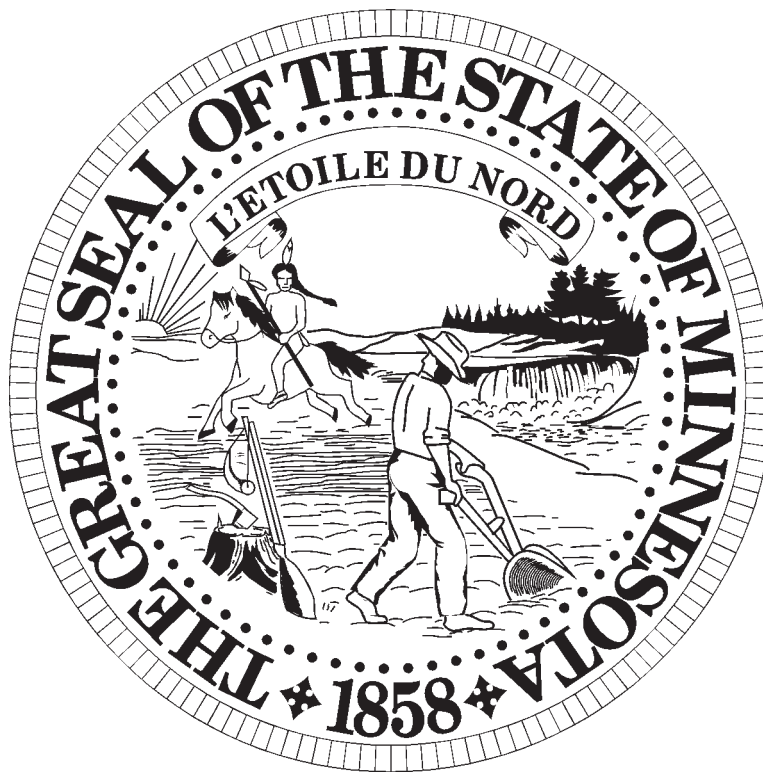


State of Minnesota

State Register



Rules and Official Notices Edition

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State Register

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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- proposed, adopted, exempt, expedited emergency and withdrawn rules
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- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
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#3	Monday 18 July	Noon Tuesday 12 July	Noon Wednesday 6 July
#4	Monday 25 July	Noon Tuesday 19 July	Noon Wednesday 13 July
#5	Monday 1 August	Noon Tuesday 26 July	Noon Wednesday 20 July

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Minnesota Rules: Amendments & Additions

Rules Index, Volume 30, Issues # 1-3 42

Adopted Rules

Pollution Control Agency

Adopted Permanent Rules Relating to Universal Waste Rules..... 43

Natural Resources Department

Adopted Expedited Emergency Game and Fish Rules:
2005 Youth Deer Hunts; Camp Ripley Deer Hunt.....44

Commissioner's Orders

Natural Resources Department

Designation of Aquatic Management Areas.....46

Official Notices

Comprehensive Health Association

Notice of Meeting of the Enrollee Appeal Committee..... 48

Higher Education Facilities Authority

Notice of Public Hearing on Revenue Obligations..... 48

Higher Education Services Office

Correction to Request for Proposals for Public Relations
Services -- College Goal Sunday..... 49

Human Services Department

Notice of Maximum Allowable Costs of Medical Assistance
Outpatient Prescribed Drugs..... 49

Metropolitan Council

Notice of Public Hearing on the Riverview Siphon
Improvements Facility Plan..... 50

Ombudsman for Mental Health and Mental Retardation

Advisory Committee Meeting..... 51

Pollution Control Agency

Request for Comments on Possible Amendments to Rules
Governing Individual Sewage Treatment Systems,
Minnesota Rules Chapter 7080..... 51

Notice of Availability of Draft Statewide Mercury Total
Maximum Daily Load Plan and Request for Comments..... 52

Revenue Department

Revenue Notice #05-07: Sales and Use Tax - Bad Debts;
Deductions of Uncollectable Debts; Applying Payments
Received on Previously Claimed Bad Debt..... 53

Revenue Notice #05-06: Sales and Use Tax -
Sales Price - Discounts 54

State Retirement System

Notice of Board of Directors Regular Meeting..... 56

State Contracts

Colleges and Universities, Minnesota State (MnSCU)

Anoka Ramsey Community College Cambridge Campus:
Construction - Owner's Representative 56
Anoka Ramsey Community College Cambridge Campus:
Academic Building Addition and Remodeling..... 57
Bemidji State University: Request for Proposals for
Campus Dining Services..... 57

Education Department

Request for Proposals to Conduct Statewide Comprehensive
Assessment: Securing Educational Accomplishments of
Migrant Students and Service Delivery Plan..... 58

Request for Proposals for the Quality Assurance
of Minnesota's Large Scale Testing and Accountability
Programs Request for Proposal..... 58

