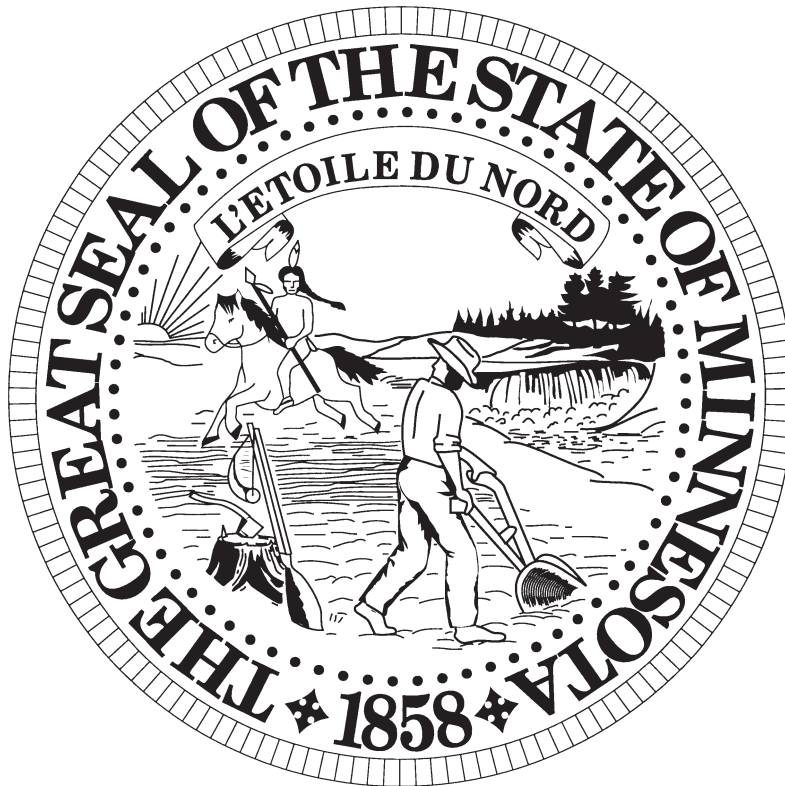


State of Minnesota

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- proposed, adopted, exempt, expedited emergency and withdrawn rules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
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
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Printing Schedule and Submission Deadlines

| Vol. 27 Issue Number | PUBLISH DATE | 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 | Deadline for both Adopted and Proposed RULES |
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| #31 | Monday 27 January | Noon Tuesday 21 January | Noon Wednesday 15 January |
| #32 | Monday 3 February | Noon Tuesday 28 January | Noon Wednesday 22 January |
| #33 | Monday 10 February | Noon Tuesday 4 February | Noon Wednesday 29 January |

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Minnesota State Court System

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Minnesota Judicial Center, Room 135, 25 Constitution Ave., St. Paul, MN 55155
Website: www.courts.state.mn.us

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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 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*.

Public Utilities Commission

Proposed Permanent Rules Relating to Biennial Transmission Projects Reports

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 Permanent Rules Governing Transmission Filings Required under *Minnesota Statutes* § 216B.2425, *Minnesota Rules*, Chapter 7848

Introduction. The Public Utilities Commission intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on Thursday, February 20, 2003, a public hearing will be held in the Large Hearing Room at the offices of the Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, Minnesota 55101-2147, starting at 9:30 a.m. on Wednesday, March 12, 2003. 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 February 20 and before March 12.

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: Carol Casebolt, Managing Attorney, Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, Minnesota 55101-2147, (651) 296-6029. The agency's TTY number is (651) 297-1200.

Subject of Rules and Statutory Authority. During the 2001 session the Minnesota Legislature enacted the Minnesota Energy Security and Reliability Act, a comprehensive energy policy statute that changes Minnesota's approach to transmission planning in at least four ways:

- (1) It places under Commission jurisdiction nearly all of the smaller high-voltage transmission lines (mainly 100 kilovolt lines) previously subject to local authority, centralizing authority over the state transmission system in the Commission;
- (2) It requires all transmission-owning utilities or the generation and transmission organizations that serve them, and all transmission-owning generation and transmission organizations, to file reports every two years on the status of the state transmission system;
- (3) It permits utilities or generation and transmission organizations to bypass the statutory certificate of need process and request certification of new high-voltage transmission lines in these biennial transmission projects reports;

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

(4) It requires increased public and local government involvement in transmission planning.

These requirements are codified at *Minnesota Statutes* § 216B.2425.

The proposed rules set the content requirements for these new reports, establish the procedural framework for developing the record and acting upon the reports, and establish procedures to ensure that the public and local government official input contemplated in the statute occurs.

The statutory authority to adopt the rules is *Minnesota Statutes*, §§ 216A.05, 216B.08, and 216B.09.

A copy of the proposed rules is published in the *State Register*. Among other things, the rules do the following:

- (1) establish content requirements for biennial transmission projects reports not requesting certification of any high-voltage transmission lines;
- (2) establish content requirements for biennial transmission projects reports requesting certification of highly complex or controversial high-voltage transmission lines, categories defined in the rule;
- (3) establish content requirements for biennial transmission projects reports requesting certification of other high-voltage transmission lines;
- (4) establish the procedural framework for processing different kinds of biennial transmission projects reports;
- (5) establish the procedures for environmental review of high-voltage transmission lines proposed in biennial transmission projects reports;
- (6) establish the procedures for notifying persons and local governments likely to be affected by construction of high-voltage transmission lines proposed in biennial transmission projects reports.

A free copy of the rules is available upon request from the agency contact person listed above. The rules are also posted on the agency's **website**, <http://www.puc.state.mn.us>.

Comments. You have until 4:30 p.m. on Thursday, February 20, 2003 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.

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 Thursday, February 20, 2003. 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/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, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. 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 Wednesday, March 12, 2003 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) 296-6029 after February 20 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid 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 Richard C. Luis is assigned to conduct the hearing. Judge Luis can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **telephone** (612) 349-2542, and **FAX** (612) 349-2665.

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 rebuttal 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 rebuttal 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 rebuttal 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 and is posted on the agency's **website**, <http://www.puc.state.mn.us>. The 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 the agency.

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 at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, **telephone** (651) 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 the rules are filed 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: 19 December 2002

Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission

7848.0100 DEFINITIONS.

Subpart 1. Scope. The terms used in this chapter have the meanings given them in this part.

Subp. 2. Board. "Board" means the Minnesota Environmental Quality Board.

Subp. 3. Commission. "Commission" means the Minnesota Public Utilities Commission.

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Subp. 4. **Department.** "Department" means the Minnesota Department of Commerce.

Subp. 5. **High-voltage transmission line.** "High-voltage transmission line" means (1) any transmission line that has capacity of 200 kilovolts or more or (2) any transmission line that has capacity of 100 kilovolts or more with more than ten miles of its length in Minnesota or that crosses a state line.

Subp. 6. **Local government.** "Local government" includes town, statutory city, home rule charter city, and county governments.

Subp. 7. **Person.** "Person" means a natural person, corporation, municipal corporation, public corporation, utility, state and local government or other governmental entity, government agency, association, tribal government, partnership, receiver, joint venture, trustee at common law or statutory trust guardian, or executor.

Subp. 8. **Reliability administrator.** "Reliability administrator" means the person occupying the position established in *Minnesota Statutes*, section 216C.052.

Subp. 9. **Utility.** "Utility" means any entity required to file a biennial transmission projects report under part 7848.0500 or its delegatee under part 7848.0400.

7848.0200 APPLICABILITY.

This chapter applies to:

A. public utilities, as that term is defined in *Minnesota Statutes*, section 216B.02, subdivision 4, that own or operate electric transmission lines in Minnesota;

B. municipal utilities that own or operate electric transmission lines in Minnesota;

C. cooperative electric associations that own or operate electric transmission lines in Minnesota;

D. generation and transmission organizations that own or operate electric transmission lines in Minnesota; and

E. generation and transmission organizations filing transmission projects reports on behalf of public utilities, municipal utilities, or cooperative electric associations that own or operate transmission lines in Minnesota.

7848.0300 RULES OF PRACTICE AND PROCEDURE APPLY.

Proceedings under this chapter must be conducted according to the commission's rules of practice and procedure, chapter 7829, to the extent that those rules are consistent with the requirements of this chapter.

7848.0400 BIENNIAL TRANSMISSION PROJECTS REPORTS REQUIRED.

By November 1 of each odd-numbered year, the following entities shall jointly or individually file transmission projects reports:

A. any public utility, as that term is defined in *Minnesota Statutes*, section 216B.02, subdivision 4, that owns or operates electric transmission lines in Minnesota;

B. any municipal utility that owns or operates electric transmission lines in Minnesota;

C. any cooperative electric association that owns or operates electric transmission lines in Minnesota; and

D. any generation and transmission organization that owns or operates electric transmission lines in Minnesota.

7848.0500 DELEGATING FILING RESPONSIBILITIES.

Any person required to make filings under part 7848.0400 may, by agreement with the generation and transmission organization that serves it, delegate its filing responsibilities under this chapter to that organization.

7848.0600 COOPERATION WITH DEPARTMENT.

Utilities shall participate in any public outreach or transmission planning program that has been developed or is sponsored by the department or the reliability administrator and in which the department or the reliability administrator invites their participation.

7848.0700 TRANSMISSION PLANNING ZONES.

To facilitate meaningful public participation in transmission planning, the state is hereby divided into six transmission planning zones: northwest, northeast, southwest, southeast, south central, and Twin Cities metropolitan. The boundaries of these transmission planning zones are shown in the map at part 7848.9900.

7848.0800 TRANSMISSION PLANNING MAILING LISTS.

Each utility shall maintain a mailing list, called the transmission planning mailing list, of persons who ask to be notified of transmission planning meetings and related matters. Each utility shall post on its Web site a telephone number and e-mail address that members of the public may use to place their names on this list.

7848.0900 TRANSMISSION PLANNING MEETINGS.

Subpart 1. Securing input of the public and local and tribal governments. Jointly or individually, utilities shall seek the assistance and input of local government officials, tribal government officials, and interested members of the public in identifying transmission inadequacies and alternative means of addressing them. To help secure this assistance and input, each utility shall hold transmission planning meetings as follows:

A. at least one transmission planning meeting each year in each transmission planning zone in which the utility intends to propose a high-voltage transmission line within the next five years; and

B. at least two transmission planning meetings in each affected transmission planning zone in the year in which it files for certification of a proposed high-voltage transmission line.

Utilities may fulfill this obligation by holding joint transmission planning meetings. Transmission planning meetings must be open to the public.

Subp. 2. Issues to address in transmission planning meetings. At transmission planning meetings the utilities shall:

A. answer questions;

B. seek information on local transmission needs and related energy needs;

C. seek input on transmission inadequacies they have identified and input on different ways to address these identified transmission inadequacies;

D. present an overview of:

(1) the Minnesota transmission system;

(2) any inadequacies in the Minnesota transmission system that the utility believes must be addressed within the next ten years and alternative ways, including nontransmission alternatives, to address these inadequacies; and

(3) the factors that influence transmission needs in the transmission zone, the state, and adjacent states;

E. provide a description of any high-voltage transmission line under serious consideration for construction within the transmission zone in the next five years;

F. provide a general description of each line's probable social, environmental, and economic effects and an account of all alternatives considered;

G. present information on the best routing information available;

H. provide a statement as to whether the utility intends to construct the line on existing right-of-way currently devoted to transmission or intends to acquire property rights for new or expanded right-of-way; and

I. present a brief description of the regulatory approval processes to which each line is subject.

7848.1000 OUTREACH EFFORTS FOR TRANSMISSION PLANNING MEETINGS.

Subpart 1. Notice to interested persons. Utilities shall conduct outreach efforts to inform local government officials, tribal government officials, and members of the public about the transmission planning meetings required in this part. At a minimum, utilities shall take the following actions:

A. mail to each county government within the transmission planning zone written materials briefly summarizing the transmission planning process; inviting local government input; giving the date, time, and place of the transmission planning meeting; and inviting the county to designate someone to serve as a liaison between the county and the utility on transmission issues;

B. mail to each tribal government within the transmission planning zone written materials briefly summarizing the transmission planning process; inviting tribal government input; giving the date, time, and place of the transmission planning meeting; and inviting the tribal government to designate someone to serve as a liaison between the tribal government and the utility on transmission issues;

C. mail to the League of Minnesota Cities written materials briefly summarizing the transmission planning process; inviting input from the league and municipalities within the transmission planning zone; giving the date, time, and place of the transmission planning meeting; and inviting the league to designate someone to serve as a liaison between the league and the utility on transmission issues;

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D. mail to the Association of Minnesota Counties written materials briefly summarizing the transmission planning process; inviting input from the association; giving the date, time, and place of the transmission planning meeting; and inviting the association to designate someone to serve as a liaison between the association and the utility on transmission issues;

E. mail to the Minnesota Association of Townships written materials briefly summarizing the transmission planning process; inviting input from the association; giving the date, time, and place of the transmission planning meeting; and inviting the association to designate someone to serve as a liaison between the association and the utility on transmission issues;

F. mail to the board, the department, the Minnesota Department of Agriculture, the Minnesota Department of Natural Resources, the United States Fish and Wildlife Service, and the United States Park Service written materials briefly summarizing the transmission planning process; inviting input from these agencies; giving the date, time, and place of the transmission planning meeting; and inviting each of these agencies to designate a person to serve as its liaison between the agency and the utility on transmission issues;

G. publish display advertisements in at least one newspaper of general circulation in the county seat of each county within the transmission planning zone briefly summarizing the transmission planning process; inviting public input; and giving the date, time, and place of the transmission planning meeting;

H. mail to all persons who have asked to be on the utility's transmission planning mailing list and to all persons on the official service list for the previous biennial transmission projects report a notice of the date, time, and place of the transmission planning meeting; and

I. post on the utility's Web site information about transmission planning meetings briefly summarizing the transmission planning process; identifying utility representatives who can provide further information; inviting public input; providing addresses, telephone numbers, and e-mail addresses for public input; and giving the date, time, and place of upcoming transmission planning meetings.

Subp. 2. **Timing of mailings.** The written materials required under subpart 1, items A through F, must be mailed no later than 15 days before the transmission planning meeting to which they relate. The written materials required under subpart 1, items A through F, must be mailed no sooner than 30 days or later than ten days before the transmission planning meeting to which they relate. The newspaper advertisements required under subpart 1, item G, must appear no sooner than 30 days and no later than ten days before the transmission planning meeting to which they relate.

7848.1100 FOLLOW-UP ON TRANSMISSION PLANNING MEETINGS.

Utilities shall encourage but not require persons attending transmission planning meetings to sign an attendance register and to list mailing and e-mail addresses to which the utility can send transmission planning updates. Following each transmission planning meeting the utility shall prepare a synopsis of its presentation, public input received, and how the public input has influenced its decision-making process. The utility shall mail or e-mail this synopsis to all persons who signed the attendance register and listed a mailing or e-mail address, all persons who have asked to be on the utility's transmission planning mailing list, and each transmission liaison designated under part 7848.1000, subpart 1. The utility shall also post the synopsis on its Web site.

7848.1200 KEEPING RECORDS RELATED TO TRANSMISSION PLANNING MEETINGS.

Utilities shall retain the following materials for ten years:

A. attendance registers from transmission planning meetings;

B. copies of written materials mailed or published under part 7848.1000, subpart 1;

C. copies of written materials distributed at, after, or otherwise in connection with transmission planning meetings;

D. mailing and publication lists for materials mailed or published under part 7848.1000, subpart 1, or otherwise in connection with transmission planning meetings;

E. copies of all written and e-mail comments received from members of the public, local government officials, and tribal government officials; and

F. copies of notes on telephone comments received from members of the public, local government officials, and tribal government officials.

7848.1300 CONTENT OF BIENNIAL TRANSMISSION PROJECTS REPORT.

Each biennial transmission projects report, whether or not it seeks certification of a high-voltage transmission line, must contain at least the following information:

A. a contact person for each utility covered by the filing, including the person's address, telephone number, and e-mail address;

B. a copy of the most recent regional load and capability report of the Mid-Continent Area Power Pool or other appropriate regional reliability council;

- C. a copy of the most recent regional transmission plan produced by the appropriate regional transmission organization;
- D. a list of inadequacies in the transmission system currently affecting reliability within the utility's assigned service area and a list of projected future inadequacies expected to affect reliability within the utility's assigned service area over the next ten years;
- E. a list of alternative means of addressing each inadequacy identified, including nontransmission alternatives;
- F. a list of studies that have been completed, are in progress, or are planned that are relevant to each of the inadequacies identified in item D;
- G. a general description of the economic, environmental, and social issues raised by each alternative means identified in item E;
- H. an account of the measures the utility took to gather public input and to involve local government officials, tribal government officials, and other interested persons in identifying transmission inadequacies and analyzing alternative means of addressing them;
- I. a report on the number of members of the public who provided input and the substance of that input;
- J. a report on the number of local and tribal government officials who provided input, the elective or appointive positions they held, and the substance of their input;
- K. a list and description of every transmission project the utility considers necessary now or in the next ten years to remedy any transmission inadequacies identified in its biennial report;
- L. a list and description of every nontransmission project the utility considers necessary now or in the next ten years to remedy any transmission inadequacies identified in its biennial report;
- M. a statement as to whether the utility seeks certification in this proceeding of any transmission project identified in item K or the approximate time frame within which it plans to file a certificate of need application for any project requiring a certificate of need; and
- N. the approximate time frame within which the utility plans to file a certificate of need application for any nontransmission project identified as necessary in the filing, for which a certificate of need would be required.

7848.1400 REQUIRED INFORMATION FOR CERTIFICATION OF HIGH-VOLTAGE TRANSMISSION LINES.

Subpart 1. Highly complex or controversial lines. Any biennial transmission projects report must comply with both the filing requirements of this chapter and the filing requirements of the certificate of need rules, chapter 7849, for certification of each high-voltage transmission line that (1) has the capability of transmitting at least 300 kilovolts and has at least 25 miles of its length in Minnesota, (2) has the capability of transmitting at least 200 kilovolts and has at least 50 miles of its length in Minnesota, or (3) crosses the Minnesota border into another state or Canada.

Subp. 2. Filing requirements. Any biennial transmission projects report that seeks certification of a high-voltage transmission line in the course of the biennial transmission report proceeding must include the information listed below for each high-voltage transmission line proposed:

- A. the transmission inadequacies the line is designed to address and every service area the line would benefit;
- B. a detailed description of the line, including its length, supporting structures, number of phases, types of conductors, maximum power-carrying capacity for each line segment, projected load during peak-load conditions, projected line losses during peak-load conditions and during average conditions, and induced voltages during operation;
- C. a map showing the end points of the line and existing transmission facilities in the area;
- D. a narrative description of the major features of the region between the end points, emphasizing the area within three miles of the end points;
- E. the estimated cost of constructing the line and the effect of those costs on rates;
- F. the estimated annual cost of operating and maintaining the line and the effect of those costs on rates;
- G. a summary of the input the utility has gathered from local government officials, tribal government officials, and members of the public on the proposed line;
- H. the expected depreciation and service lives of the line;
- I. an analysis of the effect of the line on service reliability, both within the utility's assigned service area and throughout the state;

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J. an analysis of the economic, environmental, and social consequences of the line;

K. a description of measures the utility intends to take to mitigate any adverse environmental impacts from construction, operation, or maintenance of the line;

L. the amount of land required for the line's construction and for its operation and maintenance, and a description of the uses to which the land is currently devoted;

M. an analysis of the feasibility and cost-effectiveness of remedying, in whole or in part, the transmission inadequacies the line is designed to address, through any combination of conversation, energy conservation improvements, and load management measures;

N. the likely consequences of not building the line;

O. the energy forecasts or other modeling upon which the need for the line is based and a description of the methodology underlying each forecast or model;

P. an account of all promotional activities that may have contributed to the need for the line;

Q. a list of all other state agencies, federal agencies, local governments, and tribal governments whose approval of the proposed line must be obtained for it to proceed, and an analysis of the line's compliance with their policies, rules, and regulations;

R. an analysis of the likely effects of present or future energy conservation programs authorized under *Minnesota Statutes*, sections 216C.05 and 216C.30, or other state and federal laws, on long-term energy demand and the long-term need for the line;

S. an analysis of the relationship between the line and overall state energy needs, as described in the most recent state energy policy and conservation report prepared under *Minnesota Statutes*, section 216C.18;

T. a list and analysis of all feasible transmission and nontransmission alternatives to the line, including, but not necessarily limited to, increasing the efficiency of existing facilities, upgrading existing facilities, adding new lines of different voltages or locations, double-circuiting existing lines, rebuilding existing lines, using distributed generation, using small-scale generation near the load center, utilizing load management programs, and implementing energy efficiency programs;

U. a list of all transmission and nontransmission alternatives to the line that were considered and rejected as not feasible and the grounds on which they were determined to be not feasible; and

V. a discussion of the factors listed in *Minnesota Statutes*, section 216B.243, subdivision 3, to the extent that they are not addressed in response to items A through U.

7848.1500 REQUIRED INFORMATION ON ALTERNATIVES TO PROPOSED HIGH-VOLTAGE TRANSMISSION LINES.

Any biennial transmission projects report that seeks certification of a high-voltage transmission line in the course of the biennial transmission report proceeding must include the following information for each feasible alternative to each high-voltage transmission line proposed:

A. a detailed description of the alternative;

B. an analysis of the economic, environmental, and social consequences of the alternative;

C. the probable location of the alternative and a list of all locations under serious consideration;

D. the estimated cost of constructing the alternative and the effect of those costs on rates;

E. the estimated annual cost of operating and maintaining the alternative and the effect of those costs on rates;

F. a summary of the input the utility has gathered from local government officials, tribal government officials, and members of the public on the alternative;

G. the expected depreciation and service lives of the alternative;

H. an analysis of the effect of the alternative on service reliability, both within the utility's assigned service area and throughout the state;

I. a description of measures the utility could take to mitigate any adverse environmental impacts from construction, operation, or maintenance of the alternative;

J. the amount of land required for construction of the alternative and for its operation and maintenance, and a description of the uses to which the land is currently devoted; and

K. a list of all other state agencies, federal agencies, local governments, and tribal governments whose approval of the alternative must be obtained for it to proceed, and an analysis of the alternative's compliance with their policies, rules, and regulations.

7848.1600 ENVIRONMENTAL REVIEW.

The board, in accordance with its own rules, shall prepare and distribute an environmental assessment on each high-voltage transmission line for which a utility seeks certification.

