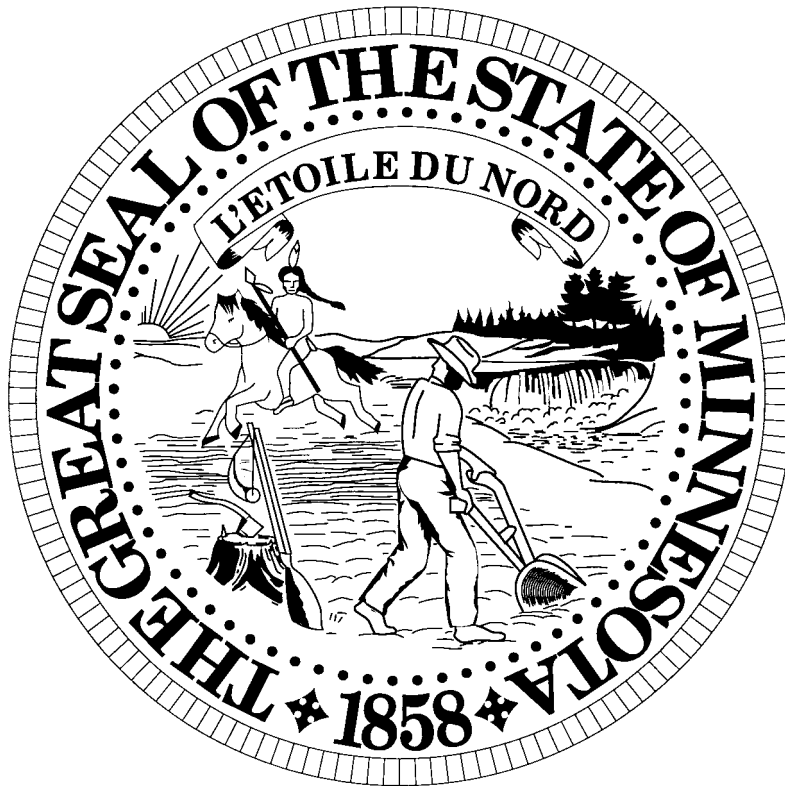


State of Minnesota

State Register

Rules and Official Notices Edition



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

Monday 26 January 2004
Volume 28, Number 30
Pages 919 - 946

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- proposed, adopted, exempt, expedited emergency and withdrawn rules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
#30	Monday 26 January	Noon Tuesday 20 January	Noon Wednesday 14 January
#31	Monday 2 February	Noon Tuesday 27 January	Noon Wednesday 21 January
#32	Monday 9 February	Noon Tuesday 3 February	Noon Wednesday 28 January
#33	TUESDAY 17 FEBRUARY	Noon Tuesday 10 February	Noon Wednesday 4 February

Copyright © 2004 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

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

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

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

Minnesota Rules: Amendments & Additions	
Monday 26 January 2004, Volume 28, Issue #27 - 30.....	922
Proposed Rules	
Minnesota Racing Commission	
Proposed permanent rules relating to horse racing	923
Appointments	
Finance Department	
Appointment of Commissioner Peggy Ingison	932
Official Notices	
Forest Resources Council	
Availability for public review of revisions to the Minnesota Forest Resources Council's timber harvesting and forest management guidelines	932
Housing Finance Agency	
Hearing on bond issuance.....	933
Human Services Department	
Availability of the Minnesota Health Care Programs provider participation list (DHS Rule 101 Provider Compliance List)	934
Public notice of maximum allowable costs of medical assistance outpatient prescribed drugs	934
Labor and Industry Department	
Correction to commercial prevailing wage rates for Labor Code 407, Electricians	935
Metropolitan Airports Commission	
Notice of adoption of Ordinance No 100: MSP Air Operations Area Driving Ordinance.....	935
Pollution Control Agency	
Availability of request for comments for the draft Upper Mississippi River Basin Headwaters to the Rum River - Anoka Water Quality Plan	935
Request for comments on possible amendments to rules governing wastewater and storm water treatment assistance.....	936
State Grants & Loans	
Agriculture Department	
Request for proposals for the 2004 AgBMP Loan Program Allocation	937
Health Department	
Accepting project submissions for the drinking water revolving fund project priority list	938
Human Services Department	
Availability of contract for transition services for adolescents	938
State Contracts	
Administration Department	
<i>State Register</i>	939
Colleges and Universities, Minnesota State (MnSCU)	
Request for Bid: Printing 4-color brochure series	939
Request for proposals for external auditing services	939
Natural Resources Department	
Request for proposals for recreation trails on Minnesota State Forest Lands	941
Transportation Department	
Professional/technical contract opportunities.....	943
Potential availability of contracting opportunities for a variety of highway related technical activities	944
Non-State Contracts & Grants	
Metropolitan Council	
Availability of Metropolitan Livable Communities Act Funding Tax Base Revitalization Account	944
Request for proposals for Minnesota River oxygen dynamics assessment.....	945
University of Minnesota	
Bid Information Service (BIS) available for all potential vendors	945
Commodity, Service and Construction Contracts are published Tuesday and Friday in a bulletin, the Solicitation Announcements . Award results are available from the Materials Management Helpline (651) 296-2600. Website: www.mmd.admin.state.mn.us	
Individual copies and subscriptions to the State Register and Solicitations Announcements 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 #27-30

Chiropractic Examiners Board

2500.0800 (adopted) 907

Higher Education Services Office

4830.0100; .0600; .7100; .7200; .7300; .7400; .7500; .7710; .7720;
.7800; .8030; 4840.0400 (adopted exempt) 889
4830.0600 s. 2 (repealed exempt) 889

Minnesota Racing Commission

7870.0450; .0490; 7873.0185; .0193; .0194; .0199; 7875.0100;
7876.0120; 7877.0130; .0165; .0170; 7878.0150; 7883.0100;
7890.0100; .0130; 7895.0250; .0275; .0300; 7897.0100; .0110;
.0130 (proposed) 923

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*.

Minnesota Racing Commission

Proposed Permanent Rules Relating to Horse Racing

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, And Notice of Hearing If 25 or More Requests For Hearing are Received

Proposed Amendment to Rules Governing Construction, Expansion, Extension, Alteration, or Remodeling of Facilities, *Minnesota Rules*, 7870.0450; Care of Horses, *Minnesota Rules*, 7870.0490; Trifecta, *Minnesota Rules*, 7873.0185; Place Pick All, *Minnesota Rules*, 7873.0193; Head to Head Wager, *Minnesota Rules*, 7873.0194; Pick Four, *Minnesota Rules*, 7873.0199; Facilities, *Minnesota Rules*, 7875.0100; On and Off-Track Stabling of Non-Racing Horses, *Minnesota Rules*, 7876.0120; Standards Required of Applicants for Specific Licenses, *Minnesota Rules*, 7877.0130; Credentials, *Minnesota Rules*, 7877.0165; Duties and Responsibilities of Class C Licensees, *Minnesota Rules*, 7877.0170; Definitions, *Minnesota Rules*, 7878.0100; Standards of Conduct for Security Officers, *Minnesota Rules*, 7878.0150; Entries and Subscriptions, *Minnesota Rules*, 7883.0100; Definitions, *Minnesota Rules*, 7890.0100; Findings of Chemist, *Minnesota Rules*, 7890.0130; Standardbred Breeders' Fund, *Minnesota Rules*, 7895.0250; Standardbred Registration, *Minnesota Rules*, 7895.0275; Quarter Horse Breeders' Fund, *Minnesota Rules*, 7895.0300; Prohibited Acts, *Minnesota Rules*, 7897.0100; Use of Drugs and Alcohol, *Minnesota Rules*, 7897.0110; and Schedule of Fines, *Minnesota Rules*, 7897.0130

Introduction. The Racing Commission intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on February 25, 2004, a public hearing will be held at the Canterbury Park Boardroom, 1100 Canterbury Road, Shakopee, MN 55379, starting at 9:30 a.m. on Tuesday, March 9, 2004. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after February 25, 2004 and before March 9, 2004.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Richard G. Krueger at Minnesota Racing Commission, P. O. Box 630, Shakopee, MN 55372, (952) 496-7950, **FAX:** (952) 496-7954, and **email:** richard.krueger@state.mn.us. **TTY** users may call the Racing Commission at (800) 627-3529.

Subject of Rules, Summary, and Statutory Authority. The proposed rules are regarding the amount at which a Class A or B licensee must obtain approval for construction, expansion, extension, alteration or remodeling of its facility; additional descriptive language for horse ambulance vehicle requirements; clarifying language of minimum trifecta wagering; proposed minimum number of betting interests in trifecta wagering; newly proposed Place Pick All and Head to Head wagers; allowance for a carryover and cancellation of a carryover in Pick Four wagering; security requirements for the Jockey's Room; additional health certificate requirements for horses stabled on and off grounds; consideration in determining culpability of an assistant trainer; possession of substances by private veterinarians; possession of firearms as they pertain to the "Conceal and Carry" law; horse eligibility for rac-

Proposed Rules

ing; additional medical definitions; additional allowance for the distribution of standardbred breeders' funds; additional allowance for the registration of standardbred stallions; additional allowance for the payment of quarter horse purse supplements; consideration of financial complaints as related to a licensee; and the allowance for breath samples in drug testing. The Racing Commission's statutory authority to adopt the rules is *Minnesota Statutes*, section 240.08, Occupational Licensing; 240.10, License Fees; 240.13, Pari-Mutuel Betting; 240.15, Payments to State; 240.16, Stewards; 240.19, Contracts; 240.23, Rulemaking Authority, 240.24, Medication. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Wednesday, February 25, 2004, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Wednesday, February 25, 2004. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

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

Cancellation of Hearing. The hearing scheduled for March 9, 2004, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (952) 496-7950 after February 25, 2004 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Allan Klein is assigned to conduct the hearing. Judge Klein can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **telephone** (612) 341-7609, and **FAX:** (612) 349-2665.

