Secretary of State (651) 296-2079

Carol Johnson, State Treasurer (651) 296-7091

Robin PanLener, Editor (651) 297-7963

Jane Schmidley, Assistant Editor (651) 296-4273

Jessie Rahmeyer, Subscriptions (651) 297-8774

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Vol. 26 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
#23	Monday 26 November	Noon Wednesday 14 November	NOON MONDAY 19 NOVEMBER
#24	Monday 3 December	NOON TUESDAY 20 NOVEMBER	Noon Tuesday 27 November
#25	Monday 10 December	Noon Wednesday 28 November	Noon Tuesday 4 December
#26	Monday 17 December	Noon Wednesday 5 December	Noon Tuesday 11 December

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The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

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

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

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Proposed Rules

Comments on Planned Rules or Rule Amendments

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

Rules to be Adopted After a Hearing

After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

Rules to be Adopted Without a Hearing

Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Environmental Quality Board

Proposed Permanent Rules Relating to Wind Siting

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Permanent Rules Governing the Siting of Large Wind Energy Conversion Systems, *Minnesota Rules*, Chapter 4401

Introduction. The Minnesota Environmental Quality Board (MEQB) 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. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until January 25, 2002.

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: Larry B. Hartman, Minnesota Environmental Quality Board, 300 Centennial Building, 658 Cedar Street, St. Paul, MN 55155-0001, **phone:** (651) 296-5089 or 1-800-657-3784; **fax:** (651) 296-3698; **email:** larry.hartman@state.mn.us **TTY** users may call Minnesota Planning at 1-800-627-3529.

Subject of Rules and Statutory Authority. The proposed rules are about the siting and permitting of large wind energy conversion systems. The statutory authority to adopt the rules is *Minnesota Statutes*, section 116C.695. A copy of the proposed rules is published in the *State Register*. A copy of the rules is available upon request from the agency contact person listed above or available on the MEQB **website** at: www.mnplan.state.mn.us/eqb/wind

A Large Wind Energy Conversion System or LWECS as defined by *Minnesota Statutes*, section 116C.691, subd.2, to 116C.697 means any combination of wind energy conversion systems with a combined nameplate capacity of 5,000 kilowatts or more. *Minnesota Statutes*, section 116C.694 requires a site permit from the MEQB before a LWECS is constructed. The rules will address the following: (1) criteria that the MEQB shall use to designate LWECS sites; (2) contents of a site permit application for LWECS including turbine type and design; engineering and operational design analysis; cost analysis; and environmental analysis of the proposed site; (3) site permit conditions for LWECS construction, operation, maintenance and site restoration; (4) procedures that the MEQB will follow in acting on an application for a LWECS, including procedures for notification to the public of the application and for participation by the public in the permit process; (5) requirements for environmental review of the LWECS; (6) procedures for revocation or suspension of a site permit when violations of the permit or other requirements occur; (7) payment of fees for the necessary and reasonable costs of the MEQB in acting on a permit application.

Comments. You have until 4:30 p.m. on Friday, January 25, 2002, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Wednesday, January 25, 2002.

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 when 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 valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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

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

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. Copies of the statement may be obtained at the cost of reproduction from the agency, or downloaded from the MEQB web page identified above.

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

Dated: 7 November 20001

Gene Hugoson, Chair
Minnesota Environmental Quality Board

4401.0100 PURPOSE.

This chapter provides for the consideration of applications for site permits for large wind energy conversion systems by the Minnesota Environmental Quality Board. This chapter is intended to provide for the siting of large wind energy conversion systems in an orderly manner compatible with environmental preservation, sustainable development, and the efficient use of resources.

4401.0200 DEFINITIONS.

Subpart 1. Scope. As used in this chapter, the following terms have the meanings given them.

Subp. 2. Associated facilities. "Associated facilities" means facilities, equipment, machinery, and other devices necessary to the operation and maintenance of a large wind energy conversion system, including access roads, collector and feeder lines, and substations.

Subp. 3. Board. "Board" means the Minnesota Environmental Quality Board.

Subp. 4. Chair. "Chair" means the individual who is the chair of the board.

Subp. 5. Construction. "Construction" means to begin or cause to begin as part of a continuous program the placement, assembly, or installation of facilities or equipment or to conduct significant site preparation work for installation of facilities or equipment. Entering into binding power purchase contracts or obtaining wind easements from property owners or gathering wind data is not construction.

<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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Subp. 6. Draft site permit. "Draft site permit" means a document prepared by the chair that indicates a preliminary decision to issue a site permit with particular terms and conditions.

Subp. 7. EQB. "EQB" means the entire agency, including the board and the staff.

Subp. 8. EQB Monitor. "EQB Monitor" means the biweekly bulletin published by the EQB.

Subp. 9. Large wind energy conversion system or LWECS. "Large wind energy conversion system" or "LWECS" means a combination of wind energy conversion systems with a combined nameplate capacity of 5,000 kilowatts or more.

Subp. 10. Person. "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

Subp. 11. Power purchase agreement. "Power purchase agreement" means a legally enforceable agreement between two or more persons where one or more of the signatories agrees to provide electrical power and one or more of the signatories agrees to purchase the power.

Subp. 12. Site permit. "Site permit" means a document issued by the board authorizing a person or persons to construct a large wind energy conversion system under the terms and conditions specified in the document.

Subp. 13. Small wind energy conversion system or SWECS. "Small wind energy conversion system" or "SWECS" means a of wind energy conversion systems with a combined nameplate capacity of less than 5,000 kilowatts.

Subp. 14. Wind energy conversion system or WECS. "Wind energy conversion system" or "WECS" means a device such as a wind charger, windmill, or wind turbine and associated facilities that converts wind energy to electric energy.

4401.0300 PERMIT REQUIREMENT.

Subpart 1. LWECS. No person may construct an LWECS without a site permit from the board. No person may commence construction of an LWECS until the board has issued a site permit for the LWECS.

Subp. 2. SWECS. A site permit from the board is not required to construct an SWECS. Nothing in this chapter precludes a local governmental unit from establishing requirements for the siting and construction of an SWECS.

Subp. 3. Expansion of existing system. No person may expand an existing LWECS by any amount or expand an SWECS to exceed 5,000 kilowatts without a site permit from the board. A new project is considered an expansion of an existing WECS if the new WECS is within five miles of any turbine in the existing WECS, both projects are under common ownership, and the new WECS is proposed less than three years after the existing WECS commenced operation. Two WECS are under common ownership if the proposer of the new project, or a principal of the proposer, has an ownership or other financial interest in the existing WECS, although two projects are not under common ownership solely because the same person provided equity financing for both projects.

4401.0400 FILING OF APPLICATION FOR SITE PERMIT.

Subpart 1. Number of copies. A person seeking a site permit for an LWECS shall file three copies of the application for the site permit with the EQB for review prior to acceptance of the application.

Subp. 2. Electronic copy. A person filing an application for a site permit for an LWECS shall provide the EQB with an electronic version of the application suitable for posting on the EQB Web page. An applicant may request the chair to waive this requirement completely or for part of the application if an electronic version of the application is difficult or expensive for the applicant to obtain.