7848.1700 REQUESTS FOR EXEMPTIONS FROM FILING REQUIREMENTS.

Subpart 1. **Exemption requests.** Utilities shall file any request for an exemption from any of the filing requirements of this chapter no later than August 1 of the year in which the biennial transmission projects report will be filed. Utilities shall include the reasons for the request and suggest alternative filing requirements that would address the purposes of any filing requirements from which they seek exemption.

Subp. 2. **Procedural schedule, notice of procedural schedule.** Initial comments on exemption requests must be filed within 20 days of the date of service. Reply comments must be filed within 20 days of the expiration of the initial comment period. Utilities shall include with any exemption request a clear and conspicuous notice of these comment periods.

Subp. 3. **Service requirements.** Utilities shall serve their exemption requests on the following persons:

- A. the Department of Commerce;
- B. the Residential and Small Business Utilities Division of the Office of the Attorney General;
- C. the general service list for biennial transmission projects reports established under part 7829.0600;
- D. every county government in the state; and
- E. every tribal government in the state.

Subp. 4. **Granting exemptions.** The commission shall grant an exemption if it finds that the data requirement is unnecessary to determine need for a proposed facility, that the data requirement is unnecessary for it to evaluate and act on a biennial transmission projects report, or that the data requirement may be satisfied by submitting a document other than the one specified in the rules.

7848.1800 PROCEDURAL TREATMENT OF BIENNIAL TRANSMISSION PROJECTS REPORTS NOT SEEKING CERTIFICATION OF HIGH-VOLTAGE TRANSMISSION LINE.

Subpart 1. **Service requirements.** Utilities shall serve their biennial transmission projects reports on the following persons:

- A. the Department of Commerce;
- B. the Residential and Small Business Utilities Division of the Office of the Attorney General;
- C. the general service list for biennial transmission projects reports established under part 7829.0600;
- D. every county government in the state;
- E. every tribal government in the state;
- F. each member of the Environmental Quality Board;
- G. the United States Army Corps of Engineers;
- H. the United States Environmental Protection Agency;
- I. the United States Fish and Wildlife Service;
- J. the State Historical Society;
- K. the Minnesota Environmental Conservation Library;
- L. the Legislative Reference Library; and
- M. every regional development commission in the state and every regional development library in the state.

Subp. 2. **Web site posting.** Each utility shall post its biennial transmission projects report on its Web site within five days of filing.

Subp. 3. **Challenges to compliance with filing requirements.** Any person or party wishing to challenge the compliance of a biennial transmission projects report with filing requirements set by rule or statute shall do so within 20 days of the date of filing. The commission shall set an expedited procedural schedule for resolving the challenge, taking into consideration the number and complexity of the issues on which noncompliance is claimed. The commission shall require utilities to promptly amend or supplement biennial transmission projects reports that it finds do not comply with filing requirements.

Subp. 4. **Petition to intervene.** A person who desires to become a party to a biennial transmission projects report proceeding and is not a party as of right shall file an intervention petition under part 7829.0800 by January 15. The person may combine the intervention petition with initial comments.

Subp. 5. **Initial comments.** Initial comments must be filed by January 15, unless the commission has found the report incomplete. If the commission has found the report incomplete, the commission shall set an initial comment deadline, tak-

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ing into consideration the degree to which the filing was incomplete, the complexity of the issues, and the statutory deadline for commission action on the filing.

Subp. 6. Comments to include procedural recommendation. Initial comments must include a recommendation on what procedural framework the commission should use to examine and act on the filing. Commenting persons shall specifically identify any issues which they believe require a contested case proceeding.

Subp. 7. Reply comments. Reply comments must be filed by March 1, unless the commission has found the report incomplete. If the commission has found the report incomplete, the commission shall set a reply comment deadline, taking into consideration the number and complexity of the issues and the statutory deadline for commission action on the filing.

Subp. 8. Additional comments. If additional information is required to make a fully informed decision, the commission shall require or permit additional comments.

Subp. 9. Discovery procedures. Parties shall respond to information requests served upon them by other parties within ten days of receipt.

Subp. 10. Commission action. The commission shall accept, reject, modify, or require further action in regard to biennial transmission projects reports. Further action may include, but is not limited to, requiring additional filings, requiring periodic reporting on specific issues, requiring collaboration between specific utilities, and ordering infrastructure investments or preventative maintenance under *Minnesota Statutes*, section 216B.79.

7848.1900 NOTICE PLANS WHEN SEEKING CERTIFICATION.

Subpart 1. Filings required, service requirements. On or before June 1 of the year in which biennial transmission projects reports will be filed, utilities shall file proposed plans for providing notice to all persons reasonably likely to be affected by any transmission line proposed for certification in those reports. Utilities shall serve their proposed plans on the following persons:

- A. the Department of Commerce;
- B. the Residential and Small Business Utilities Division of the Office of the Attorney General; and
- C. the general service list for biennial transmission projects reports established under part 7829.0600.

Subp. 2. Procedural schedule, notice of procedural schedule. Initial comments on proposed notice plans must be filed within 20 days of the date of service. Reply comments must be filed within 20 days of the expiration of the initial comment period. Utilities shall include with the proposed notice plan a clear and conspicuous notice of these comment periods.

Subp. 3. Types of notice. Proposed notice plans must include notice to the following persons by the method specified:

- A. direct mail notice, based on county tax assessment rolls, to landowners reasonably likely to be affected by the proposed transmission line;
- B. direct mail notice to persons in possession of or residing on any property reasonably likely to be affected by the proposed transmission line;
- C. direct mail notice to local and tribal governments whose jurisdictions are reasonably likely to be affected by the proposed transmission line; and
- D. newspaper notice to members of the public in areas reasonably likely to be affected by the proposed transmission line.

Subp. 4. Notice content. Proposed notice plans must provide notice recipients with the following information:

- A. a map showing the end points of the line and existing transmission facilities in the area;
- B. a statement as to whether the utility intends to construct the line on existing right-of-way currently devoted to transmission or intends to acquire property rights for new or expanded right-of-way;
- C. a notice that the line cannot be constructed unless the commission certifies that it is needed;
- D. the commission's mailing address, telephone number, and Web site;
- E. the address of the Web site on which the utility or utilities proposing the line will post their biennial transmission projects reports;
- F. a statement that the board will be preparing an environmental assessment of each high-voltage transmission line for which certification is requested;
- G. a brief explanation of how to get on the mailing list for the board's proceeding; and
- H. a statement that requests for certification of high-voltage transmission lines are governed by *Minnesota law*, including specifically this chapter, chapter 4410, and *Minnesota Statutes*, section 216B.2425.

Subp. 5. Supplementary notice. The commission shall require supplementary notice to persons reasonably likely to be affected by system alternatives developed in the course of certification proceedings if it appears that those system alternatives are as likely to be certified as the proposed high-voltage transmission line.

Subp. 6. Notice time frames. The utility shall implement the proposed notice plan within 30 days of its approval by the commission.

Subp. 7. Good faith sufficient. The commission shall not deny a request for certification of a high-voltage transmission line on grounds of defective notice if the utility acted in good faith, in substantial compliance with the notice requirements of this subpart, and in substantial compliance with any commission orders issued under this subpart.

7848.2000 PROCEDURAL TREATMENT OF BIENNIAL TRANSMISSION PROJECTS REPORTS SEEKING CERTIFICATION OF HIGH-VOLTAGE TRANSMISSION LINE.

Subpart 1. Service requirements. Utilities shall serve biennial transmission projects reports in which they seek certification of high-voltage transmission lines on the following persons:

- A. the department;
- B. the Residential and Small Business Utilities Division of the Office of the Attorney General;
- C. the general service list for biennial transmission projects reports established under part 7829.0600;
- D. every county government in the state;
- E. every local government required to receive notice under any notice plan approved under part 7848.1900;
- F. every tribal government in the state;
- G. each member of the board;
- H. the United States Army Corps of Engineers;
- I. the United States Environmental Protection Agency;
- J. the United States Fish and Wildlife Service;
- K. the State Historical Society;
- L. the Environmental Conservation Library;
- M. the Legislative Reference Library; and
- N. every regional development commission in the state and every regional development library in the state.

Subp. 2. Web site posting. Each utility shall post its biennial transmission projects report on its Web site within five days of filing.

Subp. 3. Challenges to compliance with filing requirements. Any person or party wishing to challenge the compliance of a biennial transmission projects report with filing requirements set by rule or statute shall do so within 20 days of the date of filing. The commission shall set an expedited procedural schedule for resolving the challenge, taking into consideration the number and complexity of the issues on which noncompliance is claimed. The commission shall require utilities to promptly amend or supplement biennial transmission projects reports that do not comply with filing requirements, with the exception of requests for certification of high-voltage transmission lines.

Subp. 4. Certification requests not substantially complying with filing requirements. If a request for certification of a high-voltage transmission line does not comply with filing requirements set by statute or rule, the commission shall determine whether the request can be supplemented or amended to comply within a time frame that will permit adequate development and consideration of the issues. If the commission determines that adequate development and consideration of the issues would be compromised by permitting the utility to amend or supplement the request, the commission shall reject the request and advise the utility that it should file an application for a certificate of need when it has compiled the information necessary to comply with certificate of need filing requirements.

Subp. 5. Procedural comments. Within 20 days of the date the biennial transmission projects report is filed, interested persons and parties shall file comments on what procedural framework the commission should use to examine and act on the filing. Commenting persons shall specifically state whether each request for certification of a high-voltage transmission line requires a contested case proceeding.

Subp. 6. Petition to intervene. A person who desires to become a party to a biennial transmission projects report proceeding and is not a party as of right shall file an intervention petition under part 7829.0800 by February 15. The person may combine the intervention petition with initial comments.

Subp. 7. Comment periods on nonreferred issues. Initial comments on issues not referred for contested case proceedings must be filed by February 15. Reply comments on nonreferred issues must be filed by March 15.

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

Subp. 8. **Additional comments.** If additional information is required to make a fully informed decision, the commission shall require or permit additional comments.

Subp. 9. **Discovery procedures.** Parties shall respond to information requests served upon them by other parties within ten days of receipt. On issues referred for contested case proceedings, the discovery rules of the Office of Administrative Hearings apply.

Subp. 10. **Public liaison.** The commission shall designate a staff member to act as its liaison with the public for each request for certification of a high-voltage transmission line.

Subp. 11. **Public hearing.** The commission shall hold at least one public hearing on each request for certification of a high-voltage transmission line. The purpose of the public hearing must be to hear the views of members of the public on the proposed line. The hearing must be scheduled for a time, date, and place reasonably convenient for members of the public.

Subp. 12. **Commission action on report.** The commission shall accept, reject, modify, or require further action in regard to biennial transmission projects reports. Further action may include, but is not limited to, requiring additional filings, requiring periodic reporting on specific issues, requiring collaboration between specific utilities, and ordering infrastructure investments or preventative maintenance under *Minnesota Statutes*, section 216B.79.

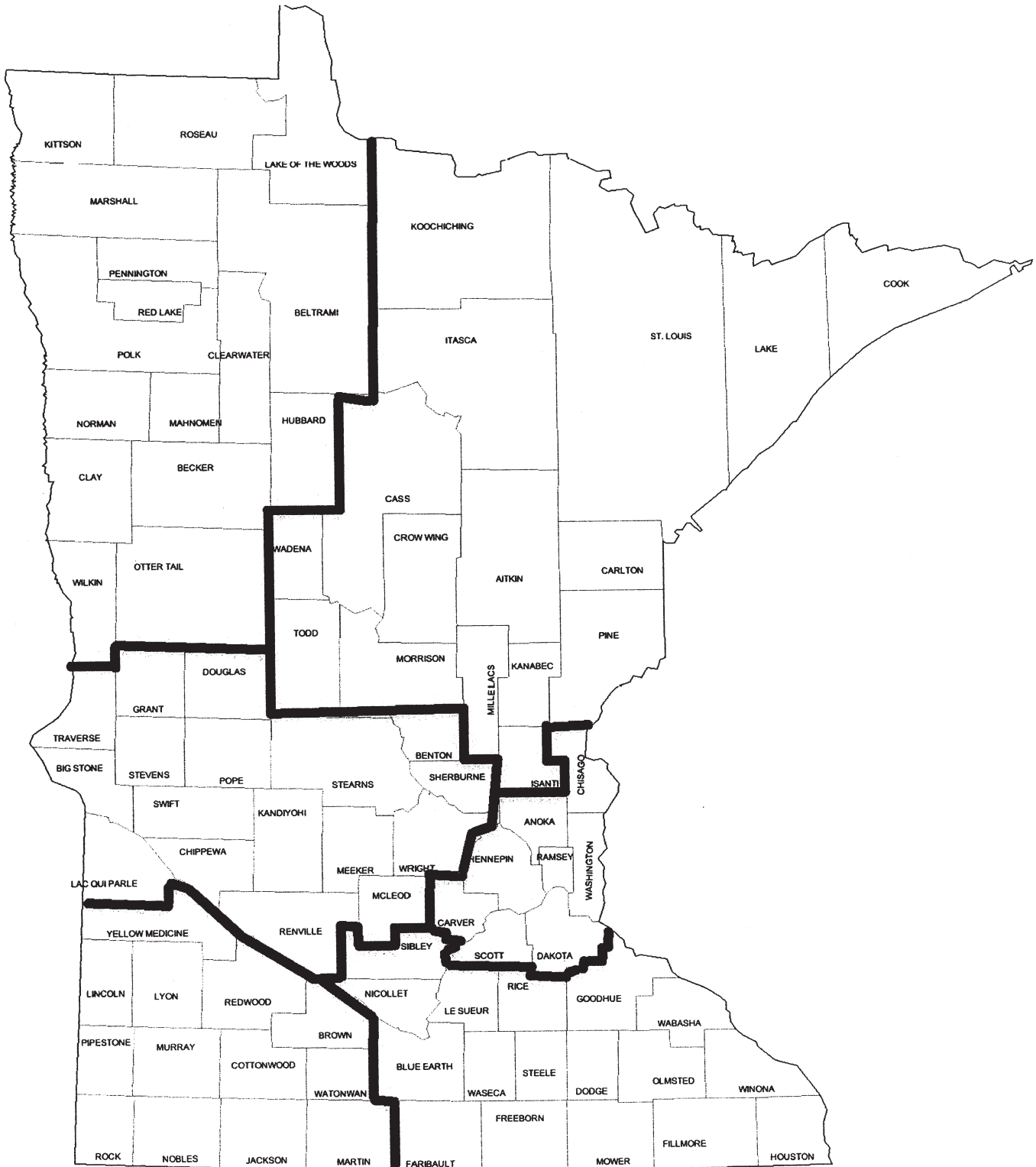
Subp. 13. **Commission action on certification requests.** The commission shall certify, certify as modified, or deny certification for each high-voltage transmission line for which certification is sought in a biennial transmission projects report. The commission shall certify a line only if it finds that the line is:

- A. necessary to maintain or enhance the reliability of electric service to Minnesota consumers;
- B. needed, applying the criteria in *Minnesota Statutes*, section 216B.243, subdivision 3; and
- C. in the public interest, taking into account electric energy system needs and economic, environmental, and social interests affected by the project.

7848.2100 TIME PERIODS VARIED.

Except for time periods set by statute, the commission may vary the time periods established by this chapter on its own motion or at the request of a person for good cause shown. The commission may delegate the authority to set time periods and to vary time periods to the executive secretary.

7848.9900 TRANSMISSION PLANNING ZONES.



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Proposed Rules

Department of Revenue

Proposed Permanent Rules Relating to Certificate of Real Estate Value

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 of Rules of the Minnesota Department of Revenue Relating to Requirements for Filing the Certificate of Real Estate Value, *Minnesota Rules*, Chapter 8110

Introduction. The Department of Revenue intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. and in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on Thursday, February 20, 2003, a public hearing will be held at the Minnesota Department of Revenue, Room 2000 (Skjegstad Room), 2nd Floor, Stassen Building, 600 North Robert Street, St. Paul, Minnesota 55146, starting at 9:30 a.m., Thursday, March 27, 2003. 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 February 20, 2003, and before March 27, 2003.

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:

Harriet Sims, Attorney
Minnesota Department of Revenue
600 North Robert Street
Mail Station 2220
St. Paul, Minnesota 55146-2220
Telephone: (651) 215-5938
Fax: (651) 296-8229
E-mail: harriet.sims@state.mn.us
Minnesota Relay (TTY) users may call #711

Subject of Rule and Statutory Authority. The Minnesota Department of Revenue is proposing to amend the current rules relating to the requirements of Certificates of Real Estate Value because they no longer reflect statutory requirements that have been enacted since the rules were promulgated. *Minnesota Statutes*, section 272.115, subdivision 1, requires that the Certificate of Real Estate Value include "financing terms and conditions of sale which are necessary to determine the actual, present value of real estate for purposes of the sales ratio study." The statute further requires the commissioner of revenue to promulgate rules specifying the financing terms and conditions which must be listed on the certificate. The current rules were promulgated in 1984. Since that time, the Department has made refinements and improvements in the methodology used to generate the sales ratio study. The Department is proposing to amend these rules to include specific additional information which is now required in order to determine the actual present value of real estate for purposes of the sales ratio study. The proposed rules also make minor technical changes to improve readability.

The statutory authority to adopt the rules is *Minnesota Statutes*, section 270.06, clause (14), which provides that the Commissioner of Revenue shall make, publish, and distribute rules for the administration and enforcement of state tax laws, and also *Minnesota Statutes*, section 272.115, subdivision 1.

A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on February 20, 2003, 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.

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 February 20, 2003. 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 March 27, 2003, 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) 215-5938 after February 20, 2003, 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 George Beck is assigned to conduct the hearing. Judge Beck can be reached at: the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **telephone:** (612) 341-7601, 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 rebuttal 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 rebuttal 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 rebuttal 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. This statement will be posted on the agency's **website**, www.taxes.state.mn.us, on or after January 21, 2003. The statement may also be reviewed and copies obtained at the cost of reproduction from the agency.

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 at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, **telephone** (651) 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.

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Proposed Rules

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 the date on which the rules are filed 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: 7 January 2003

Daniel A. Salomone
Commissioner of Revenue

8110.0100 MANDATORY GENERAL INFORMATION REQUIRED.

In order to be accepted for filing a certificate of real estate value must contain the following data:

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

E. A statement signed by the buyer that the information provided on the certificate is correct and complete under penalty of the law. "Buyer" for the purpose of this rule means the individual or one of the individuals who will get title to the property, ~~or, If a partnership will get title to the property, the buyer is a partner if a partnership will get title, or an officer.~~ If a corporation will get title, the buyer is an officer.

For any other entity, "buyer" may also include ~~an attorney or a natural person who is an agent of the buyer and who has knowledge of the transaction.~~

F. ~~the buyer's~~ A telephone number ~~at home or work at which the buyer can be reached during the day.~~ If the buyer has no current telephone number, but has an agent or attorney, the telephone number of the agent or attorney may be used. ~~If the buyer has no current telephone number and no agent or attorney, no telephone number is required.~~

8110.0200 ADDITIONAL FINANCING INFORMATION REQUIRED.

Subpart 1. **Type of transfer.** The certificate of value must include data regarding the type of purchase or transfer and must require the buyer to indicate if:

A. the buyer and seller are natural persons related to each other (the relation may be by blood, marriage, or adoption) or are related business operations;

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

D. the property was transferred or conveyed to a government, ~~school, church,~~ or a charitable organization as defined in section 501(c)(3) of the Internal Revenue Code;

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

H. the property was transferred or conveyed in fulfillment of a contract for deed or other purchase ~~price~~ agreement dated more than two years before the transfer.

Subp. 2. **Type of property; financing.** If none of the ~~variable~~ descriptions in subpart 1 apply, the buyer must provide the data required by items A to ~~H~~ I.

A. Type of property transferred or conveyed, ~~such as including,~~ but not limited to: land only; land with buildings; buildings only; and information relating to any new construction, demolition, or additions to buildings which occurred between January 1 of the year of sale and date of the original agreement.

B. Whether the principal intended use of the property is:

- (1) residential containing no more than three units;
- (2) apartments containing four or more units;
- (3) seasonal; residential recreational property ~~with a residential unit but~~ not used for commercial purposes;
- (4) agricultural;
- (5) commercial or industrial, including seasonal residential recreational property; or
- (6) a use other than uses those listed above in subitems (1) to (5) with a brief description of intended use.

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

F. Information regarding any preexisting financing for which the buyer will assume responsibility from the seller for repayment of the debt, which must include:

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

- (6) if the interest rate is subject to change during the repayment period, a description of the anticipated change; and
- (7) date of any lump sum payments required at or before the end of the amortization period.

If the buyer is assuming the seller's obligation to repay on more than one debt, the certificate must include full details on each debt.

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

H. Value of all personal ~~or intangible~~ property included in total sales price ~~such as, including, but not limited to:~~

- (1) ~~personal property such as~~ stoves, refrigerators, other appliances, drapes, tools, and accessories, as part of the transfer of residential property;
- (2) ~~personal property such as~~ crops, livestock, tools, machinery, or equipment as part of the transfer, ~~or of~~ agricultural property; and
- (3) ~~personal property such as~~ inventory, equipment, or fixtures as part of the transfer of commercial property;
- (4) ~~intangible property such as~~ goodwill, licenses, franchises, patents, ~~or business name, as part of the transfer of a business operation.~~

I. Value of all intangible property included in total sales price, including, but not limited to, goodwill, licenses, franchises, patents, or business name as part of the transfer of a business operation.

8110.0250 INFORMATION REQUIRED FOR APARTMENT, COMMERCIAL/INDUSTRIAL, OR FARM SALES.

In the case of sales of apartment, commercial/industrial, or farm properties, if none of the descriptions in part 8110.0200, subpart 1, items A to H, apply, in addition to the information provided in part 8110.0200, subpart 2, the buyer must provide the following information:

A. Whether the buyer or seller paid someone to make an appraisal of the property's value prior to its sale and, if known, the appraised value.

B. Whether the buyer was an owner of adjacent property and, if so, whether the buyer believes that the buyer paid a higher price than other potential buyers.

C. Whether the buyer believes for any other reason that the price the buyer paid was considerably different from what the buyer believes other similar properties would sell for.

D. Whether the total purchase price represents allocation of a sales price that includes another property or properties sold to the buyer at the same time.