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

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

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected

Proposed Rules

by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed and copies obtained at the cost of reproduction from the agency.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, **telephone** (651) 296-5148 or 1-800-657-3889.

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

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

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

Dated: 31 December 2003

Richard G. Krueger
Executive Director

7870.0450 CONSTRUCTION, EXPANSION, EXTENSION, ALTERATION, OR REMODELING OF FACILITIES.

No Class A or B licensee may construct, expand, extend, alter, or remodel a racetrack facility at a cost in excess of ~~\$20,000~~ \$100,000 without the approval of the commission. Failure to obtain approval is cause for revocation or suspension of a license or imposition of a fine.

7870.0490 CARE OF HORSES.

A racetrack facility must provide the following facilities, equipment, and personnel for horses:

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

E. a horse ambulance available for the safe and expedient removal of crippled animals. The ambulance must be equipped with a four-wheel drive vehicle to tow or pull the horse ambulance trailer, a screen for use when an animal must be euthanized in view of the public, a winch to lift dead or injured animals onto the ambulance, and a removable floor or any other devices which enable a dead or injured horse to be loaded. Whenever the racetrack facility is open for racing or exercising horses, the ambulance must be tended by a driver who is capable of assisting in the safe and expedient removal of injured animals from the racetrack surface.

7873.0185 TRIFECTA.

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

Subp. 2. **Price of tickets.** Trifecta tickets shall be sold singly in not less than \$2 denominations. A box ~~or wheel~~ resulting in a minimum wager of \$6; or a wheel resulting in a minimum wager of \$2 may be made and will return to the bettor one-half of the minimum payoff.

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

Subp. 7. **Restrictions on trifecta races.** Trifecta wagering must not be scheduled on a race with fewer than ~~seven~~ six betting interests in the original daily racing program.

~~Trifecta wagering may still be allowed on a race with six betting interests if, in a race where trifecta wagering is scheduled, a scratch takes place after the windows are open and wagering is possible.~~

Trifecta wagering must not be allowed on a race with fewer than six betting interests. If, for any reason, trifecta wagering is canceled, all trifecta wagers must be refunded. If time permits, the association may schedule exacta wagering in place of trifecta wagering.

[For text of subp 8, see M.R.]

7873.0193 PLACE PICK ALL.

Subpart 1. **Scope.** The place pick all pari-mutuel pool is not a parlay and has no connection with or relation to any other pari-mutuel pool conducted by the association.

Subp. 2. **Ticket is evidence of binding contract.** A place pick all ticket shall be evidence of a binding contract between the holder of the ticket and the racing association and the ticket shall constitute an acceptance of the place pick all provisions and rules.

Subp. 3. **Place pick all may be given a distinctive name.** A place pick all may be given a distinctive name to be selected by the association conducting these races, subject to the approval of the commission.

Proposed Rules

Subp. 4. **Place pick all pool.** The place pick all pari-mutuel pool consists of amounts contributed for a selection finishing first or second in each of the races designated by the association with the approval of the commission. Each person purchasing a place pick all ticket shall designate a horse that officially finishes first or second in each of the races comprising that days racing program.

Subp. 5. **Coupled entries and fields.** Horses constituting an entry of coupled horses or horses coupled to constitute the mutuel field in a race comprising the place pick all, shall race as a single wagering interest for the purpose of the place pick all pari-mutuel pool calculations and payouts to the public. However, if any part of either an entry or the field racing as a single wagering interest is a starter in a race, the entry or the field selection shall remain as the designated selection to win in that race for the place pick all calculation, and the selection shall not be deemed a scratch.

Subp. 6. **Calculation of pool.**

A. The place pick all pari-mutuel pool must be calculated according to one of the two methods provided in item B or C, as approved by the commission.

B. One hundred percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of pari-mutuel tickets which correctly designate the most winning selections officially finishing first or second in each of the races comprising that days racing program.

C. (1) One hundred percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of pari-mutuel tickets which correctly designate a horse that officially finishes first or second in each of the races comprising that days racing program.

(2) In the event there is no pari-mutuel ticket properly issued which correctly designates a horse that officially finishes first or second in each of the races comprising that days racing program, 75 percent of the pari-mutuel pool shall not be distributed but shall be retained by the association as a distributable amount and shall be carried over and included in the place pick all pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the four races comprising the pick four pool that day. The remaining 25 percent shall be distributed among the holders of place pick all tickets that correctly designate the most horses officially finishing first or second in each of the races comprising that days racing program.

D. The method of distribution shall be selected by the racing association and implemented after approval by the commission provided that the method of distribution benefits the wagering public and does not adversely affect the integrity of racing.

E. Should no distribution be made pursuant to item B or C on the last day of the association's meeting, then the entire distributable pool and all money accumulated in the pool shall be distributed to the holders of tickets correctly designating the most winning selections of the races comprising the place pick all for that day. If, for any reason, the final day of racing is canceled or the place pick all pool has not been distributed, the pool shall be escrowed by the association, and the pool, as well as all accrued interest, shall be carried over and included in the place pick all pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed.

F. With the permission of the director, a licensee may declare a mandatory payout:

(1) on the next consecutive race day after the place pick all carryover pool has reached a previously approved amount; or

(2) on a day during which a special event has been scheduled.

G. Should no distribution be made pursuant to item B or C, then the entire distributable pool and all money accumulated in the pool must be distributed to the holders of the tickets correctly designating the most winning selections of the races comprising the place pick all for that day.

H. If, for any reason, the day of racing is canceled, or the place pick all pool has not been distributed, the pool must be carried over and included in the place pick all pari-mutuel pool for the next succeeding racing day as an additional net amount to be distributed.

Subp. 7. **Actual favorite substituted for scratched horse.** In the event a place pick all pari-mutuel ticket designates a selection in any one or more of the races comprising the place pick all and that selection is scratched, excused, or determined by the stewards to be a nonstarter in the race, the actual favorite, as evidenced by the amounts wagered in the win pool at the time of the start of the race, will be substituted for the nonstarting selection for all purposes, including pool calculations and payoffs.

7873.0194 HEAD-TO-HEAD WAGER.

Subpart 1. **Scope.** The head-to-head wager requires the selection of the winning contestant in a designated contest, in a competition between two equally matched betting interests regardless of the official placing of the other betting interests in that contest.

Subp. 2. **Ticket is evidence of binding contract.** A head-to-head wager ticket shall be evidence of a binding contract between the holder of the ticket and the racing association and the ticket shall constitute an acceptance of the head-to-head wager provisions and rules.

Subp. 3. **Head-to-head wager may be given a distinctive name.** A head-to-head wager may be given a distinctive name to be

Proposed Rules

selected by the association conducting these races, subject to the approval of the commission.

Subp. 4. **Head-to-head wager pool.** The head-to-head wager pari-mutuel pool consists of amounts contributed for a selection finishing ahead of the other designated contestant in a race designated by the association with the approval of the commission. Each person purchasing a head-to-head wager ticket shall designate a horse that officially finishes ahead of the other designated contestant.

Subp. 5. **Selection of head-to-head wager contestants.** The selection of which contestants from a contest shall participate in the head-to-head wager shall be made as provided in this subpart:

A. the association must submit to the executive director a request stating the association's intentions for determining the contestants for each head-to-head wager contest;

B. the matching of contestants for the head-to-head wager shall be limited to horse versus horse; and

C. the contestants chosen for the head-to-head wager shall be conspicuously identified in the official program.

Subp. 6. **Calculation of pool.** The head-to-head wager pari-mutuel pool shall be distributed to winning ticket holders as a single-price pool to those whose selection finished ahead of the other contestant in a single head-to-head wager contest. If there are no such wagers, then the head-to-head wager pool shall be refunded.

Subp. 7. **Dead heats.** In the event of a dead heat between two contestants in a single contest head-to-head wager pool, the entire head-to-head wager pool shall be refunded.

Subp. 8. **Cancellation of races comprising head-to-head wager.** In the event of the cancellation of a race involving head-to-head wagering, the entire pool shall be refunded.

Subp. 9. **Scratched contestant in a head-to-head wager pool.** In the event that a contestant in a head-to-head wager pool is scratched or declared a nonstarter, that contest shall be canceled.

Subp. 10. **Failure of contestant to finish a head-to-head wager race.** In the event that both contestants in a head-to-head wager pool fail to finish in a head-to-head wager contest, that contest shall be canceled.

7873.0199 PICK FOUR.

[For text of subs 1 to 5, see M.R.]

