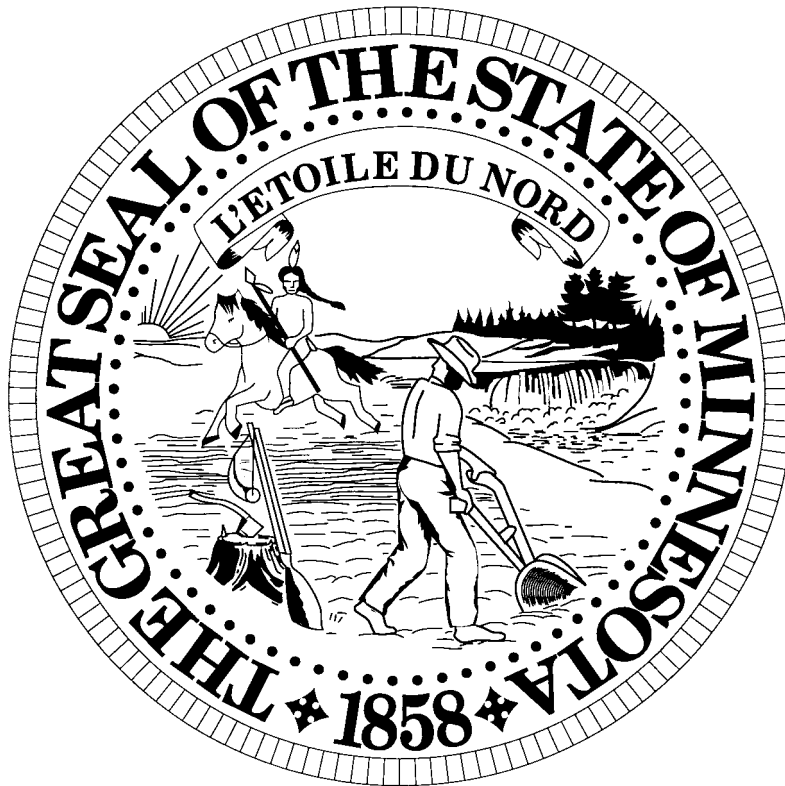


State of Minnesota

# State Register

Rules and Official Notices Edition



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# State Register

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- proclamations and commendations
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#44	Monday 3 May	Noon Tuesday 27 April	Noon Wednesday 21 April
#45	Monday 10 May	Noon Tuesday 4 May	Noon Wednesday 28 April
#46	Monday 17 May	Noon Tuesday 11 May	Noon Wednesday 5 May
#47	Monday 24 May	Noon Tuesday 18 May	Noon Wednesday 12 May

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# Minnesota Rules: Amendments and Additions

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

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

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

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

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

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# Proposed Rules

## Comments on Planned Rules or Amendments

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

## Rules to be Adopted After a Hearing

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

## Rules to be Adopted Without a Hearing

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

## Department of Public Safety

### Proposed Permanent Rules Relating to Chemical Tests for Intoxication

#### NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

#### Proposed Expedited Rule Governing Chemical Tests For Intoxication, *Minnesota Rules*, 7502.

**Introduction.** The Department of Public Safety intends to adopt rules following the expedited rulemaking procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, section 14.389, and *Minnesota Rules*, part 1400.2410. You may submit written comments on the proposed rule until June 2, 2004.

**Contact Person.** Comments or questions on the rule must be submitted to: Glenn Hardin, Toxicology Supervisor, Minnesota Bureau of Criminal Apprehension, 1430 Maryland Avenue East, St. Paul, MN 55104, **Phone:** (651) 793-2751, **FAX:** (651) 793-2901 and **email** [glenn.hardin@state.mn.us](mailto:glenn.hardin@state.mn.us). TTY users may call the Department of Public Safety at (651) 282-6555.

**Subject of Rules and Statutory Authority.** The proposed rules concern intoxication testing in the State of Minnesota pursuant to our DWI laws. These rules set forth what instruments are approved for use as evidentiary instruments for determining the alcohol concentration of a breath sample. The effect of these rules is to provide Minnesotans with the most accurate and reliable testing available, both today and in future, resulting in greater protections for the test subject. The proposed rules are authorized by *Minnesota Statutes*, section 169A.75. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have 30 days, until 4:30 p.m. on Wednesday, June 2, 2004, to submit written comment in support of or in opposition to the proposed rules. Your comment must be in writing and received by Glenn Hardin by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rule must also be made during this comment period.

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

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

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

# Proposed Rules

**Adoption and Review of Rules.** The Department of Public Safety 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 rule is submitted to the office. If you want to be so notified, you want to receive a copy of the adopted rule, or you want to register with the Department of Public Safety to receive notice of future rule proceedings, submit your request to the contact person listed above.

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

Dated: 20 April 2004

Michael Campion, Acting Commissioner  
Minnesota Department of Safety

## 7502.0420 INSTRUMENTS FOR ANALYZING BREATH SAMPLES.

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

Subp. 3. **Intoxilyzer Model 5000EN; list of approved instruments.** ~~The Intoxilyzer Model 5000EN instrument, Series 68, commonly referred to as the Minnesota Model, identified by the serial number 68-01 and followed by four digits, which uses infrared technology, is approved for use in this state for the purpose of determining the alcohol concentration of a breath sample. This approved model instrument includes all operational specifications that utilize software updates and changes through Software Version G1408.55 and Slave 75\_0037. The following instruments are approved for use in this state for the purpose of determining the alcohol concentration of a breath sample:~~

<u>Manufacturer</u>	<u>Model</u>	<u>Specifications</u>
<u>CMI, Inc.</u>	<u>Intoxilyzer 5000EN</u>	<u>Software Version G1408.43 and Slave 75_0037</u>
<u>CMI, Inc.</u>	<u>Intoxilyzer 5000EN</u>	<u>Software Version G1408.55 and Slave 75_0037</u>
<u>CMI, Inc.</u>	<u>Intoxilyzer 5000EN</u>	<u>Software Version G1408.56 and Slave 75_0240</u>

## Adopted Rules

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

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

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

## Department of Agriculture

### Adopted Permanent Rules Relating to Farmer-Lender Mediation

The rules proposed and published at *State Register*, Volume 28, Number 32, pages 981-984, February 9, 2004 (28 SR 981), are adopted with the following modifications:

#### 1502.0010 PROOF OF FILING MEDIATION REQUEST.

When a debtor files a mediation request with the statewide program office, the mediation request must be filed by certified mail using return receipt ~~or~~ by actual delivery of the mediation request with a signed receipt of the statewide program office, by facsimile with a receipt returned by facsimile, or electronically with a receipt returned electronically.