E. Whether the buyer leased the property from the seller before the purchase.

F. Whether the seller leased the property from the buyer after the purchase.

G. Whether the sale was announced or promoted through realtor listings, newspaper or other publications, advertisements, or through brochure or other promotional or informational mailings or some other method.

H. In the case of rental property, whether the buyer was guaranteed a minimum level of rental income.

I. Whether a foreclosure, court judgment, order, or other legal proceeding was pending in connection with the property when it was sold.

J. In the case of commercial/industrial properties, how the property was used before it was sold.

K. In the case of apartment properties, the total number of apartment buildings included in the sales price and the total number of rental units in all buildings.

L. In the case of farm properties:

(1) the number of irrigated acres; and

(2) the number of acres enrolled in Reinvest in Minnesota (RIM), the Conservation Reserve Program (CRP), the Conservation Reserve Enhancement Program (CREP), and any other similar program designated by the commissioner of revenue.

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Proposed Rules

8110.0300 SUPPLEMENTAL DOCUMENTS.

~~The buyer~~ When completing the certificate, the buyer may attach supplemental documents if the buyer needs to expand on any of the requested data. For example, in the case of a lengthy legal description of the property being transferred or conveyed, a copy of the deed may be attached. Any supplemental documents accompanying the certificate must be attached to the Department of Revenue's copy of the certificate.

8110.0500 COMMISSIONER MAY REQUIRE ADDITIONAL INFORMATION.

The commissioner of revenue may require additional information to be included on the Certificate of Real Estate Value as is necessary for the preparation of the annual assessment/sales ratio study. The additional information must be consistent with the most recent Standard on Assessment Ratio Studies published by the assessment standards committee of the International Association of Assessing Officers and specific procedures published in the *State Register* by the Commissioner of Revenue pursuant to *Minnesota Statutes*, section 127A.48, subdivision 2.

Department of Revenue

Proposed Permanent Rules Relating to Income Tax

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 of Rules of the Minnesota Department of Revenue Individual Income Taxes, *Minnesota Rules*, Parts 8001.0300, 8002.0200, 8002.0300, 8038.0100, 8038.2000, 8050.0100; also Individual Estimated Tax Provisions of Parts 8093.0100, 8093.0200, 8093.0300, 8093.0400, 8093.0500, 8093.0600, and 8093.4000 and Repeal of Obsolete Provisions

Introduction. The Department of Revenue intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. and in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on Thursday, February 20, 2003, a public hearing will be held at the Minnesota Department of Revenue, Room 2000 (Skjeggstad Room), 2nd Floor, Stassen Building, 600 North Robert Street, St. Paul, Minnesota 55146, starting at 9:30 a.m., Tuesday, March 25, 2003. 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 February 20, 2003, and before March 25, 2003.

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:

Mark Pederson, Attorney
Minnesota Department of Revenue
600 North Robert Street
Mail Station 2220
St. Paul, Minnesota 55146-2220
Telephone: (651) 296-3246
Fax: (651) 296-8229
E-mail: mark.pederson@state.mn.us
Minnesota Relay (TTY) users may call #711

Subject of Rule and Statutory Authority. The Minnesota Department of Revenue is proposing a rule relating to the administration of Individual Income Tax rules. The Department began this rules project to make technical corrections to existing rules that have become badly outdated. Many were first promulgated in the 1970's. The most recent ones were last modified in the early 1990's. The proposed rule changes will correct obsolete terminology and statutory citations. Additionally, statutory changes rendered several of these rules obsolete. Those will be repealed as part of this rules project.

The statutory authority to adopt the rules is *Minnesota Statutes*, section 270.06, clause (14), which provides that the Commissioner of Revenue shall make, publish, and distribute rules for the administration and enforcement of state tax laws.

A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on February 20, 2003, 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.

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 February 20, 2003. 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 March 25, 2003, 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) 296-1904 after February 20, 2003, 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 Kathleen Sheehy is assigned to conduct the hearing. Judge Sheehy can be reached at: the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **telephone:** (612) 341-7602, 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 rebuttal 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 rebuttal 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 rebuttal 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. This statement will be posted on the agen-

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Proposed Rules

cy's **website**, *www.taxes.state.mn.us*, on or after February 20, 2003. The statement may also be reviewed and copies obtained at the cost of reproduction from the agency.

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 at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, **telephone** (651) 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 the date on which the rules are filed 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: 7 January 2003

Daniel A. Salomone
Commissioner of Revenue

8001.0300 RESIDENT AND DOMICILE DEFINED; CONSIDERATIONS.

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

Subp. 2. **Domicile; definition and presumptions.** The term "domicile" means the bodily presence of an individual person in a place coupled with an intent to make such a place one's home. The domicile of any person ~~shall be~~ is that place in which that person's habitation is fixed, without any present intentions of removal therefrom, and to which, whenever absent, that person intends to return.

A person who leaves home to go into another jurisdiction for temporary purposes only is not considered to have lost that person's domicile. But if a person moves to another jurisdiction with the intention of remaining there permanently or for an indefinite time as a home, that person ~~shall have~~ has lost that person's domicile in this state. The presumption is that a person who leaves this state to accept a job assignment in a foreign nation has not lost that person's domicile in this state.

Except for a person covered by the provisions of the Soldiers' and Sailors' Civil Relief Act of 1940, United States Code, title 50 appendix, section 574, the presumption is that the place where a person's family is domiciled is that person's domicile. The domicile of a spouse ~~shall be~~ is the same as the other spouse unless there is affirmative evidence to the contrary or unless the husband and wife are legally separated or the marriage has been dissolved. When a person has made a home at any place with the intention of remaining there and the person's family neither lives there nor intends to do so, then that person ~~shall have~~ has established a domicile separate from that person's family.

The domicile of a single person is that person's usual home. In case of a minor child who is not emancipated, the domicile of the child's parents is the domicile of the child. The domicile of the parent who has legal custody of the child is the domicile of the child. A person who is a permanent resident alien in the United States may have a domicile in this state. The domicile of a member of the armed forces will be governed by the facts just prior to becoming a member of the armed forces unless the person takes the necessary steps to establish a new domicile.

The mere intention to acquire a new domicile, without the fact of physical removal, does not change the status of the taxpayer, nor does the fact of physical removal, without the intention to remain, change the person's status. The presumption is that one's domicile is the place where one lives. An individual can have only one domicile at any particular time. A domicile once shown to exist is presumed to continue until the contrary is shown. An absence of intention to abandon a domicile is equivalent to an intention to retain the existing one. No positive rule can be adopted with respect to the evidence necessary to prove an intention to change a domicile but such intention may be proved by acts and declarations, and of the two forms of evidence, acts ~~shall~~ must be given more weight than declarations. A person who is temporarily employed within this state does not acquire a domicile in this state; if during ~~such that~~ that period the person is domiciled ~~without~~ outside of this state.

[For text of subs 3 to 8, see M.R.]

Subp. 9. **Certain persons deemed nonresidents.** A person domiciled in Minnesota is deemed a nonresident for the period of time that the person is a qualified individual under the *Internal Revenue Code*, section 911, ~~if no.~~ For a person who has homesteaded the person's principle residence in Minnesota prior to leaving the country, this subpart applies only if the person notifies the county within three months of moving out of the country that homestead status should be revoked and does not file a Minnesota homestead application is filed for any property in which the person has an interest during the period the person is a qualified individual. ~~A homestead application filed before the move to a foreign country does not affect a person's eligibility for this exception.~~

[For text of subp 10, see M.R.]

8002.0300 SUBTRACTION FOR INTEREST ON ~~UNITED STATES~~ U.S. GOVERNMENT OBLIGATIONS.

Subpart 1. **Conditions for qualification.** *Minnesota Statutes*, section 290.01, subdivision 19b, clause (1), allows an individual taxpayer, an estate, or a trust to subtract the amount of interest earned on certain obligations of the United States government from federal taxable income. To qualify for this subtraction, the obligation must meet the following conditions:

A. For the purposes of these conditions, "interest" includes:

1) income reported federally as ordinary income pursuant to sections 454 and 1271 through 1286 of the *Internal Revenue Code* of 1986, as amended through ~~December 31, 1992~~ June 30, 2001; and

2) dividends from regulated investment companies as defined by section 851(a) or ~~(h)~~ (g) of the *Internal Revenue Code* of 1986, as amended through ~~December 31, 1992~~ June 30, 2001, to the extent that the income of the regulated investment company is derived from interest on federal obligations and is reported federally as dividend income by shareholders.

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

E. The interest income on the obligation must have been included in federal taxable income for the taxable year that subtraction is claimed. If only a portion of the interest income on an obligation has been included in federal taxable income, only the included portion may be subtracted. Where the interest is in the form of dividends from a regulated investment company and all of the regulated investment company's interest is derived from interest on obligations that are exempt from state taxation by federal law, the full amount of the dividends received by shareholders may be subtracted. Where less than the full amount is derived from interest on exempt obligations, the amount to be subtracted is determined as follows:

| | | | | |
|---|---|---|---|--|
| Regulated investment company's interest income on federal obligations less expenses attributable to such income | ÷ | Regulated investment company's taxable income as defined by section 852(b)(2) of the Internal Revenue Code of 1986, as amended through December 31, 1992 <u>March 15, 2002</u> , before deduction for dividends paid | = | Percent of federally taxable ordinary income dividends received by shareholders that qualify as exempt |
|---|---|---|---|--|

In the case of a series fund, as defined by the *Internal Revenue Code*, section 851~~(h)~~ (g), the portion of the dividends paid that is exempt from Minnesota income tax must be determined on a fund-by-fund basis.

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

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Proposed Rules

Subp. 3. Exempt obligations listed by name of security.

| Name of Security | Agency | Authority as amended through 6-15-92 11-30-02 |
|---|---|---|
| A. Banks for Cooperatives bonds | Banks for Cooperatives | 12 USC S 2134 |
| B. Consolidated collateral trust debentures | Federal Intermediate Credit Banks | 12 USC S 2077 |
| C. Consolidated discount notes | Federal Home Loan Banks | 12 USC S 1433 |
| D. Consolidated Federal Farm Loan bond | Federal Land Banks | 12 USC S 2023 |
| E. Consolidated Federal Home Loan Bank notes | Federal Home Loan Banks | 12 USC S 1433 |
| F. Farmers Home Administration notes, as defined in Tobak v. Commissioner | Farmers Home Administration | 31 USC S 3124, Tobak v. Commissioner, docket number 2244 Minn. tax court (March 10, 1977) |
| G. Federal Farm Credit Banks consolidated systemwide bonds and notes | Federal Land Banks, Federal Intermediate Credit Banks | 12 USC SS 2023, 2077, and 2134 |
| H. Industrial Development Bonds of East Samoa | American Samoa | 48 USC S 1670 |
| I. Proprietary zero-coupon certificates | U.S. Treasury Department | 31 USC S 3124 |
| J. Puerto Rico bonds | Puerto Rico | 48 USC S 745 |
| K. U.S. freedom shares | U.S. Treasury Department | 31 USC S 3124 |
| L. U.S. savings bonds | U.S. Treasury Department | 31 USC SS 3105 and 3124 |
| M. U.S. Treasury bills | U.S. Treasury Department | 31 USC SS 3104 and 3124 |
| N. U.S. Treasury bonds | U.S. Treasury Department | 31 USC SS 3102 and 3124 |
| O. U.S. Treasury certificates of indebtedness | U.S. Treasury Department | 31 USC SS 3104 and 3124 |
| P. U.S. Treasury notes | U.S. Treasury Department | 31 USC SS 3103 and 3124 |
| Q. U.S. Postal Service bonds | U.S. Postal service | 39 USC S 2005 |

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| <u>§ Q.</u> | Virgin Islands general obligation bonds | Virgin Islands | 48 USC S 1574(b)(ii)(A) |
| <u>§ R.</u> | Virgin Islands Public Improvement bonds | Virgin Islands | 48 USC S 1574(b)(i) |
| Subp. 4. Taxable obligations listed by name of security. | | | |
| | Name of Security | Agency | Authority as amended through 6-15-92 11-30-02 |
| A. | Certificate of beneficial interest (CBI's) | Export-Import Bank of the U.S. (Eximbank) | 12 USC SS 635 and 635d |
| B. | Certificate of beneficial ownership (CBO's) | Farmers Home Administration | 7 USC SS 1922-1928 |
| C. | Eximbank debentures | Export-Import Bank of the U.S. (Eximbank) | 12 USC S 635 |
| D. | Federal Assets Financing Trust participation certificates | Government National Mortgage Association (GNMA) | 12 USC SS 1717(c) and 1721 |
| E. | Federal Assets Liquidation Trust participation certificates | Government National Mortgage Association (GNMA) | 12 USC SS 1717(c), 1721, and 1723 c |
| F. | Government Mortgage Liquidation Trust Participation certificates | Government National Mortgage Association (GNMA) | 12 USC SS 1717(c) and 1721 |
| G. | GNMA mortgage-backed bonds | Government National Mortgage Association (GNMA) | 12 USC SS 1717(c) and 1721 |
| H. | GNMA pass-through Securities | Government National Mortgage Association (GNMA) | 12 USC SS 1717(c) and 1721 |
| I. | Guaranteed mortgage certificates (GMC's) | Federal Home Loan Mortgage Corporation | 12 USC SS 1452(d) and 1455 |
| J. | Mortgage participation certificates (PC's) | Federal Home Loan Mortgage Corporation | 12 USC SS 1452(d) and 1455 |

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Proposed Rules

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| K. | National Government Securities Trust | Government National Mortgage Association (GNMA) | 12 USC SS 1717(c) and 1721 |
| L. | New communities debentures | Privately issued under HUD program | 42 USC SS 3902 and 4514 |
| M. | Participation certificates (PC's) | Export-Import Bank of the U.S. (Eximbank) | 12 USC S 635 |
| N. | Rural Telephone debentures | Rural Electrification Administration | 7 USC S 947(a) |
| O. | SBIC debentures | Small Business Investment Companies | 15 USC S 687(e) |
| P. | Small Business Administration Notes | Small Business Administration | 15 USC S 633 |

Subp. 5. Agencies which generally issue exempt obligations.

Notice: This listing is only a guide and is not conclusive on the issue of the taxable status of an obligation. Each obligation issued by a listed agency must be separately analyzed according to subpart 1, items A to E.

| | Name of Agency | Types of Securities | Authority as amended through 6-15-92 <u>11-30-02</u> |
|----|---|---|--|
| A. | Bank for Cooperatives | Notes, debentures, and other obligations | 12 USC S 2134 |
| B. | Commodity Credit Corporation | Bonds, notes, debentures, and other similar obligations | 15 USC S 713a-5 |
| C. | Farm Credit System Financial Assistance Corporation | Notes, bonds, debentures, and other obligations | 12 USC S 2278b-10 |
| D. | Federal Deposit Insurance Corporation | All notes, debentures, bonds, or other obligations | 12 USC S 1825 |
| E. | Federal Farm Credit Administration | Obligations | 12 USC SS 2023, 2027 <u>2077</u> , 2098, 2134, and 2278(b)-10 |
| F. | Federal Home Loan Banks | Notes, debentures, bonds, and other obligations | 12 USC S 1433 |
| G. | Federal Intermediate Credit Banks | Notes, bonds, and debentures | 12 USC S 2079 <u>2077</u> |

Proposed Rules

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|----|--|--|--------------------------------|
| H. | Federal Land Bank Associations | Notes, bonds, debentures, and other obligations | 12 USC S 2098 |
| I. | Federal Land Banks | (a) Mortgages held by the instrumentality (b) Notes, bonds, debentures, and other obligations | 12 USC S 2023 12 USC S 2023 |
| J. | Federal Savings & Loan Insurance Corporation | All notes, debentures, bonds, or other obligations | 12 USC S 1725(e) |
| K. | Financing Corporation | Notes, debentures, and other obligations | 12 USC S 1441 |
| L. | General Insurance Fund of the Department of Housing and Urban Development, including | Debentures | |
| | (1) Rental Housing Insurance | | i. 12 USC S 1713(i) |
| | (2) Rental Housing Project | | ii. 12 USC S 1747g(g) |
| | (3) War Housing Insurance | | iii. 12 USC S 1739(d) |
| | (4) Armed Services Housing | | iv. 12 USC S 1748b(f) |
| | (5) National Defense Housing Insurance | | v. 12 USC S 1750c(d) |
| | (6) Neighborhood Conservation Housing Insurance | | vi. 12 USC S 1715k (h)(7) |
| M. | Guam | Bonds | 48 USC S 1423a |
| N. | Production Credit Associations | Notes, debentures, and other obligations | 12 USC S 2077 |
| O. | Puerto Rico | Obligations | 48 USC S 745 |
| P. | Resolution Funding Corporations | All notes, debentures, bonds, and other obligations | 12 USC S 1441a |
| Q. | Student Loan Marketing Association | Bonds and notes | 20 USC S 1087-2 |

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Proposed Rules

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| R. | Tennessee Valley Authority | Bonds | 16 USC S 831n-4(d) |
| S. | U.S. Postal Service | Obligations | 39 USC S 2005(d)(4) |
| T. | Virgin Islands | Bonds | 48 USC S 1574 |

Subp. 6. Agencies or organizations which generally issue taxable obligations.

Notice: This listing is only a guide and is not conclusive on the issue of the taxable status of an obligation. Each obligation issued by a listed agency must be separately analyzed according to subpart 1, items A to E.

| | Name of Agency or Organization | Types of Securities | Authority as amended through |
|----|---|--|--|
| | | | 6-15-92 <u>11-30-02</u> |
| A. | Asian Development Bank | Obligations | 22 USC SS 285-285t |
| B. | College Construction Loan Insurance Association | Obligations | 20 USC S 1132, <u>P.L. 104-208</u> <u>S 603</u> |
| C. | District of Columbia Armory Board | Obligations | 31 USC S 3124(a) |
| D. | Environmental Financing Authority | Obligations | 33 USC S 1281 note, P.L. 92-500 S 12(j) |
| E. | Export-Import Bank | Notes, debentures, bonds, or other obligations | 12 USC SS 635-635n |
| F. | Farmers Home Administration | Obligations | 7 USC SS 1922-1928 |
| G. | Federal Financing Bank | Obligations | 12 USC S 2288 |
| H. | Federal Home Loan Mortgage Corporation | Obligations | 12 USC S 1455 |
| I. | Federal National Mortgage Association (FNMA) | Obligations, mortgage-backed securities, subordinated obligations, participation certificates (PC's) | 12 USC S 1719(e) |
| J. | Federal Reserve banks | Obligations | 12 USC S 548 |
| K. | Government National Mortgage Association (GNMA) | Obligations, mortgage-backed securities, participation certificates (PC's) | 12 USC SS 1717(c), 1721, and 1723c |
| L. | Inter-American Development Bank | Obligations | 22 USC SS 283-283z |

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|---------------|---|---|--|
| M. | International Bank for Reconstruction and Development (World Banks) | Obligations | 22 USC SS 286-286r |
| N. | International Monetary Fund | Obligations | 22 USC SS 286-286r |
| O. | Maritime Administration Merchant Marine | Private obligations guaranteed by agency | 46 USC S 1273 |
| P. | National Consumer Cooperative Bank | Obligations | 12 USC S 3017(c) |
| Q. | New community development corporations | Bonds, debentures, notes, and other obligations issued on behalf of private new community developers and state land development agencies which are guaranteed by HUD | 42 USC SS 3902 and 4514 |
| R. | Small Business Administration | Notes | 15 USC S 633 |
| <u>S R.</u> | <u>Small Business Investment Companies</u> | <u>Debenture bonds, promissory notes, and other obligations</u> | <u>15 USC S 687(e)</u> |

8038.0100 INCOME TAX RETURNS FOR HUSBAND AND WIFE.

Subpart 1. [See repealer.]

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 4. **Community property.** If both husband and wife are residents of a community property state or nation, it is permissible for them to split their income and losses based on the law of their residence. Otherwise, it is not permissible for a husband and wife to split their income and losses or to assign it to the other spouse unless ~~there is a business relationship or unless~~ it is required under the provisions of the *Internal Revenue Code*.

Subp. 5. [See repealer.]

Subp. 6. **Amended returns, refunds when no longer married.** Where a husband and wife filed a joint ~~or combined~~ returns ~~return~~ and subsequently are no longer married ~~within the definition of subpart 1,~~ an amended return, or claim for refund, ~~or net operating loss or farm loss carryback claim~~ filed by one of the former spouses shall be allowed if the item is attributable to that spouse to the extent of that spouse's tax liability. ~~Where a joint return was filed, the spouse's tax liability shall be determined according to the following formula: to that spouse to the extent of that spouse's tax liability.~~ Where a joint return was filed, the spouse's tax liability shall be determined according to the following formula:

$$\frac{\text{Spouse's recomputed separate tax liability}}{\text{Both spouse's recomputed separate tax liability}} \times \text{Recomputed joint tax liability} = \text{Spouse's share of joint tax liability}$$

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Proposed Rules

The spouse's share of the joint liability is then subtracted from the spouse's contributions through withholding or estimated tax or other ~~payments~~ credits which were ~~made~~ used to pay that joint liability. The amount of the refund to be made to the spouse cannot exceed the amount of the joint overpayment shown on the amended return or claim for refund. ~~Where a combined return was filed, the spouse's tax liability shall be determined as if an amended combined return was filed.~~

~~When an amended joint or combined return is filed, items paid out of joint funds of the husband and wife shall be divided between the spouses to provide the greatest tax benefit to both spouses unless both spouses had previously elected another method.~~ Joint estimated tax ~~declarations~~ payments shall be divided according to the provisions of part 8093.0200. Where credits are not paid out of joint funds, the credit shall belong to the spouse who made the payment on which the credit is based. ~~The homemaker credit and the married credit may be divided equally between the spouses. The homemaker credit and the dependent care credit are not allowed to be claimed on separate returns filed by a married couple.~~ Where credits are attributable to, earned by, or paid to both spouses jointly, or paid from joint funds of both spouses, they shall be divided equally between the spouses.

When an amended joint ~~or combined~~ return or a claim for refund is filed under this part, no refund will be given to a spouse unless an amended return or claim for refund is filed by that spouse. No additional tax liability may be created and assessed against a spouse unless an amended return is filed by that spouse or ~~there is an audit done~~ an order of assessment is issued by the department.

Subp. 7. [See repealer.]