Subp. 6. **Calculation of pool.** The pick four pari-mutuel pool shall be calculated as follows:

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

C. In the event no pari-mutuel ticket is sold combining three winners of the pick four, 100 percent of the net amount in the pari-mutuel pool shall be distributed among the holders of pari-mutuel tickets which include the winner of any two races comprising the pick four.

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

Subp. 6a. **Calculation of pool with a pick four pool designated to have a carryover.**

A. The association, with the approval of the commission, may add a carryover to the pick four wager. In that case, the pick four pari-mutuel pool must be calculated according to one of the two methods provided in item B or C, as approved by the commission.

B. (1) Seventy-five percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the four races comprising the pick four. Twenty-five percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among holders of pari-mutuel tickets which correctly designate the second greatest number of official winners of the four races comprising the pick four.

(2) In the event there is no pari-mutuel ticket properly issued which correctly designates the official winner in each of the four races comprising the pick four, 75 percent of the pari-mutuel pool shall not be distributed but shall be retained by the association as distributable amounts and shall be carried over and included in the pick four pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the four races comprising the pick four pool that day. The remaining 25 percent shall be distributed among the holders of pick four tickets which correctly designate the most official winners of the four races comprising the pick four.

C. (1) Seventy-five percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the four races comprising the pick four. Twenty-five percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among holders of pari-mutuel tickets which correctly designate the second greatest number of official winners of the four races comprising the pick four.

(2) In the event there is no pari-mutuel ticket properly issued which correctly designates the official winner of each of the four races comprising the pick four, 50 percent of the pari-mutuel pool shall not be distributed but shall be retained by the association as a distributable amount and shall be carried over and included in the pick four pari-mutuel pool for the next succeeding rac-

Proposed Rules

ing date as an additional net amount to be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the four races comprising the pick four pool that day. The remaining 50 percent shall be distributed among the holders of pick four tickets which correctly designate the most official winners of the four races comprising the pick four.

D. The method of distribution shall be selected by the racing association and implemented after approval by the commission provided that the method of distribution benefits the wagering public and does not adversely affect the integrity of racing.

E. Should no distribution be made pursuant to item B or C on the last day of the association's meeting, then the entire distributable pool and all money accumulated in the pool shall be distributed to the holders of tickets correctly designating the most winning selections of the four races comprising the pick four for that day. If, for any reason, the final day of racing is canceled or the pick four pool has not been distributed, the pool shall be escrowed by the association, and the pool, as well as all accrued interest, shall be carried over and included in the pick four pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed.

F. With the permission of the director, a licensee may declare a mandatory payout:

(1) on the next consecutive race day after the pick four carryover pool has reached a previously approved amount; or

(2) on a day during which a special event has been scheduled.

G. Should no distribution be made pursuant to item B or C, then the entire distributable pool and all money accumulated in the pool must be distributed to the holders of the tickets correctly designating the most winning selections of the four races comprising the pick four for that day.

H. If, for any reason, the day of racing is canceled or the pick four pool has not been distributed, the pool must be carried over and included in the pick four pari-mutuel pool for the next succeeding racing day as an additional net amount to be distributed.

[For text of subs 7 to 11, see M.R.]

Subp. 12. Cancellation of pick four carryover. The association may request at any time to discontinue the pick four carryover. The association must make this request in writing to the executive director stating the reasons for the discontinuation of the carryover. If the request is granted, the carryover will be discontinued and subpart 6 will take precedence.

Subp. 13. No pick four ticket to be exchanged or canceled when conducted with a carryover. No pari-mutuel ticket for the pick four pool shall be sold, exchanged, or canceled after the time of the closing of wagering in the first of the four races comprising the pick four, except for the refunds on pick four tickets as required by this part. If the pick four is being conducted with a carryover, no person shall disclose the number of tickets sold in the pick four pool or the number or amount of tickets selecting winners of pick four races until such time as the stewards have declared "official" the last race comprising the pick four.

7875.0100 FACILITIES.

[For text of subs 1 to 5, see M.R.]

Subp. 6. Jockey's room.

A. Cellular telephone use is prohibited in the jockey's room for one-half hour prior to the first post and until the last race is official.

B. The association will establish and post the hours that the jockey's room will be open. The association will be responsible to secure the jockey's room when open.

7876.0120 ON- AND OFF-TRACK STABLING OF NONRACING HORSES.

Any horse arriving on the grounds must be accompanied by an original health certificate issued not more than ten days prior to the arrival. The health certificate must be completed by an accredited veterinarian and must contain complete equine infectious anemia (EIA) test results, including the date, laboratory, and accession number of the most recent negative EIA test. The health certificates must be surrendered to stable gate personnel for immediate transmittal to the commission veterinarian.

7877.0130 STANDARDS REQUIRED OF APPLICANTS FOR SPECIFIC LICENSES.

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

Subp. 2. **Multiple owners.** Applicants for a multiple owner's license must comply with subpart 1 and the following requirements.

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

H. A stable is defined as any ownership operating under a name other than their own name and must be registered with the commission by filing an application on a form prescribed by the commission. No person may use the real name of another owner of race horses as a stable name. A stable name which has already been registered may not be registered by another owner. The granting of a stable name registration by the commission shall not relieve any person from the obligation to file or register a fictitious name as provided by the laws of Minnesota. The registration of a stable name must reflect all actual ownership interests. The stable name and the name of the owner shall be published in the program. If the stable name consists of more than one person, the program shall list the name of the managing owner along with the phrase "et al."

[For text of subps 3 to 16, see M.R.]

7877.0165 CREDENTIALS.

Subpart 1. Badges.

A. The commission shall issue an identification badge to each Class C licensee.

B. The licensee must wear the badge on outer apparel at all times ~~he or she~~ the licensee is within any restricted area unless the activity for which ~~he or she~~ the licensee is licensed renders wearing of the badge on outer apparel unsafe or creates a substantial risk of loss, destruction, or mutilation of the badge, in which case the badge shall be in possession of the licensee.

C. No licensee shall permit any other person to use ~~his or her~~ the licensee's badge for identification, entrance to the racetrack, or for any other purpose on or off the racetrack grounds.

Subp. 2. Temporary pass. In the event the commission's licensing office is closed, the association may issue a temporary pass for individuals whose work is located in the stable area. The temporary pass will be valid until such time as the licensing office reopens but not to exceed three consecutive days in duration.

7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.

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

Subp. 2. **Trainers.** Trainers shall have the following responsibilities.

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

P. A trainer must ensure that at the time of arrival at a licensed racetrack, each horse in ~~his or her~~ the trainer's care ~~that will be entered and remain in the stable area for more than 24 hours~~ is accompanied by ~~a~~ an original health certificate issued not more than ten days prior to the arrival. The health certificate must be completed by an accredited veterinarian and must contain complete equine infectious anemia (EIA) test results, including the date, laboratory, and accession number of the most recent negative EIA test. The health certificates must be surrendered to stable gate personnel for immediate transmittal to the commission veterinarian.

[For text of items Q to T, see M.R.]

Subp. 2a. **Assistant trainers.** An assistant trainer shall be charged with the same responsibilities as a trainer. If warranted after full consideration of all facts and circumstances as contained in chapter 7879 by the stewards, the assistant trainer shall be held equally culpable with the trainer by whom he or she is employed for any acts to which the assistant trainer has prior knowledge or involvement.

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

Subp. 9. **Veterinarians.** The following shall apply to veterinarians licensed by the commission:

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

~~C. Veterinarians shall not be in possession of medications or substances which have not been approved for use in the United States by the Food and Drug Administration.~~ A veterinarian may possess substances that are FDA approved, but not specifically for use on the horse, only with the prior approval of the commission's veterinarian and the Board of Stewards. Veterinarians shall not possess medications or substances without a specific manufacturer's name, lot number, and expiration date.

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

Subp. 10. **Pony riders.** The following applies to pony riders licensed by the commission:

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

C. Anyone bringing any pony horse onto the grounds of the association must provide to stable gate personnel the accurate name of the animal. Each pony horse must be accompanied by ~~a~~ an original health certificate completed by an accredited veterinarian and issued not more than ~~14 ten~~ days prior to arrival. The health certificate must be surrendered to stable gate personnel for immediate transmittal to the commission veterinarian. A pony horse which leaves the grounds for a period of ~~two weeks~~ 72 hours or less does not have to be accompanied by a new health certificate upon its return.

[For text of items D and E, see M.R.]

7878.0150 STANDARDS OF CONDUCT FOR SECURITY OFFICERS.

Subpart 1. ~~Certain licensees must be POST Board licensed or POST Board eligible.~~ Any security officer who carries a firearm or whose principal duty is to investigate violations of statutes or rules ~~must be licensed or eligible to be licensed as a peace officer by the POST Board~~ must do so according to state law.

Subp. 1a. [See repealer.]

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

7883.0100 ENTRIES AND SUBSCRIPTIONS.

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

Proposed Rules

Subp. 2. **Horse must be registered and eligible.** No horse shall be permitted to ~~enter or~~ start unless:

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

[For text of subps 3 to 5, see M.R.]