#### 1502.0012 FINANCIAL ANALYST AND FARM ADVOCATE.

Within three business days of receiving a mediation request, the statewide program office shall provide a financial analyst to meet with the debtor at the orientation session and as necessary to prepare the debtor's records before the initial mediation meeting. The statewide program office shall provide the debtor with information on obtaining, without charge, a Department of Agriculture farm advocate to assist the debtor ~~and the financial analyst.~~ This information must include a list of farm advocates and an explanation

of the farm advocates services, as provided by the Minnesota Farm Advocate Program. The statewide program office shall provide the debtor with information on the availability of legal assistance to financially eligible debtors through the Minnesota Family Farm Law Project.

## Expedited Emergency Rules

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

## Department of Natural Resources

### Adopted Expedited Emergency Game and Fish Rules; Waters with Restrictions and Designated Special Management Waters

#### Adopted Expedited Emergency Game and Fish Rules: Waters with Restrictions on Taking Fish; Designated Special Management Waters

**NOTICE IS HEREBY GIVEN** that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of the rules is *Minnesota Statutes*, sections 97A.045, subd. 2, 97C.005, and 97C.401.

The emergency conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, are that under the terms of the Federal District Court the Mille Lacs Band, Fond Du Lac Band, and six Wisconsin Bands of Chippewa are not required to declare their harvest intentions on inland waters until mid-March. The Mille Lacs proposed regulations are based on a safe harvest level determined for 2004. Final harvest threshold levels to be included in the proposed rules were not available until March, and the new regulations need to be in place by the May 15 fishing opener.

Dated: April 14, 2004

Gene Merriam  
Commissioner of Natural Resources

#### 6262.0550 WATERS WITH RESTRICTIONS ON TAKING FISH.

The commissioner may modify seasons and limits under *Minnesota Statutes*, section 84.027, subdivision 13, or sections 97A.0451 to 97A.0459, to accommodate tribal declarations for fish harvest in the 1837 Ceded Territory in compliance with the court ruling in *Mille Lacs Band of Chippewa v. Minnesota*, 119 S. Ct. 1187 (1999). Changes shall be posted at water access sites and the Department of Natural Resources Web site. The following waters have restrictions on the possession of fish:

While a person is on or fishing in the following waters, all northern pike in possession must be less than 24 inches in length or greater than 36 inches in length. All northern pike that are 24 to 36 inches in length, inclusive, must be immediately returned to the water. A person's possession limit may not include more than one northern pike over 36 inches in length.

<u>Name</u>	<u>Location</u>	<u>County</u>
<u>Ogechie Lake</u>	<u>T.42, R.27, S.4,5,8</u> <u>T.43, R.27, S.33</u>	<u>Mille Lacs</u>

#### 6264.0400 DESIGNATED SPECIAL MANAGEMENT WATERS.

[For text of subps 2 and 3, see M.R.]

##### Subp. 4. Mille Lacs Lake and associated tributaries special management regulations.

A. While a person is on or fishing in Mille Lacs Lake or its associated tributaries to the posted boundaries, the daily possession limit for walleye is four. Except as provided in ~~item~~ items B, C, and D, ~~all walleye in possession~~ while a person is on or fish-

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

# Expedited Emergency Rules

ing in Mille Lacs Lake or its associated tributaries to the posted boundaries, all walleye in possession must be ~~from 14 inches to less than 20 inches in length, inclusive or greater than 28 inches in length.~~ All walleye that are ~~less than 14 inches or greater than 20 to 28 inches in length, inclusive,~~ must be immediately returned to the water.

B. Notwithstanding item A and except as provided in items C and D, from July 15 to November 30, while a person is on or fishing in Mille Lacs Lake or its associated tributaries to the posted boundaries, all walleye in possession must be less than 22 inches in length or greater than 28 inches in length. All walleye that are 22 to 28 inches in length, inclusive, must be immediately returned to the water.

C. If walleye kill estimates for winter and open water fishing exceed 380,000 pounds any time prior to August 16, then the size limit changes according to this item. While a person is on or fishing in Mille Lacs Lake and its associated tributaries to the posted boundaries, all walleye in possession must be 14 to 16 inches in length, inclusive. All walleye that are less than 14 inches in length or greater than 16 inches in length must be immediately returned to the water. If this item is implemented, it is effective from five days after notice of the change is posted on the Department of Natural Resources Web site until November 30.

D. Notwithstanding ~~item~~ items A, B, and C, a person's possession limit may include one walleye over ~~26~~ 28 inches in length.

~~C. All northern pike in possession~~ E. While a person is on or fishing in Mille Lacs Lake or its associated tributaries to the posted boundaries, all northern pike in possession must be less than ~~26~~ 24 inches in length or greater than 36 inches in length. All northern pike that are ~~from 26~~ 24 to 36 inches in length, inclusive, must be immediately returned to the water. A person's possession limit may not include more than one northern pike over 36 inches in length.

~~D. F.~~ The possession limit for smallmouth bass is one. ~~All smallmouth bass in possession~~ While a person is on or fishing in Mille Lacs Lake or its associated tributaries to the posted boundaries, all smallmouth bass must be 21 inches or greater in length. All smallmouth bass less than 21 inches in length must be immediately returned to the water.

~~E. G.~~ Mille Lacs Lake is closed to the taking of fish between the hours of 10 p.m. and 6 a.m. daily during the period commencing at 10 p.m. on the Monday following the Saturday two weeks prior to the Saturday of Memorial Day weekend and ending at 12:01 a.m. on Monday, four weeks after the date of commencement. During the closure, no person shall be on the waters of Mille Lacs Lake while having in possession any equipment whereby fish may be taken. Sparring is prohibited from December 1 through April 30. A person may not have a spear in possession while on or fishing in Mille Lacs Lake during this period.

~~F. H.~~ The commissioner may modify seasons and limits under *Minnesota Statutes*, section 84.027, subdivision 13, or sections 97A.0451 to 97A.0459, to accommodate tribal declarations for fish harvest in the 1837 Ceded Territory in compliance with the court ruling in *Mille Lacs Band of Chippewa v. Minnesota*, 119 S.Ct. 1187 (1999). Changes shall be posted at water access sites and the Department of Natural Resources Web site.

I. While a person is on or fishing in Mille Lacs Lake or its associated tributaries to the posted boundaries, the possession and daily limit for northern cisco (tullibee) is ten fish.

J. Fish that are taken by angling and not immediately released into the water after capture are considered to be in possession and part of the bag limit. Once a fish has been reduced to possession, no culling or live-well sorting (the act of exchanging one fish for another) is allowed.