Subp. 8. **Signing of returns.** ~~Except as provided by law in the case of a death of a spouse,~~

A. A joint ~~or combined~~ return must be signed by both the husband and wife unless the return is made by an agent of both the husband and wife, or one spouse signs as the agent of the other. Any spouse who makes a joint ~~or a combined~~ return through an agent assumes the responsibility for making the return and incurs liability for the penalty provided for erroneous, false, or fraudulent returns. One spouse cannot sign as the agent of the other unless the return is accompanied by a power of attorney authorizing such action by the spouse not signing the return. Other agents must also submit their power of attorney with the return.

B. Notwithstanding item A, if one spouse is unable to sign the return because of disease or injury, the other spouse may sign the incapacitated spouse's name to the return with the oral consent of the incapacitated spouse. Any return signed under this exception must contain a statement indicating the reason for the inability of the spouse who is incapacitated to sign the return and that the incapacitated person consented to the signing.

Subp. 9. [See repealer.]

Subp. 10. [See repealer.]

8050.0100 OVERPAYMENTS; CREDITS AND REFUNDS.

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

Subp. 3. **Overpayment of ~~installment~~ estimated tax.** If any installment of estimated tax is overpaid, the overpayment shall first be applied against any outstanding installments of ~~such~~ estimated tax. If the overpayment exceeds the correct amount of tax due, the overpayment ~~shall~~ must be credited or refunded ~~as provided in this part, when the taxpayer files a claim for refund or credit on the income tax return filed for the year the deposits are made.~~ A taxpayer may not receive a refund prior to filing a tax return for the year for which the estimated tax has been paid unless one of the conditions in items A to D is met:

A. The taxpayer made duplicate payments of the same installment of estimated tax.

B. The department credited to the taxpayer's account an amount that was meant to be paid to the Internal Revenue Service or some other entity.

C. The taxpayer erred in having an overpayment applied to estimated tax. When making this determination, the commissioner shall examine the tax liability of the taxpayer for the year of the overpayment and prior years, the taxpayer's history of applying overpayments to estimated tax, the taxpayer's history of making estimated tax payments, and the amount of time between when the taxpayer realized the error and when the taxpayer requested the refund.

D. The facts and circumstances clearly demonstrate that the taxpayer did not intend to make an estimated payment.

A change in circumstances, such as moving from Minnesota or change in economic conditions, does not constitute grounds for allowing refunds prior to filing of a return.

8093.0200 ~~JOINT DECLARATION BY~~ ESTIMATED TAX PAYMENTS OF HUSBAND AND WIFE.

Subpart 1. **In general.** A husband and wife may make separate estimated tax payments. Making separate payments does not preclude the husband and wife from making a joint tax return for the year.

Subp. 1a. When husband and wife not living together. A husband and wife may make a joint declaration of estimated tax payments. Joint estimated tax payments may be made even though they are not living together. However, a joint declaration estimated tax payments may not be made if they are separated under a decree of divorce or separate maintenance or if they have different tax years. A joint declaration may not be made if the taxpayer's spouse is not a Minnesota resident, or if the spouse has a different taxable year. If the combined gross income of the married couple meets the requirements of *Minnesota Statutes*, section 290.93, subdivision 1, either a joint declaration must be made or a separate declaration must be made by each. If a joint declaration is made by husband and wife, the liability with respect to the estimated tax shall be joint and several.

Subp. 1b. Joint estimated tax payment defined. The phrase "joint estimated tax payment" includes estimated payments resulting from an election to have an overpayment from a joint income tax return applied to estimated tax for the preceding year.

Subp. 2. Application to separate returns. The fact that a joint declaration of estimated tax is payments are made by them will does not preclude a husband and wife from filing separate returns. In case a joint declaration is made but a joint return is not made If joint estimated payments are made but the husband and wife file separate returns for the same taxable that tax year, the joint estimated payments made on account of the estimated tax for such year may be treated as payments on account of the tax liability of either spouse for the taxable year or may be divided between them in such manner as they may agree. In the event the husband and wife fail to agree to a division, such the payments shall must be allocated between them in accordance with the following rule: the portion of such joint estimated payments to be are allocated to a spouse shall be in the same ratio that portion of the aggregate of all such payments as the amount of tax shown on the separate return of the taxpayer spouse bears to the sum of the taxes shown on the separate returns of the taxpayer and the spouse spouses.

Subp. 3. Death of spouse. A Joint declaration estimated tax payments may not be made after the death of either spouse for liability arising from the year of the death. However, if it is reasonable for a surviving spouse to assume that there will be filed a joint return for the surviving spouse and the deceased spouse for the taxable year and the last taxable year of the deceased spouse, the surviving spouse may, in making a separate declaration for the taxable year which includes the period comprising such last taxable year of the deceased spouse, estimate taxable income on an aggregate basis and compute estimated tax in the same manner as though a joint declaration had been filed.

If a joint declaration is made by husband and wife and thereafter one spouse dies, no further payments of estimated tax on account of such joint declaration are required from the estate of the decedent. The surviving spouse, however, shall be liable for the payment of any subsequent installments of the joint estimated tax unless an amended declaration setting forth the separate tax for the taxable year is made by such spouse. Such separate estimated tax shall be paid at the times and in the amounts determined under the rules and prescribed in *Minnesota Statutes*, section 290.93, subdivision 6. For the purpose of such amended declaration by the surviving spouse, and allocating the payments made pursuant to the joint declaration between the surviving spouse and the legal representative of the decedent in the event a joint return is not filed, the payments made pursuant to the joint declaration may be divided between the decedent and the surviving spouse in such proportion as the surviving spouse and the legal representative of the decedent may agree. In the event the surviving spouse and the legal representative of the decedent fail to agree to a division, such payments shall be allocated in accordance with the following rule. The portion of such payments to be allocated to the surviving spouse shall be that portion of the aggregate amount of such payments as the amount of tax shown on the separate return of the surviving spouse bears to the sum of the taxes shown on the separate returns of the surviving spouse and of the decedent, and the balance of such payments shall be allocated to the decedent. If joint estimated tax payments are made but the surviving spouse and the deceased spouse file separate returns for that tax year, the joint estimated tax payments may be divided between the decedent and the surviving spouse in such manner as the surviving spouse and the personal representative of the decedent may agree. If the surviving spouse and the personal representative of the decedent fail to agree to a division, the payments must be allocated as follows: the joint estimated tax payments are allocated to the surviving spouse in the same ratio as the amount of tax shown on the separate return of the surviving spouse bears to the sum of the taxes shown on the separate returns of the surviving spouse and the deceased and the remaining joint estimated tax payments are allocated to the deceased spouse.

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Proposed Rules

8093.0400 ~~FISCAL YEAR OR SHORT TAXABLE YEAR.~~

Subpart 1. [See repealer.]

Subp. 2. [See repealer.]

Subp. 3. **Short taxable years of individuals; requirement of declaration.** ~~No declaration may be made for a period of more than 12 months. For purposes of *Minnesota Statutes*, section 290.93, subdivision 7, a taxable year of 52 or 53 weeks, in the case of a taxpayer who computes taxable income in accordance with the election permitted by *Minnesota Statutes*, section 290.40, clause (2), shall be deemed a period of 12 months. For the purpose of determining the effective date for the applicability of any provision of *Minnesota Statutes*, section 290.93 which is expressed in terms of taxable years beginning or ending with reference to the first or last day of a specified calendar month, including the time for filing returns and other documents, paying tax, or performing other acts, a 52 or 53 week taxable year is deemed to begin on the first day of the calendar month beginning nearest to the first day of the 52 or 53 week taxable year, and is deemed to end or close on the last day of the calendar month ending nearest to the last day of the 52 or 53 week taxable year, as the case may be. A separate declaration for a fractional part of a year is required where, for example, there is a change, with the approval of the commissioner, in the basis of computing taxable income from one taxable year to another taxable year. The periods to be covered by such separate declarations in the several cases are those set forth in *Minnesota Statutes*, section 290.40. No declaration is required~~ estimated payments are required if the short taxable year is:

A. a period of less than four months;

B. a period of at least four months but less than six months and the ~~requirements of *Minnesota Statutes*, section 290.93, subdivision 1 are first met~~ taxpayer's estimated income for the year first exceeds the income tax filing requirements for the year after the first day of the fourth month;

C. a period of at least six months but less than nine months and the ~~requirements of *Minnesota Statutes*, section 290.93, subdivision 1 are first met~~ taxpayer's estimated income for the year first exceeds the income tax filing requirements for the year after the first day of the sixth month; or

D. a period of nine months or more and the ~~requirements of *Minnesota Statutes*, section 290.93, subdivision 1 are first met~~ taxpayer's estimated income for the year first exceeds the income tax filing requirements for the year after the first day of the ninth month.

~~In the case of a decedent, no declaration need be filed subsequent to the date of death. As to the requirement for amended declaration, if death of one spouse occurs after filing a joint declaration, see part 8093.0200.~~

Subp. 4. **Short taxable year; income placed on annual basis.** For the purpose of determining whether the anticipated income for a short taxable year, ~~resulting from a change of annual accounting period, necessitates the filing of a declaration~~ payment of estimated tax, such income ~~shall~~ must be placed on an annual basis in the manner prescribed in *Minnesota Statutes*, section 290.32. ~~Thus, for example, a taxpayer who changes from a calendar year basis to a fiscal year basis beginning July 1, 1962, will have a short taxable year beginning January 1, 1962, and ending June 30, 1962. If the anticipated gross income for such short taxable year consists solely of wages in the amount of \$500, the total gross income and the gross income from such wages for the purpose of determining whether a declaration is required is \$1,000, the amount obtained by placing anticipated income of \$500 upon an annual basis. Hence, assuming such taxpayer is single, the taxpayer is required to file a declaration of estimated tax for the short taxable year since the anticipated gross income from wages when placed upon an annual basis is in excess of \$750.~~

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. **Payment of estimated tax.** Payment dates for a taxpayer with a short tax year are the same as those found in *Minnesota Statutes*, section 289A.25, subdivision 3. The applicable percentages of annual estimated tax that must be paid on each date are:

| <u>Number of required payments</u> | <u>Applicable percentage due each payment</u> |
|------------------------------------|---|
| <u>three required payments</u> | <u>33-1/3</u> |
| <u>two required payments</u> | <u>50</u> |
| <u>one required payment</u> | <u>100</u> |

8093.0500 ~~EXCEPTIONS TO IMPOSITION OF~~ IMPOSING ADDITION TO TAX IN CASE OF ~~FOR~~ INDIVIDUALS.

Subpart 1. [See repealer.]

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 6. **Special rule; joint return to separate return.** ~~In determining the applicability of the exceptions described in~~

subpart 1, items A and B, to an underpayment of estimated tax, a taxpayer filing a separate return, who participated in the filing of a joint return for the preceding taxable year, shall be subject to the following rule. The tax shown on the return for the preceding taxable year, or based on the tax rates and personal credits for the taxable year but otherwise determined on the basis of the facts shown on the return for the preceding taxable year, and the law applicable to such year, shall be This subpart applies to taxpayers who file a separate return after filing a joint return for the previous year. The previous year tax for determining the applicability of any addition to tax for making an underpayment of estimated tax, is determined by the following rule: the tax of each spouse is that portion of the joint tax which that bears the same ratio to the whole of the joint tax as the amount of tax for which the taxpayer would have been liable bears to the sum of the taxes for which the taxpayer and the taxpayer's spouse would have been liable had each spouse filed a separate return for the preceding taxable year.

Subp. 7. **Special rule; separate return to joint return.** ~~In the case of a taxpayer who participates in the filing of a joint return for the taxable year with respect to which there is an underpayment of estimated tax and who filed a separate return for the preceding taxable year:~~

A. ~~the tax shown on the return for the preceding taxable year, for purposes of determining the applicability of the exception described in subpart 1, item A, shall be~~ This subpart applies to taxpayers who file a joint return after filing separate returns for the previous year. The previous year tax for determining the applicability of any addition to tax for making an underpayment of estimated tax, is the sum of both the tax shown on the return of the taxpayer and tax shown on the return of the taxpayer's spouse for such preceding year; and

B. ~~the facts shown on both the taxpayer's return and the return of a spouse for the preceding taxable year shall be taken into account for purposes of determining the applicability of the exception described in subpart 1, item B.~~

8093.0600 SHORT TAXABLE YEARS OF INDIVIDUALS.

Subpart 1. **In general.** The provisions of *Minnesota Statutes*, section ~~290.93~~ 289A.25, subdivision ~~10~~ 5, ~~with certain modifications which are explained as modified in subpart 2, are applicable in the case of a short taxable year for which a declaration is required to be filed.~~ (See part 8093.0400 for requirement of ~~declaration~~ estimated tax payments for short taxable year.)

Subp. 2. ~~**Rules to apply Minnesota Statutes, section 290.93, subdivision 10, clause (4) Determining tax.**~~ In any case in which the taxable year for which an underpayment of estimated tax exists is a short taxable year due to a change in annual accounting periods, in determining the tax shown on the return for the preceding taxable year ~~(for the purposes of Minnesota Statutes, section 290.93, subdivision 10, clause (4), or based on the personal exemptions and rates for the current taxable year but otherwise on the basis of the facts shown on the return for the preceding taxable year, and the law applicable to such year (for purposes of Minnesota Statutes, section 290.92, subdivision 10, clause (4)), the tax for the preceding year will be reduced by multiplying it by the number of months in the short taxable year and dividing the resulting amount by 12.~~

If the taxable year for which an underpayment of estimated tax exists is a short taxable year due to a change in annual accounting periods, in annualizing the income for the months in the taxable year preceding an installment date for purposes of *Minnesota Statutes*, section 290.93, subdivision 10, clause (4), the personal exemptions allowed as deductions under *Minnesota Statutes*, section 290.06, subdivision 3, clauses (1), (2), and (3) shall be reduced to the same extent that they are reduced under *Minnesota Statutes*, section 290.06, subdivision 3, clause (6) in computing the tax for a short taxable year.

If "In any case in which an underpayment of estimated tax exists and the preceding taxable year" referred to in *Minnesota Statutes*, section 290.93, subdivision 10, clause (4)(b) was a short taxable year, the tax computed on the basis of the facts shown on the return for such preceding year, for purposes of determining the applicability of the exception described in *Minnesota Statutes*, section 290.93, subdivision 10, clause (4), shall be the tax computed on the annual basis in the manner described in *Minnesota Statutes*, section 290.32. If the tax rates or the taxpayer's status with respect to personal exemptions for the taxable year with respect to which the underpayment occurs differ from such rates or status applicable to the preceding taxable year, the tax determined in accordance with the preceding sentence shall be recomputed to reflect the rates and status applicable to the year with respect to which the underpayment occurs the tax for the short year is increased by multiplying it by 12 and then dividing the result by the number of months in the short taxable year.

REPEALER. *Minnesota Rules*, parts 8002.0200, subparts 2 and 5; 8038.0100, subparts 1, 2, 3, 5, 7, 9, and 10; 8038.2000; 8093.0100; 8093.0300; 8093.0400, subparts 1, 2, 5, and 6; 8093.0500, subparts 1, 2, and 3; and 8093.4000, are repealed.

| |
|--|
| <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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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.

Board of Animal Health

Adopted Permanent Rules Relating to Anthrax

The rules proposed and published at *State Register*, Volume 27, Number 4, pages 109-110, July 22, 2002 (27 SR 109), are adopted with the following modifications:

1705.0030 NECROPSY.

No one may necropsy the carcass of any animal ~~suspected of dying from~~ suddenly when there is anthrax; in the area unless authorized by an agent of the board.

1705.0045 QUARANTINE.

- A. A herd with ~~a diagnosis~~ an animal that died of anthrax must be quarantined.
- B. Quarantine must ~~not~~ be released until at least 30 days after the last death due to anthrax.

1705.0050 PRECAUTIONS TO BE OBSERVED.

~~All animals on the infected premises should be treated according to Board of Animal Health Standard Operating Procedures for Anthrax~~ The board shall maintain recommended standard operating procedures for the treatment of all domestic animals on contaminated premises. "Contaminated premises" means the area where an animal died of anthrax.

Public Utilities Commission

Adopted Permanent Rules Relating to Safety, Reliability, and Service Quality Standards for Electric Utilities

The rules proposed and published at *State Register*, Volume 27, Number 14, pages 458-465, September 30, 2002 (27 SR 458), are adopted with the following modifications:

7826.0800 CUSTOMER NOTICE OF PLANNED SERVICE INTERRUPTIONS.

Utilities shall give customers the most effective actual notice possible of any planned service interruption expected to last longer than 20 minutes. For any planned interruption expected to exceed four hours, the utility shall provide, if feasible, mailed notice one week in advance and notice by telephone or door-to-door household visits 12 to 72 hours before the interruption. Planned service interruptions must be scheduled at times to minimize the inconvenience to customers. When planned service interruptions exceeding four hours are canceled, utilities shall notify, if feasible, the customers who received notice that service would be interrupted.

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 from the date of publication of the rule in the *State Register*. Rules adopted, amended or repealed under clause (3) or (4) are effective upon publication in the *State Register*.

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

Board of Animal Health

Adopted Permanent Rules Relating to Rabies

1705.1151 BITES TO HUMANS.

Subpart 1. **Pet animals.** If a pet animal bites a human, the pet must be confined and observed for signs suggestive of rabies for ten days or euthanized and tested for rabies. If at any time during the ten-day observation the animal dies, it must be tested for rabies. If the animal shows signs suggestive of rabies, it must be euthanized and tested for rabies.

Stray or unwanted pet animals ~~should~~ may be euthanized ~~and tested~~ after a five-day holding period and, if euthanized, must be tested for rabies. If, after consultation with a board or public health official, a veterinarian requests ~~it~~ a rabies test in writing, a stray or unwanted animal must be euthanized and tested during the five-day period.

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

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.

Executive Orders

The governor has the authority to issue written statements of 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

Emergency Executive Order #02-12: Providing Emergency Relief from Regulations to Motor Carriers and Drivers Operating in Minnesota

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, drought conditions continue to exist in South Dakota, North Dakota and Montana; and

WHEREAS, there is a need to transport hay and straw to affected areas to provide feed for livestock.

NOW, THEREFORE, I hereby order that the Commissioner of Transportation waive the following statutory requirements and issue over-dimension transportation permits to hay and straw haulers:

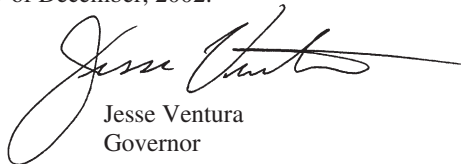
1. *Minnesota Statutes* 2002, Section 221.021. Any person while engaged in the transportation of hay and straw to victims of the drought shall be exempt from applying for operating authority.
2. *Minnesota Statutes* 2002, Section 221.60, subdivision 1(2) and (3). Interstate carriers while engaged in the transportation of hay and straw to the victims of drought shall be exempt from registering with the Minnesota Commissioner of Transportation.
3. *Minnesota Statutes* 2002, Section 169.862. All carriers while engaged in the transportation of hay and straw to the victims of the drought may operate on the interstate highway system.

The following statutory provisions shall remain in effect:

- The maximum available width of loaded vehicles is 11 1/2 feet;
- The maximum height of vehicle and load is 14 feet 3 inches.
- Vehicles must operate only from sunrise to sunset;
- There shall be no movement in the Twin City Metropolitan Area between the hours 6:00 a.m. to 9:00 a.m. or 3:00 p.m. to 6:00 p.m., Monday through Friday. Minneapolis/St. Paul (TWIN CITIES) Metropolitan Area includes Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties;
- Vehicles must operate on pavement that is at least 24 feet wide;
- Vehicles must be equipped with mirrors so that drivers are able to have a clear view of the highway at least 200 feet to the rear of the vehicle;
- Vehicles must display red, orange or yellow flags, 18 inches square, as markers at the front and rear and on both sides of the load.

Pursuant to *Minnesota Statutes* 2002, Section 4.035, subd. 2, this Executive Order is effective immediately.

IN TESTIMONY WHEREOF, I have set my hand this 30th day of December, 2002.


Jesse Ventura
Governor

Filed According to Law:


Mary Kiffmeyer
Secretary of State

Appointments

Minnesota Statutes, Section 15.06, Subd. 5 requires a notice of the designation of a commissioner or acting commissioner, or the assumption of office by a temporary commissioner, shall be filed with the president of the senate and the speaker of the house with a copy delivered to the secretary of state and published in the next available edition of the *State Register*.

Department of Administration

Notice of Appointment of Commissioner Brian Lamb

NOTICE IS HEREBY GIVEN, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Tim Pawlenty appointed Brian Lamb to the office of Commissioner of the Minnesota Department of Administration effective January 6, 2003. He succeeds former Commissioner David F. Fisher who was appointed March 15, 1999.

This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled. The laws and rules governing the Department of Administration are:

- *Minnesota Statutes*, Chapters 14 and 16B
- *Minnesota Rules* 1200-1399

Commissioner Lamb resides at 305 West Diamond Lake Road, Minneapolis, Minnesota 55419, Hennepin County, Congressional District Five.

He can be reached at the Minnesota Department of Administration, 50 Sherburne Ave., 200 Administration Bldg., St. Paul, MN 55155. Telephone (651) 296-1424. Internet home page: <http://www.state.mn.us/ebranch/admin/>

Department of Agriculture

Notice of Reappointment of Commissioner Gene Hugoson

NOTICE IS HEREBY GIVEN, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Tim Pawlenty reappointed Gene Hugoson to the office of Commissioner of the Minnesota Department of Agriculture effective January 6, 2003.

This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled. The laws and rules governing the Department of Agriculture are:

- *Minnesota Statutes*, Chapters 17-34, 40-42, 500
- *Minnesota Rules* 1500-1699

Commissioner Hugoson resides at 2775 - 60th Street, Granada, Minnesota 56039, Martin County, Congressional District One.

He can be reached at the Minnesota Department of Agriculture, 90 W. Plato Blvd., St. Paul, MN 55107-2094. Telephone (651) 297-2200. Internet home page: <http://www.mda.state.mn.us>

Department of Children, Families and Learning

Notice of Appointment of Acting Commissioner Jessie Montano

NOTICE IS HEREBY GIVEN, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Tim Pawlenty appointed Jessie Montano to the office of Acting Commissioner of the Minnesota Department of Children, Families and Learning effective January 6, 2003. She succeeds Christine Jax who was appointed commissioner effective January 13, 1999.