Minnesota Supreme Court

Request for Proposals for a Conceptual Design and
Business Requirements for a Management Information
System for Drug Courts..... 59

Transportation (MnDOT) Department

Potential Availability of Contracting Opportunities
for a Variety of Highway Related Technical Activities
(the "Consultant Pre-Qualification Program")..... 59
Notice Concerning Professional/Technical Contract
Opportunities..... 60

Non-State Contracts & Grants

Metropolitan Council

Request for Proposals (RFP) for a Comprehensive Facility
Plan for a Travel Instructor..... 60

University of Minnesota

Subscribe to Bid Information Service (BIS)..... 60

Commodity, Service and Construction Contracts information is
available from the Materials Management Helpline (651) 296-
2600, or Web site:

www.mmd.admin.state.mn.us

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Minnesota Rules: Amendments and Additions

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

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

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

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

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

Index, Volume 30, Issues #1-2

Behavioral Health and Therapy Board

2150.0050; .0060; .0070; .0080; .0090; .0100; .0110; .0120;
.0130; .0140; .0150; .0160 (adopted)..... 5

Natural Resources Department

6234.0300; 6236.0300; .0700; .6237.0100; .0200; .0300;
.0400; .0500; .0600; .0700
(adopted expedited emergency)..... 5
6232.0900; .1000; .2550; .2560 (adopted expedited
emergency)..... 44

Pollution Control Agency

7045.0020; 7045.1400 (adopted permanent)..... 43

Public Safety Department

7501.0900; 7502.0420 (adopted expedited)..... 29

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.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Pollution Control Agency Adopted Permanent Rules Relating to Universal Waste Rules

The rules proposed and published at *State Register*, Volume 29, Number 22, pages 623626, November 29, 2004 (29 SR 623) and Volume 29, Number 23, pages 651655, December 6, 2004 (29 SR 651), are adopted with the following modifications:

7045.0020 DEFINITIONS.

Subp. 15a. **Destination facility.** "Destination facility" has the meaning given at Code of Federal Regulations, title 40, section ~~273.6~~ 273.9.

Subp. 98c. **Universal waste.** "Universal waste" has the meaning given at Code of Federal Regulations, title 40, section ~~273.6~~ 273.9.

Subp. 98d. **Universal waste handler.** "Universal waste handler" has the meaning given at Code of Federal Regulations, title 40, section ~~273.6~~ 273.9.

Subp. 98e. **Universal waste transporter.** "Universal waste transporter" has the meaning given at Code of Federal Regulations, title 40, section ~~273.6~~ 273.9.

7045.1400 ADOPTION OF FEDERAL STANDARDS FOR UNIVERSAL WASTE MANAGEMENT.

Subp. 3. **Financial assurance for universal waste handlers.**

A. Except as excluded in item B, universal waste handlers who accumulate more than ~~1,000~~ 5,000 lamps shall, in addition to complying with all requirements of this part, establish financial assurance in an amount that the commissioner determines is adequate to cover the cost of hiring a third party to properly dispose of all of the lamps and close the accumulation site. Evidence of financial assurance must be provided to the commissioner and updated as necessary to cover the maximum amount of lamps present at any time at the site. Financial assurance must be provided either (1) as a closure trust fund according to part 7045.0504, subpart 2, except that the full amount of cash to cover financial assurance must be deposited in the trust fund at the time the fund is established rather than through annual payments, or (2) as a letter of credit together with a standby trust fund according to part 7045.0504, subpart 5. For purposes of these financial assurance requirements, references to closure costs in part 7045.0504, subparts 2 and 5, mean the financial assurance costs described in this item.

B. ~~A universal waste handler that temporarily accumulates more than 1,000 lamps at any time as the result of a building maintenance project is not required to provide financial assurance while the lamps are stored onsite for not longer than 30 business days prior to recycling or disposal. The following universal waste handlers are not required to provide evidence of financial assurance for lamp accumulation:~~

- (1) universal waste handlers who only accumulate lamps generated from their own buildings;
- (2) universal waste handlers who only accumulate lamps generated incidental to their real estate management and building maintenance activities; and
- (3) household hazardous waste management programs operating under part 7045.0310.

Expedited Emergency Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited emergency 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. Expedited emergency rules are effective upon publication in the State Register, and may be effective up to seven days before publication under certain emergency conditions.

Expedited emergency rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these expedited emergency rules detail the agency's rulemaking authority.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules: 2005 Youth Deer Hunts and Season; Camp Ripley Deer Hunt

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.091, 97A.401, subd. 4, 97B.112, 97B.305, 97B.311, and Laws of Minnesota 2004, Chapter 215, section 36.