Name	Location	County
Mille Lacs	T.42-45, R.25-28, S. Various	Aitkin, Mille Lacs
<u>Borden Creek</u>	<u>T.44, R.25, S.5</u>	<u>Aitkin</u>
<u>Seastade Creek</u>	<u>T.45, R.26, S.22</u>	<u>Aitkin</u>
<u>Marmon (Twenty) Creek</u>	<u>T.45, R.25, S.32</u>	<u>Aitkin</u>
<u>Grave Creek</u>	<u>T.45, R.25, S.8</u>	<u>Aitkin</u>
<u>Peterson Creek</u>	<u>T.43, R.25, S.5</u>	<u>Mille Lacs</u>
<u>Thains River (Malone Creek)</u>	<u>T.42, R.25, S.2</u>	<u>Mille Lacs</u>
<u>West Sucker Creek</u>	<u>T.42, R.25, S.18</u>	<u>Mille Lacs</u>
<u>South Sucker Creek</u>	<u>T.42, R.25, S.18</u>	<u>Mille Lacs</u>
<u>Garrison (Borden) Creek</u>	<u>T.44, R.28, S.12</u>	<u>Crow Wing</u>
<u>Seguchie Creek</u>	<u>T.44, R.28, S.36</u>	<u>Crow Wing</u>
<u>Reddy Creek</u>	<u>T.45, R.26, S.23</u>	<u>Aitkin</u>



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# Expedited Emergency Rules

<u>Whitefish Creek</u>	<u>T.43, R.27, S.7</u>	<u>Mille Lacs</u>
<u>Seventeen Creek</u>	<u>T.44, R.25,</u> <u>S.17,18,29</u>	<u>Aitkin</u>
<u>Cedar Creek</u>	<u>T.43, R.25, S.15</u>	<u>Mille Lacs</u>
<u>McCleans Creek</u>	<u>T.45, R.27, S.34</u>	<u>Aitkin</u>
<u>Unnamed</u>	<u>T.43, R.25, S.8</u>	<u>Mille Lacs</u>
<u>Unnamed</u>	<u>T.42, R.26, S.11</u>	<u>Mille Lacs</u>
<u>Unnamed</u>	<u>T.42, R.26, S.22</u>	<u>Mille Lacs</u>
<u>Unnamed</u>	<u>T.43, R.27, S.8</u>	<u>Mille Lacs</u>
<u>Unnamed</u>	<u>T.43, R.27, S.6</u>	<u>Mille Lacs</u>
<u>Unnamed</u>	<u>T.43, R.27, S.21</u>	<u>Mille Lacs</u>
<u>Unnamed</u>	<u>T.44, R.27, S.31</u>	<u>Crow Wing</u>
<u>Unnamed</u>	<u>T.44, R.28, S.36</u>	<u>Crow Wing</u>
<u>Unnamed</u>	<u>T.44, R.27, S.4</u>	<u>Aitkin</u>
<u>Unnamed</u>	<u>T.45, R.27, S.25</u>	<u>Aitkin</u>
<u>Unnamed</u>	<u>T.44, R.25, S.29</u>	<u>Aitkin</u>
<u>Unnamed</u>	<u>T.44, R.25, S.31,32</u>	<u>Aitkin</u>
<u>Unnamed</u>	<u>T.44, R.28, S.24</u>	<u>Crow Wing</u>
<u>Unnamed</u>	<u>T.44, R.28, S.13</u>	<u>Crow Wing</u>
<u>Rum River</u>		
<u>outlet</u>	<u>T.43, R.27, S.33</u>	<u>Mille Lacs</u>

[For text of subs 5 to 32, see M.R.]

**REPEALER.** The expedited emergency amendments to *Minnesota Rules*, parts 6262.0550 and 6264.0400, subpart 4, published in the *State Register*, volume 27, page 1636, May 5, 2003, are repealed.

**EFFECTIVE DATE.** The emergency amendments to *Minnesota Rules*, parts 6262.0550 and 6264.0400, subpart 4, and the repealer are effective May 15, 2004.

## Official Notices

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

## Board of Investment

### Meeting Notice for State Board of Investment Administrative Committee

The State Board of Investment Administrative Committee will meet on Thursday, May 13, 2004 in the SBI Conference Room, Suite 355, 60 Empire Drive, St. Paul, MN at 1:30 P.M.

## Board on Aging

### Notice of Publication of Revised Intrastate Funding Formula for Review and Comment

In accordance with Section 305(d) of the Older Americans Act, the Minnesota Board on Aging hereby publishes its revised Intrastate Funding Formula for review and comment. All comments regarding the proposed formula must be in writing and must be submitted no later than 3:00 PM Monday, May 24, 2004 to:

Executive Director  
Minnesota Board on Aging  
444 Lafayette Road, 4S  
St. Paul, MN 55155-3843

After review and consideration of all comments, the Board intends to take final action on the intrastate funding formula at its June 18, 2004 meeting. The effective date for implementation of the formula will be January 1, 2005.

# Official Notices

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## INTRASTATE FUNDING FORMULA

The Minnesota Board on Aging shall designate an Area Agency on Aging to serve each designated Planning and Service Area. Older Americans Act and State of Minnesota funds are distributed by means of an allocation formula.

### A. Formula Goals and Assumptions

1. Goals of the intrastate funding formula are to
  - allocate federal and state funds equitably throughout the state;
  - meet the requirements of the Older Americans Act for the allocation of funds;
  - reflect the proportionate distribution of persons age 60 and over in each planning and service area; and
  - give preference to populations over age 60 with greatest social and economic need, as defined in the Older Americans Act, with special attention to low income minority populations.
2. Assumptions on which the intrastate funding formula is based are that
  - particular attention should be given to the needs of Older Native Americans living on reservations;
  - the distribution of direct service funds should reflect the needs and circumstances unique to providing services to and administering programs for older persons in rural and less populated areas of the state;
  - the distribution of administrative funds should allow designated area agencies on aging to meet the minimum requirements of MBA standards and guidelines;

### B. Statement of Funding Formula

#### 1. Area Plan Administration - Title III-3A

After application of amounts used under section 308(b) for state agency administration, the Minnesota Board on Aging shall take 10% of its combined allotments for supportive services, congregate nutrition services, home delivered meal services, disease prevention and health promotion services, and family caregiver funds for Area Plan administration. Funds shall be taken in the same proportion as each fund contributes to the total remaining, with the exception of funds for family caregivers and disease prevention and health promotion and set-aside amounts for the Indian Area Agency on Aging. Remaining funds shall be distributed according to the factors of:

- a. population 60+ (55%);
- b. low income 65+ (20%);
- c. minority 60+ (10%);
- d. persons age 65+ in non-urbanized (rural) areas (10%); and
- e. population density of persons age 60+ in each planning and service area as a ratio compared to the statewide average population density of persons age 60 (5%).

#### 2. Direct Service - Title III-B funds for Supportive Services

After deleting amounts for state agency administration, operation of the long term care ombudsman program, area agency administration and the Indian Area Agency on Aging, the Minnesota Board on Aging shall distribute the balance funds according to the factors of:

- a. population 60+ (55%);
- b. low income 65+ (20%);
- a. minority 60+ (10%);
- b. persons age 65+ in non-urbanized (rural) areas (10%); and
- c. population density of persons age 60+ in each planning and service area as a ratio compared to the statewide average population density of persons age 60+ (5%).

Funds available to area agencies on aging for program development and coordination activities shall be taken from the direct service allocation. Area agency on aging requests for specific amounts will be considered as part of the area plan and budget approval process.