This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled. The laws and rules governing the Department of Children, Families and Learning are:

- *Minnesota Statutes*, Chapters 120-129, 134
- *Minnesota Rules* 3500-3799

Acting Commissioner Montano resides at 2368 Dorland Place, Maplewood, Minnesota 55119, Ramsey County, Congressional District Four.

She can be reached at the Minnesota Department of Children, Families and Learning, 1500 Highway 36 West, Roseville, MN 55113-4266. Telephone (651) 582-8204. Internet home page: cfl@state.mn.us

Appointments

Department of Commerce

Notice of Appointment of Commissioner Glenn Wilson, Jr.

NOTICE IS HEREBY GIVEN, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Tim Pawlenty appointed Glenn Wilson, Jr. to the office of Commissioner of the Minnesota Department of Commerce effective January 6, 2003. He succeeds James Bernstein, appointed commissioner effective July 31, 2000.

This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled. The laws and rules governing the Department of Commerce are:

- *Minnesota Statutes*, Chapters (department) 45; (banking) 45-56, 59A, 168.66, 332; (insurance) 45, 60-79; (securities) 45, 80, 306, 332, 501; (real estate) 82-83; (unclaimed property) 345
- *Minnesota Rules* 2600-2899

Commissioner Wilson resides at 5306 River Bluff Circle, Bloomington, Minnesota 55437, Hennepin County, Congressional District Three.

He can be reached at the Minnesota Department of Commerce, 133 East Seventh Street, St. Paul, MN 55101. Telephone (651) 296-5769. Website: www.commerce.state.mn.us

Department of Corrections

Notice of Appointment of Acting Commissioner Dennis Benson

NOTICE IS HEREBY GIVEN, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Tim Pawlenty appointed Dennis Benson to the office of Acting Commissioner of the Minnesota Department of Corrections effective January 6, 2003. He succeeds Commissioner Sheryl Ramstad Hvass, who was appointed effective February 9, 1999.

This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled. The laws and rules governing the Department of Corrections are:

- *Minnesota Statutes*, Chapters 241-144 and Sections 260.51-.57
- *Minnesota Rules* 2900-2999

Acting Commissioner Benson resides at 2223 - 50th Street, Somerset, Wisconsin 54025, Saint Croix County, Congressional District Three.

He can be reached at the Minnesota Department of Corrections, 1450 Energy Park Drive, Suite 200, St. Paul, MN 55108-5219. Telephone (651) 642-0200. Internet home page: <http://www.corr.state.mn.us>

Department of Corrections

Notice of Appointment of Commissioner Joan Fabian

NOTICE IS HEREBY GIVEN, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Tim Pawlenty appointed Joan Fabian to the office of Commissioner of the Minnesota Department of Corrections effective January 20, 2003. She succeeds Dennis Benson, appointed Acting Commissioner effective January 6, 2003 to replace former Commissioner Sheryl Ramstad Hvass.

This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled. The laws and rules governing the Department of Corrections are:

- *Minnesota Statutes*, Chapters 241-144 and Sections 260.51-.57
- *Minnesota Rules* 2900-2999

Commissioner Fabian resides at 35217 Forest Boulevard, North Branch, Minnesota 55056, Chisago County, Congressional District Eight.

She can be reached at the Minnesota Department of Corrections, 1450 Energy Park Drive, Suite 200, St. Paul, MN 55108-5219. Telephone (651) 642-0200. Internet home page: <http://www.corr.state.mn.us>

Department of Economic Security

Notice of Appointment of Acting Commissioner John Stavros

NOTICE IS HEREBY GIVEN, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Tim Pawlenty appointed John Stavros to the office of Acting Commissioner of the Minnesota Department of Economic Security effective January 9, 2003. He succeeds Acting Commissioner Al St. Martin.

This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled. The laws and rules governing the Department of Economic Security are:

- *Minnesota Statutes*, Chapters 129A, 248, 268
- *Minnesota Rules* 3300-3499

Acting Commissioner Stavros resides at 6717 Lakeview Avenue, Richfield, Minnesota 55423, Hennepin County, Congressional District Three.

He can be reached at the Minnesota Department of Economic Security, 390 N. Robert Street, St. Paul, MN 55101. Telephone (651) 296-1821. Internet home page: <http://mn.jobsearch.org/>

Department of Employee Relations

Notice of Reappointment of Acting Commissioner Ann Schluter

NOTICE IS HEREBY GIVEN, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Tim Pawlenty has reappointed Ann Schluter to the office of Acting Commissioner of the Minnesota Department of Employee Relations effective January 6, 2003. She succeeded former Commissioner Julien Carter, appointed September 12, 2002.

This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled. The laws and rules governing the Department of Employee Relations are:

- *Minnesota Statutes*, Chapters 43A, 179A and 471
- *Minnesota Rules* 3900-3920

Acting Commissioner Schluter resides at 3393 Glynwater Trail Northwest, Prior Lake, Minnesota 55372, Scott County, Congressional District Two.

She can be reached at the Minnesota Department of Employee Relations, 200 Centennial Bldg., 658 Cedar Street, St. Paul, MN 55155. Telephone (651) 296-3095. Internet home page: <http://www.doer.state.mn.us>

Department of Finance

Notice of Appointment of Commissioner Dan McElroy

NOTICE IS HEREBY GIVEN, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Tim Pawlenty appointed Dan McElroy to the office of Commissioner of the Minnesota Department of Finance effective January 6, 2003. He succeeds Anne Berry, Acting Commissioner, who was appointed to replace commissioner Pam Wheelock on September 16, 2002.

This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled. The laws and rules governing the Department of Finance are:

- *Minnesota Statutes*, Chapters 16A

Commissioner McElroy resides at 12805 Welcome Lane, Burnsville, Minnesota 55337, Dakota County, Congressional District Two.

He can be reached at the Minnesota Department of Finance, 400 Centennial Bldg., 658 Cedar Street, St. Paul, MN 55155. Telephone (651) 297-7881. Internet home page: <http://www.finance.state.mn.us>

Appointments

Department of Health

Notice of Appointment of Acting Commissioner Aggie Leitheiser

NOTICE IS HEREBY GIVEN, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Tim Pawlenty appointed Aggie Leitheiser to the office of Acting Commissioner of the Minnesota Department of Health effective January 6, 2003. She succeeds Jan Malcolm, appointed commissioner effective February 1, 1999.

This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled. The laws and rules governing the Department of Health are:

- *Minnesota Statutes*, 62D, 62J, 62L, 62N, 62P, 62Q, 62R, 103H, 103I, 144, 144A, 145, 145A, 149, 157, 326 and 327
- *Minnesota Rules* 4600-4799

Acting Commissioner Leitheiser resides at 7614 Edgebrook Drive, Saint Louis Park, Minnesota 55426, Hennepin County, Congressional District Five.

She can be reached at the Minnesota Department of Health, Golden Rule Bldg., 85 E. 7th Place, Suite 400, St. Paul, MN 55101. Telephone (651) 296-8401. Internet home page: <http://www.mdh.state.mn.us>

Department of Human Services

Notice of Appointment of Commissioner Kevin Goodno

NOTICE IS HEREBY GIVEN, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Tim Pawlenty appointed Kevin Goodno Commissioner of the Minnesota Department of Human Services. He succeeds Linda Anderson, appointed Acting Commissioner of the Minnesota Department of Human Services effective June 29, 2002.

This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled. The laws and rules governing the Department of Human Services are:

- *Minnesota Statutes*, Chapters 245-261
- *Minnesota Rules* 9500-9799

Commissioner Goodno resides at Box 478 Moorhead, Minnesota 56561, Clay County, Congressional District Seven.

He can be reached at the Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155. Telephone (651) 296-2701. Internet home page: <http://www.dhs.state.mn.us>

Iron Range Resources and Rehabilitation Board

Notice of Appointment of Acting Commissioner Brian Hiti

NOTICE IS HEREBY GIVEN, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Tim Pawlenty appointed Brian Hiti to the office of Acting Commissioner of the Iron Range Resources and Rehabilitation Board effective January 6, 2003. He replaces former Commissioner John Swift, appointed March 8, 1999.

This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled. The laws and rules governing the Iron Range Resources and Rehabilitation Board are:

- *Minnesota Statutes*, Section 298.22

Acting Commissioner Hiti resides at 103 West Minnesota Avenue, Gilbert, Minnesota 55741, St. Louis County, Congressional District Eight.

He can be reached at the Iron Range Resources and Rehabilitation Board, Highway 53 South, P.O. Box 441, Eveleth, MN 55744. Telephone (218) 744-7400. Internet home page: <http://www.irrrb.org>

Department of Labor and Industry

Notice of Appointment of Commissioner Jane Volz

NOTICE IS HEREBY GIVEN, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Tim Pawlenty appointed Jane Volz to the office of Commissioner of the Minnesota Department of Labor and Industry effective January 6, 2003. She replaces Commissioner Shirley Chase appointed September 6, 2001.

This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled. The laws and rules governing the Department of Labor and Industry are:

- *Minnesota Statutes*, Chapters 175-178, 181-184 and 326
- *Minnesota Rules* 5200-5499

Commissioner Volz resides at 17315 Liberty Beach Court, Lakeville, Minnesota 55044, Dakota County, Congressional District Two.

She can be reached at the Minnesota Department of Labor and Industry, 443 Lafayette Road, St. Paul, MN 55155. Telephone (651) 284-5010. Internet home page: <http://www.doli.state.mn.us>

Mediation Services Bureau

Notice of Reappointment of Acting Commissioner Lance Teachworth

NOTICE IS HEREBY GIVEN, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Tim Pawlenty reappointed Lance Teachworth to the office of Acting Commissioner of the Minnesota Bureau of Mediation Services effective January 6, 2003.

This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled. The laws and rules governing the Bureau of Mediation Services are:

- *Minnesota Statutes*, Chapters 179 and 179A
- *Minnesota Rules* 5505-5530

Acting Commissioner Teachworth resides at 1734 Hampshire Avenue, Saint Paul, Minnesota 55116, Ramsey County, Congressional District Four.

He can be reached at the Minnesota Bureau of Mediation Services, 1380 Energy Lane, Suite Two, St. Paul, MN 55108-5253. Telephone (651) 649-5421. Internet home page: <http://www.bms.state.mn.us>

Metropolitan Airports Commission

Notice of Appointment of Acting Chairman Bert McKasy

NOTICE IS HEREBY GIVEN, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Tim Pawlenty appointed Bert McKasy to the office of chairman of the Metropolitan Airports Commission effective January 6, 2003. He succeeds Chairman Charles Nichols, Sr.

This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled. The laws and rules governing the Metropolitan Airports Commission are:

- *Minnesota Statutes*, 473.601-.679

Acting Chairman McKasy resides at 5830 South Robert Trail, Inver Grove Heights, Minnesota 55077, Dakota County, Congressional District Four.

He can be reached at the Metropolitan Airports Commission, 6040 - 28th Avenue South, Minneapolis, Minnesota 55450. Telephone (612) 794-4150. Internet home page: <http://www.msairport.com>

Appointments

Metropolitan Council

Notice of Appointment of Acting Chair Mary Hill Smith

NOTICE IS HEREBY GIVEN, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Tim Pawlenty appointed Mary Hill Smith to the office of Acting Chair of the Metropolitan Council effective January 6, 2003. She succeeds Chairman Ted Mondale, appointed February 1, 1999.

This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled. The laws and rules governing the Metropolitan Council are:

- *Minnesota Statutes*, 473.121-.249; 473.371-.451; 473.501-.549
- *Minnesota Rules* 5800, 5900

Acting Chairman Smith resides at 515 North Ferndale Road, Wayzata, Minnesota 55391, Hennepin County, Congressional District Three.

She can be reached at the Metropolitan Council, 230 East Fifth Street, Mears Park Centre, St. Paul, MN 55101. Telephone (651) 602-1453. Internet home page: <http://www.metrocouncil.org>

Department of Natural Resources

Notice of Appointment of Acting Commissioner Brad Moore

NOTICE IS HEREBY GIVEN, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Tim Pawlenty appointed Brad Moore to the office of Acting Commissioner of the Minnesota Department of Natural Resources effective January 6, 2003. He succeeds Commissioner Allen Garber who was appointed February 15, 1999.

This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled. The laws and rules governing the Department of Natural Resources are:

- *Minnesota Statutes*, Chapters 84, 84A, 85, 86, 86A, 88-94, 87-112
- *Minnesota Rules* 6100-6299

Acting Commissioner Moore resides at 84 Crocus Street, Mahtomedi, Minnesota 55115, Washington County, Congressional District Six.

He can be reached at the Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, MN 55155-4001. Telephone (651) 296-6157. Internet home page: info@dnr.state.mn.us

Pollution Control Agency

Notice of Appointment of Commissioner Sheryl Corrigan

NOTICE IS HEREBY GIVEN, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Tim Pawlenty appointed Sheryl Corrigan to the office of Commissioner of the Minnesota Pollution Control Agency effective January 6, 2003. She succeeds Karen Studders, appointed commissioner effective January 6, 1999.

This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled. The laws and rules governing the Pollution Control Agency are:

- *Minnesota Statutes*, Chapters 115-116H
- *Minnesota Rules* 4760, and 7000-7199

Commissioner Corrigan resides at 380 South Fourth Street, Bayport, Minnesota 55003, Washington County, Congressional District Six.

She can be reached at the Minnesota Pollution Control Agency, 520 Lafayette Road North, Saint Paul, Minnesota 55155-4194. Telephone (651) 296-6300. Internet home page: <http://www.pca.state.mn.us>

Office of Strategic and Long Range Planning (Minnesota Planning)

Notice of Reappointment of Acting Director Jack Uldrich

NOTICE IS HEREBY GIVEN, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Tim Pawlenty reappointed Jack Uldrich to the office of Acting Director of the Office of Strategic and Long Range Planning (Minnesota Planning) effective January 6, 2003. On November 7, 2002 Uldrich replaced Director Dean Barkley, who was appointed director effective January 18, 1999.

This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled. The laws governing Office of Strategic and Long Range Planning are:

- *Minnesota Statutes*, 4A.01 - 4A.10

Acting Director Uldrich resides at 4901 Emerson Avenue South, Minneapolis, Minnesota 55409, Hennepin County, Congressional District Five.

He can be reached at the Office of Strategic and Long Range Planning, 658 Cedar Street, St. Paul, MN 55155. Telephone (651) 297-2325. Internet home page: <http://www.mnplan.state.mn.us>

Department of Public Safety

Notice of Appointment of Acting Commissioner Mancel Mitchell, Jr.

NOTICE IS HEREBY GIVEN, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Tim Pawlenty appointed Mancel Mitchell to the office of Acting Commissioner of the Minnesota Department of Public Safety effective January 6, 2003. He succeeds Commissioner Charlie Weaver.

This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled. The laws and rules governing the Department of Public Safety are:

- *Minnesota Statutes*, Chapters 12, 168-71, 299A-299I, 340
- *Minnesota Rules* 7400-7599

Acting Commissioner Mitchell resides at 2613 West 42nd Street, Minneapolis, Minnesota 55410, Hennepin County, Congressional District Five.

He can be reached at the Minnesota Department of Public Safety, North Central Life Tower, Suite 1000, 445 Minnesota Street, St. Paul, MN 55101. Telephone (651) 296-6642. Internet home page: <http://www.dps.state.mn.us>

Department of Revenue

Notice of Appointment of Commissioner Daniel Salomone

NOTICE IS HEREBY GIVEN, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Tim Pawlenty appointed Daniel Salomone to the office of Commissioner of the Minnesota Department of Revenue effective January 6, 2003. He succeeds Commissioner Dennis Erno, appointed October 9, 2002.

This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled. The laws and rules governing the Department of Revenue are:

- *Minnesota Statutes*, Chapters 270-299
- *Minnesota Rules* 8000-8199

Commissioner Salomone resides at 2734 Gerald Avenue, North Saint Paul, Minnesota 55109, Ramsey County, Congressional District Four.

He can be reached at the Minnesota Department of Revenue, 600 North Robert Street, St. Paul, MN 55146. Telephone (651) 296-3403. Internet home page: <http://www.taxes.state.mn.us>

Appointments

Department of Trade and Economic Development

Notice of Appointment of Acting Commissioner Elaine Bliss

NOTICE IS HEREBY GIVEN, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Tim Pawlenty appointed Elaine Bliss to the office of Acting Commissioner of the Minnesota Department of Trade and Economic Development effective January 6, 2003. She succeeds Commissioner Rebecca Yanisch, appointed to replace Commissioner Gerald Carlson.

This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled. The laws and rules governing the Department of Trade and Economic are:

- *Minnesota Statutes*, Chapters 116J
- *Minnesota Rules* 4100-4399

Acting Commissioner Bliss resides at 12260 Danbury Way, Rosemount, Minnesota 55068, Dakota County, Congressional District Two.

She can be reached at the Minnesota Department of Trade and Economic Development, 500 Metro Square Bldg., 121 7th Place East, St. Paul, MN 55101-2146. Telephone (651) 296-6424. Internet home page: <http://www.dted.state.mn.us>

Department of Transportation

Notice of Appointment of Commissioner (Lieutenant Governor) Carol Molnau

NOTICE IS HEREBY GIVEN, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Tim Pawlenty appointed Lieutenant Governor Carol Molnau to the office of Commissioner of the Minnesota Department of Transportation effective January 6, 2003. She succeeds Douglas Weizhaar, acting commissioner, who replaced Elwyn Tinklenberg on October 5, 2002.

This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled. The laws and rules governing the Department of Transportation are:

- *Minnesota Statutes*, Chapters 11A, 13, 15A, 16B, 17, 84, 103A, 103C, 103E, 116, 116C, 117, 160-162, 165, 167, 169, 173, 174, 216C, 218, 219, 221, 222, 360, 457A and 505
- *Minnesota Rules* 8800-8870

Lieutenant Governor Molnau resides at 495 Pioneer Trail, Chaska, Minnesota 55318, Carver County, Congressional District Two.

She can be reached at the Minnesota Department of Transportation, 395 John Ireland Boulevard, St. Paul, MN 55155. Telephone (651) 296-3000. Internet home page: <http://www.dot.state.mn.us>

Department of Veterans Affairs

Notice of Reappointment of Commissioner Jeff Olson

NOTICE IS HEREBY GIVEN, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Tim Pawlenty reappointed Commissioner Jeff Olson to the office of Commissioner of the Minnesota Department of Veterans Affairs effective January 6, 2003.

This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled. The laws and rules governing the Department of Veterans Affairs are:

- *Minnesota Statutes*, Chapters 196, 197, 198
- *Minnesota Rules* 9050

Commissioner Olson resides at 2216 Orwell Court North, Stillwater, Minnesota 55082, Washington County, Congressional District Six.

He can be reached at the Minnesota Department of Veterans Affairs, Veterans Service Bldg., 2nd Floor, 20 West 12th Street, St. Paul, MN 55155. Telephone (651) 296-2783. Internet home page: <http://www.mdva.state.mn.us>

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 Wannaska Sanitary District

The Township of Grimstad and the Township of Mickinock petitioned the Minnesota Pollution Control Agency (MPCA) under *Minnesota Statutes* § 115.20 requesting the formation of the Wannaska Sanitary District. The Chairpersons of the Grimstad Township Board of Supervisors and the Mickinock Township Board of Supervisors were authorized to sign the petition pursuant to resolutions passed by their respective bodies of government.

The MPCA published the Notice of Intent to Approve the Wannaska Sanitary District in the *State Register* on Monday, September 30, 2002. The MPCA also mailed a copy of the notice to all property owners in the affected area.

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 within portions of Grimstad and Mickinock Townships, located in Roseau County, Minnesota, and includes the community of Wannaska.

2. The legal description of the sanitary district is as follows:

The Southeast Quarter of the Southeast Quarter (SE1/4, SE1/4) of Section 24, the East Half of the Northeast Quarter (E1/2, NE1/4) (that part lying east of the South Branch - Roseau River) of Section 25, Township 160 North, Range 40 West; and the Southwest Quarter of the Southwest Quarter (SW1/4, SW1/4) of Section 19, the Northwest Quarter of the Northwest Quarter (NW1/4, NW1/4) of Section 30, Township 160 North, Range 39 West, Roseau County, Minnesota.

3. On April 15, 2002, a public meeting was held at the Wannaska School, located in Wannaska, 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 *Roseau Times-Region*, a qualified newspaper published in the area. The Notice was published on March 30, 2002, and April 6, 2002. Notice of the public meeting was posted for two weeks prior to the meeting at the Grimstad Township Hall, the Mickinock Township Hall, and Lee's Store, Wannaska, Minnesota. Notice of the meeting was also mailed to each of the property owners in the area of the proposed district on April 8, 2002.

4. On April 17, 2002, the Grimstad Township Board of Supervisors 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 Wannaska Sanitary District. The resolution was published in the *Roseau Times-Region* on April 20, 2002, and became effective forty (40) days after the date of publication.

5. On April 16, 2002, the Mickinock Township Board of Supervisors 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 Wannaska Sanitary District. The resolution was published in *Roseau Times-Region* on April 20, 2002, and became effective forty (40) days after the date of publication.

6. On July 18, 2002, a petition and record of the public hearing was filed with the MPCA requesting approval for the formation of the Wannaska Sanitary District. The Chairperson of the Grimstad Township Board of Supervisors and the Chairperson of the Mickinock Township Board of Supervisors 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 30, 2002, the MPCA published the Notice of Intent to Approve Creation of the Wannaska Sanitary District in the *State Register* at 27 SR 467 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 30, 2002.

Commissioner's Orders

9. By October 30, 2002, 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.

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 is currently served by individual on-site wastewater treatment systems. Roseau County with the assistance of project consultants conducted inspections of the existing on-site treatment systems in September 2000. The result of the inspections indicated that less than 10 % of the existing on-site treatment systems meet current standards under *Minnesota Rules* ch. 7080 for regulating individual sewage treatment systems. Existing conditions in the area of the proposed district are not favorable for upgrading or replacing nonconforming on-site treatment systems. Nonconforming on-site systems in close proximity to individual drinking water wells can present a potential health risk to residents in the area by contaminating the ground water. Nonconforming systems located adjacent to the South Branch of the Roseau River is discharging inadequately treated wastewater to the river.

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 Wannaska 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 Township of Mickinock is designated as the central related governing body for the purpose of joint meetings between the Township of Grimstad and the Township of Mickinock.

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 (2002).

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 Wannaska Sanitary District is hereby created to include a portion of the Township of Grimstad and the Township of Mickinock as described in the legal description attached to the petition filed with the MPCA.

