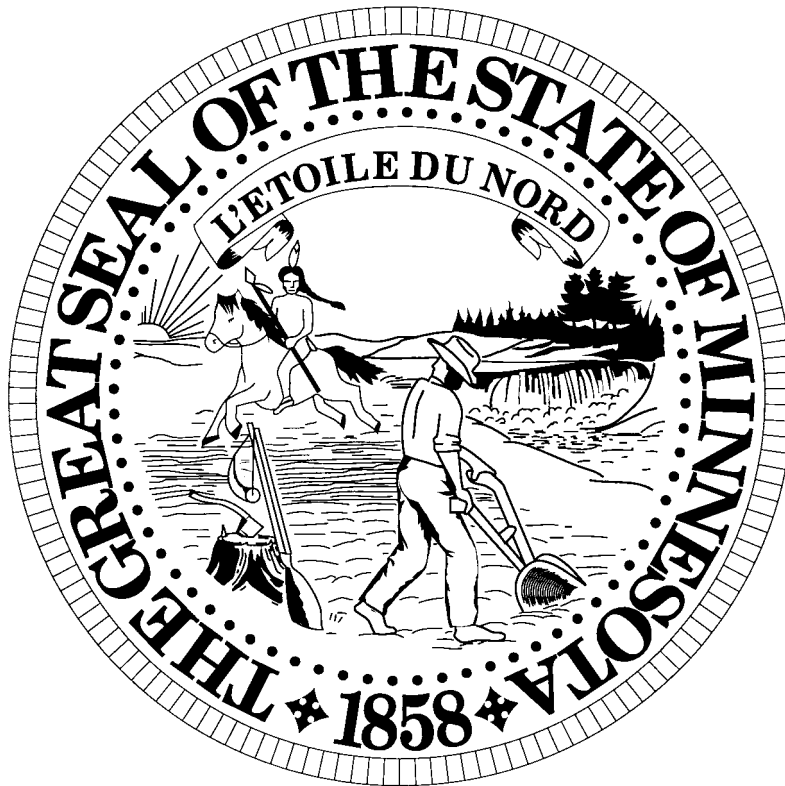


Minnesota

# State Register

Rules and Official Notices Edition



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

**Monday 10 November 2003**  
**Volume 28, Number 19**  
**Pages 595 - 624**

# State Register

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

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

- proposed, adopted, exempt, expedited emergency and withdrawn rules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

**PUBLISHING NOTICES IN THE *State Register*:** Submit TWO COPIES of your notice, typed double-spaced. State agency submissions must include a "State Register Printing Order" form, and a "Certification/Internal Contract Negotiation" form with contracts for professional, technical and consulting services. Non-State Agencies should submit TWO COPIES, with a letter on your letterhead stationery requesting publication and date to be published. FAXED submissions to (651) 297-8260 are received to meet deadline requirements, but must be followed by originals and applicable forms or letters to be accepted. The charge is \$14.40 per tenth of a page (columns are seven inches wide). About 2-1/2 pages typed double-spaced on 8-1/2"x11" paper equal one typeset page in the *State Register*. Contact the editor if you have questions.

**SUBSCRIPTION SERVICES:** Copies are available at Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155. Order by phone: Metro area: (651) 297-3000 Toll free (800) 657-3757. TTY relay service phone number: (800) 627-3529. **NO REFUNDS.** Subscribers who do not receive a copy of an issue should notify the *State Register* Subscription Office immediately at (651) 297-8774. Copies of back issues may not be available more than two weeks after publication. Both editions are delivered postpaid to points in the United States, Periodicals Postage Paid for the *State Register* at St. Paul, MN, first class for the *Solicitation Announcements*.

POSTMASTER: Send address changes to Minnesota's Bookstore, 660 Olive Street, St. Paul, Minnesota 55155. See the *State Register* and *Solicitation Announcements* at **website:** <http://www.comm.media.state.mn.us> Click on "Minnesota's Bookstore."

- *State Register* -- Rules and Official Notices Edition (published every Monday, or Tuesday if Monday is a holiday) One year, hard copy, paper subscription: \$160.00.
- **On-line subscription** – \$180, includes links, index, sidebar table of contents and *State Register* SENT TO YOU via Email.
- *Solicitation Announcements* -- State Register Supplement (published every Tuesday and Friday) One year subscription: \$135.00 via first class mail, \$150.00 via fax or through our website. Users agree not to redistribute without authorization.
- **13-week trial subscription** which includes both the *State Register* and *Solicitation Announcements* \$65.00
- **Single issues** are available for a limited time: *State Register* \$5.00, *Solicitation Announcements* \$1.00. Shipping is \$3.00 per order.

"Affidavit of Publication" costs \$10.00 and includes a notarized "Affidavit" and a copy of the issue.

### Printing Schedule and Submission Deadlines

Vol. 28 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
#19	Monday 10 November	Noon Tuesday 4 November	Noon Wednesday 29 October
#20	Monday 17 November	<b>NOON MONDAY 10 NOVEMBER</b>	Noon Wednesday 5 November
#21	Monday 24 November	Noon Tuesday 18 November	Noon Wednesday 12 November
#22	Monday 1 December	<b>NOON MONDAY 24 DECEMBER</b>	Noon Wednesday 19 November

Copyright © 2003 Communications Media Division, Department of Administration, State of Minnesota.

Publication Number: 326630 (ISSN 0146-7751)

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

Tim Pawlenty, Governor (651) 296-3391      Mike Hatch, Attorney General (651) 297-4272      Mary Kiffmeyer, Secretary of State (651) 296-2079  
 Carol L. Molnau, Lt. Governor (651) 296-3391      Patricia Awada, State Auditor (651) 297-3670

Department of Administration:      Communications Media Division:      Robin PanLener, Editor (651) 297-7963  
 Brian Lamb, Commissioner (651) 296-1424      Mary Mikes, Director (651) 297-3979      Jessie Rahmeyer, Subscriptions (651) 297-8774

### Legislative Information

Senate Public Information Office (651) 296-0504  
 State Capitol, Room 231, St. Paul, MN 55155  
**Website:** [www.senate.leg.state.mn.us/departments/secretary/seninfo.htm](http://www.senate.leg.state.mn.us/departments/secretary/seninfo.htm)

House Information Office (651) 296-2146: State Office Building, Room 175,  
 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155  
**Website:** [www.house.leg.state.mn.us/hinfo/hinfo.htm](http://www.house.leg.state.mn.us/hinfo/hinfo.htm)

### Federal Register

Office of the Federal Register (202) 512-1530; or (888) 293-6498  
 U.S. Government Printing Office – Fax: (202) 512-1262  
**Website:** [http://www.access.gpo.gov/su\\_docs/aces/aces140.html](http://www.access.gpo.gov/su_docs/aces/aces140.html)

### Minnesota State Court System

Court Information Office (651) 296-6043  
 Minnesota Judicial Center, Room 135, 25 Rev. Dr. Martin Luther King Jr Blvd.,  
 St. Paul, MN 55155 **Website:** [www.courts.state.mn.us](http://www.courts.state.mn.us)

# Contents

<b>Minnesota Rules: Amendments &amp; Additions</b>		
Monday 10 November 2003, Volume 28, Issues # 14-19 .....	598	
<b>Proposed Rules</b>		
<b>Education Department</b>		
Proposed Rules relating to Due Process Hearings for Special Education .....	599	
<b>Exempt Rules</b>		
<b>Labor and Industry Department</b>		
Adopted Exempt Permanent Rules Relating to Occupational Safety and Health; Adoption of Federal Standards by Reference .....	609	
<b>Expedited Emergency Rules</b>		
<b>Natural Resources Department</b>		
Adopted Expedited Emergency Game and Fish Rules; relating to spring wild turkey hunting .....	609	
<b>Official Notices</b>		
<b>Agricultural Society, Minnesota State (STATE FAIR)</b>		
Board of Managers meeting for Friday 14 November 2003 ..	613	
<b>Comprehensive Health Association</b>		
Public Policy Committee meeting Monday 17 November 2003.....	613	
<b>Pollution Control Agency</b>		
Request for comments on environmental response to clandestine laboratories for the manufacture of methamphetamines or other controlled substances .....	613	
Request for comments on possible amendments to rules governing state water quality standards .....	614	
<b>State Rehabilitation Council</b>		
Applications sought for appointments .....	615	
<b>State Grants &amp; Loans</b>		
<b>Board of Aging</b>		
Request for proposal to provide data collection, encoding, and maintenance to the Minnesotahelp.info website for seniors, people with disabilities, their caregivers and families and their children .....	616	
<b>State Contracts</b>		
<b>Administration Department</b>		
State Architect's Office: Notice of availability of request for proposals to provide constructibility and interdisciplinary coordination review of drawings and specifications for the DHS Office Building and Parking Ramp.....	616	
State Register: Subscriptions available .....	617	
<b>Colleges and Universities, Minnesota State (MnSCU)</b>		
Hibbing Community College: Sealed bids accepted for foundry and pottery building project .....	617	
		St. Cloud Technical College: Request for proposal for SCTC website design .....
		617
		<b>Commerce Department</b>
		Request for proposals for eHEAT Technology Initiative: Phase III .....
		618
		<b>Historical Society</b>
		Request for bids for printing services for <i>Minnesota Treasurers</i> .....
		619
		<b>Human Services Department</b>
		Partnerships for Child Development: Request for proposal to provide a household child care survey in Minnesota.....
		619
		<b>Minnesota Supreme Court</b>
		Office of the State Court Administrator: Request for proposals for identifying cost effective ways to enhance collection of court-imposed fines, charges, co-payments and restitution..
		619
		<b>Transportation Department</b>
		Potential availability of contracting opportunities for a variety of highway related technical activities .....
		620
		Professional/technical contract opportunities.....
		620
		<b>Non-State Contracts &amp; Grants</b>
		<b>Metropolitan Council</b>
		Request for proposals for comprehensive Facility Plan for a Third Party ADA Eligibility Assessment Project.....
		621
		Request for interactive voice response system for schedule information for transit master system .....
		621
		<b>Metropolitan Council - Metro Transit</b>
		Sealed bids sought for a bus wash rack .....
		622
		<b>Mower County</b>
		Department of Human Services: Request for proposals to operate transit system .....
		622
		<b>University of Minnesota</b>
		Bid Information Service (BIS) available for all potential vendors .....
		622
		Commodity, Service and Construction Contracts are published Tuesday and Friday in a bulletin, the <i>Solicitation Announcements</i> . Award results are available from the Materials Management Helpline (651) 296-2600. <b>Website:</b> <a href="http://www.mmd.admin.state.mn.us">www.mmd.admin.state.mn.us</a>
		Individual copies and subscriptions to the <i>State Register</i> and <i>Solicitations Announcements</i> are available through Minnesota's Bookstore, (651) 297-3000, or (800) 657-3757.