#### 3. Direct Service - Titles III-C1 and III-C2 and State of Minnesota funds for Nutrition Services

After deleting amounts for state agency administration, area agency administration and the Indian Area Agency on Aging, the Minnesota Board on Aging shall distribute the balance of funds according to the factors of:

- a. population 60+ (55%);
- b. low income 65+ (20%);
- c. minority 60+ (10%);

- d. persons age 65+ in non-urbanized (rural) areas (10%); and
- e. population density of persons age 60+ in each planning and service area as a ratio compared to the statewide average population density of persons age 60+ (5%).

**4. Direct Service - Title III-D funds for Disease Prevention and Health Promotion Services**

After deleting amounts for the Indian Area Agency on Aging, the Minnesota Board on Aging shall distribute the balance of funds according to the following factors:

- a. population 60+ (55%);
- b. low income 65+ (20%);
- c. minority 60+ (10%);
- d. persons age 65+ in non-urbanized (rural) areas (10%); and
- e. population density of persons age 60+ in each planning and service area as a ratio compared to the statewide average population density of persons age 60+ (5%).

**5. Direct Service - Title III-E funds for Family Caregiver Support Services**

After deleting amounts for state agency administration, area agency administration and the Indian Area Agency on Aging, the Minnesota Board on Aging shall distribute the balance of funds according to the following factors:

- a. population 60+ (55%);
- b. low income 65+ (20%);
- c. minority 60+ (10%);
- d. persons age 65+ in non-urbanized (rural) areas (10%); and
- e. population density of persons age 60+ in each planning and service area as a ratio compared to the statewide average population density of persons age 60+ (5%).

General: "Set aside amounts" for the Indian Area Agency on Aging utilize the previous year's allocation levels plus or minus a percentage amount equal to changes in statewide totals available for distribution for each fund.

No planning and service area shall receive a total allocation of direct service funds that is less than 92% of the previous year's allocation of direct service funds. Should additional funds be necessary to maintain the 92% funding level for any planning and service area, they shall first be taken proportionately from the State of Minnesota direct service funds allocated to other planning and service areas, and then proportionately from federal funds allocated to other planning and service areas.

No planning and service area shall receive an allocation of administrative funds that is less than 95% of the previous year's allocation of administrative funds. Should additional funds be necessary to maintain the 95% funding level for any planning and service area, they shall be taken proportionately from the federal administrative funds allocated to other planning and service areas.

**C. Data Utilized**

The Minnesota Board on Aging shall use the data from the most recent Census for the factors of 1) population 60+, 2) low income 65+, 3) minority 60+, 4) population 65+ in non-urbanized areas and 5) density for the 60+ population.

**D.** A demonstration of the allocation of funds, pursuant to the proposed funding formula, is as follows:

**APPROXIMATE ALLOCATIONS**

FUND	TITLE	TITLE	TITLE	TITLE	TITLE	TITLE	STATE	STATE	STATE	STATE	TOTALS
	III-3A	III-B	III-C1	III-C2	III-D	III-E	NUTRN-C1	NUTRN-C2	NUTRN	NSS EXPANSION	
Northwest PSA	202,367	466,141	643,129	291,997	41,984	255,806	196,658	22,864	41,026	20,513	2,182,485
Arrowhead PSA	155,461	374,869	517,202	224,911	33,763	195,605	145,101	16,396	31,452	15,150	1,709,910
Central PSA	218,541	508,740	701,902	318,682	45,821	279,183	214,630	24,954	44,775	22,388	2,379,616

# Official Notices

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Southwest PSA	268,276	556,575	767,899	389,830	50,129	347,450	344,801	50,202	51,725	35,684	2,862,571
Southeast PSA	168,828	406,133	560,336	244,822	36,579	213,097	156,917	17,517	34,546	16,388	1,855,163
Metro PSA	613,590	1,475,166	2,035,267	902,376	132,863	787,405	539,832	53,850	129,833	56,556	6,726,738
Indian PSA	51,598	78,123	184,334	56,848	6,635	30,696	29,750	5,460	6,630	3,316	453,390

## Department of Commerce

### REQUEST FOR COMMENTS on Possible Waiver of *Minnesota Statutes* Sections 62A.316 and Other Applicable Statutes and Rules Governing the Issuance of Medicare Supplement Policies for a Proposed Demonstration Project

#### Background

Blue Cross Blue Shield of Minnesota (“BCBSM”) has submitted a request to the Commissioner of Commerce for the authority to proceed with a Medicare supplement demonstration project authorized under *Minnesota Statutes* Section 62A.421. If granted, BCBSM intends to issue policies that would not comply with *Minnesota Statutes* Section 62A.316(b)(4) which sets forth specific mandates for Basic and Extended Basic Medicare supplement plans issued to Minnesota residents. In accordance with *Minnesota Statutes* Section 62A.421, BCBSM has asked for a waiver in order to proceed with the demonstration project.

#### Persons Affected

The waiver would affect members of BCBSM who choose to purchase Medicare supplement policies.

#### Statutory Authority

*Minnesota Statutes* Section 62A.421 requires the Commissioner of Commerce to provide an opportunity for the public to comment before granting a waiver of compliance with any statute or rule for demonstration project applicants.

#### Request for Comments

The Commissioner of Commerce requests comments on the possible waiver of statutes governing Medicare supplement policies intended for issue to subscribers of BCBSM. Interested persons or groups may submit comments or information until 4:30 p.m. on June 2, 2004.

#### Agency Contact Person

Written comments, questions, and request for additional information on the possible waiver should be directed to: Brian Pennington, **telephone** (651) 296-8218; **fax** (651) 284-4106; or **email** [brian.pennington@state.mn.us](mailto:brian.pennington@state.mn.us)

## Department of Employment and Economic Development

### Notice of Public Hearing on the State Plan for Independent Living

**WHAT:** The Minnesota Department of Employment and Economic Development's Independent Living Section, and the Statewide Independent Living Council (SILC) invite public comments on the proposed State Plan for Independent Living (SPIL). The SPIL guides the direction and expansion of IL programs and services statewide.

**WHY:** To remain eligible for Federal Independent Living funds, the State of Minnesota must develop and submit to the U.S. Department of Education, Rehabilitation Services Administration, a new SPIL every three years. The deadline for submitting this SPIL is June 30, 2004. With final approval from the Rehabilitation Services Administration, this SPIL will be effective from October 1, 2004 through September 30, 2007.

**WHEN:** June 3, 2004 from 1:00 to 3:00 p.m.

**WHERE:** Minnesota Department of Employment and Economic Development, lower level, 390 N. Robert Street, St. Paul.

**WHO SHOULD ATTEND:** Consumers of IL services, IL service-providers, other providers of disability-related services, other interested individuals.