Dated: 21 January 2003

Karen A. Studders
Commissioner

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.

Office of the Attorney General

Meeting Notice

Pursuant to *Minnesota Statute* 504B.275, the Attorney General's Office will hold a public meeting regarding proposed revisions to its publication entitled *Landlord and Tenants: Rights and Responsibilities*. The meeting will be held Thursday, January 30, 2003, from 10:00-11:00 a.m., at the second floor of the NCL Tower, 445 Minnesota Street, St. Paul, MN 55101.

Comments are also welcome by mail, phone or fax. Please contact Ben Welle at (651) 297-8834, to request the revised brochure text or to send comments. He will also take comments by fax at (651) 282-5437, or by mail at 1400 NCL Tower, 445 Minnesota Street, St. Paul, MN 55101.

Minnesota Comprehensive Health Association

Notice of Meeting of Executive Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA) **Executive Committee** will take place on Monday, January 27, 2003 at 2:30 p.m. The meeting will take place at the MCHA Executive Office, 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

For additional information, please call Mary McCaffrey at (952) 593-9609.

Department of Human Services

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

NOTICE IS HEREBY GIVEN that the Minnesota Health Care Programs provider participation list for January 1, 2003 is now available. The provider participation list is a compilation of health care providers who are in compliance with DHS Rule 101. If a provider name is not on the list, the Department considers the provider non-compliant. The list of providers is separated by provider type, each section is in alphabetical order by provider name, and there is no additional information on the list other than the provider's name. This list is distributed on a quarterly basis to the Department of Employee Relations, the Department of Labor and Industry, and the Department of Commerce. To obtain the list, contact Kelly Crawford, Rule 101 Specialist, at 651-296-0766 or toll-free at 1-800-657-3991. You may fax your request to 651-296-5690 or mail to the Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3856.

Kevin Goodno, Commissioner
Department of Human Services

Department of Human Services

Aging Initiative - Continuing Care for the Elderly

Public Notice Regarding Proposed Payment Rate Changes for Nursing Facilities Participating in the Medical Assistance Program

NOTICE IS HEREBY GIVEN to recipients, providers of services under the Medical Assistance Program, and to the public, of proposed payment rate changes for nursing facilities participating in the Medical Assistance Program. Notice of final rate changes enacted by the 2003 legislature will be published in the *State Register* prior to the effective date of the changes.

This notice is published pursuant to 42 *United States Code* §1396a(a)(13)(A) (§1902(a)(13)(A) of the Social Security Act), which requires the Department to publish proposed facility payment rates, the methodologies underlying the establishment of such rates, and the justification for such rates. This notice is also published pursuant to title 42, part 447, section 205 (42 CFR §447.205), which requires publication of a notice when there is a proposed rate change in the methods and standards for setting payment rates for Medical Assistance services.

The Department is notifying interested parties that the Governor's State Fiscal Year 2003 supplemental budget contains the following two proposed changes to facility payment rates or to rate methodology. The changes are proposed in order to reduce the state's current budget deficit.

- **The supplemental budget proposes to increase the nursing home surcharge and to increase nursing facility rates.** The supplemental budget proposes to increase each nursing facility's rate by \$6.00 per resident day effective March 1, 2003 and to increase the annual nursing home surcharge from \$990.00 to \$2,741.00 per licensed bed, effective April 15, 2003. Although the supplemental budget will increase each nursing facility's rate, this is tempered by an increase to the surcharge. These changes will result in net savings to the General Fund.
- **The supplemental budget proposes to increase intergovernmental transfer revenues by increasing the disproportionate share nursing facility payment.** Beginning May 31, 2003, the budget proposes to increase each county-owned and operated nursing home's annual disproportionate share payment to the state by \$2,230.00 for each licensed bed owned and operated by the county on that date. The commissioner shall pay an adjustment to each county nursing home in an amount equal to \$6.11 per calendar day multiplied by the number of beds licensed in the facility on that date. The changes will result in net savings to the General Fund.

The net savings to the General Fund of these proposals is projected to be \$12,520,000.00 in State Fiscal Year 2003; \$43,337,000.00 in State Fiscal Year 2004; and \$43,049,000.00 annually in State Fiscal Years 2005 through 2007.

Information on the proposed changes is available from Sue Banken, Minnesota Department of Human Services, Aging Initiative, 444 Lafayette Road North, St. Paul, Minnesota, 55155-3844; phone (651) 296-5724 or email: sue.banken@state.mn.us.

The public is invited to attend the legislative hearings where these proposals will be discussed. Information on Senate hearings is available from the Senate Information Office at: (651) 296-0504 (voice) or (651) 296-0250 (TTY); for Greater Minnesota call 1-888-234-1112 (voice) or 1-888-234-1216 (TTY). Hearing schedules are posted at: <http://www.senate.leg.state.mn.us/schedule/2003/index.htm>.

Information on House of Representatives hearings is available from the House of Representatives Public Information Office at: (651) 296-2146 (voice) or (651) 296-9896 (TTY); for Greater Minnesota call 1-800-657-3550. Hearing schedules are posted at: <http://www.house.leg.state.mn.us/hinfo/schedule/>.

Department of Labor and Industry

Labor Standards Unit

Notice of Correction to Commercial Prevailing Wage Rates

Corrections have been made to the Commercial Prevailing Wage Rates certified 12/30/02, for **Labor Code 407, Electricians in Beltrami County**, and **Labor Code 417, Pipefitters-Steamfitters in Koochiching County**.

Copies of the certified wage rates for these Counties may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road North, St. Paul, Minnesota 55155-4306, or by calling (651) 284-5091, or accessing our web site at www.doli.state.mn.us. Charges for the cost of copying and mailing are \$.65 per page. Make check or money order payable to the State of Minnesota.

Jane Volz
Commissioner

Pollution Control Agency

Public Notice for the National Pollutant Discharge Elimination System (NPDES) and State Disposal System (SDS) General Storm Water Permit for Construction Activity

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) proposes to reissue NPDES/SDS General Permit (MN R100001) under the provisions of *Minnesota Rules* 7001.0210, for discharges of storm water associated with construction activity. This is a NPDES/SDS general permit to regulate the discharges of storm water to surface waters of the state of Minnesota associated with construction activity. Consistent with federal requirements, construction activity disturbing one acre or more, including construction that is part of a common plan of development disturbing one acre or more, must obtain coverage under a permit after March 10, 2003. This is a change from the current threshold of five acres (see below). Comments are requested from affected or interested parties on a draft of this NPDES/SDS general permit. Comments should be submitted in writing in accordance with the provisions of this notice.

This is a public notice for the NPDES/SDS Permit Program (Section 403, Clean Water Act, as amended, *Minnesota Statutes* chs. 115 and 116, as amended, and *Minnesota Rules* ch. 7001).

A general permit covers categories with operations, emissions, activities, discharges, or facilities that are the same or similar in context. The general storm water permit for construction activity was last reissued for the period September 4, 1998, through September 4, 2003; the original general permit was first issued September 3, 1993. The duration of all NPDES/SDS permits is five years.

The authority to develop and issue a general permit is based on the 1979 U.S. Environmental Protection Agency (EPA) promulgated revisions to the NPDES/SDS program regulations, which created a class of permits called general permits. The general permits are issued in the state of Minnesota under *Code of Federal Regulations*, title 40, 122.28 and *Minnesota Rules* 7001.0210. General permits can be issued in states with NPDES/SDS authority if the state program includes general permit authority from the EPA. The MPCA's general permit program was approved by the EPA on December 15, 1987.

This draft general storm water permit for construction activity is proposed to replace the existing general storm water permit for construction activity (MN R110000) and provides a mechanism to regulate the discharge of storm water associated with construction activities. Like the past permit, this permit will require permittees to develop and implement a Storm Water Pollution Prevention Plan (SWPPP) prior to conducting construction activity to address the potential for discharge of sediment and/or other potential pollutants from the construction site. The SWPPP must be developed prior to application submittal. This general permit will provide coverage for all construction activity including clearing, grading and excavation, which disturb land of equal to or greater than one (1) acre.

The current Construction Storm Water Permit (MN R110000) expires on September 4, 2003. The draft permit proposed in this public notice (MN R100001) is intended to take effect before September 4, 2003. There will be an overlap in permit coverage between the old and new construction storm water permits. It is the intent of the MPCA to have the new permit and application available as soon as possible after March 10, 2003. Applicants are encouraged to use the new application as soon as the new permit has been issued. However, the MPCA recognizes that in some cases, project planning, design, and contractual obligations may have had to move forward in compliance with the existing permit, and that changing the project to conform to the new permit will be a burden. In these cases, for the 2003 construction season, until September 4, 2003, applications may be made using the require-

Official Notices

ments of the existing permit, or the new permit once issued. Construction activity must start in 2003 in order to use the current permit. For sites applying after March 10, 2003 and using the old permit, Storm Water Pollution Prevention Plans must be amended to conform with the requirements of the new permit within 18 months of issuance.

The draft general permit and fact sheet are available for review at the MPCA located at 520 Lafayette Road North, St. Paul, during regular business hours, Monday through Friday. A copy of the draft general permit and fact sheet can also be downloaded from the MPCA Construction Storm Water Web Site at: <http://www.pca.state.mn.us/water/stormwater/stormwater-c.html>. You may also receive a copy of the draft general permit and fact sheet by calling Rachel Yaritz at (651) 297- 8679 or 1-800-657-3864, or for users of Telecommunications Device for the Deaf, call (651) 297-5353.

There are four formal procedures for public participation in the MPCA's consideration of the permit reissuance. Interested persons may (1) submit written comments on the draft permit; (2) request that the MPCA hold a public informational meeting; (3) request that the MPCA hold a contested case hearing; and (4) submit a petition to the Commissioner requesting that the MPCA Citizens' Board consider the permit matter.

The public comment period begins: January 21, 2003

The public comment period ends: February 26, 2003

(1) Interested persons are invited to submit written comments on this draft permit. Any comments received before 4:30 p.m. on the last day of the comment period (see above) will be considered before the draft permit is finalized.

Comments on the draft permit should include the following information, pursuant to *Minnesota Rules* 7001.0110:

1. A statement of the person's interest in the draft permit;
2. A statement of the action the person would like the MPCA to take, including specific references to sections in the draft permit; and
3. Reasons supporting the person's position.

(2) Public information meetings will take place on:

- **February 4, 2003**, Blue Earth County Library, 100 Main Street, Mankato, MN, (507) 387-1856
- **February 10, 2003**, Maple Grove Community Center, 12951 Weaver Lake Road, Maple Grove, MN, (763) 494-6500
- **February 11, 2003**, Minnesota Pollution Control Agency, Brainerd Regional Office, 1800 College Road South, Baxter, MN, (218) 828-2494

There will be a morning and afternoon session at each of the three public information meetings. The agenda for each of the three public information meetings is as follows:

| Morning Session | | Afternoon Session |
|------------------------|---|--------------------------|
| 9:00 a.m. | Open House | 1:30 p.m. |
| 9:30 a.m. | Welcome and Introductions Proposed Construction Permit Presentation Michael Findorff, P.E. , MPCA | 2:00 p.m. |
| | Informal Questions and Answers Comments not be entered in the public record | |
| 10:30 a.m. | Formal Comments All comments entered in the public record | 3:00 p.m. |
| Noon | Adjourn | 4:30 p.m. |

Apart from these public meetings on the permit, the MPCA also hopes to offer more in-depth informational/training workshops on the construction storm water requirements at a future date. Please refer to the MPCA storm water web site <http://www.pca.state.mn.us/water/stormwater/stormwater-c.html> for possible dates and locations.

(3) Any person may request a contested case hearing on the draft permit before the end of the public comment period. Any request for a public informational meeting or a contested case hearing must include the information in items 1 through 3 listed under 1) above.

(4) Any person may request that this permit be considered by the MPCA Citizens' Board for final decision (in accordance with *Minnesota Statute* § 116.02, subd.6).

Comments on the permit, requests for a public informational meeting, or requests for a contested case hearing should be submitted in writing to:

Michael Findorff, P.E.
Minnesota Pollution Control Agency
Regional Environmental Management Division
Phase II Storm Water Program
520 Lafayette Road North
St. Paul, Minnesota 55155-4194
Fax (651) 282-6247

Please bring this public notice to the attention of persons whom you know would be interested in this matter. The public is entitled, and welcome, to participate in the activities of the MPCA Citizens' Board and MPCA staff.

In the absence of any requests for additional public information meetings or a contested case hearing, the final decision to issue this permit will be made by the MPCA.

State Grants & Loans

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

Department of Corrections

Notice of Availability of Funds for Grants to Restorative Justice Programs

The Minnesota Department of Corrections, Community and Juvenile Services Division, Grants and Subsidies Unit, announces the availability of funds for grants to restorative justice programs providing local services as defined in *Minnesota Statutes*, section 611A.775. The goal of this Request For Proposals is to promote programs that have demonstrated successful results and that are building long-term sustainability by developing diverse, stable funding from public, local and private funding sources.

A total of \$220,000 per year is available to fund multiple grants ranging from \$10,000 to \$40,000 per year. All grants will be for the twenty-four (24) month period from July 1, 2003, through June 30, 2005. Non-profit 501 (c) (3) organizations, local units of government and American Indian tribal governments are eligible to apply for these funds. Successful applicants may be eligible for an additional two years of funding.

The deadline for submission of completed proposals is 12:00 p.m. March 10, 2003.

To request a copy of a complete Request for Proposal, contact:

Lynda Davis
Minnesota Department of Corrections
Community and Juvenile Services Division
Grants and Subsidies Unit
1450 Energy Park Drive, Suite 200
St. Paul, Minnesota 55108-5219
Telephone (651) 643-2533, **TTY** (651) 643-3589
E-mail: ldavis@co.doc.state.mn.us

This RFP can be accessed on the DOC website at www.doc.state.mn.us/publications/requestforproposals.htm

State Contracts

Informal Solicitations: Effective March 1, 2002, informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) website. Interested vendors are encouraged to monitor the P/T Contract section of the MMD website at www.mmd.admin.state.mn.us for informal solicitation announcements.

Formal Solicitations: Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

Department of Administration

State Designer Selection Board

Request for Proposals for Designer Selection for Minnesota State Colleges and Universities - Workforce Center Addition and Remodeling St. Cloud Technical College - St. Cloud, Minnesota (Project 03-01)

To Minnesota Registered Design Professionals:

The State of Minnesota (State) through its State Designer Selection Board has been requested to select a design team for the above project. Proposals from interested firms must be received by, 11:00 a.m. Monday, February 3, 2003 to:

Terry Lewko, Executive Secretary
State Designer Selection Board
Department of Administration
c/o Materials Management Division
50 Sherburne Avenue, Room 112
St. Paul, Minnesota 55155
(651) 297-1545

PROPOSALS RECEIVED AFTER THE SUBMISSION DEADLINE WILL NOT BE CONSIDERED.

Questions concerning procedures, or schedule are to be referred to the Executive Secretary at (651) 297-1545. Questions relating to the project are to be referred to the project contact(s) in Item 1.j.

1. PROJECT 03-01

a. PROJECT DESCRIPTION: Office of the Chancellor intends to retain architectural and engineering consulting services for the schematic design of a new Workforce Center addition and remodeling of existing spaces at St. Cloud Technical College.

Project Scope

The new addition will be two stories totaling approximately 43,000 gross square feet connected to the existing main campus building. This new addition will provide space for Student Services which includes Registration, Admissions, Financial Services, Business Office. Additionally the space will house the Technology Center which includes several high-tech/smart classrooms and the ITV center.

The remodeled space is approximately 34,000 gross square feet located on two floors. This space is being remodeled to accommodate the needs of the area Workforce Center. There are four major partners with St. Cloud Technical College who will play a role in the design of the remodeled space. These major partners are the Department of Rehabilitative Services, Services for the Blind, Job Services, and the Stearns/Benton Employment & Training Council.

b. REQUIRED CONSULTANT SERVICES: The selected design team shall:

1. Provide a comprehensive scope of services for Schematic Design (SD), with Design Development (DD), Construction Documents (CD), Bidding and Construction Administration to follow when additional project funding is approved by the 2004 Legislature.
2. Prepare all design documents using computer aided design and drafting technology in an electronic data exchange file format acceptable to Minnesota State Colleges and Universities. All drawings and specifications must conform to Minnesota State Colleges and Universities design standards and adhere to all applicable building, life safety, and energy codes and meet all ADA regulations and program requirements.
3. Demonstrate experience in the design and construction of institutional collegiate student service spaces, including state-of-the-art telecommunications systems, computer lab facilities, and similar spaces that are part of the program requirements.
4. Integrate the remodeled spaces of the Project with the existing facility.

5. Complete all designs, drawings and specifications in accordance with, as a minimum:
 - a. Current Minnesota State Colleges and Universities Design Standards
 - b. All applicable building, life safety and energy codes
 - c. ADA regulations and
 - d. Program requirements
6. Design building spaces for:
 - a. Energy efficiency
 - b. Efficient space utilization
 - c. Flexibility
 - d. High indoor air quality
 - e. Complete fire suppression systems, and
 - f. A contemporary telecommunications environment.
7. Provide all architectural services, including interiors and furniture, fixtures and equipment design, cost estimating, and project scheduling, and all engineering services including civil, structural, mechanical, fire protection, electrical, telecommunications systems design; audio/visual design, and all construction administration services, all in accordance with Minnesota State Colleges and Universities standard A/E contract form.

The Office of the Chancellor may retain other specialty consultants to assist in the Project work.

NOTE: A roof design consultant designated by Minnesota State Colleges and Universities will be assigned to and become an integral part of the consultant's design team. The consultant's fee shall include the fee and reimbursables of the roof design consultant.

c. SERVICES PROVIDED BY OTHERS: The Owner will contract for or arrange to provide:

1. Site property survey
2. Geotechnical investigations and recommendations
3. Asbestos survey, design and abatement to the existing building if required.

d. SPECIAL CONSIDERATIONS: Design Team Requirement: The design team shall have applicable prior experience in the design and construction of similar projects, in a college setting. The firm shall provide examples of current and recent higher education academic, computer lab, and smart classroom design experience. The design team shall demonstrate their use of life cycle costing during the design process. Life cycle items include, but are not limited to energy efficiency, sustainability, and the maintainability of design, materials, and equipment.

A history of constructability, meeting schedule deadlines, accurate cost estimating and designing within a project budget are critical criteria for selection of a designer. Quality control and complete, accurate and fully coordinated contract documents are an important element of the selected design team's services. A change order history of recent past projects and how the team proposes to address this issue should be provided as part of their submittal.

The design team shall provide examples of recently completed projects, including innovative solutions, for review by the selection committee. The design team shall provide a list of clients and involved contractors for similar projects worked on within the last five years including the names, addresses and phone numbers of contact persons.

The design team shall also:

1. Demonstrate prior experience with remodeling projects
2. Include verification of existing conditions and systems in their scope of services.
3. Evaluate existing adjacent buildings structural, mechanical and electrical systems to determine capabilities and capacities to support the proposed new uses of building spaces.
4. Assist in the preparation of project information to support the appropriation submittal to the Minnesota State Colleges and Universities Board of Trustees and the 2004 Minnesota Legislature for construction funding.

e. PROJECT BUDGET/FEES: The estimated total project cost is \$14,277,000.00. This cost includes all professional fees and reimbursable fees, site investigations and surveys, hazardous materials design and abatement, building and site construction, project management, construction inspection and testing, furniture, fixtures, equipment, contingencies, art and inflation factors. St. Cloud Technical College will fund the Schematic Design phase. The anticipated total design fee for this project is between 7.5% to 8.5% of the budgeted construction cost plus reimbursable expenses. Final total fees will be negotiated with the selected design team.

State Contracts

The funds to complete the Design Development, Construction Documents, Bidding and Construction are anticipated from the 2004 Legislative session.

f. PROJECT SCHEDULE: The following preliminary schedule is suggested

Schematic Design Phase: Begin April 2003, complete in September 2003.

Design Development Phase: Begin July 2004, complete no later than September 2004.

Construction Documentation Phase: Begin October 2004, complete no later than April 2005.

Construction Phase: Receive bids in June 2005, complete all construction by July 2006.

g. PROJECT PRE-DESIGN INFORMATION: A Pre-design Report was completed January 28, 2002, by Grooters Leapaldt Tideman Architects, Inc.. A copy of this document is available for review at the Department of Administration in the Division of State Building Construction office. For review, contact Terry Lewko at (651) 297-1545.

Copies of the Pre-design Report document (on CD-R format) will be made available only to firms that are short-listed.

h. PROJECT INFORMATIONAL MEETING (S)/SITE VISIT (S): An informational meeting is tentatively scheduled for **Thursday, January 24, 2003 at 1:00 P.M. in Room 1-157, Main Campus Building, St. Cloud Technical College, 1540 Northway Drive, St. Cloud, Minnesota.** All firms interested in this meeting should contact V.P. Lori Kloos at (320) 654-5026 or email Lak@cloud.tec.mn.us to sign up for the meeting.

i. STATE DESIGNER SELECTION BOARD SCHEDULE:

Project Information Meeting and/or Site Visit: **Thursday, January 24, 2003, 1:00 p.m.**

Project Proposals Due: **Monday, February 3, 2003, by 11:00 a.m.**

Project Shortlist: **Tuesday, February 18, 2003**

Project Information Meeting for Shortlisted firms: **None**

Project Interviews and Award: **Tuesday, March 4, 2003**

j. PROJECT CONTACT (S)

Question concerning the project should be referred to: V.P. Lori Kloos: St. Cloud Technical College; **phone** (320) 654-5026; **fax** (320) 654-5027; **e-mail** Lak@cloud.tec.mn.us , **mail address** St. Cloud Technical College, 1540 Northway Drive, St. Cloud, MN 56303-1240 or, Jim Morgan: Office of the Chancellor; **phone** (651) 649-5934; **fax** (651) 649-5779; **e-mail** james.morgan@so.mnscu.edu ; **mail address** ETC Building Suite 300, 1450 Energy Park Drive, St. Paul, MN 55108-5227

NOTE TO RESPONDERS: CHANGES MAY HAVE BEEN MADE IN THE FOLLOWING AS OF 11 JUNE 2002.