Subp. 3. Proprietary information. An applicant for a site permit for an LWECS may certify, according to the Minnesota Government Data Practices Act or other applicable law, that certain information in the application is trade secret information or other protected data or information that is not available to the public. The board shall determine if the certified data or information satisfies the requirements for the protected classification and shall advise the applicant of the board's determination before releasing any certified data or information. An applicant may withdraw its application if the board determines that the data or information is not entitled to the protected classification. The EQB shall ensure that data or information that is entitled to a protected classification is used and disclosed only according to applicable law.

4401.0450 CONTENTS OF SITE PERMIT APPLICATION.

Subpart 1. Applicant. An applicant for a site permit must provide the following background information regarding the applicant:

- A. a letter of transmittal signed by an authorized representative or agent of the applicant;
- B. the complete name, address, and telephone number of the applicant and any authorized representative;
- C. the signature of the preparer of the application if prepared by an agent or consultant of the applicant;

D. the role of the permit applicant in the construction and operation of the LWECS;

E. the identity of any other LWECS located in Minnesota in which the applicant, or a principal of the applicant, has an ownership or other financial interest;

F. the operator of the LWECS if different from the applicant; and

G. the name of the person or persons to be the permittees if a site permit is issued.

Subp. 2. Certificate of need or other commitment.

A. The applicant shall state in the application whether a certificate of need for the system is required from the Minnesota Public Utilities Commission and, if so, the anticipated schedule for obtaining the certificate of need. The board shall not issue a site permit for an LWECS for which a certificate of need is required until the applicant obtains the certificate, although the board may process the application while the certificate of need request is pending before the Public Utilities Commission.

B. The board may request the Public Utilities Commission to determine if a certificate of need is required for a particular LWECS for which the board has received a site permit application.

C. If a certificate of need is not required from the Public Utilities Commission, the applicant shall include with the application a discussion of what the applicant intends to do with the power that is generated. If the applicant has a power purchase agreement or some other enforceable mechanism for sale of the power to be generated by the LWECS, the applicant shall, upon the request of the chair, provide the EQB with a copy of the document.

Subp. 3. State policy. The applicant shall describe in the application how the proposed LWECS project furthers state policy to site such projects in an orderly manner compatible with environmental preservation, sustainable development, and the efficient use of resources.

Subp. 4. Proposed site. The applicant shall include the following information about the site proposed for the LWECS and any associated facilities:

A. the boundaries of the site proposed for the LWECS, which must be delineated on a United States Geological Survey Map or other map as appropriate;

B. the following characteristics of the wind at the proposed site:

(1) interannual variation;

(2) seasonal variation;

(3) diurnal conditions;

(4) atmospheric stability, to the extent available;

(5) turbulence, to the extent available;

(6) extreme conditions;

(7) speed frequency distribution;

(8) variation with height;

(9) spatial variations; and

(10) wind rose, in eight or more directions;

C. other meteorological conditions at the proposed site, including the temperature, rainfall, snowfall, and extreme weather conditions; and

D. the location of other wind turbines in the general area of the proposed LWECS.

Subp. 5. Wind rights. The applicant shall include in the application information describing the applicant's wind rights within the boundaries of the proposed site.

Subp. 6. Design of project. The applicant shall provide the following information regarding the design of the proposed project:

A. a project layout, including a map showing a proposed array spacing of the turbines;

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B. a description of the turbines and towers and other equipment to be used in the project, including the name of the manufacturers of the equipment;

C. a description of the LWECS electrical system, including transformers at both low voltage and medium voltage; and

D. a description and location of associated facilities.

Subp. 7. Environmental impacts. An applicant for a site permit shall include with the application an analysis of the potential impacts of the project, proposed mitigative measures, and any adverse environmental effects that cannot be avoided, in the following areas:

A. demographics, including people, homes, and businesses;

B. noise;

C. visual impacts;

D. public services and infrastructure;

E. cultural and archaeological impacts;

F. recreational resources;

G. public health and safety, including air traffic, electromagnetic fields, and security and traffic;

H. hazardous materials;

I. land-based economics, including agriculture, forestry, and mining;

J. tourism and community benefits;

K. topography;

L. soils;

M. geologic and groundwater resources;

N. surface water and floodplain resources;

O. wetlands;

P. vegetation;

Q. wildlife; and

R. rare and unique natural resources.

The analysis of the environmental impacts required by this subpart satisfies the environmental review requirements of chapter 4410 and *Minnesota Statutes*, chapter 116D. No environmental assessment worksheet or environmental impact statement shall be required on a proposed LWECS project.

Subp. 8. Construction of project. The applicant shall describe the manner in which the project, including associated facilities, will be constructed.

Subp. 9. Operation of project. The applicant shall describe how the project will be operated and maintained after construction, including a maintenance schedule.

Subp. 10. Costs. The applicant shall describe the estimated costs of design and construction of the project and the expected operating costs.

Subp. 11. Schedule. The applicant shall include an anticipated schedule for completion of the project, including the time periods for land acquisition, obtaining a site permit, obtaining financing, procuring equipment, and completing construction. The applicant shall identify the expected date of commercial operation.

Subp. 12. Energy projections. The applicant shall identify the energy expected to be generated by the project.

Subp. 13. Decommissioning and restoration. The applicant shall include the following information regarding decommissioning of the project and restoring the site:

A. the anticipated life of the project;

B. the estimated decommissioning costs in current dollars;

C. the method and schedule for updating the costs of decommissioning and restoration;

D. the method of ensuring that funds will be available for decommissioning and restoration; and

E. the anticipated manner in which the project will be decommissioned and the site restored.

Subp. 14. **Identification of other permits.** The applicant shall include in the application a list of all known federal, state, and local agencies or authorities, and titles of the permits they issue that are required for the proposed LWECS.

4401.0460 ACCEPTANCE OF APPLICATION.

Subpart 1. **Action by chair.** Within 30 days after receipt of an application for a site permit, the chair shall accept, conditionally accept, or reject the application. If the chair conditionally accepts or rejects an application, the chair shall advise the applicant in writing of the deficiencies in the application and the manner in which the deficiencies can be addressed. Upon refile of a revised application, the chair shall again act on the application within 30 days after receipt.

Subp. 2. **Notice of application acceptance.** Within 15 days after chair acceptance of an application, the applicant shall provide notice of the application to the county board, each city council, and each township board in each county where the LWECS is proposed to be located and shall publish notice of the application in a newspaper of general circulation in each county. Failure to give this notice or a delay in providing this notice constitutes cause to reject an application or delay a decision by the board. The chair may elect to give this notice in lieu of requiring the applicant to provide the notice.

Subp. 3. **Additional copies.** Upon acceptance of the application by the chair, the chair shall advise the applicant of how many additional copies of the application to submit to the EQB. The applicant shall also provide a copy of the accepted application to the Public Utilities Commission, the Minnesota Historical Society, and to each landowner within the boundaries of the proposed LWECS site. The applicant shall also provide a copy to the office of each regional development commission of a development region, the auditor of each county, and the clerk of each city and township in which the LWECS is to be located. Each county auditor, city clerk, and township clerk shall retain the application and make it available for public inspection upon request. The applicant shall maintain a list of all persons to whom copies of the application are provided.