For more information, or to obtain a print, formatted or electronic copy of the SPIL prior to the public hearing, phone (800) 328-9095, or (651) 296-5085, or TTY (651) 296-3900. You may also e-mail your questions or requests for advance copies of the SPIL to:

*William.bauer@state.mn.us*

Print and formatted copies of the proposed SPIL will also be available at the public hearing site. ASL interpreters will be present at the public hearing. The public hearing site fully accessible to people with physical disabilities.

## **Higher Education Facilities Authority**

### **Notice of Public Hearing on Revenue Obligations**

**NOTICE IS HEREBY GIVEN** that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds or other obligations on behalf of Gustavus Adolphus College (the "College"), as owner and operator of Gustavus Adolphus College, at the Authority's offices at Suite 450, 380 Jackson Street, St. Paul, Minnesota, on May 19, 2004 at 2:00 p.m. Under the proposal, the Authority would issue its revenue bonds or other obligations in an original principal amount of up to approximately \$18,285,000 to finance: (i) the acquisition, construction, furnishing and equipping of an approximately 75,000 square foot 200-bed apartment-style student housing facility; (ii) the installation of fire sprinkling systems in all of the College's residential halls, aggregating approximately 397,000 square feet; and (iii) the renovation and equipping of the approximately 22,000 square foot Old Main building (collectively, the "Project"). The Project will be owned and operated by the College and located on the College's campus the principal street address of which is 800 West College Avenue, St. Peter, Minnesota 56082.

At said time and place the Authority shall give all parties who appear or who have submitted written comments an opportunity to express their views with respect to the proposal to undertake and finance the Project.

Dated May 3, 2004

## **Minnesota Historical Society**

### **State Review Board Regular Meeting**

A meeting of the State Review Board of the Minnesota Historical Society to consider nominations to the National Register of Historic Places will be held on Tuesday, May 18, 2004, in the Cargill Commons, MacMillan Education Wing, Minnesota Historical Society History Center, St. Paul, Minnesota. The State Review Board will meet at 7:00 p.m. for an informational presentation on program activities made by the Preservation Office staff. The meeting will be called to order and consideration of the meeting's agenda will begin at 7:30 p.m. A sign language interpreter is available with one weeks notice, and auxiliary aids are available with two weeks notice. Call (651) 296-5434, or TTY 800-627-3529. For further information contact the State Historic Preservation Office, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102, (651) 296-5434.

## **Department of Human Services**

### **Health Care Purchasing and Delivery Systems Division**

#### **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: 1) the federal or state MAC, plus a dispensing fee; 2) the submitted usual and customary charge to the general public; or 3) 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), December 15, 2003 (28 SR 784-785), January 26, 2004 (28 SR 934-935), March 8, 2004 (28 SR 1089-1090), April 5, 2004 (28 SR 1232), and April 19, 2004 (28 SR 1313-1314).

# Official Notices

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Effective May 4, 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>
14179	RIBAVIRIN	200 MG	5.292
43704	IMMU GLOBULIN,GAMMA (IGG)	PER/GRAM	80.916
43705	IMMU GLOBULIN GAMMA (IGG)	PER/GRAM	80.916
43707	IMMU GLOBULIN,GAMMA (IGG)	PER/GRAM	80.916

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 \$70,000 for the rest of 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](mailto:cody.wiberg@state.mn.us)

## Natural Resources Department

### Division of Ecological Services

#### Notice of Waters Identified and Designated as Infested Waters

**NOTICE IS HEREBY GIVEN** by the Minnesota Department of Natural Resources that until further notice, the following waters in the state have been identified and designated as infested waters in *Minnesota Rules*, part 6216.0350. Activities at these waters are subject to *Minnesota Rules*, parts 6216.0100 to 6216.0600, *Minnesota Statutes*, section 84D.13, and other applicable laws. Additional waters are also listed that are in the process of designation or redesignation.

##### **Waters designated as infested with Eurasian water milfoil.**

The following water bodies are identified and designated by the commissioner as infested with Eurasian water milfoil (*Myriophyllum spicatum*).

<b>Name</b>	<b>DNR Protected Waters Inventory Number</b>
<b>Anoka County</b>	
Cenaiko Lake	02-0654
Centerville Lake	02-0006
Crooked Lake	02-0084
Lake George	02-0091
Otter Lake	02-0003
Unnamed lake (in Springbrook Nature Center)	02-0688
<b>Carver County</b>	
Lake Ann	10-0012
Auburn Lake	10-0044
Bavaria Lake	10-0019
Firemen's Lake	10-0226
Lotus Lake	10-0006
Lake Minnewashta	10-0009
Pierson Lake	10-0053
Riley Lake	10-0002
Schutz Lake	10-0018

Stone Lake	10-0056
Lake Virginia	10-0015
Lake Waconia	10-0059
Lake Zumbra	10-0041

**Chisago County**

Ellen Lake	13-0047
Green Lake	13-0041
Rush Lake	13-0069

**Crow Wing County**

Bay Lake	18-0034
Ruth Lake	18-0212

**Dakota County**

Crystal Lake	19-0027
Lac Lavon	19-0347
Lake Marion	19-0026
Twin Lakes	19-0028

**Douglas County**

Oscar Lake	21-0257
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**Hennepin County**

Arrowhead Lake	27-0045
Bass Lake	27-0098
Brownie Lake	27-0038
Bryant Lake	27-0067
Bush Lake	27-0047
Lake Calhoun	27-0031
Cedar Lake	27-0039
Christmas Lake	27-0137
Dutch Lake	27-0181
Eagle Lake	27-0111
Fish Lake	27-0118
Forest Lake	27-0139
Gleason Lake	27-0095
Lake Harriet	27-0016
Hiawatha Lake	27-0018
Lake Independence	27-0176
Lake of the Isles	27-0040
Libbs Lake	27-0085
Little Long Lake	27-0179
Long Lake	27-0160
Medicine Lake	27-0104
Minnehaha Creek	27-0000
Lake Minnetonka	27-0133
Niccum's Pond	private
Lake Nokomis	27-0019
Parker's Lake	27-0107
Peavy Lake	27-0138
Lake Rebecca	27-0192
Rice Lake	27-0116
Round Lake	27-0071
Lake Sarah	27-0191

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Schmidt Lake	27-0102
Swan Lake	27-0000
Tanager Lake	27-0141
Whaletail Lake	27-0184
Wirth Lake	27-0037

## **Itasca County**

Ice Lake	31-0372
McKinney Lake	31-0370

## **Kanabec County**

Knife Lake	33-0028
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## **Meeker County**

Stella Lake	47-0068
Lake Washington	47-0046

## **Mille Lacs County**

Lake Mille Lacs, and from the mouths of each tributary to Lake Mille Lacs upstream to the first public road	48-0002
	48-0000

## **Olmsted County**

George Lake	55-0008
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## **Pope County**