2. PROPOSAL REQUIREMENTS

- a. 12 copies
- b. 8 1/2 X 11, soft bound, portrait format
- c. Maximum 20 faces (excluding front and back covers, blank dividers, affidavit of non-collusion, and affirmative action data page)
- d. All pages numbered

3. PROPOSAL CONTENTS

a. COVER

- Project name and number
- Prime firm name, address, telephone number, fax number
- Contact person, telephone number, fax number, and email address

b. COVER LETTER

Single face letter with original signature (on at least one copy) of principal of prime firm, including:

- Brief overview of proposal
- Statement that proposal contents are accurate to the best knowledge of signatory

c. INFORMATION ON FIRM (S)

For prime firm and each consultant firm provide brief description including:

- Name and location
- Year established
- Legal status
- Ownership
- Staffing by discipline
- For firms with multiple offices briefly summarize for each office

d. PROJECT TEAM

- Brief statement of team's past or present working relationships

For each team member provide:

- Name and position in firm, include name of firm
- Home base (if in multi-office firm)
- Responsibility on this project
- Years of experience
- Relevant recent experience (if in another firm, so note)
- Registration (including specialty if engineer)

e. TEAM ORGANIZATION

If planning or design consultants are a part of the team explain how they will be utilized (e.g. major role during design, absent during construction, etc). Matrix or chart *may* be used.

f. PROJECT EXPERIENCE

For architectural, planning, and/or landscape architecture firms, provide examples of relevant projects recently completed or in progress including:

- Photographs, sketches and/or plans
- Name and location
- Brief description (e.g. size, cost, relevance)
- Firm of record
- Involvement of proposed project team members (*may* be separate matrix; if in another firm so note)
- Completion date or current status

For engineering or technical firms provide examples of relevant projects recently completed or in progress including the above except that photographs, sketches and/or plans are to be for only that portion of the work for which firm was responsible.

g. APPROACH/METHODOLOGY

Describe your understanding of the project, significant issues to be addressed and your *specific* approach to the planning, design and construction process for *this* project.

h. UNIQUE QUALIFICATIONS

Briefly summarize your team's unique qualifications for this project.

i. OTHER REQUIREMENTS

- A statement of commitment to enter into the work promptly, if selected, by engaging the consultants and assigning the persons named in the proposal along with adequate staff to meet requirements of the work.
- A statement indicating that consultants listed have been contacted and have agreed to be a part of the team.
- A complete Affidavit of Non-collusion. (Not counted as part of the 20 faces)
- If appropriate, provide a list of all entities that create a conflict of interest (see 5.b.)
- A completed Affirmative Action Data Page regarding compliance with Minnesota Human Rights Requirements. A copy of the form is available on **Web Site** <http://www.dsbca.admin.state.mn.us>, click on forms. (Not counted as part of the 20 faces)

State Contracts

- A list of all State and Minnesota State Colleges and Universities current and past projects and studies awarded to the prime firm(s) responding to this request for proposal during the four years immediately preceding the date of this request for proposal.

Projects and studies shall mean those projects and studies (1) funded by the state legislature, by state/user agencies or Minnesota State Colleges and Universities operating funds, or by funding raised from the private sector or individuals by state/user agencies or the Minnesota State Colleges and Universities; (2) awarded as a result of the State Designer Selection Board process or awarded directly by state/user agencies or the Minnesota State Colleges and Universities without employing the State Designer Selection Board process; or (3) related to design-bid-build or design/build project delivery systems.

The prime firm(s) shall list and total all gross fees associated with the above projects and studies, whether the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid, or are anticipated to be paid, to engineering or other specialty consultants employed, or anticipated to be employed, on the projects and studies listed pursuant to the above. The prime firm(s) shall subtract consultant fees from gross fees to determine total net fees using the format below.

| PROJECT | (A) GROSS FEES | (B) SUBDESIGNERS PORTION | (C) NET TOTAL PROJECT FEE |
|----------------|-----------------------|-------------------------------------|--------------------------------------|
| | | | |
| TOTAL | | | |

(The total shown in column (A) shall equal the sum of those shown in columns (B) and (C).)

4. SELECTION CRITERIA

Criteria for selection shall be as stated in the project description. Technical and aesthetic experience and capabilities are paramount. In addition, the Board seeks equitable distribution of fees among qualified firms and gives consideration to geographical location of firms with respect to project site.

5. CONTRACT REQUIREMENTS

a. AFFIDAVIT OF NONCOLLUSION

Each responder must attach a completed Affidavit of Noncollusion. A copy of the form is available on **Web Site** <http://www.dsb.admin.state.mn.us>, click on forms.

b. CONFLICTS OF INTEREST

Responder must provide a list of all entities with which it has relationships that create, or appear to create, a conflict of interest with the work that is contemplated in this request for proposals. The list should indicate the name of the entity, the relationship, and a discussion of the conflict.

c. DISPOSITION OF RESPONSES

All materials submitted in response to this RFP will become property of the State and will become public record in accordance with *Minnesota Statutes* 13.591 after the evaluation process is completed. If the responder submits information in response to this RFP that it believes to be trade secret materials, as defined by the Minnesota Government Data Practices Act, *Minnesota Statutes* § 13.37, the responder must:

- clearly mark all trade secret materials in its response at the time the response is submitted,
- include a statement with its response justifying the trade secret designation for each item, and
- defend any action seeking release of the materials it believes to be trade secret, and indemnify and hold harmless the State, its agents and employees, from any judgments or damages awarded against the State in favor of the party requesting the materials, and any and all costs connected with that defense. This indemnification survives the State's award of a contract. In submitting a response to this RFP, the responder agrees that this indemnification survives as long as the trade secret materials are in possession of the State.

The State will not consider the prices submitted by the responder to be proprietary or trade secret materials.

Responses to this RFP will not be open for public review until the State decides to pursue a contract and that contract is awarded.

d. CONTINGENCY FEES PROHIBITED

Pursuant to *Minnesota Statutes* Section 10A.06, no person may act as or employ a lobbyist for compensation that is dependent upon the result or outcome of any legislation or administrative action.

e. ORGANIZATIONAL CONFLICTS OF INTEREST

The responder warrants that, to the best of its knowledge and belief, and except as otherwise disclosed, there are no relevant facts or circumstances that could give rise to organizational conflicts of interest. An organizational conflict of interest exists when, because of existing or planned activities or because of relationships with other persons, the responder is unable or potentially unable to render impartial assistance or advice to the State, or the responder's objectivity in performing the contract work is or might be otherwise impaired, or the responder has an unfair competitive advantage. The responder agrees that, if after award, an organizational conflict of interest is discovered, an immediate and full disclosure in writing must be made to the Assistant Director of the Department of Administration's Materials Management Division, 112 Administration Building, 50 Sherburne Avenue, St. Paul, MN 55155, which must include a description of the action which the contractor has taken or proposes to take to avoid or mitigate such conflicts. If an organization conflict of interest is determined to exist, the State may, at its discretion, cancel the contract. In the event the responder was aware of an organizational conflict of interest prior to the award of the contract and did not disclose the conflict to the contracting officer, the State may terminate the contract for default. The provisions of this clause must be included in all subcontracts for work to be performed similar to the service provided by the prime contractor (consultant), and the terms "contract," "contractor (consultant)," and "contracting officer" modified appropriately to preserve the State's rights.

f. STATE EMPLOYEES

In compliance with *Minnesota Statutes* § 16C.07, the availability of this work is being offered to State employees. The State will evaluate the responses of any State employee, along with other responses to this Request for Proposals.

g. PREFERENCE TO TARGETED GROUP AND ECONOMICALLY DISADVANTAGED BUSINESS AND INDIVIDUALS

In accordance with *Minnesota Rules* 1230.1810, subpart B and *Minnesota Rules* 1230.1830, certified Targeted Group Businesses or individuals and certified Economically Disadvantaged Businesses or individuals submitting proposals as prime contractors (consultants) will receive up to six percent preference in the evaluation of their proposals. For information regarding certification, contact the Department of Administration, Materials Management Helpline at (651) 296-2600, TTY (651) 282.5799.

h. HUMAN RIGHTS REQUIREMENTS

For all contracts estimated to be in excess of \$100,000, responders are required to complete the attached Affirmative Action Data page and return it with the response. As required by *Minnesota Rules* 5000.3600, "It is hereby agreed between the parties that *Minnesota Statutes* § 363.073 and *Minnesota Rules* 5000.3400 - 5000.3600 are incorporated into any contract between these parties based upon this specification or any modification of it". A copy of *Minnesota Statutes* § 363.073 and *Minnesota Rules* 5000.3400 - 5000.3600 are available on Web Site <http://www.dsbcc.admin.state.mn.us>.

- i. Any changes in team members for the project requires approval by the State.
- j. All costs incurred in responding to this RFP will be borne by the responder. This RFP does not obligate the State to award a contract or complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

**Department of Administration
State Designer Selection Board**

**Request for Proposals for Designer Selection for Minnesota Department of Transportation -
Building Addition and Remodeling Materials and Research Laboratory, Maplewood,
MN. (Project 03-02)**

To Minnesota Registered Design Professionals:

The State of Minnesota (State) through its State Designer Selection Board has been requested to select a design team for the above project. Proposals from interested firms must be received by, 11:00 a.m. Monday, February 10, 2003 to:

Terry Lewko, Executive Secretary
State Designer Selection Board
Department of Administration
c/o Materials Management Division
50 Sherburne Avenue, Room 112
St. Paul, Minnesota 55155
(651) 297-1545

PROPOSALS RECEIVED AFTER THE SUBMISSION DEADLINE WILL NOT BE CONSIDERED.

Questions concerning procedures, or schedule are to be referred to the Executive Secretary at (651) 297-1545. Questions relating to the project are to be referred to the project contact(s) in Item 1.h.

1. PROJECT 03-02

a. PROJECT DESCRIPTION: The Minnesota Department of Transportation intends to retain architectural and engineering services for design of the Addition and Remodeling of the Materials and Research Laboratory.

Project Scope:

The 12,000 square foot building addition will provide space for a new bituminous laboratory, new aggregate laboratory, new research laboratory, new training laboratory, classroom, Metro Div. testing laboratory and Environmental Services laboratory and pavement section office space.

The existing vehicle storage garage will be remodeled to accommodate testing equipment and vehicles.

The existing office area will be remodeled for the research and information technology sections.

The existing office HVAC system will be updated and the building energy management system will be converted to MnDOT's statewide system.

The parking lot will be expanded and the existing parking lot will be patched or overlaid as necessary.

The existing membrane roofing system will be repaired as required.

b. REQUIRED CONSULTANT SERVICES:

1. Provide the update to schematic Design plans prepared for MnDOT in 2000, Design Development, Construction Documents, Bidding and Construction administration.
2. The selected design firm and their associated firms shall each demonstrate experience in successfully completing projects of a similar type, size and complexity.
3. The consultant will be required to provide architectural, civil, structural, mechanical and electrical services.
4. The construction documents shall be done using Computer Aided Design and Drafting (CADD) in a system compatible with Bentley System Microstations J. Files created using Autodesk, AutoCAD 14 or later are acceptable. MnDOT Facilities Management Services will provide the consultant with a copy of their Consultant Procedures for Construction Projects to aid in completing their work.

c. SERVICES PROVIDED BY OTHES:

1. Copies of the schematic design and existing building plans will be provide to the consultants.
2. Geotechnical investigations and recommendations.

d. PROJECT BUDGET / FEES:

The estimated construction budget for the project is \$ 4,200,000.

The proposed consultant fee will be a fixed fee of \$350,000 which included updating the schematic design (fee is for 50% of SD), design development, construction documents, bidding and construction administration.

MnDOT current has funding available to complete schematic design phase. The funds for design development thru construction administration will be requesting from the 2003 Legislative session.

Construction funds will be requested from the 2004 Legislative Session.

e. PROJECT SCHEDULE: The following is a preliminary schedule, actual schedule will be determined with the consultant.

| | |
|-------------------------------------|---|
| <i>Schematic Design Phase:</i> | Beginning April/May 2003 |
| <i>Design Development Phase:</i> | Beginning September 2003 |
| <i>Construction Document Phase:</i> | Beginning November 2003 |
| <i>Anticipated Bid Date:</i> | Bids received July / August 2004 |
| <i>Construction Phase:</i> | August 2004 |

f. PROJECT INFORMATION MEETING / SITE VISIT: An informational meeting has been scheduled for Friday, January 24, 2003 at 11:00 a.m. at the Materials and Research Laboratory, 1400 Gervais Avenue, Maplewood, Minnesota 55109.

To visit the building a any time other than this meeting, the visit must be scheduled in advance by contacting Ron Lagerquist at (651) 297-4742.

g. STATE DESIGNER SELECTION BOARD SCHEDULE:

| | |
|--|-----------------------------------|
| <i>Project Proposals Due:</i> | Monday, February 10, 2003 |
| <i>Project Shortlist:</i> | Tuesday, February 18, 2003 |
| <i>Informational Meeting for short list firms:</i> | None |
| <i>Project Interviews and Award:</i> | Tuesday, March 4, 2003 |

h. PROJECT CONTACTS:

Questions concerning the project should be referred to: Ronald Lagerquist, Architect, Facilities Management Services, **phone:** (651) 297-4742, **fax:** (651) 282-9904, **email:** ron.lagerquist@dot.state.mn.us **Mailing address:** Mail Stop 715, Transportation Building, 395 John Ireland Boulevard, St Paul, Minnesota 55155.

i. SAMPLE CONTRACT:

The successful responder will be required to execute a MnDOT Professional and Technical Services Contract which contains the State's standard contract terms and conditions, including insurance requirements and compliance with Consultant Procedures for Construction Projects. A copy will be available for review at the informational meeting.

NOTE TO RESPONDERS: CHANGES MAY HAVE BEEN MADE IN THE FOLLOWING AS OF 11 JUNE 2002.**2. PROPOSAL REQUIREMENTS**

- a. 10 copies
- b. 8 1/2 X 11, soft bound, portrait format
- c. Maximum 20 faces (excluding front and back covers, blank dividers, affidavit of non-collusion, and affirmative action data page)
- d. All pages numbered

3. PROPOSAL CONTENTS**a. COVER**

- Project name and number
- Prime firm name, address, telephone number, fax number
- Contact person, telephone number, fax number, and email address

State Contracts

b. COVER LETTER

Single face letter with original signature (on at least one copy) of principal of prime firm, including:

- Brief overview of proposal
- Statement that proposal contents are accurate to the best knowledge of signatory

c. INFORMATION ON FIRM (S)

For prime firm and each consultant firm provide brief description including:

- Name and location
- Year established
- Legal status
- Ownership
- Staffing by discipline
- For firms with multiple offices briefly summarize for each office

d. PROJECT TEAM

- Brief statement of team's past or present working relationships

For each team member provide:

- Name and position in firm, include name of firm
- Home base (if in multi-office firm)
- Responsibility on this project
- Years of experience
- Relevant recent experience (if in another firm, so note)
- Registration (including specialty if engineer)

e. TEAM ORGANIZATION

If planning or design consultants are a part of the team explain how they will be utilized (e.g. major role during design, absent during construction, etc). Matrix or chart *may* be used.

f. PROJECT EXPERIENCE

For architectural, planning, and/or landscape architecture firms, provide examples of relevant projects recently completed or in progress including:

- Photographs, sketches and/or plans
- Name and location
- Brief description (e.g. size, cost, relevance)
- Firm of record
- Involvement of proposed project team members (*may* be separate matrix; if in another firm so note)
- Completion date or current status

For engineering or technical firms provide examples of relevant projects recently completed or in progress including the above except that photographs, sketches and/or plans are to be for only that portion of the work for which firm was responsible.

g. APPROACH/METHODOLOGY

Describe your understanding of the project, significant issues to be addressed and your *specific* approach to the planning, design and construction process for *this* project.

h. UNIQUE QUALIFICATIONS

Briefly summarize your team's unique qualifications for this project.

i. OTHER REQUIREMENTS

- A statement of commitment to enter into the work promptly, if selected, by engaging the consultants and assigning the persons named in the proposal along with adequate staff to meet requirements of the work.

- A statement indicating that consultants listed have been contacted and have agreed to be a part of the team.
- A complete Affidavit of Non-collusion. (Not counted as part of the 20 faces)
- If appropriate, provide a list of all entities that create a conflict of interest (see 5.b.)
- A completed Affirmative Action Data Page regarding compliance with Minnesota Human Rights Requirements. A copy of the form is available on **Web Site** <http://www.dsbc.admin.state.mn.us>, click on forms. (Not counted as part of the 20 faces)
- A list of all State and Minnesota State Colleges and Universities current and past projects and studies awarded to the prime firm(s) responding to this request for proposal during the four years immediately preceding the date of this request for proposal.

Projects and studies shall mean those projects and studies (1) funded by the state legislature, by state/user agencies or Minnesota State Colleges and Universities operating funds, or by funding raised from the private sector or individuals by state/user agencies or the Minnesota State Colleges and Universities; (2) awarded as a result of the State Designer Selection Board process or awarded directly by state/user agencies or the Minnesota State Colleges and Universities without employing the State Designer Selection Board process; or (3) related to design-bid-build or design/build project delivery systems.

The prime firm(s) shall list and total all gross fees associated with the above projects and studies, whether the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid, or are anticipated to be paid, to engineering or other specialty consultants employed, or anticipated to be employed, on the projects and studies listed pursuant to the above. The prime firm(s) shall subtract consultant fees from gross fees to determine total net fees using the format below.

| PROJECT | (A) GROSS FEES | (B) SUBDESIGNERS PORTION | (C) NET TOTAL PROJECT FEE |
|----------------|-----------------------|---------------------------------|----------------------------------|
| | | | |
| TOTAL | | | |

(The total shown in column (A) shall equal the sum of those shown in columns (B) and (C).)

4. SELECTION CRITERIA

Criteria for selection shall be as stated in the project description. Technical and aesthetic experience and capabilities are paramount. In addition, the Board seeks equitable distribution of fees among qualified firms and gives consideration to geographical location of firms with respect to project site.

5. CONTRACT REQUIREMENTS

a. AFFIDAVIT OF NONCOLLUSION

Each responder must attach a completed Affidavit of Noncollusion. A copy of the form is available on Web Site <http://www.dsbc.admin.state.mn.us>, click on forms.

b. CONFLICTS OF INTEREST

Responder must provide a list of all entities with which it has relationships that create, or appear to create, a conflict of interest with the work that is contemplated in this request for proposals. The list should indicate the name of the entity, the relationship, and a discussion of the conflict.

c. DISPOSITION OF RESPONSES

All materials submitted in response to this RFP will become property of the State and will become public record in accordance with *Minnesota Statutes* 13.591 after the evaluation process is completed. If the responder submits information in response to this RFP that it believes to be trade secret materials, as defined by the Minnesota Government Data Practices Act, *Minnesota Statutes* § 13.37, the responder must:

- clearly mark all trade secret materials in its response at the time the response is submitted,
- include a statement with its response justifying the trade secret designation for each item, and
- defend any action seeking release of the materials it believes to be trade secret, and indemnify and hold harmless the State, its agents and employees, from any judgments or damages awarded against the State in favor of the party requesting the materials, and any and all costs connected with that defense. This indemnification survives the State's award of a contract. In submitting a response to this RFP, the responder agrees that this indemnification survives as long as the trade secret materials are in possession of the State.

State Contracts

The State will not consider the prices submitted by the responder to be proprietary or trade secret materials.

Responses to this RFP will not be open for public review until the State decides to pursue a contract and that contract is awarded.

d. CONTINGENCY FEES PROHIBITED

Pursuant to *Minnesota Statutes* Section 10A.06, no person may act as or employ a lobbyist for compensation that is dependent upon the result or outcome of any legislation or administrative action.

e. ORGANIZATIONAL CONFLICTS OF INTEREST

The responder warrants that, to the best of its knowledge and belief, and except as otherwise disclosed, there are no relevant facts or circumstances that could give rise to organizational conflicts of interest. An organizational conflict of interest exists when, because of existing or planned activities or because of relationships with other persons, the responder is unable or potentially unable to render impartial assistance or advice to the State, or the responder's objectivity in performing the contract work is or might be otherwise impaired, or the responder has an unfair competitive advantage. The responder agrees that, if after award, an organizational conflict of interest is discovered, an immediate and full disclosure in writing must be made to the Assistant Director of the Department of Administration's Materials Management Division, 112 Administration Building, 50 Sherburne Avenue, St. Paul, MN 55155, which must include a description of the action which the contractor has taken or proposes to take to avoid or mitigate such conflicts. If an organizational conflict of interest is determined to exist, the State may, at its discretion, cancel the contract. In the event the responder was aware of an organizational conflict of interest prior to the award of the contract and did not disclose the conflict to the contracting officer, the State may terminate the contract for default. The provisions of this clause must be included in all subcontracts for work to be performed similar to the service provided by the prime contractor (consultant), and the terms "contract," "contractor (consultant)," and "contracting officer" modified appropriately to preserve the State's rights.

f. STATE EMPLOYEES

In compliance with *Minnesota Statutes* § 16C.07, the availability of this work is being offered to State employees. The State will evaluate the responses of any State employee, along with other responses to this Request for Proposals.

g. PREFERENCE TO TARGETED GROUP AND ECONOMICALLY DISADVANTAGED BUSINESS AND INDIVIDUALS

In accordance with *Minnesota Rules* 1230.1810, subpart B and *Minnesota Rules* 1230.1830, certified Targeted Group Businesses or individuals and certified Economically Disadvantaged Businesses or individuals submitting proposals as prime contractors (consultants) will receive up to six percent preference in the evaluation of their proposals. For information regarding certification, contact the Department of Administration, Materials Management **Helpline** at (651) 296-2600, **TTY** (651) 282-5799.

h. HUMAN RIGHTS REQUIREMENTS

For all contracts estimated to be in excess of \$100,000, responders are required to complete the attached Affirmative Action Data page and return it with the response. As required by *Minnesota Rules* 5000.3600, "It is hereby agreed between the parties that *Minnesota Statutes* § 363.073 and *Minnesota Rules* 5000.3400 - 5000.3600 are incorporated into any contract between these parties based upon this specification or any modification of it". A copy of *Minnesota Statutes* § 363.073 and *Minnesota Rules* 5000.3400 - 5000.3600 are available on Web Site <http://www.dsbc.admin.state.mn.us>.

i. Any changes in team members for the project requires approval by the State.

j. All costs incurred in responding to this RFP will be borne by the responder. This RFP does not obligate the State to award a contract or complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

**Department of Administration
State Designer Selection Board**

**Request for Proposals for Designer Selection for Minnesota Department of Transportation,
Addition and Remodeling Lakeville Truck Station, Lakeville, MN. (Project 03-03)**

To Minnesota Registered Design Professionals:

The State of Minnesota (State) through its State Designer Selection Board has been requested to select a design team for the above project. Proposals from interested firms must be received by, 11:00 a.m. Monday, February 10, 2003 to:

Terry Lewko, Executive Secretary
State Designer Selection Board
Department of Administration
c/o Materials Management Division
50 Sherburne Avenue, Room 112
St. Paul, Minnesota 55155
(651) 297-1545

PROPOSALS RECEIVED AFTER THE SUBMISSION DEADLINE WILL NOT BE CONSIDERED.