# Minnesota Rules: Amendments and Additions

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

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

## Volume 28, Issues #14-19

### Administration Department

1230.0100; .0150; .0300; .0600; .0700; .0750; .0900; .1700; .1850; .1905 (adopted) .....	499
1346.0050; .0060; .0101; .0102; .0103; .0104; .0105; .0106; .0107; .0108; .0109; .0110; .0201; .0202; .0301; .0306; .0309; .0401; .0403; .0404; .0505; .0506; .0507; .0508; .0603; .0604; .0703; .0709; .0801; .0803; .0901; .1001; .1003; .1004; .1006; .1007; .1011; .1204; .1500; .1601; .1602; .1603; .1604; .1605; .1606; .5050; .5201; .5202; .5301; .5303; .5304; .5306; .5402; .5403; .5404; .5406; .5407; .5408; .5409; .5410; .5501; .5503; .5504; .5602; .5620; .5629; .5630; .5700; .5801; .5802; .5803; .5804; .5805; .5806; .5807; .5900 (proposed) .....	414
1346.0108; .0203; .0204; .0302; .0304; .0405; .0406; .0407; .0408; .0409; .0410; .0411; .0414; .0418; .0421; .0424; .0504; .0602; .0605; .0606; .0607; .0608; .0707; .0710; .0807; .0808; .0809; .0913; .1002; .1005; .1104; .1107; .1207; .1503; .1505; .1520; .1521; .1906; .2002; .2003; .2101; .2102; .2104; .2106; .2107; .2108; .2109; .2110; .2111; .2113; .2114; .2115; .2120; .2122; .2123; .2124; .2125; .2126; .2127; .2133; .2201; .2202; .2205; .2206; .2211; .2212; .2213; .2215; .2216; .2220; .2226; .2500; .2600 (proposed repealer).....	414

### Education Department

3501.0505; .0510; .0515; .0520; .0525; .0530; .0535; .0540; .0545; .0550; .0560; .0565; .0570; .0575; .0580; .0585; .0590; .0595; .0600; .0605; .0610; .0620; .0625; .0630; .0635 (Expedited Emergency) .....	468
3525.0210; .3600; .3700; .3750; .3790; .3900; .4010; .4110; .4220; .4300; .4320; .4350; .4420; .4700; .4770 (proposed) .....	599
3525.0200 s.1; .3300; .3400; .3800; .4000; .4100; .4210; .4410; .4500; .4600; .4770 s.4 and 7 (proposed repealer) .....	599

### Labor and Industry Department

5205.0010 (adopted exempt) .....	609
----------------------------------	-----

### Natural Resources Department

6135.0400; .0520; .0620; .0720; .0820 (adopted exempt) .....	545
6135.0510; .0610; .0710; .0810 (repealed effective July 1, 2004) ..	545
6232.0800 (adopted expedited emergency).....	549
6236.0810; .1060 (adopted expedited emergency) .....	609
6236.0810 (27 SR 1378); .1060 (27 SR 1378) (repealed expedited emergency).....	609

### Transportation Department

8840.5100; .5300; .5400; .5525; .5640; .5650; .5700; .5800; .5900; .5910; .5925; .5940; .5950; .5975; .6000; .6100; .6200; .6250; .6300; .6400 (proposed).....	567
8840.5100 s.4; .5300 s.2, 3; .5500 s.3, 4; .5600; .5800 s.4; .5900 s.3; .5910 s.3, 7; .6100 s.2 (proposed repealer) .....	567

# Proposed Rules

## Comments on Planned Rules or Amendments

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rules 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 rules. 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 is then 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 Rules 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*.

## Department of Education

### Division of Compliance and Assistance

#### Proposed Permanent Rules Relating to Due Process Hearings for Special Education

**NOTICE OF HEARING on Proposed Rules Governing Special Education, *Minnesota Rules*, parts 3525.0210, 3525.3600, 3525.3700, 3525.3750, 3525.3790, 3525.3900, 3525.4010, 3525.4110, 3525.4220, 3525.4300, 3525.4320, 3525.4350, 3525.4420, 3525.4700 and 3525.4770; and Rules Proposed for Repeal, parts 3525.3300, 3525.3400, 3525.3800, 3525.4000, 3525.4100, 3525.4210, 3525.4410, 3525.4500 and 3525.4600**

**Public Hearing.** The Department of Education intends to adopt rules after a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing on the above-entitled rules in Conference Center Rooms 13 & 14, Minnesota Department of Education, 1500 Highway 36 West, Roseville, Minnesota 55113, starting at 12:00 p.m. on Tuesday, December 16, 2003. An evening session will commence at 7 p.m. and continue until the hearing is completed. Additional days of hearing will be scheduled if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Written statements may be submitted without appearing at the hearing.

**Administrative Law Judge.** The hearing will be conducted by Administrative Law Judge George Beck, who 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. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge.

**Subject of Rules, Statutory Authority, and Agency Contact Person.** The proposed rules are about special education due process hearings. Among the changes in the proposed amendments are provisions that implement the new requirement of a single state-level administrative hearing, comprehensive and consistent notice requirements and criteria for hearing officer selection. The proposed rules are also intended to reduce the amount of time parties spend in a due process hearing by requiring more procedural steps be addressed at the pre-hearing conference. The proposed rules are authorized by *2003 Minnesota Laws*, chapter 9, article 2, section 19 (1st special session) and are intended to implement recent statutory changes. Each of the rule parts proposed for repeal contain provisions that have been amended and incorporated into the proposed provisions. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

The agency contact person is: Kristen Schroeder at Minnesota Department of Education, 1500 Highway 36 West, Roseville, MN 55113. **Telephone:** (651) 582-8607. **FAX:** (651) 582-8248. **E-mail:** [kristen.schroeder@state.mn.us](mailto:kristen.schroeder@state.mn.us). TTY users may call the Department of Education at (651) 582-8201.

# Proposed Rules

---

---

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

**Public Comment.** You and all interested or affected persons, including representatives of associations and other interested groups, may submit comments in writing to the agency contact person or the administrative law judge and will have an opportunity to participate at the hearing. 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.

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.

**Alternative Format/Accommodation.** Upon request, this Notice can be made available in an alternative format. 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 as a result of the rule hearing process. Modifications must be supported by data and views presented during the rule hearing process, 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.

**Adoption Procedure After The Hearing.** 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 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, or ask to register with the agency to receive notice of future rule proceedings, and can make these requests at the hearing or in writing to the agency contact person stated above.

**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.

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

Dated: 25 October 2003

Cheri Pierson Yecke, Ph.D.  
Commissioner

## **3525.0210 DEFINITIONS.**

**Subpart 1. Scope.** As used in parts 3525.0210 to 3525.4770, the terms defined in this part have the meanings given them.

**Subp. 4. Alternative dispute resolution (ADR).** "Alternative dispute resolution" (ADR) means any process used to resolve a special education dispute which is not a due process hearing or a state complaint.

**Subp. 8. Conciliation conference.** "Conciliation conference" means a meeting, which follows an IEP team meeting, held for the purpose of resolving a dispute between the parents and district over identification, evaluation, educational placement, manifestation determination, interim alternative educational placement, or the provision of a free appropriate public education (FAPE) to a child with a disability. A conciliation conference must have in attendance, at a minimum, a parent and a district staff person with authority to resolve the dispute.

**Subp. 12. Department.** "Department" means the Minnesota Department of Education.

**Subp. 15. District.** "District" means any local education agency, charter school, or state agency that provides education services to pupils.

**Subp. 16. Due process hearing or hearing.** "Due process hearing" or "hearing" refers to a special education due process hearing or expedited due process hearing pursuant to *Minnesota Statutes*, section 125A.091, and *Code of Federal Regulations*, title 34, subpart E.

**Subp. 20. Facilitated IEP meeting.** "Facilitated IEP meeting" means an IEP/IFSP/IIP meeting that includes an impartial state

---

---

# Proposed Rules

provided facilitator who promotes effective communication, addresses conflicts that arise, and assists a team in developing an IEP/IFSP/IIIP.

Subp. 21. **Filing or file.** “Filing” or “file” means transmission of a document to the department or hearing officer by mail, delivery, fax, or licensed overnight express mail service. Filing is complete upon actual receipt of the document. Any document received after 4:30 p.m. or on a weekend or holiday will be treated as received the following business day.

Subp. 25. **Hearing officer.** “Hearing officer” means the person appointed by the department, pursuant to *Minnesota Statutes*, section 125A.091, to decide matters in a due process hearing.

Subp. 31. **Mediation.** “Mediation” means an ADR process in which a neutral person, provided by the state, assists parents and districts in resolving disputes over identification, evaluation, educational placement, manifestation determination, interim alternative educational placement, or the provision of a free appropriate public education (FAPE) to a child with a disability.

Subp. 34. **Parent.** “Parent” means:

- A. an individual who is the child’s legal guardian and has the right to make education decisions for the child;
- B. the child if 18 years of age or older and no other legal guardian has been appointed; or
- C. a surrogate parent appointed by the district.

Subp. 40. **Service or serve.** “Service” or “serve” means personal service, service by electric facsimile, service by first class United States mail, or licensed overnight express mail service. Service is complete upon receipt, except for service by United States mail which is complete three days after the date mailed. When a dispute over service arises the serving party must demonstrate proof of service.

## **~~3525.3600 NOTICE OF CHANGE OR REFUSAL TO CHANGE EDUCATIONAL PLACEMENT OR PROGRAM PRIOR WRITTEN NOTICE.~~**

~~Before the initiation or significant change or the refusal to initiate or significantly change a pupil’s educational placement or special education services, as defined in part 3525.0200, subpart 19b, the school district shall prepare and serve a~~ When a district proposes or refuses to initiate or change the identification, evaluation, or educational placement of a pupil, or the provision of FAPE to the pupil, the district must serve prior written notice on the parent. The district must serve the notice on the parent within a reasonable time, and in no case less than 14 calendar days before the proposed effective date of change or evaluation. If the notice only includes a refusal of a request, it must be served on the parent within 14 calendar days of the date the request was made.

~~The notice that meets~~ must meet the requirements of *Code of Federal Regulations*, title 34, section 300.503 *Minnesota Statutes*, section 125A.091, subdivisions 3 and 4. The notice must also:

~~The portion of the notice which is specific to the educational placement and provision of services shall:~~

- ~~A. include a copy of the individual educational program plan as described in part 3525.2810, subpart 1, item A;~~
- ~~B. inform the parents that the school district will not proceed with the initial placement and provision of services as defined in part 3525.0200 without prior written consent of the pupil’s parents; and~~
- ~~C. B. inform the parents that except for the initial placement and provision of services, the district will proceed with the proposed placement and provision of services unless the parents object in writing on the enclosed response form or otherwise in writing within 14 calendar days after the receipt of the notice.~~

The district must provide the parents with a copy of the individual educational program plan as described in part 3525.2810, subpart 1, item A, whenever the district proposes to change the content of the IEP.

## **3525.3700 CONCILIATION CONFERENCE.**

~~Subpart 1. **When a conference must be offered.** When provided notice of the district’s proposed action or refusal to act, a parent must be notified by the district that if the parent refuses to provide prior written consent for initial evaluation or initial placement, the parent objects in writing to any proposal, or the district refuses to initiate or change the identification, evaluation, or educational placement of the pupil or the provision of a free appropriate public education to the pupil, the parent may request a conciliation conference, mediation, or other form of alternative dispute resolution. The district must engage in a conciliation conference if one is requested by the parent. Parents must have an opportunity to meet with appropriate district staff in at least one conciliation conference if the parents object to any proposal or refusal of which the parents are notified under *Minnesota Statutes*, section 125A.091, subdivision 2. If the parent refuses efforts by the district to conciliate the dispute with the district, the district is deemed to have satisfied its requirement to offer a conciliation conference.~~

~~Subp. 1a. **When and where held; results.** A conciliation conference must be held in accordance with the following: items A to E.~~

- ~~A. A conciliation conference must be held within ten calendar days from the district’s receipt of the parent’s agreement to participate and at a time and place mutually convenient to the parent and school district representatives;~~
- ~~B. A conciliation conference must not be used to unilaterally delay or deny a parent’s right to a hearing;~~

# Proposed Rules

C. All discussion ~~involving or~~ concerning the contents of a conciliation conference must remain confidential and must not be permitted as evidence in a due process hearing, except as provided in item D.

D. Within ~~seven calendar~~ five business days after the final conciliation conference, the district must serve the parent with a written memorandum that conforms with ~~the requirements of Code of Federal Regulations, title 34, section 300.503~~ Minnesota Statutes, section 125A.091, subdivisions 3 and 4, and must provide the parent with any proposed IEP following the conciliation conference. The memorandum and IEP ~~may be used in a subsequent proceeding as permitted by part 3525.4100 and Minnesota Statutes, section 125A.09, subdivision 4; and~~ are admissible evidence in a due process hearing.

E. If the proposed action is an initial evaluation ~~and~~ or initial placement, the district must not proceed upon unless provided with informed written consent of the parents. For all other proposed actions, the district must proceed within ~~seven calendar~~ ten business days after the memorandum is ~~sent to~~ served on the parents, unless the parent objects in writing to the proposed action within that time period.

Subp. 3. **Refusal to conciliate; request for hearing.** When the parent refuses efforts by the district to conciliate the dispute and notifies the district of the intent to go to an impartial due process hearing, the district must provide inform the parent with of the procedure and time in which to request for requesting the hearing, and the identification of the district employee to whom the written request form or other written request for a hearing must be mailed, and to whom questions and legal documents or requests about the hearing may be directed and all other procedural safeguards pursuant to part 3525.3900, subpart 3, item J, and Code of Federal Regulations, title 34, section 300.504.