The emergency conditions that do not allow compliance with Minnesota Statutes, sections 97A.0451 to 97A.0459, are that data on deer populations necessary to establish special hunts, including youth hunts, are not available until May, and hunt cooperators have not determined their participation plans or recommended hunt dates until May. The special youth deer season in northwestern Minnesota was mandated by Laws of Minnesota for 2004, Chapter 215, Section 36. Changes to the Camp Ripley Archery Hunt are consistent with permanent rule changes expected to become effective before or during the 2005 season, but are needed earlier to facilitate hunt planning and management.

June 28, 2005
Gene Merriam
Commissioner of Natural Resources

6232.0900 CAMP RIPLEY ARCHERY HUNT

Subpart 1. **Deer season and hunter quota.** Camp Ripley may be open, by permit only, for the taking of deer by archery. Open dates are the twoday period beginning the third Thursday in October and the twoday period beginning the last Saturday in October.

Subp. 2. **Permit required to hunt.** Only persons possessing a valid Minnesota archery or allseason deer hunting license, an unused possession tag valid for taking a deer by archery, and a permit validated for the Camp Ripley Archery Hunt will be permitted to enter Camp Ripley. Permits are not transferable between individuals or hunting dates. The permit for the Camp Ripley archery hunt authorizes the permit holder to take up to two deer at Camp Ripley, unless otherwise authorized by the commissioner. A permit holder may not take any species other than deer at Camp Ripley.

Subp. 3. **Antlerless deer and legal bucks.** In 2005, Camp Ripley is open for the taking of antlerless deer and legal bucks. Not more than 2,475 permits shall be issued for each twoday hunting period, provided that the total number of permits issued for both hunting periods does not exceed 4,500.

Subp. 4. **Bag limits.** The bag limit for the Camp Ripley archery hunt is two deer. Hunters may use bonus permits or the antlerless portion of their allseason license to tag an antlerless deer and may take a deer of either sex on their regular license. Only one legal buck may be taken during this hunt.

6232.1000 APPLICATION PROCESS FOR CAMP RIPLEY ARCHERY HUNT.

Subpart 1. **Preference drawing.** ~~Persons with preference from the previous drawings will be issued Camp Ripley preference permits by correctly and completely filling out and submitting the preference application mailed to them by the department.~~

~~The total number of permits issued for all hunting periods may not exceed the quota. If more preference applications are received than that allotted for a single hunting period, a preference drawing will be held. Those unsuccessful in this preference drawing will be offered permits for the alternate~~

~~hunting period, when available. In the event there are permits remaining after preference permits have been issued, a random drawing will be conducted from general applicants to reach the quota. Persons may not hunt in more than one hunting period. If the number of applications for Camp Ripley archery hunt permits exceeds the quota in the annual hunting regulations, a preference drawing shall be used to select permit~~

Expedited Emergency Rules

holders. A person may enter the preference drawing by supplying the person's driver's license number, official state identification number, or 13digit firearms safety identification number on the application. Applicants establish a preference rating based on the number of times they have applied in previous years and have not obtained a permit. The preference rating increases each year the applicant applies unsuccessfully. Persons applying for the first time have no preference. Applicants receiving a permit lose their accrued preference.

Subp. 2. **General drawing Group selection.** This subpart applies to the Camp Ripley archery hunt general drawing.

~~A. All applicants without preference must enter the general drawing by submitting an application form. This form is available by sending a stamped, self-addressed, business-sized envelope to the archery hunt, or acquired at this address between 8:00 a.m. and 4:30 p.m., Monday through Friday.~~

~~B. Up to six~~ four persons may apply as a group by submitting their individual applications in one envelope. Either all members of a group will be selected or none will be selected. The preference rating of applicants who apply as a group is based on the individual in the group with the lowest

preference. All group members must apply for the same time period.

~~C. All general applicants will be notified of the results by mail.~~

Subp. 3. **Application requirements.** Applicants for permits must:

~~A. personally sign the application;~~

~~B. apply for only one drawing;~~

~~C. apply for only one of the hunting periods;~~

~~D. B. submit no more than one application per year;~~

~~C. apply by August 19; and~~

~~E. mail or deliver the application with the D. pay a nonrefundable application fee of \$6 per hunter to be received on or before 4:30 p.m. on the Friday nearest August 17, at Archery Hunt, Route 4, Box 19A, Little Falls, MN 56345; and~~

~~F. pay application fees by cashier's check, money order, or personal check as provided by statute.~~
6232.2550 YOUTH SPECIAL DEER HUNTS.

Subpart 1. **General requirements.** Youth special deer hunt permittees may hunt in open areas and times designated by the commissioner. All participating youths must attend a mandatory orientation and must be accompanied during the hunt by at least one adult mentor authorized by the youth's parent or guardian. The mentor must be at least 18 years of age. The accompanying adult may not hunt. Party hunting is not allowed. Persons participating in youth archery special deer hunts must obtain a valid license for taking deer by archery by the beginning date of the respective hunt. Persons participating in youth firearms special deer hunts must obtain a license for taking deer by firearms, valid for any zone or season option, by the beginning date of the respective hunt. The blaze orange requirements in Minnesota Statutes, section 97B.071, paragraph (a), apply to all hunters and trappers and all adult mentors of youth hunters in areas open to youth firearms deer hunting during the open hunting dates established in this part.