4401.0470 PUBLIC ADVISOR.

Upon acceptance of an application for a site permit, the chair shall designate a staff person to act as the public advisor on the project. The public advisor shall be available to answer questions from the public about the permitting process. The public advisor shall not give legal advice or other advice that may affect the legal rights of the person being advised, and the public advisor shall not act as an advocate on behalf of any person.

4401.0500 PRELIMINARY DETERMINATION AND DRAFT SITE PERMIT.

Subpart 1. **Preliminary determination.** Within 45 days after acceptance of the application by the chair, the chair shall make a preliminary determination whether a permit may be issued or should be denied. If the preliminary determination is to issue a permit, the chair shall prepare a draft site permit for the project. The draft site permit must identify the person or persons who will be the permittee, describe the proposed LWECS, and include proposed permit conditions.

Subp. 2. **Effect of draft site permit.** A draft site permit does not authorize a person to construct an LWECS. The board may change the draft site permit in any respect before final issuance or may deny the site permit.

4401.0550 PUBLIC PARTICIPATION.

Subpart 1. **Public notice.** Upon preparation of a draft site permit, the EQB shall provide public notice of the draft site permit. The public notice must include the following:

- A. the name and address of the applicant for the site permit;
- B. a concise description of the proposed LWECS project;
- C. the location where a copy of the site permit application may be reviewed and how a copy of the application may be obtained;
- D. a statement of the availability of the draft site permit;
- E. the name of the public advisor and how the public advisor may be contacted to obtain more information;
- F. the time and place of a public information meeting;
- G. a statement that during the comment period any person may submit comments to the board on the draft site permit, a statement of the dates on which the comment period commences and terminates, and a statement that any person may request a contested case hearing on the matter; and

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H. a brief description of the anticipated procedures for reaching a final decision on the permit application.

Subp. 2. **Distribution of public notice.** The EQB shall publish the notice in a newspaper in each county in which the proposed LWECS is to be located. The EQB shall also mail the public notice to those persons known to the EQB to be interested in the proposed LWECS project, including governmental officials in each county in which the LWECS is proposed to be located. The EQB shall also publish notice in the EQB Monitor.

Subp. 3. **Public comments on draft site permit.** The EQB shall afford the public a minimum of 30 days after publication the draft site permit notice in the EQB Monitor to submit written comments to the EQB. The chair may extend the public comment period if necessary to afford the public adequate time to review the application and other pertinent information in order to formulate complete comments on the draft site permit and the project.

Subp. 4. **Public information meeting.** The EQB shall hold at least one public information meeting in a convenient location in the vicinity of the proposed LWECS project. The EQB shall give the public at least ten days' notice of the public information meeting. The public information meeting must be held more than ten days prior to the end of the public comment period on the draft site permit. The chair shall extend the comment period if necessary to meet this requirement.

Subp. 5. **Contested case hearing.**

A. Any person may request in writing that a contested case hearing be held on an application for a site permit for a proposed LWECS project. The contested case hearing request must be filed within the time period established for submitting comments on the draft site permit. The person requesting the public hearing shall include, as part of the request, the issues to be addressed in the hearing and the reasons a hearing is required to resolve those issues.

B. The board shall order a contested case hearing if the board finds that the person requesting the contested case hearing has raised a material issue of fact and that holding a hearing would aid the EQB in making a final determination on the permit application.

C. The hearing must be conducted according to the rules of the Office of Administrative Hearings.

D. For a contested case hearing, the board shall identify the issues to be resolved and limit the scope and conduct of the hearing according to applicable law, due process, and fundamental fairness. Alternatively, the board may request the administrative law judge to identify the issues and determine the appropriate scope and conduct of the hearing according to applicable law, due process, and fundamental fairness.

4401.0600 FINAL SITE PERMIT DECISION.

Subpart 1. **Board action.** Upon completion of the procedures and requirements of this chapter, the matter must be brought to the board for a final decision. If a contested case hearing has been held, the board shall act according to applicable requirements for action in a contested case proceeding. If no contested case hearing has been held, the board shall compile the record that has been created and make a decision on the basis of that record.

Subp. 2. **Time limit for decision.** The board shall take final action on the application for a site permit for an LWECS within 180 days after acceptance of an application by the chair, unless the applicant agrees to an extension or the board extends this deadline for cause.

Subp. 3. **Determination by board.** The board shall not issue a site permit for an LWECS unless the board determines that the project is compatible with environmental preservation, sustainable development, and the efficient use of resources, and the applicant has complied with this chapter.

Subp. 4. **Conditions.** The board may include in a site permit conditions for turbine type and designs, site layout and construction, and operation and maintenance of the LWECS, including the requirement to restore, to the extent possible, the area affected by construction of the LWECS to the natural conditions that existed immediately before construction of the LWECS and other conditions that the board determines are reasonable to protect the environment, enhance sustainable development, and promote the efficient use of resources.

Subp. 5. **Term.** The term of a site permit for an LWECS is 30 years. The board may renew the permit for an appropriate period of time upon request of the permit holder.

4401.0610 EFFECT OF PERMIT.

Subpart 1. **Wind rights.** Nothing in a site permit for an LWECS shall be construed to convey the right to install a wind turbine in an area within the boundaries of the project for which the permittee does not hold the wind rights.

Subp. 2. **Other LWECS construction.** Nothing in a site permit for an LWECS shall be construed to preclude another person from seeking a site permit to construct an LWECS in an area within the boundaries of the project covered by the permit if the permittee does not hold exclusive wind rights for the areas.

Subp. 3. Power purchase agreement. A site permit does not authorize construction of the project until the permittee has obtained a power purchase agreement or some other enforceable mechanism for sale of the power to be generated by the project. If the permittee does not have a power purchase agreement or other enforceable mechanism at the time the permit is issued, the board shall provide in the permit that the permittee shall advise the board when it obtains a commitment for purchase of the power. The board may establish as a condition in the permit a date by which the permittee must obtain a power purchase agreement or other enforceable mechanism or the site permit is null and void.

4401.0620 DELAY IN CONSTRUCTION.

If the permittee has not commenced construction of the project within two years after issuance of the site permit, the permittee must advise the board of the reasons construction has not commenced. In such event, the board may determine whether the permit should be revoked. No revocation of a permit for failure to commence construction may be undertaken except in accordance with part 4401.0700, subpart 4.

4401.0700 SITE PERMIT AMENDMENT OR REVOCATION.

Subpart 1. New boundary. Once construction of an LWECS is completed, the permittee shall advise the chair of the completion of the project and the chair shall amend the site permit to specifically define the area authorized for the LWECS. The boundary must be no larger than necessary to allow for efficient operation of the LWECS. If any person objects to the amendment of the permit to reflect the actual boundaries of the project, the chair shall bring the matter to the board for decision in accordance with applicable procedural requirements.

Subp. 2. Permit amendment. The board may amend a site permit for an LWECS at any time if the board has good cause to do so.