Subp. 6. **Prohibited entries.** No person shall:

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

D. enter in a race a horse if it is wholly, or partly owned by, trained by, or under the management of an unlicensed person, a person whose license is under suspension, or a person who acts in concert with or under the control of a person whose license is under suspension. If any entry from an unlicensed person or a person whose license is under suspension or of an ineligible horse is received, the entry shall be void and any money paid for the entry shall be paid to the winner. An entry may be taken from a person whose license is under suspension in any racing jurisdiction if the term of the suspension has ended prior to the day of the race for which the entry was made and any other requirements associated with the suspension have been satisfied prior to the entry;

E. enter a horse that is 14 years of age or older.

[For text of subps 7 to 18, see M.R.]

7890.0100 DEFINITIONS.

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

Subp. 3a. **Antibody.** “Antibody” means a protein produced after stimulation by an antigen that acts specifically against that antigen in an immune response.

[For text of subps 4 to 10a, see M.R.]

Subp. 10b. **Growth factor.** “Growth factor” means a substance that promotes cellular growth.

[For text of subp 11, see M.R.]

Subp. 13. **Medication.** “Medication” is a substance, compound, or element, or combination thereof, which is or can be administered to a horse for the purpose of preventing, curing, or alleviating the effects of any disease, condition, ailment, or infirmity, or symptom thereof, or for altering in any way the behavior, attitude, temperament, or performance of a horse, including athletic performance. The term medication includes all analgesics, anesthetics, depressants, narcotics, stimulants, tranquilizers, and other classifications of medications. Nothing herein shall be deemed to include:

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

B. Furosemide, provided, however, that it is administered pursuant to the provisions of part 7890.0140, subpart 7a, and further provided that the test sample does not contain:

(1) urine specific gravity ~~less than~~ of 1.010 or less; and

(2) more than 100 nanograms per milliliter of plasma furosemide; and

(3) in the absence of urine for specific gravity, no more than 200 nanograms per milliliter of plasma furosemide.

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

Subp. 13a. **Metabolite.** “Metabolite” means the substance produced by the metabolism of a specific medication.

[For text of subps 14 to 21, see M.R.]

7890.0130 FINDINGS OF CHEMIST.

Subpart 1. **Prima facie evidence.** A finding by a chemist of any medication or metabolite, substance foreign to the natural horse, or Bute or furosemide exceeding the allowable test levels provided in part 7890.0100, subpart 13, items A and B, in the test sample of a horse shall be considered prima facie evidence that the medication, substance, Bute or furosemide was administered to the horse and carried in the body of the horse while participating in a race.

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

7895.0250 STANDARDBRED BREEDERS’ FUND.

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

Subp. 3. **Distribution of money.** The money available from the standardbred breeders’ fund shall be distributed as breeders’ awards and paid to the breeder, as reflected on the USTA foal certificate, of a Minnesota-bred or Minnesota-foaled horse that finishes fifth or better in any pari-mutuel or sanctioned USTA non-pari-mutuel race in Minnesota.

[For text of subps 4 to 9, see M.R.]

7895.0275 STANDARDBRED REGISTRATION.

Subpart 1. **Stallion registration.** To be eligible to participate in the standardbred breeders’ fund program, the following requirements must be met:

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

B. Stallions must remain in Minnesota for the entire breeding season from January 31 to July 31 unless:

(1) the commission is notified in writing by certified mail; and

(2) the stallion is leaving Minnesota for racing purposes, medical purposes, show purposes, or is sold through public auction or sold privately.

A stallion may not breed any mares while outside Minnesota.

A newly acquired stallion which has not been in Minnesota for breeding purposes before January 31 of the current breeding season may be eligible for stallion awards if the stallion has been properly registered with the commission prior to servicing any mare and the stallion has not serviced any mare after December 31 of the preceding year.

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

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

7895.0300 QUARTER HORSE BREEDERS' FUND.

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

Subp. 4. **Methods of payment.** The amount of money distributed by the commission for awards or purse supplements pursuant to subpart 3 shall be paid out for stakes or handicap races in the same percentage as the purse money in the race and shall be paid out in open overnight races and restricted overnight races to Minnesota-bred horses that finish ~~third~~ fifth or better. However, the commission may, prior to the beginning of each race meet, establish the maximum amount of earnings per race for a single horse that may be used in calculation of the breeders' fund awards. (For example: if the maximum amount of earnings per race per horse is set at \$10,000, then in the event a horse earns any amount over \$10,000 in one race, the breeders' fund awards will be calculated based on \$10,000 earnings for that race.) The amount of money to be distributed shall be in accordance with subpart 5. Purse supplements earned shall not be included in determining breeders' or stallion awards.

[For text of subps 5 and 6, see M.R.]

7897.0100 PROHIBITED ACTS.

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

Subp. 3. **Possession of firearms or weapons.** No person ~~except as authorized by the commission or if prohibited by the association,~~ shall possess while on the grounds of an association a firearm or other dangerous weapon as defined in *Minnesota Statutes*, section 609.02, subdivision 6.

[For text of subps 4 to 9, see M.R.]

Subp. 10. **Financial responsibility.** No licensee shall willfully or deliberately refuse to pay any money when due for any service, supplies, or fees connected with his or her activities as a licensee, nor shall he or she falsely deny any such amount due or the validity of the claim therefore with the purpose of hindering or defrauding the person to whom the indebtedness is due.

A. All financial responsibility complaints against a licensee shall be made in writing, presenting facts sufficient to enable the stewards to determine that the claim is meritorious and is directly related to the licensee's racing activities and that the debt became due within the last two years. The commission shall honor all horse racing related financial complaints that go through the civil courts whereby a civil judgment is presented.

B. Upon receipt of a complaint, the stewards may conduct an investigation and attempt to resolve the matter informally. If the stewards determine that the complaint has merit, and cannot resolve the matter informally or determine that it is not appropriate to settle the matter informally, then the stewards shall commence the appropriate disciplinary procedures in chapter 7897.

[For text of subps 11 to 19, see M.R.]

7897.0110 USE OF DRUGS AND ALCOHOL.

Subpart 1. **Drugs.** The commission, the commission's director of security, or the stewards may, at any time, require any licensee having direct physical contact with horses or direct responsibility for some portion of the day's racing program, or whose racing duties place him or her in a position of danger, or who commits an act that endangers a horse or human, to provide ~~either one or both~~ of the following for ~~chemical~~ analysis: ~~blood samples,~~ breath, or urine samples. The type or types of sample to be provided shall be determined by the board of stewards after consideration of the circumstances involved and the alleged substance involved. If such a licensee fails to comply with this requirement, the licensee shall be suspended and referred to the commission to show cause for refusing to do so.

Should any licensee other than a racing official, jockey, apprentice jockey, assistant starter, or driver, be found to have levels of any nonprescription, prohibited, or illegal drug, or prescription medication at a concentration greater than which has been prescribed, or an alcohol concentration greater than 0.04 percent, the licensee shall be subject to disciplinary action by the stewards and the commission. For purposes of this part, "alcohol concentration" means:

A. the number of grams of alcohol per 100 milliliters of blood; or

B. the number of grams of alcohol per 210 liters of breath; or

Proposed Rules

C. the number of grams of alcohol per 67 milliliters of urine.

Should a licensee who is a racing official, jockey, apprentice jockey, assistant starter, or driver be found to have any level of any nonprescription, prohibited, or illegal drug, or alcohol, or prescription medication at a concentration greater than which has been described, the licensee shall be subject to disciplinary action by the stewards and the commission.

7897.0130 SCHEDULE OF FINES.

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

Subp. 4. **Serious violations.** Violations of *Minnesota Statutes*, section 240.25, misrepresentation of the identity of a horse, possession of a firearm ~~on the racetrack premises except by an authorized security officer~~ in violation of state law, and setting or attempting to set a fire on the racetrack premises, shall be deemed per se serious violations.

[For text of subs 5 and 6, see M.R.]

REPEALER. *Minnesota Rules*, parts 7878.0100, subpart 8; and 7878.0150, subpart 1a, are repealed.

Appointments

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

Department of Finance

Notice of Appointment of Commissioner Peggy Ingison

NOTICE IS HEREBY GIVEN, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Tim Pawlenty appointed Peggy Ingison to the office of Commissioner of the Minnesota Department of Finance effective February 2, 2004. She succeeds Commissioner Dan McElroy who was appointed on January 6, 2003.

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

- *Minnesota Statutes*, Chapters 16A

Commissioner Ingison resides at 127 - 16th Avenue Northwest, New Brighton, Minnesota 55112, Ramsey County, Congressional District Four.

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

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 Forest Resources Council

Notice of Availability for Public Review of Revisions to the Minnesota Forest Resources Council's Timber Harvesting and Forest Management Guidelines

The Minnesota Forest Resources Council (Council) is requesting public review and comment on the proposed revisions to the timber harvesting and forest management (TH/FM) guidelines. The TH/FM guidelines were published in April 1999 as part of the process to promote sustainable forest management in Minnesota through implementation of the Sustainable Forest Resources Act of 1995. The Act requires the Council to complete a review of the guidelines and approve any changes by June 30, 2005.

The Council has identified TH/FM guideline issue areas that are being considered for review. These include:

1. Improvement of some guideline definitions.

2. Clarification of the filter strip recommendations.
3. Providing examples of silvicultural prescriptions and guideline application flexibility.
4. Development of site infrastructure.
5. Additional emphasis on minimizing soil compaction, considerations for soil operability, and minimizing site rutting.
6. Modifications to erosion control practice recommendations for roads and skid trails.
7. Modifications of seasonal pond recommendations.
8. Clarification of the use of leave tree clumps for wildlife habitat.
9. Desirability of linking site level guideline recommendations to the broader landscape/cumulative perspectives.
10. Establishing a minimum size of open water wetland for requirement of a riparian management zone.