## **3525.3750 MEDIATION AND OTHER ALTERNATIVE DISPUTE RESOLUTION.**

Pursuant to ~~Minnesota Statutes, section 125A.09~~ Minnesota Statutes, section 125A.091, and Code of Federal Regulations, title 34, section 300.506, districts must make mediation ~~or and~~ other forms of alternative dispute resolution, ~~including those developed by the commissioner,~~ available to parents to encourage resolution of disputes about any matter described in Code of Federal Regulations, title 34, section 300.503(a)(1) Minnesota Statutes, section 125A.091, subdivision 12. Mediations and other forms of dispute resolution ~~must be agreed to by~~ are voluntary for both parties. A district must not use a mediation or other form of alternative dispute resolution must not be used to unilaterally delay or deny a parent's right to a hearing. All discussion involving or concerning the contents of a mediation or other form of alternative dispute resolution must remain confidential and must not be permitted as evidence in a due process hearing. Mediation must be conducted in accordance with Code of Federal Regulations, title 34, section 300.506. Other forms of alternative dispute resolution must be conducted pursuant to the agreement of the parties.

## **3525.3790 TIME COMPUTATION.**

In computing any period of time prescribed by this chapter, the day of the event from which the designated period of time begins to run shall not be included. The last day of the time period shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which case the time period ends on the next day which is not a Saturday, Sunday, or legal holiday.

## **3525.3900 NOTICE OF INITIATING A DUE PROCESS HEARING.**

~~Written notice of the time, date, and place of a hearing shall be given to all parties by the hearing officer at least ten calendar days in advance of the hearing. The hearing shall be held at a time, date, and place in the district responsible for assuring that an appropriate program is provided and that is reasonably convenient to the parents and child involved, as determined by the hearing officer.~~

~~Upon receipt of the parent's written request for a hearing, or upon the district's initiation of a hearing, the district shall serve the parent with a written notice of rights and procedures relative to the hearing that informs the parent:~~

Subpart 1. **Request to be filed with department.** A request for a due process hearing must be in writing and filed with the department. A school district administrator receiving a request for a due process hearing must immediately file the request with the department and in no case more than two business days following receipt of the request. Within two business days of receipt of a request for a due process hearing, the department shall notify the district of the request. The department must not deny a request for hearing if it is incomplete. When a district is notified of a due process hearing request it must serve notice on the parent, within two business days, which includes the information required under subpart 3, item J, if it has not already done so as part of the pending dispute.

Subp. 2. **Parent request for hearing.** A parent request for hearing must include:

- A. a statement indicating the parents request a hearing;
- B. the name and address of the child involved;
- C. the name, address, and telephone number, if available, of the parent;
- D. the name of the school the child is attending at the time of the request;
- E. the name or number of the school district of the parent's residence;
- F. a description of the nature of the problem about providing special education services to the student, including facts relating to the problem; and
- G. a proposed resolution of the problem to the extent known and available to the parents at the time of the request.



---

---

# Proposed Rules

Subp. 3. District request for hearing. A district must serve a written notice of hearing on the parents and file it with the department in order to initiate a hearing. The notice must include:

- A. a statement that the district requests a hearing;
- B. the name and address of the child involved;
- C. the name, address, and telephone number, if available, of the parent;
- D. the name of the school the child is attending at the time of the request;
- E. the name or number of the school district of the parent's residence;
- F. a description of the proposed initiation or change, including facts relating to the proposal or change;
- G. a proposed resolution of the problem;
- H. a copy of the current or proposed IEP, evaluation plan, and any relevant progress information;
- I. a copy of the prior written notice; and
- J. a statement of the basic procedures and safeguards for due process hearings that includes the items in subpart 4.

Subp. 4. Requirements of basic procedures and safeguards. The statement of the basic procedures and safeguards in subpart 3, item J, must include:

A. the names and telephone numbers of any free or low-cost legal or other relevant services available in the area and a statement that both parties have the right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;

~~A. B. a statement that the hearing shall will take place before an impartial hearing officer mutually agreed to by the school board and the parent. The notice must include a list of possible hearing officers and information on their backgrounds as maintained by the state. If the parties have not agreed upon a hearing officer, and the board has not requested that a hearing officer be appointed by the commissioner within four business days after the receipt of the request, the commissioner shall appoint a hearing officer upon the request of either party, assigned by the department. If the department is the provider of services to the child, this statement must indicate that the department will request the Office of Administrative Hearings to appoint a qualified hearing officer;~~

~~B. C. a statement that the parent will receive notice of the time, date, and place of the evidentiary hearing from the hearing officer at least ten calendar days in advance of the evidentiary hearing which. This statement must also state that the evidentiary hearing must be held within 30 calendar days after from the written request. date the hearing request was filed with the department, at a location within the district responsible for ensuring a free appropriate public education is provided to the student;~~

~~C. Of the parent's right to receive a list of persons who will testify on behalf of the district concerning the issues within five business days of the date the district receives the parent's written request for the list of persons testifying.~~

~~D. Of the parent's responsibility, within five business days after written request by the school district, to provide to the district a list of persons who will testify on the parent's behalf concerning the issues; a statement that both parties have the right to present evidence and confront, cross-examine, and compel the attendance of witnesses;~~

~~E. Consistent with Code of Federal Regulations, title 34, section 300.509; a statement that the hearing officer may will prohibit, at the request of either party, evidence not disclosed five business days before a the evidentiary hearing, including evaluations completed by that date and recommendations based on those evaluations;~~

~~F. a statement that at the hearing the burden of proof is on the district to show that it is in compliance with the law and that the proposed action or refusal is justified on the basis of the pupil's educational needs, current educational performance, or progress, taking into account the presumption that placement in a regular public school class with special education services is preferable to removal from the regular classroom;~~

~~G. a statement that the hearing officer will make a written decision based only on evidence received and introduced into the record at the hearing not more than 45 calendar days from the receipt of the request for the hearing date the hearing request was filed with the department and that the proposed action or refusal will be upheld only upon showing by the school district by a preponderance of the evidence;~~

~~H. a statement that the parent or district may appeal a decision of the hearing officer is binding on all parties unless appealed to the commissioner by the parent or the district, except as provided in Code of Federal Regulations, title 34, section 300.514; to the Minnesota Court of Appeals or United States District Court for the District of Minnesota within 60 calendar days of receipt of the decision;~~

~~I. a statement that unless the district and parents agree otherwise, the pupil shall not be denied initial admission to school and the pupil's education program shall not be changed in conformance with Code of Federal Regulations, title 34, section 300.514;~~

~~J. a statement that the parents have the burden of proving, by a preponderance of the evidence, that services for which the parents are paying or have paid, and for which the parents are seeking public funds, are appropriate for the pupil. This statement must also indicate that in order for parents to prevail, the hearing officer must have found that the district has failed to provide a free appropriate~~

public education in the least restrictive environment;

K. a statement that the parents may choose to have the pupil, who is the subject of the hearing, present and that they may open the evidentiary hearing to the public;

L. a statement that the department will provide the parents with a written verbatim record of the hearing, at no cost, as well as the findings of fact and decision;

M. a statement that parents prevailing at a hearing may be entitled to reasonable attorney fees at the discretion of the federal District Court; and

N. a statement that the hearing officer may apply a statute of limitations that may limit the complaints that will be heard.

Subp. 5. **Appointment.** The department must appoint a hearing officer within two business days of the date the hearing request was filed with the department.

### **3525.4010 HEARING OFFICERS.**

Subpart 1. **Criteria for selection.** An individual must meet, at a minimum, the following criteria to be placed on the department's list of hearing officers:

A. have at least five years of experience practicing law and hold a current license to practice law in the state of Minnesota or at least five years of experience as a special education due process hearing officer;

B. have litigation experience and an understanding of administrative law; and

C. swear an oath to support the Constitutions of the United States and the state of Minnesota, adhere to the standards of conduct for hearing officers indicated in subpart 2, and uphold the laws of the federal government and the state of Minnesota.

Subp. 2. **Standards of conduct.** Impartial hearing officers are expected to follow the Professionalism Aspirations for Judges, Referees, and Administrative Law Judges to Lawyers and Parties, as promulgated by the Minnesota Supreme Court, January 2001.

Subp. 3. **Evaluation.** The department will collect and maintain data on the hearing system which must include, at a minimum: the number of hearing requests, the method of resolving hearings, and participant evaluation of the process and outcome.

### **3525.4110 PREHEARING CONFERENCE.**

Subpart 1. **Generally.** A prehearing conference must be held within five business days of the date the department appoints the hearing officer. The hearing officer will initiate the prehearing conference which may be conducted by telephone or in person at a location within the district. The hearing officer will have a written verbatim record of the prehearing conference created which must be made available to both parties if either party requests the record.

Subp. 2. **Purpose.** The hearing officer has the following duties at a prehearing conference:

A. The hearing officer must establish the management, control, and location of the hearing to ensure its fair, efficient, and effective disposition including, but not limited to:

(1) informing the parties of their rights should the dispute proceed;

(2) ensuring parents have been provided access to or copies of all education records and ensuring all required notices, information on the pupil's educational progress, and any information requested by the hearing officer has been shared between the parties with copies provided to the hearing officer;

(3) determining the necessity for participation of appropriate education agencies, issuing orders to join agencies not already participating and consolidating cases pursuant to part 3525.4350;

(4) determining the amount of time parties will have to present their cases by balancing the due process rights of the parties with the need for administrative efficiency and limited public resources; and

(5) requiring and assisting the parties in establishing a list of evidence and witnesses necessary for each party to make its case, such as responding to requests to hearing officers to compel the attendance of witnesses, determining the necessity of telephone testimony, and stipulating to undisputed facts. A hearing officer may permit a witness to testify via telephone if such a procedure would not prejudice either party.

B. The hearing officer must clearly identify the questions the hearing officer must answer to resolve the dispute and eliminate claims and complaints that are frivolous or beyond a statute of limitations period. If necessary, the hearing officer must assist the parties in identifying the issues for hearing. An issue for hearing must include two parts:

(1) an element of law, or an interpretation of law that is in dispute; and

(2) the relevant facts of the case to which the law will be applied.

C. The hearing officer must set a scheduling order for the hearing and for any additional prehearing activities including requests for extensions to the 45-day timeline in which to dispose of the matter. A hearing officer may only grant an extension for a period of up to 30 calendar days if the requesting party shows good cause on the record. Extensions may last longer than 30 calendar days if both parties agree and the hearing officer approves. All written orders granting or denying motions must be filed with

---

---

# Proposed Rules

the department. All orders granting or denying motions to extend the 45-day timeline must be in writing. The hearing officer may require an independent education evaluation be conducted at district expense.

D. The hearing officer must determine if the hearing may be disposed of without an evidentiary hearing and set the schedule and procedure accordingly. The hearing officer may dispose of the case by summary judgment if there are no material facts in dispute, or by the facilitation of a settlement, if possible, including suggesting the parties participate in mediation or another alternative dispute resolution option.

Subp. 3. **Hearing officer authority.** The hearing officer has the authority to take any actions necessary to ensure the compliance with all requirements and may dismiss the matter, with or without prejudice, if the party requesting the hearing fails to provide information required or ordered by the hearing officer.

Subp. 4. **Subpoenas.** Parties may request subpoenas for witnesses from the hearing officer. Any subpoena must include a statement that the parties have the right, pursuant to federal law, to confront, cross-examine, and compel the attendance of witnesses in a special education due process hearing. A hearing officer may refuse to issue a subpoena for a proposed witness who is to offer evidence the hearing officer determines will be incompetent, irrelevant, immaterial, or unduly repetitious.

## **3525.4220 HEARING RIGHTS OF RESPECTIVE PARTIES.**

Subpart 1. **Basic hearing rights.** Parties have the right at hearing to:

A. be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;

B. present evidence and confront, cross-examine, and compel the attendance of witnesses;

C. prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing;

D. obtain a written, or, at the option of the parents, electronic, verbatim record of the hearing; and

E. obtain written, or, at the option of the parents, electronic findings of fact and decisions.

Subp. 2. **Parental rights at hearings.** Parents involved in hearings have the right to:

A. have the child who is the subject of the hearing present;

B. open the hearing to the public; and

C. receive a free copy of the hearing transcript or recording and the findings of fact and decisions.

## **3525.4300 HEARING PROCEDURES.**

Subpart 1. **Generally.** The hearing officer shall preside over and conduct the hearing and shall rule on procedural and evidentiary matters. ~~The district bears the burden of proof as to all facts and the grounds for the proposed action or refusal.~~ The hearing officer must ensure that issues for hearing are appropriately identified and that evidence is limited to that which is relevant to the issues and is not incompetent, immaterial, cumulative, or irrelevant. The hearing officer must limit the hearing to the amount of time necessary for each party to present its case and must establish the means for doing so. The hearing officer has unlimited authority to question witnesses and request information.