Subp. 3. Permit revocation. The board may revoke a site permit for an LWECS at any time if the board determines that any of the following has occurred:

A. the applicant knowingly made a false statement in the application or in accompanying statements or studies required of the applicant, if a true statement would have warranted a change in the board's findings;

B. the applicant has failed to comply with a material condition or term of the permit;

C. the permitted LWECS endangers human health or the environment and the danger cannot be resolved by modification of the permit or LWECS; or

D. the permittee has violated other laws that reflect an inability of the permittee to comply with the permit.

Subp. 4. Procedure. The board may initiate action to consider amendment or revocation of a site permit for an LWECS on its own initiative or upon the request of any person. No site permit may be amended or revoked without first providing notice and affording due process to the permit holder.

4401.0800 FEES.

Subpart 1. Fee requirement. An applicant for a site permit under *Minnesota Statutes*, section 116C.694, shall pay an application fee to the EQB. The purpose of the application fee is to cover actual costs necessarily and reasonably incurred in processing an application for a site permit, including, but not limited to, staff time, expenses for public notice and meetings, environmental review, administrative overhead, and legal expenses.

Subp. 2. Determination of EQB budget. Upon receipt of an application for a site permit, the chair shall estimate the costs the EQB expects to incur in processing the application and establish an estimated budget. If the applicant disagrees with the amount of the estimated budget determined by the chair, the applicant may request that the board determine the appropriate estimated budget.

Subp. 3. Initial payment. Upon determination of the estimated budget, the applicant shall pay at least 50 percent of the estimated budget to the EQB. The chair shall not process a permit application until the first portion of the fee is submitted. The EQB shall deposit all money received from an applicant for permit fees in a special account.

Subp. 4. Periodic payments. The remaining costs incurred by the EQB must be paid in periodic payments upon receipt of an invoice from the EQB. The EQB shall not make a final decision on a site permit application if any assessed fees are unpaid.

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Subp. 5. **Final accounting.** At the end of the permitting process, including any judicial review of the board's final decision, the EQB shall provide a final accounting to the applicant of the total cost of processing the permit application. The applicant may review all actual costs associated with processing an application and present objections to the board. The applicant shall make the final payment within 30 days of notification, or the EQB shall refund any excess payments within 30 days of the final accounting.

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.

Expedited and Emergency Expedited Rules

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

Higher Education Services Office

Adopted Permanent Rules Governing Post-Secondary Child Care Grants

The rules proposed and published at *State Register*, Volume 26, Number 13, pages 387-390, September 17, 2001 (26 SR 387) and Volume 26, Number 14, page 460, September 24, 2001 (26 SR 460) are adopted as proposed.

Board of Teaching

Adopted Permanent Rules Relating to Teacher Licensing

The rules proposed and published at *State Register*, Volume 26, Number 11, pages 309-327, September 4, 2001 (26 SR 309), are adopted as proposed.

Board of Teaching

Adopted Permanent Rules Relating to Teacher Licensure Exceptions

The rules proposed and published at *State Register*, Volume 26, Number 10, pages 250-252, August 27, 2001 (26 SR 250), are adopted as proposed.

Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (Minnesota Statutes 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the State Register. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of Minnesota Statutes, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with Minnesota Statutes 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the State Register. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only.

The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

Department of Labor and Industry

Adopted Exempt Permanent Rules Relating to Occupational Safety and Health; Adoption of Federal Standards by Reference; Repealing Recording and Reporting Provisions

The rules proposed and published at *State Register*, Volume 26, Number 12, pages 346-348, September 10, 2001 (26 SR 346), are adopted as proposed.

Commissioners' Orders

Various agency commissioners are authorized to issue "commissioner's orders" on specified activities governed by their agency's enabling laws. See the *Minnesota Statutes* governing each agency to determine the specific applicable statutes. Commissioners' orders are approved by assistant attorneys general as to form and execution and published in the *State Register*. These commissioners' orders are compiled in the year-end subject matter index for each volume of the *State Register*.

Minnesota Pollution Control Agency

Commissioner's Order: Findings of Fact, Conclusions, and Order in the Matter of the Petition to Create the Reads Landing Water and Sanitary District

The County of Wabasha and the Township of Pepin petitioned the Minnesota Pollution Control Agency (MPCA) under *Minnesota Statutes* § 115.20 requesting the formation of the Reads Landing Water and Sanitary District. The Chairpersons of the Pepin Town Board and the Wabasha Board of County Commissioners were authorized to sign the petition pursuant to resolutions passed by their respective bodies of government.

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Commissioner's Orders

The MPCA published the Notice of Intent to Approve the Reads Landing Water and Sanitary District in the *State Register* on Monday, September 10, 2001. The MPCA also notified all property owners in the affected area by mail of the notification published in the *State Register*.

The MPCA, after having considered the petition, having published notice of the intent to approve creation of the sanitary district in the *State Register*, having notified the affected property owners of the intent to create the district, having reviewed the comment letters received during the comment period, having not received 25 or more hearing requests requisite for a hearing, and being fully advised in this matter, hereby makes the following:

FINDINGS OF FACT

1. The area of the proposed sanitary district is located in Wabasha County, Minnesota and within a portion of the Township of Pepin.
2. The area proposed for formation of the sanitary district is described as an area on the west bank of the Mississippi River touching the north city limits of the City of Wabasha on the east, then west on the Mississippi River approximately 8,000 feet, with an irregular depth due to terrain, but not more than 1,200 feet in depth north to south at its deepest point. The legal description of the sanitary district is as follows:

That part of Reads Addition to Pepin located in Government Lots 2, 3 and 4, Section 24, Township 111, Range 11 West and Lot 1, Section 19, Township 111, Range 10 West, Wabasha County, Minnesota.
3. On February 13, 2001, a public meeting was held at the American Legion Meeting Room, Wabasha, Minnesota to consider the proposed creation of a sanitary district. Notice of the public meeting was published at least once each week for two weeks in *The Wabasha County Herald*, a qualified newspaper published in the area. The Notice was published on January 31, 2001, and February 7, 2001 in *The Wabasha County Herald*. Notice of the meeting was also published in the *Plainview News*, a qualified newspaper published in the area, on February 1, 2001, and February 8, 2001. Notice of the public meeting was posted for two weeks prior to the meeting at the Reads Landing Post Office, the Wabasha American Legion, the Wabasha County Commissioner's Meeting Room, and at the office of the Southeastern Minnesota Multi-County Housing Redevelopment Authority, Wabasha, Minnesota. Notice of the meeting was also mailed to each of the property owners in the area of the proposed district.
4. On February 13, 2001, the Board of Commissioners of Wabasha County adopted a resolution authorizing the approval of the creation of the sanitary district, authorizing the signing of the petition by the Chairperson, and authorizing the submission of the petition to the MPCA for establishment of the Reads Landing Water and Sanitary District. The resolution was published in the *Plainview News* on March 15, 2001, and became effective forty (40) days after the date of publication.
5. On February 13, 2001, the Town Board of Pepin Township adopted a resolution authorizing the approval of the creation of the sanitary district, authorizing the signing of the petition by the Chairperson, and authorizing the submission of the petition to the MPCA for establishment of the Reads Landing Water and Sanitary District. The resolution was published in *The Wabasha County Herald* on March 14, 2001, and became effective forty (40) days after the date of publication.
6. On May 8, 2001, a petition was filed with the MPCA requesting approval for the formation of the Reads Landing Water and Sanitary District. The Chairperson of the Wabasha County Board of Commissioners and the Chairperson of the Town Board of Pepin Township signed the petition for creation of the district as authorized by the resolutions. The petition requesting approval for formation of the sanitary district has met all the requirements of *Minnesota Statutes* § 115.20, subd. 1(a).
7. The proposed sanitary district will not be within twenty-five (25) miles of the boundary of any city of the first class.
8. On September 10, 2001, the MPCA published the Notice of Intent to Approve Creation of the Reads Landing Water and Sewer District in the *State Register* at 26 SR 369 and mailed the notice to each of the property owners in the area of the proposed district using addresses provided by the county auditor. The public notice period lasted for 30 days and ended on October 10, 2001.
9. By October 10, 2001, the end of the public notice period, the MPCA had received no letters requesting a public hearing on the matter. *Minnesota Statutes* § 115.20, subd. 4(b) requires the MPCA to hold a contested case hearing if 25 or more written requests are received by the end of the public notice period. The MPCA received one (1) letter expressing opposition to the Reads Landing sewer project and one (1) telephone call requesting further information.
10. There is a need throughout the proposed district for an adequate and efficient means of treating and disposing of domestic sewage. The area within the boundaries of the proposed district consists of a small, unincorporated residential area bound on the south and westerly sides by sharply rising terrain and on the northeasterly side by the Mississippi River. The 71 res-