Members of the public wanting to review and provide comment on the proposed changes to the TH/FM guidelines can view the current guidelines on the Council **web site** (www.frc.state.mn.us). To receive a copy of the proposed changes to the TH/FM guidelines or more information, contact:

Mike Phillips, MN Forest Resources Council
DNR/Division of Forestry
500 Lafayette Road, St. Paul, MN 55155-4044
Phone: (651) 297-4924
Fax: (651) 296-5954
e-mail: mike.phillips@dnr.state.mn.us

Written comments must be received by Mike Phillips no later than Friday, April 16, 2004.

Minnesota Housing Finance Agency

Notice of Hearing on Bond Issuance

NOTICE IS HEREBY GIVEN that the Minnesota Housing Finance Agency will hold a public hearing at 10:00 a.m. on February 12, 2004, at the Minnesota Housing Finance Agency, 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101, for the purpose of taking public testimony regarding the issuance of its Rental Housing Bonds in the maximum principal amounts set forth below. The Bonds may be issued in one or more series and will be issued to fund mortgage loans to pay for all or a portion of the costs of acquisition and rehabilitation of the following developments, including facilities related and subordinate thereto, for residential rental housing as defined in the Agency's Rental Housing Bond Resolution. The developments to be assisted are:

- A 101-unit multi-story rental apartment development, currently known as Pennel Park Commons, located at 330 North Arlington, Duluth, Minnesota. The initial owner or operator will be Duluth Leased Housing Associates I Limited Partnership, a Minnesota limited partnership, one of the managing general partners of which will be Duluth Leased Housing Associates I, LLC, a Minnesota limited liability company. The maximum principal amount of the bonds is \$3,600,000.
- A 66 unit multi-building rental apartment and townhome development, currently known as RC Square, located at 1116 Birch Street, Marshall, Minnesota. The initial owner or operator will be Marshall Family Housing Limited Partnership, a Minnesota limited partnership, one of the managing general partners of which will be Harold Teasdale, a resident of Marine on St. Croix, Minnesota. The maximum principal amount of the bonds is \$2,100,000.
- A 90-unit multi-story rental apartment building, currently known as Marshall Square, located at 400 Jewett Street, Marshall, Minnesota. The initial owner or operator will be Marshall Senior Housing Limited Partnership, a Minnesota limited partnership, one of the managing general partners of which will be Harold Teasdale, a resident of Marine on St. Croix, Minnesota. The maximum principal amount of the bonds is \$2,300,000.

Additional information may be obtained from the Minnesota Housing Finance Agency, Attn: Sharon Bjostad (651) 282-2577. Parties wishing to comment on the issuance of the Bonds may appear in person at the hearing or may submit written comments to the undersigned prior to the hearing.

Patricia Hippe
Deputy Commissioner
Minnesota Housing Finance Agency

Official Notices

Department of Human Services

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

NOTICE IS HEREBY GIVEN that the Minnesota Health Care Programs provider participation list for January 1, 2004 is now available. The provider participation list is a compilation of health care providers who are in compliance with DHS Rule 101. If a provider name is not on the list, the Department considers the provider non-compliant. The list of providers is separated by provider type, each section is in alphabetical order by provider name, and there is no additional information on the list other than the provider's name. This list is distributed on a quarterly basis to the Department of Employee Relations, the Department of Labor and Industry, and the Department of Commerce. To obtain the list, contact Kelly Crawford, Rule 101 Specialist, at (651) 296-0766 or toll-free at 1-800-366-5411. You may fax your request to (651) 296-5690 or mail to the Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3856.

Kevin Goodno, Commissioner
Department of Human Services

Department of Human Services

Health Care Purchasing and Delivery Systems Division, Health Care Administration Public Notice of Maximum Allowable Costs of Medical Assistance Outpatient Prescribed Drugs

NOTICE IS HEREBY GIVEN to recipients, providers of services, and to the public of additions to the state Medical Assistance maximum allowable cost (state MAC) list for certain outpatient prescribed drugs.

At least once each calendar year, the United States Department of Health and Human Services, Centers for Medicare & Medicaid Services, publishes a federal upper limit (FUL) payment schedule for many commonly prescribed multiple-source drugs. The federal upper limit is set at a rate equal to 150 percent of the published price for the least costly therapeutic equivalent that can be purchased by pharmacists. This FUL payment schedule constitutes the federal MAC list. For many multiple-source drugs that are not on the federal MAC list, the Department establishes a state MAC list. Additionally, the Department imposes a state MAC for many multiple-source drugs that are on the federal MAC list, as long as the savings are at least as much as the savings would be using the federal MAC list.

The Department requires Medical Assistance pharmacy providers to submit their usual and customary costs. Pharmacy providers are reimbursed at the lower of: the federal or state MAC, plus a dispensing fee; the submitted usual and customary charge to the general public; or a discount off of average wholesale price, plus a dispensing fee.

On January 13, 2003 at 27 SR 1117-1130, the Department published the MAC list, listing the federal and state MACs. Additional changes to the state MAC list were published on February 18, 2003 (27 SR 1331-1334), March 3, 2003 (27 SR 1386-1393), April 21, 2003 (27 SR 1583-1584), August 4, 2003 (28 SR 102-103), October 13, 2003 (28 SR 505-506), October 20, 2003 (28 SR 528-529) and December 15, 2003 (28 SR 784-785).

Effective January 27, 2004, the Department will add the following outpatient prescribed drugs to the state MAC list:

<u>GCN</u>	<u>Drug Name</u>	<u>Strength</u>	<u>MAC Price</u>
63570	ALAVERT	120-5MG	.676
59842	CLARAVIS	20MG	5.844
59743	CLARAVIS	40MG	6.757
20351	BUTORPHANOL TARTRATE	10MG/ML	13.11

These additions are made to bring Medical Assistance reimbursement to pharmacists more closely in line with the actual acquisition cost of the drugs listed above. The Department estimates that there will be a state savings of \$97,805 for State Fiscal Year 2004 (July 1, 2003 through June 30, 2004).

This notice is published pursuant to *Code of Federal Regulations*, Title 42, section 447.205, which requires publication of a notice when there is a rate change in the methods and standards for setting payment rates for Medical Assistance services.

Written comments and requests for information may be sent to:

Cody Wiberg, Pharm.D., R.Ph.
Pharmacy Program Manager
Health Care Purchasing and Delivery Systems Division
Minnesota Department of Human Services
444 Lafayette Road North
St. Paul, Minnesota 55155-3854
Phone: (651) 296-8515
Email: cody.wiberg@state.mn.us

Department of Labor and Industry

Labor Standards Unit

Notice of Correction to Commercial Prevailing Wage Rates

A **correction** has been made to the Commercial Prevailing Wage Rates certified 12/29/03, for **Labor Code 407, Electricians**, in Cottonwood, Jackson, Lincoln, Lyon, Martin, Redwood, Watonwan and Yellow Medicine Counties.

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

M. Scott Brener
Commissioner

Metropolitan Airports Commission

Notice of Adoption of Ordinance No. 100: MSP Air Operations Area Driving Ordinance

Please take notice that on the 20th day of January 2004, at a regular meeting, the Metropolitan Airports Commission adopted Ordinance No. 100.

Ordinance No. 100:

An Ordinance to promote and conserve public safety, health, peace, convenience and welfare, by regulating operations on the Air Operations Area at the Minneapolis-St. Paul International Airport, which is owned by or under the supervision and control of the Metropolitan Airports Commission; prescribing the penalties for Violation thereof and repealing Ordinance 82.

Copies of the Ordinance No. 100 as adopted will be on file with the Secretary of State and may be obtained from the Metropolitan Airports Commission offices.

Jeffrey W. Hamiel
Executive Director
Metropolitan Airports Commission
6040 – 28th Avenue South
Minneapolis, MN 55450

Minnesota Pollution Control Agency

Regional Environmental Management Division

Notice of Availability and Request for Comments for the Draft Upper Mississippi River Basin Headwaters to the Rum River - Anoka Water Quality Plan

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency is requesting comment on the draft "Upper Mississippi River Basin Headwaters to the Rum River - Anoka Water Quality Plan." The plan addresses management, protection and restoration for the water resources of the Minnesota portion of the Upper Mississippi River Basin. The plan's water management goals, objectives and strategies were developed through a partnership among basin residents, stakeholders, local elected officials and local, state, and federal resource managers.

Official Notices

The public review will last for 30 days. Written comments will be accepted through February 24, 2004. The draft plan is available for viewing on the Upper Mississippi River Basin Headwaters to the Rum River - Anoka Water Quality Plan **website** at: <http://www.pca.state.mn.us/water/basins/uppermiss/index.html> or in printed format from the Brainerd office of the Minnesota Pollution Control Agency at the address listed below.