A ~~tape recording, stenographic record, or other written~~ record of the hearing shall be made.

Subp. 2. **Protective orders.** When a party is asked to reveal data that is classified as not public pursuant to *Minnesota Statutes*, chapter 13, and the opposing party is not privileged to see this data, the party from whom the data is requested may bring the matter to the attention of the hearing officer who will review the data in camera and make protective orders that are reasonable and necessary or as otherwise provided by law.

Subp. 3. **Responding to orders.** If the hearing officer orders that parties do an act or not do an act, the parties must comply with the order. If a party objects to an order, the objection must be stated in advance of the order as part of the record. If the party had no advance knowledge the order was to be issued, any objection must be made as part of the record as soon as the party becomes aware of the order.

Subp. 4. **Copies.** The hearing officer must send copies of all orders or decisions to all parties simultaneously. Any party sending a letter, exhibit, brief, memorandum, subpoena request, or other document to the hearing officer must simultaneously send a copy to all other parties.

Subp. 5. **Representation by attorney.** A party need not be represented by an attorney. If a party is represented by an attorney and notifies the other parties of such representation, all communications pertaining to the hearing must be directed to that attorney.

Subp. 6. **Communication with hearing officer.** No party or attorney may communicate with the hearing officer on the merits of the case unless all parties have the opportunity to participate.

Subp. 7. **Participation of nonparties.** With the approval of the hearing officer, any person may offer testimony or other evidence relevant to the case. Any nonparty offering testimony or other evidence may be questioned by parties to the case and by the hearing officer.

# Proposed Rules

---

---

Subp. 8. Witnesses. At the discretion of the hearing officer, any party may be a witness and may present witnesses on the party's behalf at the hearing. All oral testimony at the hearing must be under oath or affirmation. At the request of a party or upon the hearing officer's own motion, the hearing officer may exclude witnesses from the hearing room so that they cannot hear the testimony of other witnesses. The hearing officer has unlimited authority to question witnesses and request information.

Subp. 9. Direct examination. The hearing officer may require the parties to submit any or all direct examination of witnesses and responses in writing five calendar days prior to the start of the evidentiary hearing. A witness's testimony must be written in his or her own words and signed by the witness. If a witness is not available for cross-examination, that witness's direct examination must be excluded from the record.

## **3525.4320 RULES OF EVIDENCE.**

Subpart 1. Admissible evidence. The hearing officer may admit all evidence that possesses probative value, including hearsay, if it is the type of evidence on which reasonable, prudent persons are accustomed to rely in the conduct of their serious affairs. The hearing officer must give effect to the rules of privilege recognized by law. The hearing officer must exclude evidence that is incompetent, irrelevant, immaterial, or unduly repetitious. The testimony or records of mediators or state-provided IEP meeting facilitators are not admissible. The hearing officer may admit evidence offered for the purpose of impeachment even if not disclosed five days prior to the hearing.

Subp. 2. Evidence part of record. All evidence to be considered in the case must be offered and made a part of the record in the case. The hearing officer must not consider any other factual information or evidence in the determination of the case. This does not prohibit the hearing officer from questioning witnesses or seeking other evidence from the parties and directing them to provide it.

Subp. 3. Documents. Documentary evidence in the form of copies or excerpts may be received or incorporated by reference in the discretion of the hearing officer or upon agreement of the parties. A hearing officer may receive copies of a document to the same extent as the original document.

Subp. 4. Official notice of facts. The hearing officer may take notice of judicially cognizable facts but must do so on the record and with the opportunity for any party to contest the facts so noticed.

## **3525.4350 CONSOLIDATION OF CASES.**

Subpart 1. Standards for consolidation. The hearing officer may consolidate two or more separate cases for hearing if the cases present substantially the same issues of fact and law, if the consolidation would save time and costs, and if consolidation would not prejudice any party.

Subp. 2. Request for consolidation. A party requesting consolidation must serve a written request for consolidation on all parties to the cases to be consolidated and must file the originals with the hearing officers assigned to the cases, together with a proof of service showing service as required herein. Any party objecting to the request must serve and file their objections within five calendar days following service of the request for consolidation.

Subp. 3. Determination. When more than one hearing officer is assigned to the cases that are the subject of the request for consolidation, the hearing officer assigned to the first case filed with the department will make the determination regarding consolidation.

Subp. 4. Order. Upon determining whether cases should be consolidated, the hearing officer must serve a written order on all parties and on the department. The order must contain information such as a description of the cases for consolidation, the reasons for the decision, and a notification of a consolidated prehearing conference if one is being scheduled.

## **3525.4420 DECISIONS OF HEARING OFFICER.**

The hearing officer must conclude all hearings with a written decision or order and must serve the decision or order on all parties. This order must include information detailing the right to appeal the decision and the time in which to do so. The hearing officer must maintain the hearing record until the date of the final decision or order and send it to the department within one week of the issuance of the final decision or order. The record must include all pleadings, motions and orders; evidence offered or considered; offers of proof, objections, and rulings thereon; the hearing officer's final decision or order; all memoranda or data submitted by any party in connection with the case; and the transcripts of all proceedings. The date of the final decision or order is the date the hearing is concluded. A decision must:

A. be in writing;

B. state the controlling and material facts to which the law is applied;

C. state the conclusions of law applied to the facts; and

D. be based on local standards, state statute, the rules of the department, and federal law. A summary disposition based upon stipulation, settlement, or withdrawal of a hearing request need not contain extensive findings or conclusions. An order, to be treated as a consent decree approved by the hearing officer, must expressly state it is a consent decree.

## **3525.4700 FINAL DECISION ENFORCEMENT AND APPEALS.**

The hearing review officer's final decision must be in writing, include findings and conclusions, and be based on the standards in this chapter; *Minnesota Statutes*; and *Code of Federal Regulations*, title 34, part 300.

The decision of the hearing review officer is final and effective upon issuance. Any party aggrieved by the findings and decisions made by a hearing review officer shall have the right to bring a civil action pursuant to *Code of Federal Regulations*, title 34, section 300.512.

If the district fails to implement the hearing officer's ~~or hearing review officer's~~ decision, the parent ~~shall have~~ has the right to bring the failure to the attention of the ~~commissioner~~ department through the special education complaint process. The department must monitor final orders and ensure they are enforced with or without a complaint and may seek clarification regarding the order from the hearing officer. In accordance with *Minnesota Statutes*, section 127A.42, the commissioner ~~of education~~ shall impose sanctions necessary to correct any failure. Once the hearing officer has issued a final decision, the hearing officer lacks authority to amend the decision except for clerical or mathematical errors. Parties may appeal a final decision, within 60 calendar days of receipt, to the Minnesota Court of Appeals or to the United States District Court for the District of Minnesota pursuant to *Minnesota Statutes*, section 125A.091 and *Code of Federal Regulations*, title 34, section 300.512.

## **3525.4770 EXPEDITED HEARINGS, TIMELINES.**

Subpart 1. **When parents request hearing.** When requesting an expedited hearing the parents shall provide the district and department with:

- A. ~~the address of the residence of the pupil~~ a statement indicating the parents request an expedited hearing;
- B. the name and address of the child involved;
- C. the name, address, and telephone number, if available, of the parent;
- D. the name of the school the pupil child is attending at the time of the request;
- ~~E.~~ E. the name or number of the school district of the parent's residence;
- F. a description of the nature of the problem of the pupil child relating to the manifestation determination, interim placement, or proposed interim placement, including facts relating to the problem; and
- ~~D. G.~~ a proposed resolution of the problem to the extent known and available to the parents at the time.

The ~~district may not deny or delay~~ a parent's right to an expedited hearing must not be denied or delayed for failure to provide the notice required here.

Immediately upon the district's receipt of the request for an expedited hearing by the district superintendent, or upon ~~initiating the initiation of~~ an expedited hearing, the district shall serve the parents with a written notice of right rights and procedures relative to the hearing, including the availability of free or low-cost legal ~~and other relevant legal services,~~ and a list of approved hearing officers.

Subp. 2. **When district requests hearing.** When the district requests an expedited hearing it shall provide the parents and department with a written notice of:

- A. a description of the nature of the problem including the behavior for which the change of placement is requested;
- B. a description of the interim placement or proposed interim placement; and
- C. a proposed resolution of the problem to the extent known at the time; and
- ~~D.~~ a list of approved hearing officers.

Subp. 3. **Hearing officer appointment.** ~~The parties may agree upon a hearing officer, but the district shall send a copy of the hearing request to the commissioner by facsimile by the end of the business day following receipt of the parent's notice to the district superintendent or initiation of an expedited hearing.~~ Within two business days of receipt of the notice, ~~if the parties have not agreed to a hearing officer,~~ the commissioner shall appoint a hearing officer. ~~If the parties agree upon a hearing officer, the hearing officer must be from the roster maintained by the department. The district must contact the agreed upon hearing officer, and the hearing officer, if available to hear the matter, must notify the commissioner, who will then assign a hearing case number. If the agreed upon hearing officer is unavailable, the district shall inform the parent and the commissioner of that fact, and the commissioner must appoint another hearing officer by the end of the following business day. If the parties are unable to reach agreement, either party may inform the department of that fact and request the immediate appointment of the next available hearing officer. The same hearing officers shall be used for the expedited hearings as for hearings under parts 3525.3800 to 3525.4500.~~

Subp. 4. [See repealer.]

Subp. 5. **Disclosure of data.** At least three business days prior to an expedited hearing, or longer, if ordered by the hearing officer, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing. A hearing officer may bar any party who fails to comply with this subpart from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

# Proposed Rules

---

---

Subp. 6. **Prehearing conference.** Within two business days of appointment, the hearing officer shall hold a prehearing conference, which may be by telephone. At that conference, or later, the hearing officer may take any appropriate action relating to scheduling, jurisdiction, and listing witnesses, including expert witnesses. ~~Specific pleadings including statements of objection under *Minnesota Statutes*, section 125A.09, subdivision 6, clause (5), and the statement of material allegations under part 3525.4200 shall be required; however the timelines for their exchange shall be established by the hearing officer.~~ Issues not ~~pled with specificity raised~~ in an expedited due process hearing are not waived in subsequent proceedings. Any exchange of witness lists, evidence, and any other information deemed necessary by the hearing officer shall be exchanged based on the timeline ordered by the hearing officer as required to allow the hearing officer to render a written decision within ~~20 business ten calendar~~ days of the request for the hearing. At the prehearing conference, and subsequently, the hearing officer may order either party to submit educational records, evaluations, and any other information to the hearing officer for prehearing review. The hearing officer may establish procedures necessary to ensure the timely and fair resolution of the dispute.

Subp. 7. [See repealer.]

Subp. 8. **Decision.** A written decision for an expedited hearing shall be rendered by the hearing officer in ~~20 business ten calendar~~ days. An extension of up to five ~~business calendar~~ days may be granted by the hearing officer for good cause shown on the record. The decision is effective upon issuance consistent with *Code of Federal Regulations*, title 34, section 300.514. All regulations in this chapter apply to expedited due process hearings to the extent not modified by this part.

**REPEALER.** *Minnesota Rules*, parts 3525.0200, subpart 1; 3525.3300; 3525.3400; 3525.3800; 3525.4000; 3525.4100; 3525.4210; 3525.4410; 3525.4500; 3525.4600; and 3525.4770, subparts 4 and 7, are repealed.

## REVISOR INSTRUCTION.

(a) In the next issue of *Minnesota Rules*, the Revisor of Statutes shall renumber each subpart listed in column A with the number listed in column B. The revisor shall make necessary cross-reference changes consistent with the renumbering.