idences occupy small lots and rely on individual wells for drinking water and individual and small group septic tank/drain-field systems for wastewater treatment. Due to the shallow bedrock, small lot sizes, and proximity to the Mississippi River, it is difficult to meet current standards when residents upgrade existing systems or construct a new system. Nonconforming on-site systems in close proximity to individual drinking water wells present a potential health risk to residents in the area and can contaminate the ground water and nearby surface waters.

11. Creation of the district will serve the purpose of promoting the public health and welfare by providing an adequate and efficient system and means of collecting, conveying, pumping, treating and disposing of domestic sewage within the district.
12. The creation and maintenance of the sanitary district will be administratively feasible, and will further the public health, safety, and welfare. The district will be administered by a five member governing board who are voters within the sanitary district and who will be elected by the members of the related governing bodies in joint session. When formed, the Reads Landing Water and Sanitary District will adopt sewer use ordinances and a sewer service charge system to adequately and equitably fund the wastewater treatment operation throughout the district.
13. Pursuant to *Minnesota Statutes* § 115.23, the County of Wabasha is designated as the central related governing body for the purpose of joint meetings between the Township of Pepin and the County of Wabasha.

CONCLUSIONS

1. The Commissioner of the MPCA has subject matter jurisdiction over the petition and proposed establishment of the district pursuant to *Minnesota Statutes* §§ 115.18 to 115.37 (2000).
2. The petitioners have substantially complied with all the procedural requirements of *Minnesota Statutes* § 115.20, as well as other substantive and procedural requirements of law and rule. This matter, therefore, is properly before the Commissioner.
3. The conditions described in *Minnesota Statutes* § 115.19 for creation of a sanitary district do exist within the area identified in the legal description.
4. Any of the foregoing Findings of Fact that might properly be termed Conclusions and Conclusions that might properly be termed Findings are hereby adopted as such.

NOW THEREFORE, the Commissioner hereby makes the following:

ORDER

It is **ORDERED** that the Reads Landing Water and Sewer District is hereby created to include a portion of the Township of Pepin as described in the legal description attached to the petition filed with the MPCA.

Dated this 15th day of November, 2001.

Karen A. Studders, Commissioner
Minnesota Pollution Control Agency

Official Notices

Pursuant to Minnesota Statutes §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking. The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Minnesota Board of Chiropractic Examiners

REQUEST FOR COMMENTS on Planned Rules Governing the Annual Requirements and Reporting Requirements for Continuing Education, *Minnesota Rules*, 2500.0710, and 2500.1200 to 2500.1800

Subject of Rules. The Minnesota Board of Chiropractic Examiners requests comments on its planned rules governing annual continuing education requirements and reporting of continuing education requirements. The Board is considering rules that modify continuing education reporting by sponsors, continuing education compliance verification by licensees, monitoring of continuing

Official Notices

education compliance by the Board, modification to the continuing education cycle, and penalties for failure to comply with the continuing education requirements.

Persons Affected. The rules would likely affect doctors of chiropractic licensed in Minnesota, individual sponsors providing continuing education to chiropractors licensed in Minnesota, and annual sponsors of continuing education offered to chiropractors licensed in Minnesota.

Statutory Authority. *Minnesota Statutes*, section 148.031 and 148.03, authorizes the Board to prescribe rules relative to the examination of applicants for license to practice chiropractic and for the annual renewal of licensees.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. The Board does not contemplate appointing an advisory committee to comment on the planned rules.

Rules Drafts. The Board has not yet prepared a draft of the planned rules and does not anticipate that a draft of the rules will be available before the publication of the proposed rules.

Agency Contact Person. Written comments, questions and requests for more information on these planned rules should be directed to: Micki King at The Minnesota Board of Chiropractic Examiners; 2829 University Ave SE, #300, Minneapolis MN, 55414-3220; **phone:** (612) 617-2226; **fax:** (651) 617-2224; and **email:** micki.king@state.mn.us. TTY users may call the Department at **phone:** 1-800-627-3529.

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

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: 20 November 2001

Larry A. Spicer, DC
Executive Director, Board of Chiropractic Examiners

Executive Council State Board of Investment Land Exchange Board Investment Advisory Council

Notice of Meetings of the Executive Council, the State Board of Investment, the Land Exchange Board, and the Investment Advisory Council

The Executive Council, State Board of Investment and the Land Exchange Board will meet on Wednesday, December 5, 2001 at 9:00 a.m., in Room 125, State Capitol, St. Paul, MN.

The Investment Advisory Council will meet on Tuesday, December 4, 2001 at 2:00 p.m., in the Board Room (Main Floor), 60 Empire Drive, St. Paul, MN.

Minnesota Department of Health

Request for Comments on Biennial Review of Expedited Rulemaking Procedures and Rules Related to the Minnesota Health Care Administrative Simplification Act, *Minnesota Statutes*, Sections 62J.50 to 62J.61

Expedited Rulemaking Authority. *Minnesota Statutes*, section 62J.61, sets out an expedited rulemaking procedure for adopting rules to implement the Minnesota Health Care Administrative Simplification Act. The expedited procedure provides:

- the Commissioner of Health must publish proposed rules in the *State Register*;
- the Commissioner may publish a notice describing the rules and offering a free copy instead of publishing the text of the rules, if the rules would be so lengthy as to be unduly cumbersome to publish;

- interested parties have 30 days to comment; and
- after considering all comments, the Commissioner may adopt the rules by publishing a notice of adoption in the *State Register*.

Reason for Expedited Rulemaking Authority. Health care industry billing procedures change frequently. It is important that rules keep current with these frequently changing procedures. The Legislature recognized that the normal rulemaking procedures in *Minnesota Statutes*, chapter 14, which take an average of 18 months, would not be adequate to keep pace with the changes in the health care industry. Further, some of the billing manuals and implementation guides are hundreds of pages long. It would not be practical to publish these in the *State Register*, especially when these are of interest to a very small group of interested parties. It would be more cost effective to publish a notice and to give a free copy to anyone who requests one.