Questions concerning procedures, or schedule are to be referred to the Executive Secretary at (651) 297-1545. Questions relating to the project are to be referred to the project contact(s) in Item 1.h.

1. PROJECT 03-03

a. PROJECT DESCRIPTION: The Minnesota Department of Transportation intends to retain architectural and engineering consultant services for the design for the addition and remodeling of the Lakeville Truck Station.

Project Scope

The proposed 6,350 sf addition will provide space for offices, crew lunch room, men's and women's locker and rest rooms and field mechanics work area. The existing office and lunchroom will be remodeled for a stock room and small vehicle garage areas.

b. REQUIRED CONSULTANT SERVICES:

1. Provide the upgrade to the Schematic Design (SD) plans done for MnDOT in 2000, Design Development (DD), Construction Document (CD), Bidding and Construction Administration.
2. The selected design firm and their associated firms shall each demonstrate experience in successfully completing projects of a similar type, size and complexity.
3. The consultant will be required to provide architectural, civil, structural, mechanical and electrical services.
4. The construction documents shall be done using Computer Aided Design and Drafting (CADD) in a system compatible with Bentley System Microstations J. Files created using Autodesk, AutoCAD 14 or later are acceptable. MnDOT Facilities Management Services will provide the consultant with a copy of their Consultant Procedures for Construction Projects to aid in completing their work.

c. SERVICES PROVIDED BY OTHERS:

1. Copies of the schematic design and existing building plans will be provide to the consultants.
2. Geotechnical investigations and recommendations.
3. Asbestos survey, design and abatement to the existing building as required.

d. PROJECT BUDGET / FEES:

The estimated construction budget for the project is \$750,000.00.

The proposed consultant fee will be a fixed fee of \$55,500.00 which included updating the schematic design (fee is for 50% of SD), design development, construction documents, bidding and construction administration.

MnDOT currently has funding available to complete schematic design and design development phases. The funds for construction documents thru construction administration will be requesting from the 2003 Legislative session.

State Contracts

e. **PROJECT SCHEDULE:** The following is a preliminary schedule, actual schedule will be determined with the consultant.

| | |
|-------------------------------------|---|
| <i>Schematic Design Phase:</i> | Beginning April 2003 |
| <i>Design Development Phase:</i> | Beginning May 2003 |
| <i>Construction Document Phase:</i> | Beginning June 2003 |
| <i>Anticipated Bid Date:</i> | Bids received September 2003 |
| <i>Construction Phase:</i> | Beginning September/October 2003 |

f. **PROJECT INFORMATION MEETING / SITE VISIT:** An informational meeting has been scheduled for Monday, February 3, 2003 at 2:00 p.m. at the Lakeville Truck Station, 16780 Kenrick Avenue, Lakeville, MN. (East frontage road I35 north of County road 50).

To visit the building at any time other than this meeting, the visit must be scheduled in advance by contacting at Ron Lagerquist at (651) 297-4742.

g. **STATE DESIGNER SELECTION BOARD SCHEDULE:**

| | |
|--|---|
| <i>Project Proposals Due:</i> | Monday, February 10, 2003, by 11:00 a.m. |
| <i>Project Shortlist:</i> | Tuesday, February 18, 2003 |
| <i>Informational Meeting for short list firms:</i> | None |
| <i>Project Interviews and Award:</i> | Tuesday, February 25, 2003 |

h. **PROJECT CONTACTS:**

Questions concerning the project should be referred to:

Ronald Lagerquist, Architect, Facilities Management Services, **phone:** (651) 297-4742, **fax:** (651) 282-9904, **e-mail:** ron.lagerquist@dot.state.mn.us **Mailing address:** Mail Stop 715, Transportation Building, 395 John Ireland Boulevard, St Paul, Minnesota 55155.

i. **SAMPLE CONTRACT:**

The successful responder will be required to execute a MnDOT Professional and Technical Services Contract which contains the State's standard contract terms and conditions, including insurance requirements and compliance with Consultant Procedures for Construction Projects. A copy will be available for review at the informational meeting.

NOTE TO RESPONDERS: CHANGES MAY HAVE BEEN MADE IN THE FOLLOWING AS OF 11 JUNE 2002.

2. PROPOSAL REQUIREMENTS

- a. 10 copies
- b. 8 1/2 X 11, soft bound, portrait format
- c. Maximum 20 faces (excluding front and back covers, blank dividers, affidavit of non-collusion, and affirmative action data page)
- d. All pages numbered

3. PROPOSAL CONTENTS

a. COVER

- Project name and number
- Prime firm name, address, telephone number, fax number
- Contact person, telephone number, fax number, and email address

b. COVER LETTER

Single face letter with original signature (on at least one copy) of principal of prime firm, including:

- Brief overview of proposal
- Statement that proposal contents are accurate to the best knowledge of signatory

c. INFORMATION ON FIRM (S)

For prime firm and each consultant firm provide brief description including:

- Name and location
- Year established
- Legal status
- Ownership
- Staffing by discipline
- For firms with multiple offices briefly summarize for each office

d. PROJECT TEAM

- Brief statement of team's past or present working relationships

For each team member provide:

- Name and position in firm, include name of firm
- Home base (if in multi-office firm)
- Responsibility on this project
- Years of experience
- Relevant recent experience (if in another firm, so note)
- Registration (including specialty if engineer)

e. TEAM ORGANIZATION

If planning or design consultants are a part of the team explain how they will be utilized (e.g. major role during design, absent during construction, etc). Matrix or chart *may* be used.

f. PROJECT EXPERIENCE

For architectural, planning, and/or landscape architecture firms, provide examples of relevant projects recently completed or in progress including:

- Photographs, sketches and/or plans
- Name and location
- Brief description (e.g. size, cost, relevance)
- Firm of record
- Involvement of proposed project team members (*may* be separate matrix; if in another firm so note)
- Completion date or current status

For engineering or technical firms provide examples of relevant projects recently completed or in progress including the above except that photographs, sketches and/or plans are to be for only that portion of the work for which firm was responsible.

g. APPROACH/METHODOLOGY

Describe your understanding of the project, significant issues to be addressed and your *specific* approach to the planning, design and construction process for *this* project.

h. UNIQUE QUALIFICATIONS

Briefly summarize your team's unique qualifications for this project.

i. OTHER REQUIREMENTS

- A statement of commitment to enter into the work promptly, if selected, by engaging the consultants and assigning the persons named in the proposal along with adequate staff to meet requirements of the work.
- A statement indicating that consultants listed have been contacted and have agreed to be a part of the team.
- A complete Affidavit of Non-collusion. (Not counted as part of the 20 faces)
- If appropriate, provide a list of all entities that create a conflict of interest (see 5.b.)

State Contracts

- A completed Affirmative Action Data Page regarding compliance with Minnesota Human Rights Requirements. A copy of the form is available on Web Site <http://www.dsb.admin.state.mn.us>, click on forms. (Not counted as part of the 20 faces)
- A list of all State and Minnesota State Colleges and Universities current and past projects and studies awarded to the prime firm(s) responding to this request for proposal during the four years immediately preceding the date of this request for proposal.

Projects and studies shall mean those projects and studies (1) funded by the state legislature, by state/user agencies or Minnesota State Colleges and Universities operating funds, or by funding raised from the private sector or individuals by state/user agencies or the Minnesota State Colleges and Universities; (2) awarded as a result of the State Designer Selection Board process or awarded directly by state/user agencies or the Minnesota State Colleges and Universities without employing the State Designer Selection Board process; or (3) related to design-bid-build or design/build project delivery systems.

The prime firm(s) shall list and total all gross fees associated with the above projects and studies, whether the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid, or are anticipated to be paid, to engineering or other specialty consultants employed, or anticipated to be employed, on the projects and studies listed pursuant to the above. The prime firm(s) shall subtract consultant fees from gross fees to determine total net fees using the format below.

| PROJECT | (A) GROSS FEES | (B) SUBDESIGNERS PORTION | (C) NET TOTAL PROJECT FEE |
|--------------|----------------|-----------------------------|------------------------------|
| | | | |
| TOTAL | | | |

(The total shown in column (A) shall equal the sum of those shown in columns (B) and (C).)

4. SELECTION CRITERIA

Criteria for selection shall be as stated in the project description. Technical and aesthetic experience and capabilities are paramount. In addition, the Board seeks equitable distribution of fees among qualified firms and gives consideration to geographical location of firms with respect to project site.

5. CONTRACT REQUIREMENTS

a. AFFIDAVIT OF NONCOLLUSION

Each responder must attach a completed Affidavit of Noncollusion. A copy of the form is available on **Web Site** <http://www.dsb.admin.state.mn.us>, click on forms.

b. CONFLICTS OF INTEREST

Responder must provide a list of all entities with which it has relationships that create, or appear to create, a conflict of interest with the work that is contemplated in this request for proposals. The list should indicate the name of the entity, the relationship, and a discussion of the conflict.

c. DISPOSITION OF RESPONSES

All materials submitted in response to this RFP will become property of the State and will become public record in accordance with *Minnesota Statutes* 13.591 after the evaluation process is completed. If the responder submits information in response to this RFP that it believes to be trade secret materials, as defined by the Minnesota Government Data Practices Act, *Minnesota Statutes* § 13.37, the responder must:

- clearly mark all trade secret materials in its response at the time the response is submitted,
- include a statement with its response justifying the trade secret designation for each item, and
- defend any action seeking release of the materials it believes to be trade secret, and indemnify and hold harmless the State, its agents and employees, from any judgments or damages awarded against the State in favor of the party requesting the materials, and any and all costs connected with that defense. This indemnification survives the State's award of a contract. In submitting a response to this RFP, the responder agrees that this indemnification survives as long as the trade secret materials are in possession of the State.

The State will not consider the prices submitted by the responder to be proprietary or trade secret materials.

Responses to this RFP will not be open for public review until the State decides to pursue a contract and that contract is awarded.

d. CONTINGENCY FEES PROHIBITED

Pursuant to *Minnesota Statutes* Section 10A.06, no person may act as or employ a lobbyist for compensation that is dependent upon the result or outcome of any legislation or administrative action.

e. ORGANIZATIONAL CONFLICTS OF INTEREST

The responder warrants that, to the best of its knowledge and belief, and except as otherwise disclosed, there are no relevant facts or circumstances that could give rise to organizational conflicts of interest. An organizational conflict of interest exists when, because of existing or planned activities or because of relationships with other persons, the responder is unable or potentially unable to render impartial assistance or advice to the State, or the responder's objectivity in performing the contract work is or might be otherwise impaired, or the responder has an unfair competitive advantage. The responder agrees that, if after award, an organizational conflict of interest is discovered, an immediate and full disclosure in writing must be made to the Assistant Director of the Department of Administration's Materials Management Division, 112 Administration Building, 50 Sherburne Avenue, St. Paul, MN 55155, which must include a description of the action which the contractor has taken or proposes to take to avoid or mitigate such conflicts. If an organization conflict of interest is determined to exist, the State may, at its discretion, cancel the contract. In the event the responder was aware of an organizational conflict of interest prior to the award of the contract and did not disclose the conflict to the contracting officer, the State may terminate the contract for default. The provisions of this clause must be included in all subcontracts for work to be performed similar to the service provided by the prime contractor (consultant), and the terms "contract," "contractor (consultant)," and "contracting officer" modified appropriately to preserve the State's rights.

f. STATE EMPLOYEES

In compliance with *Minnesota Statutes* § 16C.07, the availability of this work is being offered to State employees. The State will evaluate the responses of any State employee, along with other responses to this Request for Proposals.

g. PREFERENCE TO TARGETED GROUP AND ECONOMICALLY DISADVANTAGED BUSINESS AND INDIVIDUALS

In accordance with *Minnesota Rules* 1230.1810, subpart B and *Minnesota Rules* 1230.1830, certified Targeted Group Businesses or individuals and certified Economically Disadvantaged Businesses or individuals submitting proposals as prime contractors (consultants) will receive up to six percent preference in the evaluation of their proposals. For information regarding certification, contact the Department of Administration, Materials Management **Helpline** at (651) 296-2600, **TTY** (651) 282-5799.

h. HUMAN RIGHTS REQUIREMENTS

For all contracts estimated to be in excess of \$100,000, responders are required to complete the attached Affirmative Action Data page and return it with the response. As required by *Minnesota Rules* 5000.3600, "It is hereby agreed between the parties that *Minnesota Statutes* § 363.073 and *Minnesota Rules* 5000.3400 - 5000.3600 are incorporated into any contract between these parties based upon this specification or any modification of it". A copy of *Minnesota Statutes* § 363.073 and *Minnesota Rules* 5000.3400 - 5000.3600 are available on **Web Site** <http://www.dsb.admin.state.mn.us>.

i. Any changes in team members for the project requires approval by the State.

j. All costs incurred in responding to this RFP will be borne by the responder. This RFP does not obligate the State to award a contract or complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

State Contracts

Department of Administration

Office of Technology

Notice of Request for Proposal for Support and Operation Services Master Contracts

NOTICE IS HEREBY GIVEN that the Minnesota Office of Technology of the Department of Administration wishes to enter into master contracts with a wide variety of information technology contractors who can provide technology-related support and operations services to various state agencies. These services will provide additional technology-related resources to state agencies with the various skill sets that are required. The types of resources being sought are described in the Request for Proposal.

Current Master Contract holders that wish to add category types and/or revise their published rates must also submit a response to the Request for Proposal. For a complete copy of the Request for Proposal please contact:

Steve Gustafson
State of Minnesota
Office of Technology
332 Minnesota Street, Suite E1100
St. Paul, MN 55101-1322
E-mail: *Steve.Gustafson@state.mn.us*

This is the only person designated to receive RFP requests and answer questions regarding the RFP. Responses are due no later than **2:00 p.m. CST on Friday, February 14, 2003.**

Late responses will not be considered.

Department of Administration

Division of State Building Construction

Notice of Availability of Request for Qualifications (RFQ) and Fee Schedule for Professional Services of Minnesota Registered Architects, Engineers, Land Surveyors, Landscape Architects, and Geoscientists

The State of Minnesota through its Department of Administration, Division of State Building Construction ("State") is soliciting qualifications and fee schedules for the services of Minnesota registered architects, engineers, land surveyors, landscape architects, and geoscientists ("Consultant") to assist the State in providing studies, predesign, design documents, construction documents, construction administration, land surveys, geoscientist and project-related professional services. These projects will be varied in nature and scope and will involve new construction and remodeling, which includes but is not limited to buildings, commissioning, bridges, roadways, and land development.

State agency construction projects requiring a primary designer will have an estimated cost of construction of no greater than \$750,000.00. A study, report or predesign for a state agency planning project will have a Consultant estimated fee no greater than \$60,000.00. Higher education construction projects requiring a primary designer will have an estimated cost of construction of no greater than \$2,000,000.00; and a study, report or predesign for a planning project will have a Consultant estimated fee no greater than \$200,000.00. Projects requiring a primary designer in excess of the above-stated amounts will be selected by the State Designer Selection Board in accordance with *Minnesota Statutes* §16B.33.

All qualified firms responding to the RFQ will be added to the State's current Master Roster for use by the State through June 30, 2007. All qualified firms submitting a fee schedule will also be offered a Master Contract that will be effective for five years. At the State's option, it may use either the Master Roster or a Master Contract to obtain services identified in the RFQ. The State reserves the right to not use the Master Roster or Master Contracts if it is considered in its best interest.

The full Request for Qualifications and Fee Schedule is available at <http://www.dsb.admin.state.mn.us>, click on "Solicitation Announcements". All responses and fee schedules must be received no later than 3:00 p.m., Central Standard Time, on Monday, February 3, 2003. Late responses will not be considered.

Firms not already on the State's Master Roster may respond to the RFQ. A list of firms currently on the State's Master Roster is available on State's **Web Site** <http://www.dsb.admin.state.mn.us>, click on Consultant Master Roster. If you are already on the Master Roster, do not respond to the RFQ. Firms currently on the Master Roster will be given an opportunity at a later date to submit qualifying information to add additional experience categories.

Questions may be **faxed** to the attention of Sharon Schmidt, Contracts Officer, at (651) 296-7650 or **emailed** to sharon.schmidt@state.mn.us. Questions must be received no later than Tuesday January 21, 2003. RFQ clarifications or changes and a response to questions will be available by Monday, January 27, 2003, on **Web Site** <http://www.dsbcc.admin.state.mn.us>, click on "Solicitation Announcements". This is the only person authorized to respond to questions regarding his RFQ.

Colleges and Universities, Minnesota State (MnSCU)

Invitation to Bid for Price Agreement Contract for Binding Book, Periodicals, Paperbacks and Newspapers

Sealed bids will be received at the Office of the Chancellor of the Minnesota State Colleges and Universities, 500 World Trade Center, 30 East Seventh Street, St. Paul, Minnesota 55101, until **March 7, 2003 at 2:00 P.M.**, at which time they will be publicly opened and read aloud.

Copies of the specifications and bid instruction may be obtained by calling Carol Zwinger at (651) 296-7506 or via fax request at (651) 296-8488. All bids to be considered must be submitted on MnSCU approved bid forms.

The award will be based upon, but not necessarily limited to, factors of price, lead time, and agreement to MnSCU's terms and conditions.

MnSCU reserves the right to accept or reject any and all bids, or any part of any bid, and to waive any minor irregularities and deviations from requirements outlined in the technical specifications.

Colleges and Universities, Minnesota State (MnSCU)

Notice Regarding the Minnesota State Colleges and Universities Requirements Agreement

The Minnesota State Colleges and Universities (MnSCU) Requirements Agreements for accelerated professional/technical contracting have been extended through June 2003 with applicable firms. Effective 1 July 2003, all firms wishing to be on MnSCU's Requirements Agreements list for accelerated professional/technical contracts must first be registered on either the Department of Administration, Division of State Building Construction (DSBC) Master Roster, asbestos or construction services lists. Firms are encouraged to register with the Department of Administration during application periods. Further detailed procedures for the MnSCU list will be posted in the *State Register* in the near future. Questions should be addressed to David Hardin: david.hardin@so.mnscu.edu.

Department of Human Services

Disability Services Division

Pathways to Employment

Request for Proposals for a Basic Education Video for Persons with Disabilities and Employment

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services (DHS) requires the services of a Responder to produce a 30-minute video depicting employability of people with disabilities.

The goal of this initiative is to produce a video to be used with various groups including parents, students, employers, employees, consumers, caseworkers and other stakeholders. The video will focus on showing various types of disabilities (physical, sensory impairment, cognitive, psychiatric and chronic illness) in varying employment settings including competitive, supported or volunteering. The video will then be used as an outreach and training tool for the target groups previously stated.

The responder will work closely with DHS to ensure clear and accurate content. DHS will have all final editing rights as well as copyright ownership the final video product. The video will be made available in both CD-ROM/DVD and VHS formats.

The selection process will be based upon the following criteria:

State Contracts

- Responder's knowledge of disability culture;
- Responder's previous involvement in disability-related projects;
- Responder's knowledge of employment opportunities for persons with disabilities;
- Responder's ability to outline a content proposal that is both creative and original;
- Responder's ability to present content in a manner that will appeal to a vast array of stakeholder groups;
- Responder's collaborative efforts (current and historical) with disability-related organizations and agencies;
- Responder's ability to present a workplan that contains definitive benchmarks for progress;
- Responder's ability to outline a clear and reasonable budget for this project; and
- Prior examples of Responder's video production work.

The total budget for this video shall not exceed \$50,000.00.

Organizations are responsible for all costs associated with the preparation, delivery and presentation of materials in response to this RFP. Organizations must not communicate with any DHS staff concerning this RFP, except as provided for in this document, as follows. Any questions, concerns, or communications regarding this RFP should be directed to:

Shelly Owen
Minnesota Department of Human Services
Pathways to Employment
Main Reception Desk
444 Lafayette Road
St. Paul, MN 55155-3872
Phone: (651) 582-1798
Fax: (651) 582-1808
Email: *shelly.k.owen@state.mn.us*

All substantive questions concerning this RFP must be put in writing and received by Ms. Owen by **February 10, 2003**. Written responses will be mailed to respective responders no later than **February 17, 2003**.

Applications must arrive at the Department of Human Services no later than **5:00 p.m. Central Daylight time on February 28, 2003**, to be considered.

Department of Transportation

Program Support Group

Notice Concerning Professional/Technical Contract Opportunities

NOTICE TO ALL: The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT's Consultant Services **website** at: www.dot.state.mn.us/consult

New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

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.

Minnehaha Creek Watershed District

Request for Proposals for Three (3) Projects: (1) Web Site Hosting (2) Web Site Remodeling and (3) On-Going Editing Services

The Minnehaha Creek Watershed District is soliciting proposals for (1) web site hosting (2) web site remodeling and (3) on-going editing services. Responders may submit a proposal for any or all activities.

Proposals must be submitted to the district Office at 18202 Minnetonka Boulevard, Deephaven, Minnesota 55331 by 4:30 p.m. CST, on February 7, 2003 and should include background and profile information on the firm or individual, along with the specific information as to expertise in web site hosting and/or web site remodeling and/or web site on-going editing, project costs and hourly billing rate for 2003, and names and qualifications of personnel assigned to the web site project(s).

A formal Request for Proposal is available at the District Office or electronically at jellis@minnehahacreek.org.

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.

Request 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, Minneapolis, MN 55454.



Admin MINNESOTA

Department of Administration

117 University Avenue • St. Paul, Minnesota 55155
Metro Area 651-297-3000
Toll Free 1-800-657-3757
FAX 651-297-8260
Metro Area 651-282-5077 Greater MN 1-800-657-3706

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PREPAYMENT REQUIRED.

Merchandise may be returned if it is in resalable condition.

NOTE:
State Register and other subscriptions do not require sales tax or postage and handling fees.

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