<u>Column A</u>	<u>Column B</u>
<u>3525.0200, subpart 1a</u>	<u>3525.0210, subpart 2</u>
<u>3525.0200, subpart 1b</u>	<u>3525.0210, subpart 3</u>
<u>3525.0200, subpart 1d</u>	<u>3525.0210, subpart 5</u>
<u>3525.0200, subpart 1e</u>	<u>3525.0210, subpart 6</u>
<u>3525.0200, subpart 1f</u>	<u>3525.0210, subpart 7</u>
<u>3525.0200, subpart 1g</u>	<u>3525.0210, subpart 9</u>
<u>3525.0200, subpart 1h</u>	<u>3525.0210, subpart 10</u>
<u>3525.0200, subpart 2</u>	<u>3525.0210, subpart 11</u>
<u>3525.0200, subpart 2a</u>	<u>3525.0210, subpart 13</u>
<u>3525.0200, subpart 2b</u>	<u>3525.0210, subpart 14</u>
<u>3525.0200, subpart 2c</u>	<u>3525.0210, subpart 17</u>
<u>3525.0200, subpart 2d</u>	<u>3525.0210, subpart 18</u>
<u>3525.0200, subpart 2e</u>	<u>3525.0210, subpart 19</u>
<u>3525.0200, subpart 3a</u>	<u>3525.0210, subpart 22</u>
<u>3525.0200, subpart 3b</u>	<u>3525.0210, subpart 23</u>
<u>3525.0200, subpart 4a</u>	<u>3525.0210, subpart 24</u>
<u>3525.0200, subpart 8a</u>	<u>3525.0210, subpart 26</u>
<u>3525.0200, subpart 8c</u>	<u>3525.0210, subpart 27</u>
<u>3525.0200, subpart 8d</u>	<u>3525.0210, subpart 28</u>
<u>3525.0200, subpart 8e</u>	<u>3525.0210, subpart 29</u>
<u>3525.0200, subpart 8f</u>	<u>3525.0210, subpart 30</u>
<u>3525.0200, subpart 10</u>	<u>3525.0210, subpart 32</u>
<u>3525.0200, subpart 10a</u>	<u>3525.0210, subpart 33</u>
<u>3525.0200, subpart 15a</u>	<u>3525.0210, subpart 35</u>
<u>3525.0200, subpart 16a</u>	<u>3525.0210, subpart 36</u>
<u>3525.0200, subpart 17a</u>	<u>3525.0210, subpart 37</u>
<u>3525.0200, subpart 18a</u>	<u>3525.0210, subpart 38</u>

<u><a href="#">3525.0200, subpart 19a</a></u>	<u><a href="#">3525.0210, subpart 39</a></u>
<u><a href="#">3525.0200, subpart 19b</a></u>	<u><a href="#">3525.0210, subpart 41</a></u>
<u><a href="#">3525.0200, subpart 20a</a></u>	<u><a href="#">3525.0210, subpart 42</a></u>
<u><a href="#">3525.0200, subpart 20b</a></u>	<u><a href="#">3525.0210, subpart 43</a></u>
<u><a href="#">3525.0200, subpart 24</a></u>	<u><a href="#">3525.0210, subpart 44</a></u>
<u><a href="#">3525.0200, subpart 25</a></u>	<u><a href="#">3525.0210, subpart 45</a></u>
<u><a href="#">3525.0200, subpart 25a</a></u>	<u><a href="#">3525.0210, subpart 46</a></u>
<u><a href="#">3525.0200, subpart 25b</a></u>	<u><a href="#">3525.0210, subpart 47</a></u>
<u><a href="#">3525.0200, subpart 26</a></u>	<u><a href="#">3525.0210, subpart 48</a></u>

## 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 only be used 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 the rules.

These exempt rules are also reviewed for form by the Revisor or 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.

## Department of Labor and Industry

### Adopted Exempt Permanent Rules Relating to Occupational Safety and Health; Adoption of Federal Standards by Reference

The rules proposed and published at *State Register*, Volume 28, Number 8, pages 171-172, August 25, 2003 (28 SR 171), are adopted as proposed.

## Expedited Emergency Rules

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

## Department of Natural Resources

### Adopted Expedited Emergency Game and Fish Rules; Relating to Spring Wild Turkey Hunting

**NOTICE IS HEREBY GIVEN** that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of the rules is *Minnesota Statutes*, sections 97A.137, 97A.435, 97B.711, and 97B.723.

# Expedited Emergency Rules

The emergency conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, are that population and harvest data needed for setting quotas and areas are not available until August.

Dated: 15 October 2003

Gene Merriam  
Commissioner of Natural Resources

## 6236.0810 WILD TURKEY PERMIT AREA DESCRIPTIONS.

Wild turkey permit areas are comprised of partial, single, or grouped deer and bear registration blocks, as established in part 6232.4700, and are described as follows:

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

### B. Wild turkey permit areas in Zone 2:

(1) wild turkey permit area 221 consists of those portions of registration block 221 described as follows:

Beginning at the intersection of State Trunk Highway (STH) 23 and the Mississippi River; thence along the east shore of the Mississippi River to a point due west of the junction of County State-Aid Highway (CSAH) 48 and STH 371; thence east to said junction; thence east along CSAH 48 to STH 25; thence along STH 25 to STH 95; thence along STH 95 to STH 23; thence along STH 23 to the point of beginning;

[For text of subitems (2) to (11), see M.R.]

(12) wild turkey permit area 249 consists of registration block 249;

(13) wild turkey permit area 251 consists of registration block 251;

~~(13)~~ (14) wild turkey permit area 286 consists of registration block 286; and

~~(14)~~ (15) wild turkey permit area 297-298 consists of registration blocks 297 and 298;

### C. Wild turkey permit areas in Zone 3:

(1) wild turkey permit area ~~337-338~~ 337 consists of registration ~~blocks~~ block 337 ~~and 338~~;

(2) wild turkey permit area 338 consists of registration block 338;

(3) wild turkey permit area 339 consists of registration block 339;

(4) wild turkey permit area ~~341-342~~ 341 consists of registration ~~blocks~~ block 341 ~~and 342~~;

(5) wild turkey permit area 342 consists of registration block 342;

~~(3)~~ (6) wild turkey permit area ~~343-347~~ 343 consists of registration ~~blocks~~ block 343 ~~and 347~~;

~~(4)~~ (7) wild turkey permit area 344 ~~consist~~ consists of registration block 344;

~~(5)~~ (8) wild turkey permit area ~~345-348~~ 345 consists of registration ~~blocks~~ block 345 ~~and 348~~;

~~(6)~~ (9) wild turkey permit area 346 consists of registration block 346; ~~and~~

(10) wild turkey permit area 347 consists of registration block 347;

(11) wild turkey permit area 348 consists of registration block 348; and

~~(7)~~ (12) wild turkey permit area 349 consists of registration block 349;

### D. Wild turkey permit areas in Zone 4:

[For text of subitems (1) to (7), see M.R.]

(8) wild turkey permit area 411 consists of ~~those portions of~~ registration block 411 ~~described as follows:~~

~~Beginning at the intersection of State Trunk Highway (STH) 78 and STH 210; thence along STH 210 in an easterly direction to STH 29; thence along STH 29 in a southerly direction to STH 235; thence along STH 235 in a westerly direction to County State Aid Highway (CSAH) 38; thence along CSAH 38 to the intersection of STH 78; thence along STH 78 in a northerly direction to the point of beginning;~~

[For text of subitems (9) to (11), see M.R.]

(12) wild turkey permit area 415 consists of ~~those portions of~~ registration block 415 ~~described as follows:~~

~~Beginning at the intersection of Interstate Highway 94 (I 94) and State Trunk Highway (STH) 28; thence along STH 28 in a northeasterly direction to County State Aid Highway (CSAH) 2; thence along CSAH 2 in an easterly direction to STH 238; thence along STH 238 to CSAH 26; thence along CSAH 26 to the Mississippi river; thence along the Mississippi river in a southerly direction to STH 23; thence along STH 23 to the intersection of CSAH 75; thence along CSAH 75 to the intersection of I 94; thence along I 94 in a westerly direction to the point of beginning~~ registration block 415;

(13) wild turkey permit area 416 consists of registration block 416;



# Expedited Emergency Rules

(14) wild turkey permit area 417 consists of ~~those portions of registration block 417 described as follows:~~

~~Beginning at the intersection of State Trunk Highway (STH) 55 and STH 4; thence along STH 4 in a southerly direction to U.S. Highway 12; thence along U.S. Highway 12 to County State Aid Highway (CSAH) 104, Swift county; thence northerly on CSAH 104 to STH 55, Douglas county; thence along STH 55 in a southeasterly direction to the point of beginning registration block 417;~~

(15) wild turkey permit area 418 consists of ~~those portions of registration block 418 described as follows:~~

~~Beginning at the intersection of Interstate Highway 94 and County State Aid Highway (CSAH) 10; thence along CSAH 10 in a southerly direction to State Trunk Highway (STH) 23; thence along STH 23 to STH 55, Stearns County; thence along STH 55 to STH 15; thence along STH 15 to Interstate Highway 94; thence along Interstate Highway 94 to the point of beginning registration block 418;~~

[For text of subitems (16) to (21), see M.R.]

(22) wild turkey permit area 425 consists of registration ~~block~~ blocks 425 and 435;

[For text of subitems (23) to (27), see M.R.]

(28) wild turkey permit area ~~433-446-447~~ consists of registration ~~blocks~~ block 433, 446, and 447;

~~(29) wild turkey permit area 435 consists of registration block 435;~~

~~(30) (29)~~ wild turkey permit area 440 consists of registration block 440;

~~(31) (30)~~ wild turkey permit area 442 consists of registration block 442;

~~(32) (31)~~ wild turkey permit area 443 consists of registration block 443;

(32) wild turkey permit area 446 consists of registration blocks 446 and 447;

~~(33) wild turkey permit area 448-449-451 consists of registration blocks~~ block 448, 449, and 451;

(33a) wild turkey permit area 449 consists of registration block 449;

[For text of subitem (34), see M.R.]

(34a) wild turkey permit area 451 consists of registration blocks 451, 452, and 453;

~~(35) wild turkey permit area 452 consists of registration block 452;~~

~~(36) wild turkey permit area 453 consists of registration block 453;~~

~~(37) wild turkey permit area 454-455-456-458-454~~ consists of registration blocks 454, 455, 456, and 458;

~~(38) (36)~~ wild turkey permit area 457 consists of registration block 457;

~~(39) (37)~~ wild turkey permit area 459 consists of registration block 459;

~~(40) (38)~~ wild turkey permit area 461 consists of registration block 461;

(39) wild turkey permit area 462 consists of registration block 462;

~~(41) (40)~~ wild turkey permit area 463 consists of registration block 463;

~~(42) (41) wild turkey permit area 464-465-464~~ consists of registration ~~blocks~~ block 464 and 465; and

~~(43) (42)~~ wild turkey permit area 465 consists of registration block 465;

~~(43) wild turkey permit area 466-467-466~~ consists of registration ~~blocks~~ block 466 and 467; and

(44) wild turkey permit area 467 consists of registration block 467.

~~E. Wild turkey permit area 339-462 consists of registration blocks 339 and 462 in Zones 3 and 4.~~

## 6236.1060 TURKEY HUNT QUOTAS.

Subpart 1. Open wild turkey permit areas and permit quotas by time period. The following wild turkey permit areas are open for the 2004 spring wild turkey season with the quotas on numbers of permits per time period established below:

2004 Spring Wild Turkey Permit Area Quotas

<u>Wild Turkey Permit Area Number</u>	<u>Time Period</u>							
	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
	<u>April 14-18</u>	<u>April 19-23</u>	<u>April 24-28</u>	<u>April 29- May 3</u>	<u>May 4-8</u>	<u>May 9-13</u>	<u>May 14-20</u>	<u>May 21-27</u>
<u>157</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>
<u>159</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>
<u>221</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>