Biennial Review of Rulemaking Procedures and Rules. Section 62J.61, subdivision 5, requires that the Commissioner of Health do a biennial review of the rulemaking procedures and rules by seeking “comments from affected parties about the effectiveness of and continued need for the [expedited] rulemaking procedures . . . and about the quality and effectiveness of rules adopted using these procedures.” The Commissioner is required to invite oral or written comments by holding a meeting and by publishing a notice in the *State Register* at least 30 days before the meeting. The Commissioner is also required to write a report summarizing the comments and to submit the report to the Minnesota Health Data Institute and the Minnesota Administrative Uniformity Committee by January 15 of every even-numbered year.

Oral and Written Comments Invited; Deadline. Oral and written comments are invited about the effectiveness and continuing need for the expedited rulemaking procedures and about the quality and effectiveness of rules adopted using these procedures. You have until 4:30 p.m., on Wednesday, January 2, 2002 to comment. You may submit comments at the meeting or by sending them to the agency contact person, as set out later in this Request. After Wednesday, January 2, 2002, the Department will compile the comments and prepare the biennial report.

Meeting for Receiving Oral and Written Comments. The Department will hold a meeting to receive oral and written comments about the expedited rulemaking procedures in section 62J.61. The meeting will be in the Large Conference Room of Suite 400, Metro Square Building, 121 East Seventh Place, St. Paul, Minnesota 55101, starting at 10:00 a.m., on Wednesday, January 2, 2002.

Agency Contact Person for Receiving Written Comments. Written comments on the expedited rulemaking procedures and questions about this biennial review may be submitted to the agency contact person. The agency contact person is: Kristin Loncorich at the Minnesota Department of Health, 121 East Seventh Place, P.O. Box 64975, St. Paul, MN 55164-0975, **email:** kristin.loncorich@health.state.mn.us, or **phone:** (651) 282-6343, **fax:** (651) 282-5628. **TTY** users may call the Minnesota Relay Service at 1-800-627-3529.

Background. The requirement to do a biennial review was effective on June 30, 1997. Since that date, the Department has adopted rules related to the HCFA-1500 manual. The Department anticipates using the expedited authority in mid-2002 to adopt rules related to the uniform paper remittance advice, the uniform paper explanation of benefits document and dental claim form manual.

Dated: 26 November 2001

Minnesota State Rehabilitation Council

Applications Sought for Appointments

Applications for service on the Minnesota State Rehabilitation Council are invited. The State Rehabilitation Council advises the state on employment services for persons with disabilities and participates in assessment of the state’s Vocational Rehabilitation Program. Members are appointed by the Governor and serve for a term of three years. The council meets approximately 10 times annually on the fourth Wednesday of the month. Appointments are made to ensure representation of persons with disabilities, Vocational Rehabilitation Program consumers, business, industry, labor, vocational rehabilitation counseling and others. Among current openings are those for representatives of business and industry, labor, and vocational rehabilitation counseling. Interested persons may contact Gail Lundeen, State Rehabilitation Council, Rehabilitation Services, 390 North. Robert Street, St. Paul, Minnesota 55101, **phone:** (651) 296-5629, or **email:** gail.lundeen@state.mn.us

Teachers Retirement Association

Notice of Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Thursday, December 13, 2001 at 9:30 a.m., in Suite 400, 60 Empire Drive, St. Paul, MN to consider matters which may properly come before the Board.

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 Board on Aging

Opportunity to Sponsor the Retired and Senior Volunteer Program in Goodhue, Olmsted, Rice, and Wabasha Counties

The Minnesota Board on Aging (MBA) in collaboration with the Corporation for National Service seeks a qualifying non-profit public or private organization to assume sponsorship of the Retired and Senior Volunteer Program (RSVP) operating in Goodhue, Olmsted, Rice and Wabasha counties.

RSVP is one of three programs of the Corporation's National Senior Service Corps (the Senior Companion and Foster Grandparent programs are the other two) that facilitates the engagement of people 55 and older in volunteer opportunities in local communities. A more complete description of RSVP is available from the Corporation for National and Community Service. A project sponsor administers the recruitment, placement, and support of RSVP volunteers at community locations in the project area.

RSVP operating procedures and policy are governed by federal legislation contained in the Domestic Volunteer Service Act of 1973 as amended, and operates in Minnesota with additional state support provided through the MBA. The Corporation for National and Community Service will designate the new sponsor for the four affected counties in consultation with the MBA.

Currently, there are approximately 400 active RSVP volunteers serving at 137 different "stations" in the four-county area. The sponsor selected to assume operations will be expected to keep those Retired Senior Volunteers (RSVs) and stations enrolled in the program while seeking new volunteers and assignments in the future. Initially this will be a "non-federally funded" RSVP project. A total of \$27,000 will be available from the state MBA on an annualized basis to support this program. It is expected that a new sponsor will assume operations by March 1, 2002 with \$13,500 in state funds for the initial four months remaining in the state fiscal year. The \$27,000 in state funds will be available for the full year beginning July 1, 2002. The sponsor should plan to provide matching funds, cash and/or in-kind. There is some prospect for additional federal funds to be added to the operating funds but not before July 1, 2002.

Application forms and further instructions are available from the Corporation for National and Community Service, Room 2480, 431 S. Seventh Street, Minneapolis, MN. 55415; **phone:** (612) 334-4083. A public meeting for all prospective sponsors will be held December 18. The location will be confirmed to all interested parties by early December. Interested parties should call the Corporation for National and Community Service prior to December 10, 2001 to indicate interest or with other questions. The deadline for submittal of completed applications is 4:00 p.m., on January 21, 2002 at the CNS office.

Department of Human Services

Request for Proposals Pertaining to Developing, Strengthening, and Coordinating a Statewide Program of Parent Leadership and Support for Parents of Children and Adolescents with Mental Health Needs

Background

The State of Minnesota, through its Children's Mental Health Division at the Minnesota Department of Human Services (DHS), announces a Request for Proposals to contract with a 501(c)3 non-profit agency or entity that is part of the children's mental health system of care for the purpose of assisting the state to develop the *Minnesota Parent Leadership Network*. The *Minnesota Parent Leadership Network* will be a parent-driven statewide program which will coordinate training and support for parent leaders of children with serious emotional and mental health disorders and will assist parent leaders to share information and provide support for one another on a local, regional and statewide basis. The intent of this grant award is to further develop, nurture, connect, and sustain parent leadership in the interest of supporting parents to function in leadership roles in their communities and to serve as strong and effective advocates for children with serious mental health needs. A second focus of the grant is to provide professionals who are partnering with parent leaders with training in how to increase the effectiveness of their relationships with parents and

how to support and utilize parent leaders to effect systems change on behalf of children with mental health needs. The state announces the availability of up to \$175,000 for a one-year period in federal community mental health services block grant funds to contract with a fiscal agent to coordinate and support the development of the *Minnesota Parent Leadership Network* and to employ and host a project coordinator. The project coordinator will develop and implement the program under the direction and guidance of the Minnesota Parent Leadership Advisory Committee which has already been established by the state.