Gilchrist Lake	61-0072
Lake Minnewaska	61-0130

## **Ramsey County**

Bald Eagle Lake	62-0002
Lake Gervais	62-0007
Island Lake	62-0075
Keller Lake	62-0010
Phalen Lake	62-0013
Round Lake	62-0012
Silver Lake	62-0001
Spoon Creek (between Keller and Phalen lakes)	62-0000
Sucker Lake	62-0028
Lake Vadnais	62-0038
Lake Wabasso	62-0082
White Bear Lake	82-0167

## **St. Louis County**

Gilbert Pit Lake	69-1306
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## **Scott County**

Lower Prior Lake	70-0026
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## **Stearns and Todd County**

Sauk Lake	77-0150
unnamed wetland along the Clearwater River	73-0312

## **Washington County**

Powers Lake	82-0092
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White Bear Lake	82-0167
St. Croix River	82-0001

**Wright County**

Augusta Lake	86-0284
Beebe Lake	86-0023
Buffalo Lake	86-0090
Clearwater Lake	86-0252
Clearwater River (downstream of Clearwater L.)	86-0000
Lake Mary	86-0156
Little Waverly Lake	86-0106
Lake Pulaski	86-0053
Rock Lake	86-0182
Sugar Lake	86-0233
Waverly Lake	86-0114
Weigand Lake	86-0242

**Multiple Counties**

Mississippi River (downstream of St. Anthony Falls)

**Waters designated as infested with round goby.**

The following water bodies are identified and designated by the commissioner as infested with round goby (*Neogobius melanostomus*).

Name	DNR Protected Waters Inventory Number
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**Multiple Counties**

Lake Superior	16-0001
St. Louis River (downstream of the Fond du Lac dam)	

**Waters designated as infested with ruffe.**

The following water bodies are identified and designated by the commissioner as infested with ruffe (*Gymnocephalus cernuus*).

Name	DNR Protected Waters Inventory Number
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**Multiple Counties**

Lake Superior	16-0001
St. Louis River (downstream of the Fond du Lac dam)	

**Waters designated as infested with spiny water flea.**

The following water bodies are identified and designated by the commissioner as infested with spiny water flea (*Bythotrephes cederstroemi*).

Name	DNR Protected Waters Inventory Number
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**St. Louis County**

Fish Lake	69-0491
Island Lake	69-0372

**Multiple Counties**

Lake Superior	16-0001
Cloquet River (from Island Lake to the St. Louis River)	
St. Louis River (downstream of the Cloquet River)	

# Official Notices

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## **Waters designated as infested with white perch.**

The following water bodies are identified and designated by the commissioner as infested with white perch (*Morone americana*).

<b>Name</b>	<b>DNR Protected Waters Inventory Number</b>
<b>Multiple Counties</b>	
Lake Superior	16-0001
St. Louis River (downstream of the Fond du Lac dam)	

## **Waters designated as infested with zebra mussels.**

The following water bodies are identified and designated by the commissioner as infested with zebra mussel (*Dreissena* sp.).

<b>Name</b>	<b>DNR Protected Waters Inventory Number</b>
<b>Multiple Counties</b>	
Lake Superior	16-0001
Mississippi River (downstream of St. Anthony Falls)	
St. Louis River (downstream of the Fond du Lac dam)	

## **Waters identified as infested with Eurasian water milfoil and are in the process of designation.**

The following water bodies are identified as infested with Eurasian water milfoil (*Myriophyllum spicatum*) and are in the process of designation or redesignation by the commissioner.

<b>Name</b>	<b>DNR Protected Waters Inventory Number</b>
<b>Anoka County</b>	
Coon Lake	02-0042
Lake Peltier	02-0003
<b>Carver County</b>	
Burandt Lake	10-0084
Eagle Lake	10-0121
Parley Lake	10-0042
Steiger Lake	10-0045
Wasserman Lake	10-0048
<b>Crow Wing County</b>	
Ossawinnamakee Lake	18-0352
Ripple River, between Bay Lake and Tame Fish Lake	18-0000
<b>Dakota County</b>	
Schultz Lake	19-0075
Sunset Pond	19-0451
<b>Hennepin County</b>	
Galpin Lake	27-0144
Mitchell Lake	27-0070
unnamed wetland	27-0900
Wolfe	27.0664

<b>Isanti County</b>		
Green Lake		30-0136
<b>Itasca County</b>		
North Twin		31-0190
<b>Kandiyohi County</b>		
Green		34-0079
Norway		34-0251
<b>Le Seur County</b>		
East Jefferson Lake		40-0092
German Lake		40-0063
<b>Meeker County</b>		
Ripley		47-0134
<b>Morrison County</b>		
Lake Alexander		49-0079
<b>Pine County</b>		
Sand		58-0081
<b>Ramsey County</b>		
Kohlmans Lake		62-0006
Loeb		62-0231
McCarron Lake		62-0054
Lake Owasso		62-0056
Snail Lake		62-0073
Turtle Lake		62-0061
unnamed		62-0271
<b>Rice County</b>		
Cedar Lake		66-0052
<b>St. Louis County</b>		
Horseshoe Lake		69-0503
<b>Scott County</b>		
O'Dowd Lake		70-0095
Thole Lake		70-0120
Upper Prior Lake		70-0072
<b>Sherburne County</b>		
Little Elk Lake		71-0055
<b>Todd County</b>		
Little Birch		77-0089
<b>Washington County</b>		
Sunset Lake		82-0153
<b>Wright County</b>		
Deer Lake		86-0107
Fish Lake		86-0183
French Lake		86-0273

# Official Notices

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Goose Lake	86-0108
Howard Lake	86-0199
Indian Lake	86-0223
Mink Lake	86-0088
Ramsey Lake	86-0242

**Waters designated as infested with spiny water flea and are in the process of designation.**

The following water bodies are identified and designated by the commissioner as infested with spiny water flea (*Bythotrephes cederstroemi*) and are in the process of designation by the commissioner.

Name	DNR Protected Waters Inventory Number
<b>Cook County</b>	
Lake Saganaga	16-0633

**Waters identified as infested with zebra mussels and are in the process of designation.**

The following water bodies are identified as infested with zebra mussel (*Dreissena* sp.) and are in the process of designation or redesignation by the commissioner.

Name	DNR Protected Waters Inventory Number
<b>Crow Wing</b>	
Lake Ossawinnamakee	18-0352
Pelican Brook	18-0000
<b>Olmstead County</b>	
Lake Zumbro	55-0400
<b>Washington County</b>	
St. Croix River (downstream of the St. Croix Boomsite Recreation Area, managed by Minnesota Department of Transportation, at river mile 25.4.)	
<b>Multiple Counties</b>	
Zumbro River (downstream of Lake Zumbro)	

Dated: April 26, 2004

Department of Natural Resources  
Exotic Species Program  
William J. Rendall  
Program Coordinator

## Teacher's Retirement Association

### Notice of Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Wednesday, May 19, 2004 at 9:30 a.m. in Suite 400, 60 Empire Drive, St. Paul, MN to consider matters which may properly come before the board.