# Expedited Emergency Rules

<u>223</u>	<u>60</u>	<u>60</u>	<u>60</u>	<u>60</u>	<u>60</u>	<u>60</u>	<u>60</u>	<u>60</u>
<u>225</u>	<u>90</u>	<u>90</u>	<u>90</u>	<u>90</u>	<u>90</u>	<u>90</u>	<u>90</u>	<u>90</u>
<u>227</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>
<u>228</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>
<u>235</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>
<u>236</u>	<u>80</u>	<u>80</u>	<u>80</u>	<u>80</u>	<u>80</u>	<u>80</u>	<u>80</u>	<u>80</u>
<u>244</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>
<u>248</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>
<u>249</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>337</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>
<u>338</u>	<u>70</u>	<u>70</u>	<u>70</u>	<u>70</u>	<u>70</u>	<u>70</u>	<u>70</u>	<u>70</u>
<u>339</u>	<u>70</u>	<u>70</u>	<u>70</u>	<u>70</u>	<u>70</u>	<u>70</u>	<u>70</u>	<u>70</u>
<u>341</u>	<u>200</u>	<u>200</u>	<u>200</u>	<u>200</u>	<u>200</u>	<u>200</u>	<u>200</u>	<u>200</u>
<u>342</u>	<u>200</u>	<u>200</u>	<u>200</u>	<u>200</u>	<u>200</u>	<u>200</u>	<u>200</u>	<u>200</u>
<u>343</u>	<u>150</u>	<u>150</u>	<u>150</u>	<u>150</u>	<u>150</u>	<u>150</u>	<u>150</u>	<u>150</u>
<u>344</u>	<u>110</u>	<u>110</u>	<u>110</u>	<u>110</u>	<u>110</u>	<u>110</u>	<u>110</u>	<u>110</u>
<u>345</u>	<u>185</u>	<u>185</u>	<u>185</u>	<u>185</u>	<u>185</u>	<u>185</u>	<u>185</u>	<u>185</u>
<u>346</u>	<u>285</u>	<u>285</u>	<u>285</u>	<u>285</u>	<u>285</u>	<u>285</u>	<u>285</u>	<u>285</u>
<u>347</u>	<u>150</u>	<u>150</u>	<u>150</u>	<u>150</u>	<u>150</u>	<u>150</u>	<u>150</u>	<u>150</u>
<u>348</u>	<u>175</u>	<u>175</u>	<u>175</u>	<u>175</u>	<u>175</u>	<u>175</u>	<u>175</u>	<u>175</u>
<u>349</u>	<u>360</u>	<u>360</u>	<u>360</u>	<u>360</u>	<u>360</u>	<u>360</u>	<u>360</u>	<u>360</u>
<u>410</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>411</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>412</u>	<u>35</u>	<u>35</u>	<u>35</u>	<u>35</u>	<u>35</u>	<u>35</u>	<u>35</u>	<u>35</u>
<u>414</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>415</u>	<u>55</u>	<u>55</u>	<u>55</u>	<u>55</u>	<u>55</u>	<u>55</u>	<u>55</u>	<u>55</u>
<u>416</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>417</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>418</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>
<u>419</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>420</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>
<u>422</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>
<u>425</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>
<u>426</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>
<u>427</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>428</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>
<u>429</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>431</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>
<u>433</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>
<u>440</u>	<u>60</u>	<u>60</u>	<u>60</u>	<u>60</u>	<u>60</u>	<u>60</u>	<u>60</u>	<u>60</u>
<u>442</u>	<u>160</u>	<u>160</u>	<u>160</u>	<u>160</u>	<u>160</u>	<u>160</u>	<u>160</u>	<u>160</u>
<u>443</u>	<u>70</u>	<u>70</u>	<u>70</u>	<u>70</u>	<u>70</u>	<u>70</u>	<u>70</u>	<u>70</u>
<u>446</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>
<u>448</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>
<u>449</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>
<u>450</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>
<u>451</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>
<u>454</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>457</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>
<u>459</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>
<u>461</u>	<u>80</u>	<u>80</u>	<u>80</u>	<u>80</u>	<u>80</u>	<u>80</u>	<u>80</u>	<u>80</u>
<u>462</u>	<u>80</u>	<u>80</u>	<u>80</u>	<u>80</u>	<u>80</u>	<u>80</u>	<u>80</u>	<u>80</u>
<u>463</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>464</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>465</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>466</u>	<u>35</u>	<u>35</u>	<u>35</u>	<u>35</u>	<u>35</u>	<u>35</u>	<u>35</u>	<u>35</u>

---

---

# Expedited Emergency Rules

<u>467</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>
<u>Total</u>	<u>3,450</u>	<u>3,450</u>	<u>3,450</u>	<u>3,450</u>	<u>3,450</u>	<u>3,450</u>	<u>3,450</u>	<u>3,450</u>

Grand total = 27,600

Subp. 2. Permits for disability hunts. For wild turkey permit area 337, two additional permits per time period are available for individuals with disabilities participating in a special hunt on the Minnesota Valley National Wildlife Refuge. For wild turkey permit area 223, one additional permit per time period is available for individuals with disabilities participating in a special hunt on the Sand Prairie Wildlife Management Area. Capable Partners is the sponsoring nonprofit organization.

**REPEALER.** The emergency amendment to Minnesota Rules, part 6236.0810, published in the State Register, volume 27, page 1378, March 3, 2003, is repealed. Minnesota Rules, part 6236.1060, published in the State Register, volume 27, page 1378, March 3, 2003, is repealed.

**EFFECTIVE PERIOD.** The emergency amendment to Minnesota Rules, part 6236.0810, expires 18 months after adoption. After the emergency amendment expires, the permanent rule as it read prior to the amendment again takes effect, except as it may be amended by permanent rule. Minnesota Rules, part 6236.1060, expires December 31, 2004.

## Official Notices

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

## Minnesota State Agricultural Society (STATE FAIR)

### Board Meeting Notice

MINNESOTA STATE FAIRGROUNDS - The board of managers of the Minnesota State Agricultural Society will meet at 10 a.m. Friday, Nov 14 at the Libby Conference Center on the State Fairgrounds. The board meeting will be preceded by 9 a.m. meetings of the sales and planning committees. The Society is the governing body of the Minnesota State Fair. Agendas are available upon request; please phone the Minnesota State Fair at (651) 288-4400.

Dated: Nov. 4, 2003

## Minnesota Comprehensive Health Association

### Notice of Meeting of the Public Policy Committee

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Public Policy Committee will be held at 10:00 a.m. on Monday, November 17, 2003. The meeting will take place at the MCHA executive office located at 5775 Wayzata Blvd., Suite 900, St. Louis Park, MN.

For additional information, please call Lynn Gruber at (952) 593-9609.

## Minnesota Pollution Control Agency

### Request for Contracts on Environmental Response to Clandestine Laboratories for Manufacture of Methamphetamine or Other Controlled Substances

The Minnesota Pollution Control Agency (MPCA) is seeking comment on environmental response to clandestine laboratories for the manufacture of methamphetamine or other controlled substances. MPCA is considering application for a federal National Brownfields Assessment, Revolving Loan Fund, and/or Cleanup Grant to address clandestine laboratory sites contaminated by hazardous substances, pollutants, or contaminants. Such a grant would be obtained from the United States Environmental Protection Agency pursuant to the 2002 Small Business Liability Relief and Brownfields Revitalization Act which authorizes federal financial assistance for brownfields revitalization, including grants for assessment, cleanup, and job training. MPCA specifically is seeking comment on establishing procedures and priorities for investigating and remedying sites where wells, septic tanks, drainfields,

# Official Notices

---

---

ground, indoor areas of homes and other structures, vehicles or other areas that may be contaminated by methamphetamine or waste or precursor chemicals. Written comments should be directed to:

Stephen J. Lee, Supervisor  
Emergency Response Team  
Minnesota Pollution Control Agency  
520 Lafayette Road  
St. Paul, Minnesota 55155

## Minnesota Pollution Control Agency

### Environmental Outcomes Division

#### REQUEST FOR COMMENTS on Possible Amendments to Rules Governing State Water Quality Standards, *Minnesota Rules* Chapters 7050 and 7052

The Minnesota Pollution Control Agency (MPCA) requests comments, opinions, and information on its possible amendment to rules governing state water quality standards found in *Minnesota Rules* Chapters 7050 and 7052.

**Subject of Rules.** *Minnesota Rules* Chapter 7050 includes provisions that protect Minnesota's lakes, rivers, streams, wetlands and ground water from pollution. It assigns to all waters of the state the beneficial uses Minnesotans expect our water resources to provide, such as drinking, fishing, swimming, aesthetics, and industrial and agricultural uses. *Minnesota Rules* Chapter 7050 also includes narrative and numeric water quality standards designed to protect beneficial uses, nondegradation requirements to protect high quality waters, discharge limits for city and industrial wastewater treatment plants, and other provisions to protect water resources. *Minnesota Rules* Chapter 7052 contains similar provisions, but is applicable only to the waters in the Lake Superior basin.

The federal Clean Water Act requires states to review their water quality standards every three years and to amend and update them if necessary. The MPCA believes that some of the water quality standards in *Minnesota Rules* Chapter 7050 are outdated and in need of revision. The MPCA requests information and opinion from the public on any subject matter contained in *Minnesota Rules* Chapters 7050 and 7052, but is particularly interested in the public's opinions on the items listed below. The MPCA has set a goal to complete these rule amendments by July 2005.

The MPCA has not decided on the exact scope of proposed amendments to these rules, but is considering the following items:

#### A. Addition and Revision of Numeric Water Quality Standards

1. Addition of eutrophication (nutrient) water quality standards for lakes. These new standards will help protect lakes from the negative impacts of excess nutrient loading, such as excess growth of algae (algae blooms) and loss of water clarity. The increase in abundance and growth of algae and other aquatic plants in lakes, in response to increased nutrients (usually total phosphorus), is called "eutrophication".
2. Revise the state-wide water quality standard for mercury.
3. Update as many as 35 water quality standards in *Minnesota Rules* Chapter 7050, and as many as 14 standards in *Minnesota Rules* Chapter 7052, to establish concentrations that protect both the people who eat sport-caught fish and those who drink water from public drinking water sources.
4. Revise the ammonia standard that protects aquatic life from its toxic effects.
5. Revise the fecal coliform standard that protects surface waters for swimming.

#### B. Examples of Other Changes Being Considered

1. Reorganize and split *Minnesota Rules* Chapter 7050 into two rules to make it easier to read and understand.
2. Update the list of trout waters listed in *Minnesota Rules*, part 7050.0470, to reflect the most recent list of waters designated as trout streams or trout lakes from the Minnesota Department of Natural Resources.
3. Propose additional calcareous fens and waters in certain designated Scientific and Natural Areas as Outstanding Resource Value Waters (ORVW). ORVWs receive extra protection from point and nonpoint sources of pollution.
4. Review requests to reclassify specific water bodies as Limited Resource Value Waters. The aquatic community and recreational opportunities in Limited Resource Value Waters is limited by the lack of water, poor habitat and significant alterations.
5. *Minnesota Session Laws*, Chapter 128, Sec. 156 (*passed in 2003*) requires the MPCA to: define terms in existing narrative standards, outline an administrative process for any person to demonstrate that a use does not exist in a given water body, and clarify factors affecting the assessment of nutrient inputs to impoundments.
6. Non-substantive "housekeeping" changes.

**Persons Affected.** The possible amendments to the rules would likely affect municipal and industrial dischargers to waters of the state, statewide and local lake associations, the agricultural community, and members of the general public who benefit from protection of Minnesota's lakes, rivers, streams, wetlands and groundwater. Because the revisions under consideration to the rules are applicable state-wide, any person in Minnesota may potentially be affected by changes made to these rules.

**Statutory Authority.** The MPCA has general authority to promulgate and/or revise the water quality rules under *Minnesota Statutes* § 115.03, subdivision 1(e) and *Minnesota Statutes* § 115.44.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rule amendments in writing or orally until 4:30 p.m. on December 31, 2003. The MPCA does not anticipate appointing a formal advisory committee to comment on the possible rule amendments; however, the MPCA plans to conduct a series of meetings with interested parties during 2004 to provide additional opportunity for input on the possible rule amendments.

**Rules Drafts.** The MPCA has not yet prepared a draft of the possible rule amendments.

**Agency Contact Person.** Written or oral comments, questions and requests for more information on these possible rule amendments should be directed to:

David E. Maschwitz  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, MN 55155-4194

**Phone:** (651) 296-7255

MN Toll Free: 1-800-657-3864

**Fax:** (651) 297-7709

**E-mail:** [david.maschwitz@pca.state.mn.us](mailto:david.maschwitz@pca.state.mn.us)

**TTY** users may call the MPCA teletypewriter at (651) 282-5332 or 1-800-657-3864.

Any interested person or group is encouraged to submit ideas, comments or opinions on the proposal, outlined above, or any other part of *Minnesota Rules* Chapter 7050 or 7052. Additional information on the MPCA's plans to revise water quality standards can be obtained at the following MPCA **Web site:** <http://www.pca.state.mn.us/water/standards/rulechange.html>

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

**NOTE:** Comments received in response to this notice will be included in the formal rulemaking record submitted to the administrative law judge.

Dated: 30 October 2003

Sheryl A. Corrigan  
Commissioner  
Minnesota Pollution Control Agency

## Minnesota State Rehabilitation Council

### Applications Sought for Appointments

The Minnesota State Rehabilitation Council has immediate openings for a representative of the Statewide Independent Living Council; a Rehabilitation Counselor; a community rehabilitation program service provider; a representative of the Governor's Workforce Development Council; a representative of the director of an American Indian 121 project; and three openings representing business, labor and industry.