Instructions to Respondents

Please call John Marino at (651) 297-5242 to request a copy of the RFP. All proposals must be received by the state **no later than 4:00 p.m. on January 16, 2002**. Please submit an original and 12 copies. The original must be signed in ink, by an authorized member of the firm submitting the proposal. Neither fax copies nor electronically submitted proposals will be accepted. **Late proposals will not be accepted.** Proposals should be addressed to:

Marcia Tippery
Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3860

It is anticipated that selection and notification of the contract awards will occur by January 31, 2002. This RFP does not obligate the state to accept a proposal or to complete the proposed project. The state reserves the right to cancel the solicitation if it is considered to be in its best interest.

Informational Meeting

There will be an informational meeting about this RFP on December 7, 2001, from 1:00 p.m., to 3:30 p.m., at DHS in room 5F, 444 Lafayette Road, St. Paul. Those planning to respond to the RFP are encouraged to attend, but are not obligated to do so. A written addendum with binding responses to all questions will be furnished to all interested parties eight (8) working days after the informational meeting. Additional questions relating to clarification or interpretation of RFP requirements will **NOT** be accepted after the informational meeting.

The information is available in other forms to people with disabilities by contacting DHS **phone** at: (651) 297-5242 or through the Minnesota Relay Service at **TTY**: 1-800-627-3529 or (speech-to-relay service) 1-877-627-3848.

Pollution Control Agency

Regional Environmental Management Division

Grants to Municipalities for Upgrading and Replacing Failed Individual Sewage Treatment Systems

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is accepting applications from municipalities for projects that upgrade or replace failed ISTS systems throughout the municipality or within a planning area designated by the municipality and approved by the MPCA. Municipalities are defined for the purposes of this program according to *Minnesota Rules* 7077.0105, subpart 24. Application packets are now available from the MPCA.

Please note that in the announcement of previous application cycles this program has been referred to as the "Individual Sewage Treatment System Grant Program." Effective with this announcement the working title of the program has been changed to: "Municipal Grants Program for Individual Sewage Treatment Systems (MGP-ISTS)." This title more accurately describes the program and is intended to help overcome the persistent confusion that the MPCA provides grants *directly* to individual residents. The MPCA *does not award* ISTS grants *directly to individual residents*. Instead grants are awarded to municipalities who in turn provide grant assistance to individual residents identified by the municipality as having failed ISTS systems. Individual systems are eligible – subject to additional specific programmatic requirements – for fifty percent (50%) grant assistance in an amount not to exceed five-thousand dollars (\$5,000) to upgrade or replace failed ISTS systems.

Program requirements for municipalities and for individual ISTS systems in need of upgrade or replacement are set forth in *Minnesota Statutes* Sec. 116.18, subd. 3c, and *Minnesota Rules* 7077.0710 through 7077.2010. Copies of these program statutes and rules are available from the MPCA and accessible on the State of Minnesota **website** at: <http://www.revisor.leg.state.mn.us/stats/116/18.html> and <http://www.revisor.leg.state.mn.us/arule/7077/> respectively.

State Grants & Loans

Requesting Placement on the Funding List. To reduce the up front costs of applying for grant assistance, participating municipalities first complete and submit to the MPCA and abbreviated application requesting placement on the program funding list. This abbreviated application and instructions for completing it are provided in the application packet. For this grant application period, completed applications requesting placement on the program funding list must be received by the MPCA **no later than 4:30 p.m., Friday, January 25, 2002.**

Applications are then ranked by the MPCA according to median household income, with precedence given to ongoing projects that have received partial funding in previous funding cycles or that have established eligibility for amendments. Based on program grant funds available, projects are designated as being on the funding list and accordingly notified by the MPCA.

Project Implementation Grant Application. Projects on the funding list proceed to the second phase of the application process in which they complete and submit to the MPCA a project implementation grant application. The implementation grant application provides appropriate technical information and plans (*Minnesota Rules 7077.0725*, Subp. 2.) in sufficient detail to undertake and complete the project according to program requirements. Forms and instructions for the Project Implementation Grant Application are provided in the application packet. The due date for submitting project implementation grant applications will be announced in conjunction with notification of placement on the funding list. Approved and awarded projects will ordinarily be implemented and completed during the 2002 construction season.

For an application packet, additional information or questions please contact:

James R. Anderson
Regional Environmental Management Division
Minnesota Pollution Control Agency
500 Lafayette Road
St. Paul, MN 55155
Phone: (651) 296-8140
Toll-free: 1-800-657-3864

State Contracts

Informal Solicitations

Effective December 1, 2001, informal solicitations for all contracting opportunities for professional/technical (consultant) contracts with values estimated to be over \$5,000 and under \$50,000 must be posted on the Department of Administration's, Materials Management Division's web page (www.mmd.admin.state.mn.us).

Formal Requests for Proposals

Department of Administration procedures require that formal notice of any professional/technical (consultant service) contract which has an estimated value over \$50,000 must be printed in the *State Register*. Certain quasi-state agencies and Minnesota State Colleges and Universities institutions are by law exempt from these requirements.

Minnesota Historical Society

Notice of Request for Proposal for Marketing Analysis and Repositioning of the Minnesota Historical Society

The Minnesota Historical Society seeks proposals for a marketing analysis and repositioning project. The consulting agency will develop a coherent and comprehensive brand position that allows the Society to better leverage the strengths of specific programs. Results will include a review of past communication efforts and recommendations for marketing strategies to increase market penetration and to better reach potential audiences.

The Request for Proposals is available by contacting Chris M. Bonnell, Contracting Officer, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, Minnesota 55102. **Phone:** (651) 297-5863, or **email:** chris.bonnell@mnhs.org

Deadline for proposals is **2:00 p.m., Local Time on Monday, December 17, 2001. No late proposals will be considered.**

Dated: 26 November 2001

Minnesota Legislature

Legislative Coordinating Commission

Contract Available for Business Analyst Services for Electronic Real Estate Recording Task Force (ERERTF) Project

The Legislative Coordinating Commission (LCC) is soliciting proposals from qualified individuals and organizations interested in providing business analyst services that meet the needs of the Electronic Real Estate Recording Task Force (ERERTF).

All proposals must satisfy the criteria as outlined in the full text of the Request For Proposal.

For a copy of the full text of the Request For Proposal, please contact:

Greg Hubinger, Director
Legislative Coordinating Commission
85 State Office Building
100 Constitution Avenue
St. Paul, Minnesota 55155
Phone: (651) 296-2963

The full text of the Request for Proposal may also be viewed at this **website:** www.commissions.leg.state.mn.us/lcc/analyst.pdf

Proposals must be received by December 10, 2001, at 3:00 p.m., CDT. No late proposals will be accepted. All expenses incurred in responding to this notice shall be borne by the responder.

Minnesota Pollution Control Agency

Request for Proposals for a Multiple Award Contract to do Pilot Land Management Plans at Closed Landfills in the Closed Landfill Program

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is seeking proposals from contractors qualified to develop Land Management Plans at closed landfills.