## Department of Transportation

### State Aid for Local Transportation Division

#### Petition of the City of Eagan for a Variance from State Aid Procedural and Administrative Requirements

**NOTICE IS HEREBY GIVEN** that the City of Eagan Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules*, part 8820.2800, subpart 2, Local State Aid Route Standards, Financing, for a variance from rules pertaining to State Aid operations as they apply to improvement project S.A.P. 19-643-01, in the City of Eagan, Minnesota.

The request is for variance from *Minnesota Rules*, part 8820.2800, subpart 2, adopted pursuant to *Minnesota Statutes*, chapters 161 and 162, and insofar as the rules apply to the proposed improvement project S.A.P. 19-643-01, to permit the approval of project plans after bids are opened in lieu of approval by the State Aid Engineer prior to the opening of contract bids.

If a written objection is received within 20 days of published date of this notice in the *State Register*, the variance can granted only after a contested case hearing has been held on the request.

Dated: April 22, 2004

Julie A. Skallman  
State Aid Engineer  
State Aid for Local Transportation

## State Grants & Loans

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

## Department of Corrections

### Notice of Availability of Funds for Re-entry Housing Pilot Projects

The Minnesota Department of Corrections (DOC), Community Services Division, announces the availability of funds to provide Re-entry Housing Pilot Projects for high-risk offenders on supervised release who have no housing resource upon their release from incarceration and who are under the authority of the commissioner of corrections.

Two grants covering the 12-month period of July 1, 2004, through June 30, 2005, for these two geographical areas are available:

- Twin Cities metro area (\$176,000)
- Duluth (\$100,000)

These funds are available to private, for-profit, and non-profit 501(c)(3) organizations.

The state reserves the right to cancel this solicitation.

The deadline for proposal submission is June 11, 2004, at 12:00 noon. To receive a copy of the request for proposals that describes in detail how to apply for this funding, contact:

Lynda Davis  
Minnesota Department of Corrections  
Community Services Division  
1450 Energy Park Drive, Suite 200  
St. Paul, MN 55108-5219  
**Telephone:** (651) 643-2533  
**TTY:** (651) 643-3589  
**e-mail:** [ldavis@co.doc.state.mn.us](mailto:ldavis@co.doc.state.mn.us)

This information can be accessed on the DOC **website** at [www.doc.state.mn.us](http://www.doc.state.mn.us)

## State Contracts

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

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

## Administration Department

### Communications Media Division

#### CORRECTION and Subscriptions

Please note that due to an error, our Web site has mistakenly presented the *State Register* with LINKS and other access aids, including those for Contracts and Grants, and the Index. We are sorry for this error. These special features are meant only for subscribers to the E-mail *State Register*. They will no longer be available to viewers of the *State Register* on-line.

Printed (hard) copies of *State Register* will **no longer** be available after Vol. 28, #52. Only subscriptions to E-mail will be available, beginning with Vol. 29, #1 - July 6, 2004. Have the *State Register* E-MAILED to you the afternoon it is published, on Friday.

With an E-mail subscription, you will receive THREE EXTRAS free-of-charge:

- #1 - CONTRACTS & GRANTS - contracts, grants and loans, and non-state contracts.
- #2 - INDEX - growing with each issue of current volume for information you need.
- #3 - LINKS are provided in the above for fast reference and to save you time and effort.

Subscriptions are \$180 for one year, \$80 **less** than the cover price. FAX your credit card information: (651) 297-8260; or send in your check/credit card information to: Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155. Or, call (651) 297-8774 and charge your credit card. E-mail: [jessie.rahmeyer@state.mn.us](mailto:jessie.rahmeyer@state.mn.us) for more information.

## Department of Agriculture

### Farm Advocate Program

#### Notice of Availability of Contracts for Minnesota Farm Advocates

The Minnesota Department of Agriculture announces the availability of contracts for farm advocates for the period of July 1, 2004 through June 30, 2005. Applicants must be farmers or former farmers; be familiar with or experienced in farm financial planning (cash flows through financial statements); be knowledgeable of farmers' borrowers rights and responsibilities with the ability to comprehend state and federal rules and regulations governing agricultural credit; have good communication skills (written, oral and listening); and have compassion for and interest in helping other farmers. Resumes will be accepted through June 10, 2004.

For more information, contact:

Bruce Lubitz  
Farm Advocate Program  
52168 450th Street  
Perham, MN 56573  
**Phone:** (218) 334-3276

## Department of Education

### Notice of Request for Proposal for the development of the Test of Emerging Academic English: Listening and Speaking (TEAELS)

The Department of Education is soliciting proposals from qualified vendors to develop, implement and score a web delivered assessment of listening and speaking for LEP students. These tests partially fulfill the requirements of the No Child Left Behind Act of 2001. This test will be designed for the assessment of the listening and speaking skills of Limited English Proficient (LEP) students.

The Department has estimated the cost of this project should not exceed \$800,000 over the period of the contract. The anticipat-

ed project period is August 15, 2004 to December 31, 2005. For a complete copy of the Request for Proposal, please contact:

Kathy Eiler  
Minnesota Department of Education  
1500 Highway 36 West  
Roseville, Minnesota 55113-4567  
**Phone:** (651) 582-8673  
**Fax:** (651) 582-8874  
**Email:** [kathy.eiler@state.mn.us](mailto:kathy.eiler@state.mn.us)

Proposals are due no later than 3:00 p.m. June 7, 2004. **Late proposals will not be considered.** Fax and E-mail proposals will not be considered.

The request does not obligate the State to award a contract or complete the work contemplated in this notice. The State reserves the right to cancel this solicitation if it is considered to be in its best interest. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## Minnesota Housing Finance Agency

### Notice of Request for Proposals for Administrators for the Homeownership Education, Counseling and Training Fund (HECAT)

The Minnesota Housing Finance Agency (MHFA) announces that it is accepting Requests for Proposals for an anticipated limited funds availability under the Homeownership Education, Counseling and Training Fund (HECAT) for pre- and post-purchase homebuyer training, home equity conversion counseling, along with foreclosure prevention assistance and financial counseling. The purpose of this RFP is to provide financial support to eligible non-profit organizations to deliver a variety of homebuyer education, counseling and training services to Minnesotans.

Proposals are hereby solicited from community-based nonprofit organizations as defined in *Minnesota Statutes* 1992, section 462A.03, subdivision 22.

The original application and all attachments plus four (4) copies of the application and all attachments must be **received by** the MHFA on or before 4:00 p.m., Wednesday, June 2nd, 2004. Faxed, emailed, or late applications will **not** be accepted. All proposals will be evaluated in accordance with documented threshold requirements and strategic selection priorities.

Interested applicants should obtain a proposal packet that contains specific information and instructions for proposal submission from the Minnesota Housing Finance Agency **web site** at [www.mhfa.state.mn.us](http://www.mhfa.state.mn.us) or by contacting the Minnesota Housing Finance Agency, 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101-1998, Attention: Fran Gustafson, or by calling (651) 296-8215 or 1-800-710-8871. The TDD number is (800) 297-2361. Proposal packets will be available on the web site in a PDF format on approximately May 3rd, 2004.