The State Rehabilitation Council participates in assessment of the state's Vocational Rehabilitation Program and jointly with RS develops and reviews annually the VR Program goals and priorities. Members are appointed by the Governor. The council meets approximately 10 times annually on the fourth Wednesday of the month. A minimum of one meeting per year will be held in Greater Minnesota. Appointments are made to ensure representation of persons with disabilities and Vocational Rehabilitation Program consumers. For more information, contact Gail Lundeen, State Rehabilitation Council, Rehabilitation Services, 390 North Robert Street, St. Paul, Minnesota 55101, (651) 296-5629, (800) 328-9095, or **email** her at [gail.lundeen@state.mn.us](mailto:gail.lundeen@state.mn.us). TTY: (800) 657-3973; (651) 296-3900. Applications can be obtained by calling the Secretary of State at (651) 296-5629.

## State Grants & Loans

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

## Minnesota Board on Aging

### Request for Proposal to Provide Data Collection, Encoding, and Maintenance to the Minnesotahelp.info Website for Seniors, People with Disabilities, Their Caregivers and Families and Their Children

The Minnesota Board on Aging (MBA) requests proposals (RFP) for a grant to a single provider, to collect, encode, and enter community resource data (based on a inclusion/exclusion policy adopted by the Board on Aging) into the Minnesotahelp.info website for Seniors, People with Disabilities, their Caregivers and Families and their Children for the 87 counties. Minnesotahelp.info provides information and other linkages to service for both consumers and professionals. The website has community resources for Minnesotans of all ages, with future plans to add an online case management interface to assist individuals in living independently and residing in their communities.

In completing the RFP, proposers need to refer to the requirements found in the Appendices as well as those in the RFP document. A copy of the RFP and Appendices is posted on the agency **website** at <http://www.mnaging.org> under Site Map, Community, Request for Proposals, or by contacting:

Deborah Laing  
Minnesota Board on Aging  
444 Lafayette Road, 4S  
St. Paul, MN 55155-3843  
[deborah.laing@state.mn.us](mailto:deborah.laing@state.mn.us)

Proposals must be submitted by 4:30p.m. November 25th, 2003.

## State Contracts

**Informal Solicitations:** 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](http://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 Architect's Office

### Notice of Availability of Request for Proposals to Provide Constructability and Interdisciplinary Coordination Review of Drawings and Specifications for the DHS Office Building and Parking Ramp (SAO Project No. 02281SPX and 02282SPX)

The State of Minnesota through its Department of Administration, State Architect's Office ("State") is soliciting proposals for the services of Constructability and Interdisciplinary Coordination Review of Drawings and Specifications for the new DHS Office Building and Parking Ramp.

The full Request for Proposals is available at [www.sao.admin.state.mn.us](http://www.sao.admin.state.mn.us), click on "Solicitation Announcements", click on "RFP for Constructability and Interdisciplinary Coordination for Project No. 02281SPX and 02282SPX". Written responses must be received no later than, 2:00 p.m. Central Standard Time on December 3, 2003. RFP clarifications or changes and responses to questions, if any, will also be available on Web Site [www.sao.admin.state.mn.us](http://www.sao.admin.state.mn.us), click on "Solicitation Announcements", click on "RFP for Constructability and Interdisciplinary Coordination for Project No. 02281SPX and 02282SPX". Late responses will not be considered.

Questions may be **faxed** to attention of Glenn Metz at (612) 296-7650 or **emailed** to Glenn Metz at [glenn.metz@state.mn.us](mailto:glenn.metz@state.mn.us). Questions must be received no later than 4:00 p.m. on November 21, 2003 and response to questions will be available by end of day November 25, 2003 on **Web Site** [www.sao.admin.state.mn.us](http://www.sao.admin.state.mn.us). The contact person identified is the only person authorized to respond to questions.

## Department of Administration

### State Register

#### Subscriptions Available

Subscriptions to the *State Register* are available ON-LINE. These subscriptions include advantages that can be found nowhere else.

A running index of the current issue can be used to quickly locate the articles you are searching for. Each has links to the issue in which the article appeared. A current log of contracts, grants and loans, as well as non-state contracts can also be accessed which helps in locating contracts you can bid on. Best of all, the *State Register* is E-mailed to you the afternoon it is published, on Friday, so you can be ready with your phone calls on Monday morning.

Subscriptions cost \$180 for an entire year, that's \$80 less than the cover price. Service, speed, accuracy, and on-time delivery with the *State Register* on-line. Order yours today by calling (651) 297-8774 and charge your credit card, or FAX your credit card information: (651) 297-8260; or send in your check or credit card information to Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155.

## Colleges and Universities, Minnesota State (MnSCU)

### Hibbing Community College

#### Sealed Bids Accepted for Foundry and Pottery Building Project

**NOTICE IS HEREBY GIVEN** that sealed bids for foundry and pottery building work will be addressed and delivered to the Business Office - Room M140, Hibbing Community College, 1515 East 25th Street, Hibbing, MN 55746.

Re-bid Date: November 20, 2003

Bid Time: 2:00 pm Local Time

All bids must be prepared on the form provided by the Architect and submitted in accordance with the Instructions To Bidders (Section 00500). Bids are to be addressed to Ron Blakesley, Vice President of Administrative Services, at the aforesaid address and are to be in a sealed opaque envelope conspicuously marked on the outside identifying the project name.

Plans, Specifications and Proposal Forms as prepared by Architectural Resources, Inc., 704 East Howard Street, Hibbing, MN 55746, (218) 263-6868, are available at the Architect's office upon a deposit of \$100.00 which will be refunded only to contractors who submit bids and return same within ten working days of bid date. Plans and Specifications may be reviewed at the offices of the Architect; the Owner; and at the Builders Exchanges in Duluth, Hibbing, Minneapolis, St. Paul, MN; Dodge Scan in Minneapolis, MN; and Construction Bulletin in New Hope, MN.

Each bid must be accompanied by a certified check, cashier's check, or bidder's bond in the amount of five percent (5%) of the bid, payable to the Owner; as provided in the specifications, said check and the amount thereof or the amount of the bidder's bond to be forfeited as liquidated damages if the bidder furnishing the same neglects or refuses to promptly carry out said bid or enter into contract with the State of Minnesota.

No bids may be withdrawn within thirty (30) days from the scheduled closing time for receiving bids.

The right is reserved to reject any or all bids or parts of bids and to waive informalities therein, and to award the contract to other than the lowest bidder if in their discretion the interests of the Owner will be best served thereby.

Hibbing Community College  
1515 East 25th Street  
Hibbing, MN 55746

## Colleges and Universities, Minnesota State (MnSCU)

### St. Cloud Technical College

#### Request for Proposal (RFP) for SCTC Website Design

**NOTICE IS HEREBY GIVEN** that Offers will be received by the Director of Purchasing, St. Cloud Technical College, until 2:00

# State Contracts

---

---

P.M. on December 1, 2003 for the purpose of designing a website, according to the specifications on file at:

St. Cloud Technical College  
Business Office  
1540 Northway Drive  
St. Cloud, Minnesota 56303  
Attention: Jeff John  
Director of Purchasing  
**Phone:** (320) 308-5512  
**Fax:** (320) 308-5027  
**Email:** [jaj@sctc.edu](mailto:jaj@sctc.edu)

Specifications and Request for Proposal forms may be obtained from Jeff John the Director of Purchasing at the address shown above. The request for proposal may also be downloaded off of the St Cloud Technical College's web site by visiting [www.sctc.edu/rfp](http://www.sctc.edu/rfp) beginning November 10, 2003 until December 1, 2003.

A pre-bid question and answer meeting will be held at 9:00am until 11:00am on November 20, 2003 in room 1-240 at St Cloud Technical College to answer any questions about the project.

Offers are to be submitted in a sealed envelope addressed to the Director of Purchasing at the above address and clearly marked: **"RFP for SCTC Website design"**

All applicants must provide one original and five (5) copies of the proposal. Each copy of the proposal must be signed, in ink, by an authorized member of the company. Prices and terms of the proposal as stated must be valid for the length of any resulting contract. **The final date for submitting a proposal is December 1, 2003 by 2:00 P.M. Central Daylight Time. Late proposals will not be considered. Faxed or e-mailed proposals will not be considered.**

St. Cloud Technical College reserves the right to reject any and all offers and to waive any informalities contained in such offers. This request does not obligate the St Cloud Technical College to complete this project. The St Cloud Technical College reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## Department of Commerce

### eHEAT Technology Initiative: Phase III Request For Proposals

The Minnesota Department of Commerce is seeking proposals for services to complete the technical design, construction, testing and implementation EAP/WAP technology initiatives known as eHEAT (Electronic Household energy Automation Technology).

This Request for Proposal (RFP) relates to services in Phase III of a three-phase process of the technology initiative project. Phase I was the project definition process, which determined the intention, scope, values and context of the project. Phase II included business modeling, planning, assessment and quality assurance services. Phase III is development and implementation of the solutions.

The eHEAT Project is developing technological solutions for Minnesota's EAP and WAP to serve customers, manage data and program functions. The solution will help service providers serve customers by managing record keeping and reporting and has a goal of facilitating customer self-service access.

The key product from this phase is an information system solution to be used to facilitate the delivery of program service for both EAP and WAP. Success is dependent on following the intentions, scope and values outlined in the eHEAT Project Definition and basing the final design on the business models created in Phase II. The consultant will act as a data architect and, developer. They will also participate in as training facilitation, quality assurance and implementation for deployment of the subsequent system.

All proposals are due December 1, 2003. Contractors who provided services in Phase I and/or Phase II are not eligible to apply for Phase III. The Department of Commerce has estimated that the total cost of awarded contract(s) should not exceed \$1,400,000.

Prospective responders can get a complete RFP by contacting:

Jeff Mitchell  
Energy Division-Minnesota Department of Commerce  
85 7th Place East, Suite 500  
St. Paul, Minnesota 55101  
(651) 296-2458  
[jeff.mitchell@state.mn.us](mailto:jeff.mitchell@state.mn.us)



## **Minnesota Historical Society**

### **Notice of Request for Bids for Printing Services - *Minnesota Treasures***

The Minnesota Historical Society (Society) is seeking bids from qualified firms and individuals for printing of 4,000 books, titled *Minnesota Treasures* (Also requesting quotes for additional 500's). A delivery date of April 1, 2004 at the Chicago Distribution Center must be guaranteed.

The Request for Bids is available by calling or writing Mary Green-Toussaint, Contracting and Purchasing Assistant, Minnesota Historical Society, 345 Kellogg Boulevard West, Saint Paul, MN 55102. **Telephone** (651) 297-7007 or **e-mail** [mary.green-toussaint@mnhs.org](mailto:mary.green-toussaint@mnhs.org).

Bids must be received no later than 2:00 P.M., Local Time, Tuesday, November 25, 2003. No late bids will be accepted.

Dated: November 10, 2003

## **Department of Human Services**

### **Partnerships for Child Development**

#### **Notice of Request for Proposal to Provide a Household Child Care Survey in Minnesota**

The Department of Human Services is soliciting proposals from qualified organizations to gather, analyze and evaluate data on statewide child care usage patterns of Minnesota families with young children as well as data on the families, friends and neighbors who provide care for some of these families. The research will be used for the development and assessment of policies and programs related to Minnesota's early childhood and school-age care system, specifically those designed to support the school readiness of young children and improve the quality and availability of child care for low-income families.

The Department of Human Services has received federal funding for the purposes of this household survey and evaluation. The Department will award one contract to a single organization or a representative of a collaboration of partners with expertise in designing surveys, analyzing and evaluating data, conducting research, publishing reports, and extensive knowledge of child care at a state and national level.

The goal of this project is twofold: (1) to conduct a comprehensive statewide survey of child care use based on a statistically valid, random sample of Minnesota families; and, (2) to conduct a simultaneous statewide survey of a random sample of informal or family, friends and neighbor child care providers. The survey of families with children will be used to gather information on the range of child care options that Minnesota families use for their children from infancy up to age 14, including licensed formal care and informal care by relatives and neighbors. Once data has been gathered, an extensive analysis and evaluation of the data will be done to determine the child care usage patterns of Minnesota families with young children in 2004 and compare these patterns to usage in 1999. In addition, analysis and evaluation of data on the sample of family, friend and neighbor caregivers will be completed. Two separate reports based on this data collection, analysis and evaluation will be presented to the Department of Human Services.