Submit comments, or request a CD or paper copy of the draft plan, from the basin coordinator at the following address:

Jim Hodgson
Minnesota Pollution Control Agency
1800 College Road South
Baxter, MN 56425
Phone: (218) 828-2492
E-mail: james.hodgson@pca.state.mn.us

Minnesota Pollution Control Agency

Regional Environmental Management Division

REQUEST FOR COMMENTS on Possible Amendments to Rules Governing Wastewater And Storm Water Treatment Assistance, *Minnesota Rules*, Chapter 7077

The Minnesota Pollution Control Agency (MPCA) requests comments on its possible amendments to *Minnesota Rules*, Chapter 7077, which govern wastewater and storm water treatment financial assistance programs.

Subject of Rules. This chapter provides for the MPCA's administration of financial assistance programs for the construction of municipal wastewater treatment systems. These possible revisions are intended to focus solely on the State Revolving Fund (SRF) established in *Minnesota Statutes*, Section 446A.07. Specifically, the MPCA plans to: a) revise *Minnesota Rules*, Chapter 7077.0115, the Project Priority List (PPL) section, to improve the MPCA's ability to administer the PPL; b) revise *Minnesota Rules*, Chapter 7077.0165 through 7077.0197, which defines the scoring system used to rank proposed projects for funding; and c) potentially revise other sections of *Minnesota Rules*, Chapter 7077, to improve the MPCA's overall administration of the program.

To ensure the priority ranking system reflects the current funding situation and Minnesota's evolving water treatment needs, the MPCA feels it is prudent to re-evaluate the system and to consider the SRF program's role in encouraging necessary improvements to wastewater and storm water treatment facilities.

The MPCA has not yet decided on the exact scope of the proposed amendments to this rule, but it is considering accommodating the following:

1. Preserving the existing municipal wastewater infrastructure assets (since many treatment facilities in Minnesota have parts that are more than 20 years old).
2. The "condition" of existing wastewater treatment facilities (some are in danger of failure or are unable to meet the requirements of their discharge permits).
3. A community's need to expand its existing treatment facility to accommodate growth or to upgrade its treatment processes to meet more stringent effluent limits.
4. The way in which proposed projects are ranked and reviewed in unsewered areas.
5. Improving the methodology used for factoring storm water treatment projects into the priority ranking system.

Persons Affected. Since there is not enough SRF assistance to meet all needs, a revised project ranking will create better opportunities for some projects to receive state financial assistance, while others will decrease. The possible amendments to the rule would therefore affect all parties who might benefit from the use of SRF to make improvements to local wastewater and/or storm water treatment systems, including those who may benefit from an improved local environment. Specifically, these amendments would likely affect cities, towns, counties, the metropolitan council, and any other governmental subdivision of the state responsible for the prevention, control, and abatement of water pollution that might seek SRF assistance. Citizens who reside or recreate within these areas are also likely to be affected by the possible rule amendments, as would consulting engineers who are hired by localities to prepare plans and specifications for these improvements. Due to the varying perspectives related to how projects should be prioritized under a revised ranking system, environmental groups will likely be interested and affected by these amendments too.

Statutory Authority. *Minnesota Statutes*, sections 116.07, 116.182, and 446A.07 provide authority for the MPCA to adopt rules for wastewater treatment and corrective action grants, including setting priorities.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing or orally until further notice is published in the *State Register* that the MPCA intends to adopt or to withdraw the possible rule amend-

ments. The MPCA does not plan to appoint an advisory committee to comment on these possible rule amendments; however, the MPCA intends to provide additional opportunity for input by holding public meetings with interested parties after a draft of the rule amendments is available, prior to publishing the Notice of Intention to Adopt proposed rule amendments in the *State Register*.

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

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the rules when they have been prepared, and requests for more information on these possible rule amendments should be directed to:

Bill D. Priebe, P.E.

Minnesota Pollution Control Agency

520 Lafayette Road North

St. Paul, Minnesota 55155-4194

Phone: (651) 296-7150

MN Toll Free: 1-800-657-3864

Fax: (651) 297-8676

E-mail: bill.priebe@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 preliminary proposal outlined above.

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

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: January 15, 2004

Sheryl A. Corrigan
Commissioner

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 Department of Agriculture

Agricultural Resources Management and Development Division

Notice of Request for Proposals for the 2004 AgBMP Loan Program Allocation

NOTICE IS HEREBY GIVEN that the Minnesota Department of Agriculture will accept applications for the 2004 Agricultural Best Management Practices Loan Program (*Minnesota. Statutes* § 17.117).

Counties, Soil and Water Conservation Districts and authorized joint power organizations may submit applications to participate in the department's loan programs. Funds may be used to provide loans to farmers, rural landowners or farm supply businesses for projects that implement local comprehensive water plans or replace existing, failing individual sewage treatment systems. Approximately \$2 million has been tentatively earmarked for this year's awards, however, the final amount allocated may be different.

Applications must be post marked or received by the department by 4:00 p.m. February 6, 2004 to be considered during this application period.

State Grants & Loans

To obtain copies the complete request for proposal and application packet contact:

Dwight Wilcox
AgBMP Loan Program
Minnesota Department of Agriculture
90 W Plato Blvd.
St. Paul, MN 55107
phone: (651) 215-1018
fax: (651) 297-7678
e-mail: dwight.wilcox@state.mn.us
website: <http://www.mda.state.mn.us/agbmp/>

Department of Health

Environmental Health Division

Accepting Project Submissions for the Drinking Water Revolving Fund Project Priority List

The Drinking Water Revolving Fund provides below market rate financing for public water system improvements. The first step toward obtaining a loan is to request a project be placed on the Project Priority List (PPL). The deadline **for receiving** requests is **4:30 p.m., May 21, 2004**.

Funding priority is for projects that correct a public health hazard, bring or keep systems in compliance with drinking water standards, and for communities below the median household income. Typical projects are for wells, treatment plants, water towers, and distribution lines. Funding is not for economic expansion or fire protection. Eligibility and ranking requirements are in *Minnesota Rules*, parts 4720.9000 to 4720.9080.

Attend a free 2-1/2 hour information session to receive program information and a description on submitting an effective PPL request. Sessions will be held in Brainerd on February 24, and Maple Grove on March 10. Call (651) 215-1321 for details.

For instructions on placing a project on the PPL:

Click on the PPL instructions button at: www.health.state.mn.us/divs/eh/water/dwrf/ppl/index.html

- or -

Call (651) 215-1321

Minnesota Department of Human Services

Child Safety and Permanency Division

Notice of Availability of Contract for Transition Services for Adolescents

The Minnesota Department of Human Services is requesting proposals for two purposes:

- to serve youth ages 14 to 21 who have experienced out-of-home placement, by preparing them for a healthy transition to self sufficient adulthood
- to act as fiscal agent and mentor for former youth in care ages 18 to 23 who are receiving post-secondary scholarships from the Department of Human Services

Work is proposed to start after June 30, 2004.

A Request for Proposals will be available by mail from this office through March 15, 2004. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After March 15, 2004, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Claire Hill
444 Lafayette Road
St. Paul, MN 55155-3832
Fax number: (651) 297-1949
Or online at <http://www.dhs.state.mn.us/CFS/Programs/Adolescent/default.htm>

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than March 22, 2004, at 4:30 PM. **Late proposals will not be considered.** Fax or e-mailed proposals will **NOT** be considered.

State Grants & Loans

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

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 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.

Administration Department

State Register

Subscriptions to the *State Register* will only be available via E-mail beginning with Volume 29, #1 - July 6, 2004. You can have the *State Register* E-MAILED to you the afternoon it is published, on Friday. Be a step ahead of others.

Also, receive TWO EXTRAS free-of-charge, available only to ON-LINE Subscriptions:

#1 - The CURRENT LOG -- of contracts, grants and loans -- as well as non-state contracts.

#2 - The INDEX, a growing list of the current issue's articles to quickly locate the information you need.

Each also has LINKS to the issue in which the article appeared, for fast reference.

Subscriptions are \$180 for an entire year (less than \$3.50 per issue), that's \$80 LESS than the cover price. Service, speed, accuracy, and on-time delivery with the State Register ON-LINE. 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. Or, order today by calling (651) 297-8774 and charge your credit card, or E-mail: jessie.rahmeyer@state.mn.us for more information.

Colleges and Universities, Minnesota State (MnSCU)

Request for Bid: PRINTING, Brochure series

The Office of the Chancellor is requesting bids from qualified vendors for the 4-color printing of "Make College a Part of Your Future" brochure series, which will be printed in four languages.

Interested parties may download the Request for Bid and applicable forms from the **website**, <http://www.mnscu.edu/rfp> or request a paper copy by emailing deborah.thayer@so.mnscu.edu. Sealed bids must be received by Friday, January 30, 2004, 3:00 p.m. CST.

This request does not obligate Minnesota State Colleges and Universities to complete the proposed project, and the system reserves the right to cancel this solicitation if it is considered to be in its best interest.

Colleges & Universities, Minnesota State (MnSCU)

Notice of Request for Proposal for External Auditing Services System-wide Projects

Fiscal Years 2004 - 2006

NOTICE IS HEREBY GIVEN that the Minnesota State Colleges and Universities is seeking to acquire system-wide¹ external auditing services from an independent accounting firm duly licensed to practice in the State of Minnesota, pursuant to *Minnesota Statutes* Section 326.192, or a similarly qualified government agency.