## Natural Resources Department

### Notice of Availability of Contract for: **Gitche Gami State Trail Silver Bay Marina Segment (3.75 miles) Bituminous Non-Motorized Trail**

The Minnesota Department of Natural Resources Facilities and Operations Support Bureau and the Division of Trails and Waterways request proposals from interested consulting engineering firms for professional services to prepare a project memorandum, construction plans and specifications and provide construction inspection and contract administration services for the Gitche Gami State Trail Silver Bay Marina segment.

#### **Project Schedule:**

- A. The contract will commence upon full execution of the contract documents and issuance of the Notice to Proceed.
- B. Preliminary plans completed and submitted to DNR by March 1, 2005.
- C. DNR will require three weeks to review, comment and return Preliminary plans.
- D. Final plans completed and submitted to DNR by May 15, 2005.
- E. Final plans and specifications submitted to State Aid for review by June 1, 2005.
- F. Anticipated bid opening date of October 5, 2005.

# State Contracts

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- G. Perform project inspection and contract administration until project is completed and all documentation completed through MNDOT.

A complete Request for Proposal will be available by mail from the office listed below through May 24, 2004. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After May 24, 2004, the Request for Proposal must be picked up in person. The deadline for questions is May 19, 2004. Answers to all questions will be emailed or faxed to all prospective respondents on May 24, 2004.

The Request for Proposal can be obtained from:

Kim Montgomery, Contract Consultant  
DNR - Facilities and Operations Support  
500 Lafayette Road  
St. Paul, MN. 55155-4029  
**Fax:** (651) 297-5818

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address listed in the Request for Proposal no later than 3:30 p.m., Central Time, June 1, 2004, **Late proposals will not be considered.** Fax or e-mailed proposals will **NOT** be considered.

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.

## Department of Natural Resources

### Division of Forestry

#### Notice of Request for Proposals to Complete the DNR Border Lakes SFRMP

The Minnesota Department of Natural Resources is requesting proposals to support and coordinate the completion of the remaining tasks for the DNR Border Lakes Subsection Forest Resource Management Plan (SFRMP). Work is proposed to start after June 15, 2004.

The full Request for Proposals will be available by mail or by e-mail through May 19, 2004. A written request (by direct mail, e-mail, or fax) is required to receive the Request for Proposals. The request must include the direct mail and e-mail addresses of the requestor and be directed to:

Jon Nelson  
DNR Division of Forestry  
500 Lafayette Road  
St. Paul, MN 55155-4044  
**Fax:** (651) 296-5954  
**E-mail:** [jon.nelson@dnr.state.mn.us](mailto:jon.nelson@dnr.state.mn.us)

Proposals submitted in response to the Request for Proposals must be received at the address no later than 4:00 p.m. (CDT), May 24, 2004. Late proposals will not be considered. Fax or e-mail proposals will not be considered.

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.

## Department of Transportation

### Engineering Services Division

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

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

Mn/DOT, working in conjunction with the Consultant Reform Committee, the Minnesota Consulting Engineers Council, and the Department of Administration, has developed the Consultant Pre-qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT anticipates that most consultant contracts for highway-related technical activities will be awarded using this method,



however, Mn/DOT also reserves the right to use RFP or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to complete or use the Consultant Pre-qualification Program.

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

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

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

Send completed application material to:

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

**Note: DUE DATE:**

**APPLICATION MATERIAL WILL BE ACCEPTED ON A CONTINUAL BASIS.**

## Department of Transportation

### Engineering Services Division

### Notice Concerning Professional/Technical Contract Opportunities

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

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

## Non-State Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

## Minnesota Colleges and Universities

### Winona State University

### Request for Sealed Bids for Commercial Dishwasher

**NOTICE IS HEREBY GIVEN** that Winona State University will receive sealed bids for a commercial dishwasher for their food service kitchen. Bid specifications will be available May 3, 2004 from the Winona State University Purchasing Department, PO Box 5838, 205 Somsen Hall, Winona, MN 55987 or by calling (507) 457-5067.

Sealed bids must be received by Sandra Schmitt at PO Box 5838, or at 175 W. Mark St., Somsen 205G, Business Office, Winona State University, Winona, MN 55987 by 3:00 p.m., May 17, 2004.

Winona State University reserves the right to reject any or all bids and to waive any irregularities or informalities in bids received.

# Non-State Contracts & Grants

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## Metropolitan Council

### Notice of Request for Proposals (RFP): MWWTP Odor Control Improvement

#### RFP Number 04P035

The Metropolitan Council is soliciting proposals for professional services for engineering design and construction support to assist the Council in odor control improvement projects.

This contract will be PFA-eligible and has subcontracting goals of M/WBE 8% and SBRA 3.5%.

A tentative schedule is as follows:

<i>Issue Request for Proposals</i>	<b>May 13, 2004</b>
<i>Receive Proposals</i>	<b>June 17, 2004</b>
<i>Contract Award</i>	<b>August 2004</b>
<i>Design Complete</i>	<b>April 2005</b>
<i>Construction Complete</i>	<b>July 2006</b>

All firms interested in submitted a proposal for this work are invited to request an RFP document from:

Harriet Simmons, Senior Administrative Assistant  
Metropolitan Council  
230 East Fifth Street  
Mears Park Centre  
St. Paul, MN 55101  
**Phone:** (651) 602-1086  
**Fax:** (651) 602-1138  
**e-mail:** [harriet.simmons@metc.state.mn.us](mailto:harriet.simmons@metc.state.mn.us)

## Scott County

### Transit Review Board for Scott County Communities

#### Request for Proposal to Provide a Unified Transit Management Plan

**NOTICE IS HEREBY GIVEN** that Scott County Administration is seeking proposals to develop a Unified Transit Management Plan for providing local decision-makers and planners with a comprehensive set of transit service design, infrastructure and operational alternatives. The estimated value of this proposal is \$100,000 to \$150,000 and the expected term is 9 months.

<i>Request for Proposal Issued:</i>	<b>April 28, 2004</b>
<i>Proposal Deadline:</i>	<b>10:30 a.m., June 1, 2004</b>
<i>Award Contract:</i>	<b>June 30, 2004</b>

To access a request for proposal (RFP) visit the Scott County **web site** at [www.co.scott.mn.us](http://www.co.scott.mn.us). A copy of the RFP is also available each business day from 8:00 a.m. to 4:30 p.m. in the Scott County Department of Administration or by contacting:

John Mulcahy  
Scott County Administration  
200 Fourth Avenue West  
Shakopee, MN 55379  
**Phone:** (952) 496-8597  
**Fax:** (952) 496-8180  
**E-mail:** [jmulcahy@co.scott.mn.us](mailto:jmulcahy@co.scott.mn.us)

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# Non-State Contracts & Grants

## University of Minnesota

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

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

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