The Department has estimated that the cost of this project should not exceed \$200,000. The project period will be January 2004 through March 2005.

For a complete copy of the Request for Proposal, please contact the Department of Human Services, 444 Lafayette Road North, St. Paul, Minnesota 55155-3860, **telephone** (651) 297-3340, **fax** (651) 215-5714, **e-mail:** [dhs.child.care@state.mn.us](mailto:dhs.child.care@state.mn.us).

**Completed proposals are due by 3:00 p.m. Central Time, on Monday, December 8, 2003.**

## **Minnesota Supreme Court**

### **Office of the State Court Administrator**

#### **Request For Proposals for Identifying Cost Effective Ways to Enhance Collection of Court-Imposed Fines, Charges, Co-payments and Restitution**

The State Court Administrator is authorized by *Minnesota Statute* 480.15, subdivision 2, to "examine the administrative methods and systems employed in the offices of ... court administrators ... and make recommendations--through the Chief Justice--for the improvement of the same." The Minnesota Courts collect approximately \$130 million dollars each year. These funds are distributed to municipal, county, state entities and private entities and individuals. The State Court Administrator is seeking assistance in identifying cost effective ways to enhance the collection of court-imposed fines, surcharges, co-payments and restitution.

The goals of the project are to:

# State Contracts

---

---

- a) maximize the efforts of court staff in the process of collecting fines, surcharges, co-payments and restitution through streamlined procedures, more effective utilization of existing state resources in other agencies or private collection entities,
- b) reduce the collection time from imposition to payment,
- c) develop administrative procedures which would reduce the necessity for court hearings to enforce court judgments,
- d) improve the collection rate, i.e. the amount collected relative to the amount imposed, and
- e) propose performance measures for the collection process.

Inquiries regarding proposals should be directed to:

Bruce Biser  
Director of Finance  
110 Minnesota Judicial Center  
25 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, Minnesota 55155  
(651) 215-0044

**Proposal Submission Deadline: November 21, 2003 at 4:30 p.m. Central Standard Time**

## Department of Transportation

### Program Support Group

#### Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (the "Consultant Pre-Qualification Program")

This document is available in alternative formats for persons with disabilities by calling Robin Valento at (651) 284-3622 for persons who are hearing or speech impaired by calling the Minnesota Relay Service at (800) 627-3529.

Mn/DOT, working in conjunction with the Consultant Reform Committee, the Minnesota Consulting Engineers Council, and the Department of Administration, has developed the Consultant Pre-qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT anticipates that most consultant contracts for highway-related technical activities will be awarded using this method, however, Mn/DOT also reserves the right to use RFP or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to complete or use the Consultant Pre-qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT's Consultant Services web site, indicated below, to see which highway related professional/technical services are available at this time. Following the advertisement of a particular category of services, applications will be accepted on a continual basis.

All expenses incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program information, application requirements and application forms are available on Mn/DOT's **web site** at <http://www.dot.state.mn.us/consult>

Send completed application material to:

Robin Valento  
Pre-Qualification Administrator  
Minnesota Department of Transportation  
Consultant Services  
395 John Ireland Boulevard, Seventh Floor North, Mail Stop 680  
St. Paul, MN 55155

Note: DUE DATE: APPLICATION MATERIAL WILL BE ACCEPTED ON A CONTINUAL BASIS.

## Department of Transportation

### Engineering Services Division

#### 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](http://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 editor for further details.

### Metropolitan Council

#### Notice of Request for Proposals (RFP) for a Comprehensive Facility Plan for a Third Party ADA Eligibility Assessment Project

##### Contract Number 02P146

The Metropolitan Council is requesting proposals for a comprehensive Facility Plan for a Third Party ADA Eligibility Assessment Project. This will include evaluation of applicants who are requesting ADA paratransit eligibility. The evaluation is based upon in-person functional assessment of the applicant's physical and/or cognitive and/or mental abilities and makes ADA paratransit eligibility recommendations to Council staff.

*Issue Request for Proposals*

**November 3, 2003**

*Receive Proposals*

**December 8, 2003**

*Evaluate and Rank Proposals*

**January 2004**

*Contract negotiated, executed, NTP*

**February 2004**

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

Harriet Simmons, Senior Administrative Assistant, Contracts and Procurement Unit  
Metropolitan Council  
230 East Fifth Street  
Mears Park Centre  
St. Paul, MN 55101  
**PHONE:** 651-602-1068  
**FAX:** (651) 602-1138  
**e-mail:** harriet.simmons@metc.state.mn.us

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

### Metropolitan Council

#### Notice of Request for Proposals (RFP) for an Interactive Voice Response System

##### Contract Number 03P095

The Metropolitan Council is requesting proposals for an Interactive Voice Response System for schedule information with interfaces to SmartCard Fare Collection System & Siemens SmartCOM Transit Master System.

*Issue Request for Proposals*

**November 3, 2003**

*Receive Proposals*

**December 8, 2003**

*Contract negotiated, executed, NTP*

**January 2004**

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

Harriet Simmons, Senior Administrative Assistant, Contracts and Procurement Unit  
Metropolitan Council  
230 East Fifth Street  
Mears Park Centre  
St. Paul, MN 55101  
**PHONE:** (651) 602-1068

# Non-State Contracts & Grants

---

---

**FAX:** (651) 602-1138

**e-mail:** [harriet.simmons@metc.state.mn.us](mailto:harriet.simmons@metc.state.mn.us)

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

## Metropolitan Council - Metro Transit

### Invitation for Bids for Bus Wash Rack

The Metropolitan Council is soliciting sealed bids for a Bus Wash Rack. Bids are due at 2:00 PM, Thursday, December 4, 2003. Bids must be submitted in accordance with the Invitation for Bids document available from:

Metropolitan Council  
Metro Transit Purchasing Department  
515 N. Cleveland Avenue  
St. Paul, MN 55114  
(612) 349-5070

## Mower County

### Department of Human Services

### Request for Proposals to Operate Transit System

Mower County is seeking proposals from providers interested in contracting to operate Mower County Transit, (MCT), beginning January 1, 2004 and continuing through December 31, 2004.

MCT is a countywide state subsidized public transportation system, utilizing small buses and volunteer drivers to transport passengers. The annual budget is approximately \$537,000. However, this proposal does not obligate the agency to spend this dollar amount.

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

Bruce Henricks, Director  
Mower County Human Services  
1005 North Main Street  
Austin, MN 55912  
(507) 437-9729

Other department personnel are not allowed to discuss the Request for Proposal with anyone, including responders, before the proposal submission deadline.

All proposals must be delivered by mail or in person by December 10, 2003.

Mower County reserves the right to reject any and all proposals.

## 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](http://bidinfo.umn.edu) or call the BIS Coordinator at (612) 625-5534.

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

# Minnesota's Bookstore



## Health Statistics 2000

Data regarding live births, induced abortions, fertility, infant mortality and fetal deaths, general mortality, marriage, divorce and population. Softcover, 139pp. **Stock No. 10-12 \$12.95** (Call for info. re: prior volumes.)

## Directory of Licensed & Certified Health Care Facilities

Year 2002 edition. Comprehensive listing of hospitals, nursing homes, supervised living facilities, outpatient clinics, home health agencies, hospices, etc. within the state. List organized by county and alphabetically. Softcover, 353pp. **Stock No. 1-89 \$23.95**

## HCPCS Manual 2002

HCFA common procedural coding system, HCPCS Level II and Level III procedure codes. Looseleaf, 204pp. **Stock No. 5-2 \$21.95**

## HCFA 1500 Manual - 4th edition

Standards of use manual by the administrative uniformity committee, November 9, 2000. (Does not include forms.) Looseleaf, 118pp. **Stock No. 5-9 \$15.95**

## Long Term Care Nursing Assistant Course

**Student Textbook** Coursework for students studying to be a nursing assistant in long term care. Looseleaf, 155pp.

**Stock No. 5-14 \$17.95 Binder- Stock No. 10-33 \$7.95**

**Student Skill Sheets** Worksheets. Looseleaf, 122pp.

**Stock No. 5-15 \$8.95**

**Instructor Packet** Curriculum guide for teaching nursing assistant course/LTC. Looseleaf, 148pp.

**Stock No. 5-16 \$15.95 Binder- Stock No. 10-33 \$7.95**

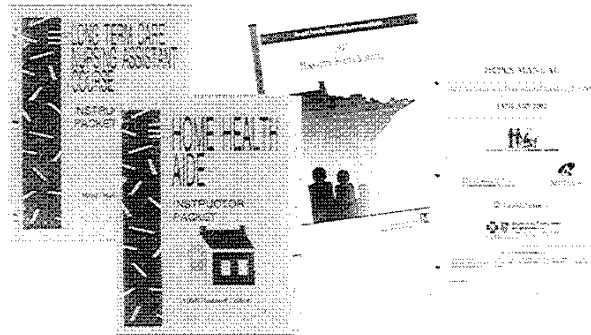
## Home Health Aide Course

**Student Textbook** Coursework for students studying to be a home health aide. Looseleaf, 88pp. **Stock No. 5-17 \$15.95**

**Binder- Stock No. 10-33 \$7.95**

**Instructor Packet** Curriculum guide for teaching home health aide course. Looseleaf, 94pp. **Stock No. 5-18 \$18.95**

**Binder- Stock No. 10-33 \$7.95**



## HTAC Educational Booklets

With the recent closure of the Health Technology Advisory Council of offices, Minnesota's Bookstore was asked to make available the following titles remaining in their inventory. (Future printings of these booklets will be based on demand. LIMITED QUANTITY AVAILABLE.)

The following titles sell for **\$4.99** each:

	<b>Stock No.</b>
C-Reactive Protein: Screening of Coronary Artery Disease	10-41
Detection of CAD with Electron Beam Computed Tomography	10-25
Genetic Testing for Susceptibility to Breast Cancer	10-36
Helical CT for Lung Cancer Screening/Asymptomatic Patients	10-37
Intracoronary Brachytherapy	10-46
MMR Vaccine and Autism: No Evidence of Association	10-44
New Technologies for Cervical Cancer Screening	10-54
Postmenopausal Hormone Replacement	10-53
Preventive Therapies: Women/Increased Risk of Breast Cancer	10-57
St. John's Wort	10-67
Surgical Alternatives/Hysterectomy/Abnormal Uterine Bleeding	10-20
Use of Botulinum Toxin-A in Pain/Neuromuscular Disorders	10-55
Treatment of Obstructive Sleep Apnea in Adults	10-56
Tumescent Liposuction	10-69
Human Growth Hormone/Children with idiopathic Short Stature	10-34

The following titles sell for **\$2.99** each:

Dental Implants	10-35
Pre-operative Autologous (Self) Blood Donation	10-52
Refractive Eye Surgery for Myopia	10-42
St. John's Wort Questions & Answers	10-60



# Admin MINNESOTA

Department of Administration

Periodicals  
U.S. Postage  
Paid  
Permit No.  
326630  
St. Paul, MN

660 Olive Street • 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

Please notify us of any address changes so that we can continue to give you our best service. Include your old mailing label to speed your service.



Printed on recycled paper  
20% post-consumer waste

**TO ORDER:**

Complete attached order blank. Please include sales tax. Include either your VISA/MasterCard, American Express or Discover credit card number with the expiration date, or a check/money order made out to the State of Minnesota. Orders by phone are accepted when purchasing with your credit card. Please include a phone number where you can be reached during the day in case we have questions about your order.

**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.

**For Your Convenience, photocopy this order blank**

Code No.	Quantity	Description	Item Price	Total
Name or Company			<b>Subtotal</b>	
Attention				6½ % tax MN residents 7% St. Paul residents
Address				
City	State	Zip	Add Shipping Charges from chart at left.	
American Express/VISA/MasterCard/Discover No.			<b>TOTAL</b>	
Signature		Expiration Date	Telephone (During Day)	

Shipping Charges	
Subtotal	Add:
Up to \$25.00	\$3.00
\$25.01 - \$50.00	\$5.00
\$50.01 - \$100.00	\$7.00
\$100.01 - \$1,000.00	\$10.00



*Prices subject to change without notice.*  
Please allow about 6 weeks for delivery.  
In a hurry? Stop by our Bookstore.  
Bookstore hours: 8:00-5:00 Monday-Friday

If tax exempt, please provide ES number or send completed exemption form. Source Code SR003