Proposals are being sought from parties interested in providing the following system-wide external auditing services on an annual basis for the three-year period from July 1, 2003 to June 30, 2006:

¹The Minnesota State Colleges and Universities acquires external auditing services for many of its individual colleges and universities through a separate contract selection process. Currently, 12 of the 32 individual colleges and universities receive stand-alone annual financial statement audits, representing about 60% of the Minnesota State Colleges and Universities financial activity.

State Contracts

- **System-wide Financial Statement Audit:** To conduct an annual audit in compliance with generally accepted auditing standards and render an independent audit opinion on the general purpose system-wide financial statements for the Minnesota State Colleges and Universities (MnSCU) [*Final audit adjustments due by November 1 following the end of each fiscal year*],
- **Revenue Fund Financial Statement Audit:** To conduct an annual audit in compliance with generally accepted auditing standards and render an independent audit opinion on the financial statements of the MnSCU Revenue Fund, as required by the applicable bond covenants, [*Final audit adjustments due by September 30 following the end of each fiscal year*] and
- **Federal Financial Assistance Audit:** To satisfy the annual audit requirements established by the U.S. Office of Management and Budget (OMB) Circular A-133 Compliance Supplement for major federal financial assistance programs administered by the Minnesota State Colleges and Universities and provide the required reports on internal control and compliance required by federal regulations [*Final audit adjustments due by January 31 following the end of each fiscal year*].

This request for proposal does not obligate the Minnesota State Colleges and Universities to complete the proposed project, and the Minnesota State Colleges and Universities reserves the right to cancel the solicitation if it is considered to be in its best interest.

Responders may propose additional tasks, activities or alternative suggestions if they will substantially improve the results of the project. These items shall be separated from the required items on the cost proposal.

All proposals must be sent to and received by:

John Asmussen, Executive Director
Office of Internal Auditing
Minnesota State Colleges and Universities
500 Wells Fargo Place
30 East 7th Street
St. Paul, Minnesota 55101-4946

Not later than **4 PM on Friday, February 27, 2004**, as indicated by the date and time indicated on each response package by the Minnesota State Colleges and Universities mail room, if packages are delivered by U.S. Mail, or the Minnesota State Colleges and Universities reception desk (5th Floor, Wells Fargo Place), if packages are hand-delivered or delivered by courier.

Late proposals will not be considered.

All costs incurred in responding to this RFP will be borne by the responder.

Submit ten copies of the proposal. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of any resulting contract.

Contacts

An information meeting for interested bidders will be held on Thursday, February 12, 2004 at 1:00 p.m. on the 4th floor of Wells Fargo Place (30 East 7th Street) in St. Paul, Minnesota. Persons interested in attending should notify Darla Senn by telephone at (651) 296-3471 or **e-mail** at darla.senn@so.mnscu.edu by Monday, February 9, 2004. A full Request for Proposal is available on a public **web site** at www.internalauditing.mnscu.edu/RFP/ or by contacting Darla Senn. Questions and answers that will be informative to all prospective bidders will be posted on the same web site.

Other questions should be directed to any of the following persons:

John Asmussen, Executive Director of Internal Auditing

Telephone: (651) 296-2430

e-mail: john.asmussen@so.mnscu.edu

Tim Stoddard, Associate Vice Chancellor for Financial Reporting

Telephone: (651) 297-1309

e-mail: tim.stoddard@so.mnscu.edu

Margaret Jenniges, System Director for Financial Reporting

Telephone: (651) 632-5009

e-mail: margaret.jenniges@so.mnscu.edu

Other personnel are NOT allowed to discuss the request for proposal with anyone, including responders, before the proposal submission deadline.

Department of Natural Resources

Notice of Request for Proposal (RFP) for Recreation Trails on Minnesota State Forest Lands

Purpose:

The Minnesota Department of Natural Resources (DNR) is soliciting proposals to develop updated and improved field guidelines for the location, design, construction, operation, and maintenance of recreational trails on Minnesota State Forest Lands. This information is intended to supplement guidance contained in the DNR Trail Manual [DNR Trails & Waterways, 1982] and that provided by the Voluntary Site-Level Forest Management Guidelines [MN Forest Resources Council, 1999].

A synthesis of state-of-the-art information, compiled from a variety of reputable sources, is needed to equip field staff with the latest in trailbuilding protocol and modern management practices. Special emphasis on new construction materials, methods and equipment, and on innovative environmental protection strategies and technology.

Project Contact:

Brian McCann, Recreational Planner
DNR Trails & Waterways
500 Lafayette Road, Box 52
St. Paul, MN 55155-4052
(651) 296-8397
Fax: (651) 297-5475
brian.mccann@dnr.state.mn.us

Proposals must be received by Brian McCann at the address listed above no later than 4:00 p.m. on February 17, 2004.

Site-Level: Design & Development Guidelines for Recreational Trails

NEED & PURPOSE:

Updated and improved field guidelines are desired to guide the design, construction, operation, maintenance and monitoring of recreational trails on lands administered by the Minnesota Department of Natural Resources. This combination desk reference / field manual is to detail so-called 'Best Management Practices' for trail construction and operations. Special emphasis is placed on environmentally sustainable trail siting and design criteria, and on innovative and naturalistic construction, maintenance and management approaches.

SCOPE / CONTEXT:

1. Develop siting, design, construction, operations and maintenance guidelines for recreational trails. Address both new and existing corridors, as well as trail rehabilitation, redevelopment and monitoring.
2. Provide flexible site-level guidance for a range of Minnesota terrain, vegetation and site conditions, including a mix of suggested structural and managerial approaches.
3. Provide suggested standards, specifications and physical design criteria for the full range of summer and winter trail uses and trail types, noting common ranges and extremes.
4. Focus on maintaining soil stability, water quality, wetland and riparian area values, wildlife habitat, native plant communities, visual quality, and cultural/historic resources.
5. Compile bibliographic, scientific and topical references. Identify common terms, standards and definitions.

ATTRIBUTES / OBJECTIVES:

Guidelines must be practical, realistic and cost-effective to implement. Must be easily updated and revised.

Final report should make liberal use of full-color photography, maps, tables and charts, original artwork and custom design drawings, engineering or construction typicals, and other illustrations.

Provide geographically broad-based, flexible and non-prescriptive management direction.

Focus on sustainable, appropriate and naturalistic techniques that meet user needs while solving management problems.

Emphasize science-based, site-level solutions to physical, biological and management issues.

Embrace principles contained in the Minnesota Forest Resource Council's Site-Level Forest Management Guidelines.

NATURE OF CONTRACT:

The contractor(s) will be asked to complete draft trail guidelines prepared by previous contractor. The new work should be consistent in tone, depth, range of information, and graphic quality with existing chapters. Towards this end, review of existing materials and consultation with the previous contractor is strongly recommended. The guidelines, written for Minnesota but useful else

State Contracts

where, must be appropriate for a mixed audience, including MN DNR staff, other land managers (e.g., USFS, county, private), public policy makers, trail user groups, volunteers, and the general public.

PROJECT SCOPE:

- *Common foundation for all trail types.* These guidelines assume that all trail types—motorized and nonmotorized natural and hard-surface trails, summer and winter use trails, share a common foundation. A major challenge of this project is to identify common elements, while tailoring guidelines by trail type, trail location and visitor context.
- *Quality of the trail experience is a central thread.* The guidelines assert that fun trails which are also physically, ecologically and socially sustainable—will help engender natural resource stewardship in trail visitors, volunteers, and even agency staff. Emphasis is on making trails fun, challenging and sustainable through the intelligent use of natural features and modern trailbuilding technology.
- *Landmark project, both in quality and quantity of information.* This project is unprecedented. In addition to describing “how to” information, these guidelines emphasize how trails and trail structures *change over time*. This is key to understanding sustainability and is largely missing in most existing trail literature. Incorporating the notion of change over time, however, makes it more difficult to organize and present information.
- *Teaching tool and textbook as well as guidelines.* Guidelines are written for DNR staff, trail user groups, visitors and policy makers such that all can understand the process and complexity of trails, particularly natural surface trails. Finished sections are both textbook and guidebook, teaching do’s and don’ts, and explaining the how and why behind many complex situations.
- *Suggestive but not prescriptive.* In most cases, many possible solutions are provided in sufficient detail to be implementable. This encyclopedic approach suggests the full range of techniques which could be useful in Minnesota. This enables readers to choose the most appropriate solution.
- *Attempt to prevent avoidable errors.* Because change is largely predictable, common trail design, construction and maintenance mistakes and inefficiencies are identified and explained. These guidelines attempt to save effort and funds by preventing failure, wasted effort and unnecessary natural resource impacts.
- *Low-tech, naturalistic solutions favored.* These guidelines emphasize low-cost, low-effort, inherently sustainable solutions using soils, landforms and vegetation to help support trails, especially natural surface trails. Wherever possible, the goal is to use nature instead of fighting it. These guidelines emphasize how proper alignment can enable low-cost trails to be more sustainable and less expensive to construct and maintain than relying upon expensive technical fixes fraught with high labor, material and maintenance costs.