In compliance with *Minnesota Statutes* 16C.07, the availability of this contract opportunity is being offered to state employees. We will evaluate the responses of any state employee along with other responses to this notice.

The MPCA desires to contract with these qualified contractors for services from February 2002 through December 31, 2003. No actual work or payment is guaranteed pursuant to the contract. The term of the contract will be approximately two years with an execution date anticipated for February 2002.

The MPCA may contract with multiple contractors and the MPCA reserves the right to limit the number of parties to the contract.

A complete Request for Proposal (RFP) describing the requirements necessary for the contract has been prepared. Requests for the complete RFP document should be directed to:

Jayne Stilwell Lamb
Minnesota Pollution Control Agency
Majors and Remediation Division
520 Lafayette Road
St. Paul, Minnesota 55155
Phone: (651) 297-8584
Fax: (651) 296-9707

Proposers should submit in writing a list of questions they would like addressed. Questions may be faxed or mailed to: Jayne Stilwell Lamb and received **by 4:00 p.m., on December 18, 2001**. A pre-proposal meeting is scheduled for December 18, 2001, at 1:00 p.m., in Room 1-2 at the MPCA at the address above.

The deadline for receipt of completed proposals is **2:00 p.m., on January 17, 2002**. Proposals must be submitted to the attention of the above MPCA contact person. **Late submittals will not be considered.**

State Contracts

Minnesota Supreme Court Information Technology Division

Notice of Request for Information/Demonstration (RFI/D) for Court Case Management Solution Vendors

The Minnesota Court Information System project (MNCIS), sponsored by the Minnesota Supreme Court, is currently seeking Court Case Management solution vendors, with specific focus on the processing of cases within the Appellate Courts.

Interested vendors should visit the project website to view the RFI/D on November 26, 2001.

Deadline for Information Submissions is December 14, 2001.

All questions will be handled in writing through the project **website:** <http://criminal.justice.state.mn.us/mncis/appellate/default.htm>

Minnesota Department of Transportation

Request for Proposals (RFP) To Provide Right-of-Way Acquisition Assistance, Delano, MN

State of Minnesota through its Department of Transportation (Mn/DOT) requests proposals from interested Contractors to acquire Right-of-Way (R/W) for State Project (SP) 8602-40 within the City of Delano. SP 8602-40 consists of complete reconstruction of Trunk Highway (TH) 12 from 1000 feet west of Bridge Avenue to 1.4 miles east in the City of Delano. The anticipated construction letting date is November 2004.

The successful responder (Contractor) will perform all engineering, technical, surveying, and real estate work tasks needed for acquisition of approximately 80 parcels associated with the proposed new reconstruction of TH 12. All responsibilities of State's Office of Land Management (OLM) in the overall R/W process will remain unchanged. Therefore, Contractor will be in close coordination with State's OLM as well as State's District-3 R/W and Surveys Sections.

The proposed term of the contract will be from January 2002 to June 2005.

Requests for Proposals (RFP) are available by mail or in person. Please submit, in writing, a request for the RFP for "Right-of-Way Acquisition Assistance, Delano, MN."

Requests for the RFP may be mailed, faxed, or emailed to:

Brad Hamilton, Agreement Administrator
Minnesota Department of Transportation
Office of Consultant Services
395 John Ireland Boulevard, Mail Stop 680
St. Paul, MN 55155
Fax: (651) 282-5127
Email: brad.hamilton@dot.state.mn.us

In order to obtain the RFP in time, requests for the RFP must be received on or before December 10, 2001. Requests made after that date must be in person.

NOTE: PROPOSALS ARE DUE ON December 17, 2001 AT 2:00 P.M. CENTRAL STANDARD TIME. LATE PROPOSALS WILL NOT BE CONSIDERED.

Non-State Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State 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 Prequalification to Supply a Rotating Machine Asset Management System

Prequalification Submittal Documents (PSDs) are solicited by the Metropolitan Council ("Council") for the purposes of establishing a list of qualified vendors to supply the Council with a rotating Machine Asset Management System to be installed by others at the Council's Metropolitan Wastewater Treatment Plant (MWWTP). The Council intends to procure vibration units, field sensors, testing and training for seven (7) aeration compressors and portable vibration monitoring equipment, testing and training. Delivery of these items will occur approximately June 2002.

The Council intends to use a two-step process to procure these systems. In this first step, vendors are invited to submit PSDs which will be evaluated based upon required specifications. In the second step, the Council will issue an Invitation for Bids only to Vendors whose PSD was determined to be acceptable, either initially or as a result of further discussions. Bids submitted by vendors in the second step must be based on the vendor's approved PSD, without any changes, additions, deletions, or exceptions.

Vendors interested in obtaining an Invitation for Prequalification should contact:

Sunny Jo Emerson, Senior Administrative Assistant
Metropolitan Council
230 East Fifth Street
St. Paul, Minnesota 55101
Phone: (651) 602-1499
Fax: (651) 602-1083
Email: sunny.jo.emerson@metc.state.mn.us

The tentative schedule for this procurement is as follows:

<i>Invitation for Prequalification Issued</i>	November 26, 2001
<i>PSD Due</i>	January 8, 2002 at 2:00 p.m., local time
<i>Notification of Successful Prequalification</i>	January 28, 2002
<i>Invitation for Bids</i>	February 2002
<i>Due Date of Bids</i>	February 2002
<i>Award of Contract</i>	March 2002

Metropolitan Council

Vehicles Available to Licensed Transportation Providers

The Metropolitan Council has 20 lift-equipped, used Metro Mobility vehicles that are available for transfer to special transportation service providers and providers of taxi services. Eligible taxi service companies must be licensed by a city whose taxi licensing ordinance requires:

- criminal background checks for drivers
- annual driving record checks for drivers
- annual vehicle inspections

Taxi companies are limited to using these vehicles to provide taxi service to transport persons in the metropolitan area who are certified by the Metropolitan Council to use Metro Mobility.

Please contact David Jacobson, Metro Mobility, for additional information at **phone:** (651) 602-1664.

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University of Minnesota

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

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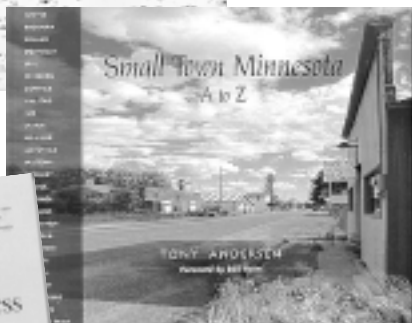
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Death of the Dream tells the story of America's rural past and a forgotten lifestyle-- the vanishing farmhouse of the Midwest and the rich lives that were lived in them. Trace the evolution of the classic farmhouse --from its humble origins through the high tech present-- and learn about the impact that changing economies have had on lives of midwestern farm families. 87 illustrations, including 72 tritone photo plates. Softcover, 128pp.

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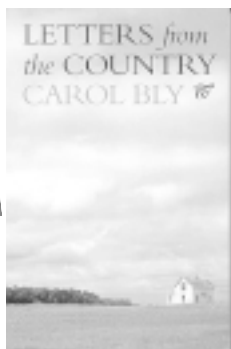
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