CONTENTS OF THE PROPOSAL DOCUMENT:

In order to facilitate DNR review and evaluation, proposals should be organized as follows:

1. Describe the proposed work plan, including all major tasks, timeframes and deliverables;
2. Identify assumptions or limitations implicit in your proposal involving either parties role and/or responsibilities in discharging this project;
3. Describe requested compensation for services, including a detailed breakdown of all costs by category and/or major task, hourly labor charges, travel costs, and other project-related expenses in a separate sealed envelope;
4. Consultant's contact information, qualifications and resumes of key personnel assigned to the project. Describe proposed project management structure, communications, supervision and work flow.
5. Describe relevant expertise and project experience, including professional references and past client list,
6. Disclose any potential conflicts of interest as prohibited under state and local laws.

MAJOR TASKS, DELIVERABLES & TIMEFRAME:

Major tasks to include:

Chapter Outlines - Develop and submit detailed topical outlines for all remaining chapters. Suggest major headings, section and subsection titles. Estimate chapter length and graphics needs. Describe anticipated content and level of detail (completed within first month of contract).

Draft Chapters - Develop and submit draft chapters for DNR and peer review (submitted at rate of two chapters per month).

Final Chapters - Prepare final drafts based upon DNR and other comments (final chapter version to be submitted by the 10th of the month following finalization).

Supporting Documentation - Submit print-ready electronic copy w/all final text, formatting, photography, illustrations, insets and captions, artwork and graphics. DNR will print and bind the final report (submitted within the 11th month of the contract).

Contract Completion - Estimated timeframe for completion is approximately 11 months. Final payment will be made upon official DNR acceptance of the final report (submitted within the 12th and final month of the contract).

In terms of pages, the original contractor estimates the guidelines to be about 50% complete in draft form. However, because many of

the most difficult sections were written first, the remaining material is expected to be somewhat simpler and quicker to write. Visits to and photography of Minnesota trails are encouraged. MN DNR will arrange meetings, site visits and trail tours with field staff as necessary.

The guidelines are written to be printed as a full-color cyan, magenta, yellow, black (CMYK) book which can be delivered to a book manufacturer with all electronic prepress complete. Existing drafts are written in print-ready format, making it possible to go to press very quickly without additional layout and graphics production. The only step necessary before going to print is to replace low resolution placeholder files of scanned photos with appropriately sized CMYK versions. Being in print-ready format also ensures that what reviewers see is what they get. While this speeds the overall project by bypassing a major, expensive step, it does add considerably to the time required to produce draft pages. Page size is letter size (8.5" by 11").

DNR RESPONSIBILITIES:

Responsibilities of the Minnesota Department of Natural Resources in discharging this contract will include:

- Assist the contractor by sharing all available project materials and supporting documentation;
- Attend regular meetings with Project Managers in order to maintain focus, resolve issues, and to ensure that the project is completed satisfactorily on-time and within budget;
- Copy and distribute chapter drafts as necessary for review;
- Review and comment on all draft materials in a timely and useful fashion;
- Arrange site visits to DNR recreation facilities and/or meetings with DNR Field Staff, as necessary;
- Assist the contractor in conducting the 30-day peer and constituent review of (portions of) the Draft Report;
- DNR's Project Manager will serve as the primary liaison between the contractor and MN DNR.
- Compensate the contractor in a timely fashion according to terms of the final written contract.

SELECTION CRITERIA:

The DNR will evaluate proposals submitted in response to the RFP on the basis of:

- Project approach and work plan, including total hours devoted to the project (10%);
- Completeness of the proposal and demonstrated understanding of the importance and complexity of the work (20%);
- Practical experience and professional competence, including past performance on similar assignments (10%);
- Experience in the field of recreational trail design and development, and expertise in desktop publishing (20%);
- Projected cost; including total cost estimate, cost distribution, and estimated project expenses (20%);
- Capacity to perform the work within the designated time frame, and (10%);
- Availability of Project Principals and Project Staff to meet with the DNR Project Manager and (possibly) with DNR Staff reviewers during the contract period (10%).

CONTRACT PERIOD:

Work on requested services shall begin about March 1, 2004 and be completed by January 31, 2005.

CONTACT PERSON:

For more information about this Request for Proposals, to submit a completed proposal, or to obtain a copy of draft Trail Guidelines materials completed by the initial contractor, please contact:

Brian D. McCann, Recreation Planner
Minnesota Dept of Natural Resources
Box 52, 500 Lafayette Road
St. Paul, Minnesota 55155-4052
Phone: (651) 296-8397 or Toll Free 1-888-MINNDNR
Email: brian.mccann@dnr.state.mn.us

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.

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.

State Contracts

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.

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 Availability - Metropolitan Livable Communities Act Funding Tax Base Revitalization Account

Purpose: The Metropolitan Livable Communities Act (*Minnesota Statutes 473.25*) created a **Tax Base Revitalization Account** to make grants to clean up contaminated land for subsequent commercial/industrial redevelopment, job retention and job growth. Applications will be prioritized to the extent that they address the following: increase local tax base; create net gain in regional jobs; demonstrate market demand for proposed site; supplement a previously approved project; preserve and/or increase living wage jobs; improve the environment by reducing human health risk; promote compact development; provide living wage jobs; leverage private investment; and make more efficient use of current infrastructure capacity. Local community affordable housing and life-cycle housing performance will leverage the selection process. This program is being coordinated with complementary programs at the MN Pollution Control Agency (MPCA) and the MN Department of Employment and Economic Development (DEED).

Eligible Applicants: Statutory or home rule charter cities participating in the Metropolitan Livable Communities Housing Incentives Program are eligible to apply. Metropolitan counties (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington) and development authorities (e.g., Housing and Redevelopment Authority, Economic Development Authority or Port Authority) may apply for projects in eligible communities.

Non-State Contracts & Grants

Submission Date: An original and two (2) copies of each application are due at the Metropolitan Council, Attn: Kristina Smitten, 230 E. Fifth St., St. Paul, MN 55101, by **5 p.m., Monday May 3, 2004.**

Amount Available: Approximately \$2.6 million will be available for grants awarded this cycle. Grants will be awarded on a competitive basis. If applications for grants exceed the available funds for this cycle, no more than one-half of the funds may be granted to projects in a single city, and no more than three-quarters of the funds may be granted to projects located in cities of the first class.

Obtain Information: For a copy of the grant application guide and format, contact Kristina Smitten, Metropolitan Council at (651) 602-1535 or 291-0904 (TTY) or via **e-mail** kristina.smitten@metc.state.mn.us. The application form may be copied from the Metropolitan Council **web site** at www.metrocouncil.org under the topic "Livable Communities."

Metropolitan Council

Notice of Request for Proposals for Minnesota River Oxygen Dynamics Assessment

RFP Number 03P099

NOTICE IS HEREBY GIVEN that the Metropolitan Council is soliciting proposals to conduct a comprehensive assessment of oxygen dynamics in the lower 40 miles of the Minnesota River. This assessment includes the field measurement and analysis of re-aeration, diffusion, community oxygen metabolism, water-column production and respiration, community substrate oxygen demand, and sediment oxygen demand rates. The results will be used to develop a water-quality model.

Fieldwork is dependent on summer low flow conditions and must be conducted as soon as conditions are favorable, that is, as early as summer 2004 but no later than summer 2006.

The *tentative* schedule for this process is:

<i>RFP Issue Date</i>	January 20, 2004
<i>Proposals Due</i>	February 19, 2004
<i>Consultant Selection</i>	February-March, 2004
<i>Contract Award</i>	March, 2004
<i>Contractor Preparation Complete</i>	May 31, 2004
<i>Earliest Fieldwork</i>	Summer 2004
<i>Latest Contract Completion</i>	December, 2006

The Metropolitan Council owns, operates and provides wastewater treatment services to the seven-county Twin Cities Metro Region.

All firms interested in this project should submit a written request for a copy of the RFP through:

Harriet Simmons, Sr. Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council
Mears Park Centre
230 E. Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1086
Fax: (651) 602-1138
E-mail: harriet.simmons@METC.state.mn.us

Please provide the name of **ONE** contact person; complete company name; address/city/state/zip along with phone/fax/cell phone and pager numbers as well as e-mail information if you wish to be placed on the Solicitation List. **All other inquiries** regarding this procurement shall be directed by e-mail to Hugh McConnell at: hugh.mccconnell@metc.state.mn.us. **Any other contact with Council employees on this matter throughout the entire solicitation process risks vendor disqualification.**

University of Minnesota

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

The University of Minnesota offers 24 hour/day, 7 day/week access to all Request for Bids/Proposals through its web based Bid Information Services (BIS). Subscriptions to BIS are \$75/year. Visit our web site at bidinfo.umn.edu or call the BIS Coordinator at (612) 625-5534.

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



Admin MINNESOTA

Department of Administration

660 Olive Street • St. Paul, Minnesota 55155
Metro Area 651-297-3000; FAX 651-297-8260
Toll Free 1-800-657-3757

Web Site: <http://www.comm.media.state.mn.us>
Metro Area 651-282-5077 Greater MN 1-800-657-3706

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

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

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

Name or Company		Subtotal	
Attention		6 1/2 % tax MN residents	
Address		7% St. Paul residents	
City	State	Zip	Add Shipping Charges from chart at left.
American Express/VISA/MasterCard/Discover No.			TOTAL
Signature	Expiration Date	Telephone (During Day)	



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 SR004