Subp. 2. **Application requirements.** Applications for youth special hunts must be made according to this part and according to application instructions provided by the commissioner. Applicants for youth firearms special hunts must be at least age 12 and under age 16 at the time of the hunt. Applicants for youth archery special hunts must be at least 12 years old and under age 18 at the time of the hunt. Each person must apply at an electronic license system agent of the Department of Natural Resources License Center. Group applications are not allowed. If the number of eligible applicants exceeds the quota established by the commissioner, the commissioner shall conduct a drawing to determine eligible participants. Preference for the youth special hunt drawing is given to applicants based on the number of years they have correctly applied for a youth special hunt permit but have been unsuccessful. Upon issuance of a youth special hunt permit, all accumulated preference is lost. The application deadline is August 19.

Subp. 3. **Open areas.** Open areas and dates for youth special hunts shall be established annually by the commissioner. The youth special hunt areas described in items A to G are open by permit during the 2005 season.

A. Camp Ripley youth archery special deer hunt. Camp Ripley Military Refuge in Morrison County is open for taking antlerless deer and legal bucks using bow and arrow October 8 and 9. No more than 150 permits shall be issued to youth hunters. The Minnesota Deer Hunters Association and Minnesota State Archery Association are the sponsoring nonprofit organizations. Permittees shall be provided maps of open hunting areas and may not enter closed areas except as specifically authorized. One bonus permit may be used, but a hunter may not take more than one deer.

B. Arden Hills Army Training Site youth archery special deer hunt. Arden Hills Army Training Site in Ramsey County is open for taking antlerless deer and legal bucks using bow and arrow. No more than 30 permits shall be issued to youth hunters for each of two hunts, October 20 and 21 and October 22 and 23. The Minnesota Deer Hunters Association and Minnesota State Archery Association are the sponsoring nonprofit organizations. One bonus permit may be used, but a hunter may not take more than one deer.

C. Whitewater State Game Refuge youth firearms and archery special deer hunt. Whitewater State Game Refuge in Winona County is open October 20 to October 23 for taking antlerless deer and legal bucks using any legal firearms or bow and arrow. Hunters using archery equipment must comply with blaze orange and youth firearms age requirements. No more than 50 permits shall be issued to youth hunters. Bluffland

Expedited Emergency Rules

Whitetails Association and the Minnesota Deer Hunters Association are the sponsoring nonprofit organizations. One bonus permit may be used, but a hunter may not take more than one deer.

D. Rydell National Wildlife Refuge youth firearms special deer hunt. Rydell National Wildlife Refuge in Polk County is open October 22 and 23 for taking antlerless deer and legal bucks. No more than 20 permits shall be issued to youth hunters. An adult mentor must accompany hunters at all times. The Friends of the Rydell National Wildlife Refuge is the sponsoring nonprofit organization. One bonus permit may be used, but a hunter may not take more than one deer.

E. Lake Bemidji State Park youth firearms special deer hunt. Portions of Lake Bemidji State Park in Beltrami County are open October 22 and October 23 for taking antlerless deer. No more than 25 permits shall be issued to youth hunters. The Minnesota Deer Hunters Association is the sponsoring nonprofit organization. Up to four bonus permits may be used.

F. St. Croix State Park youth firearms special deer hunt. St. Croix State Park in Pine County is open October 29 and 30 for taking antlerless deer and legal bucks. No more than 100 permits shall be issued to youth hunters. The Minnesota Deer Hunters Association is the sponsoring nonprofit organization. One bonus permit may be used, but a hunter may not take more than one deer.

G. Lake Alexander Preserve youth archery special deer hunt. The Nature Conservancy Lake Alexander Preserve in Morrison County is open October 8 and 9 for taking antlerless deer and legal bucks. No more than 20 permits shall be issued to youth hunters. The Nature Conservancy, Minnesota State Archery Association, and the Minnesota Deer Hunters Association are the sponsoring nonprofit organizations. One bonus permit may be used, but a hunter may not take more than one deer.

6232.2560 YOUTH SPECIAL DEER SEASONS.

Subpart 1. **Requirements.** Youths participating in youth special deer seasons must obtain a license for taking deer by firearms, valid in any zone or season option, by the beginning date of the special season. A youth special season participant may take one deer, which must be antlerless. One bonus permit may be used. An adult mentor age 18 or older authorized by the youth's parent or guardian must accompany the youth hunter at all times during the hunt. The accompanying adult may not hunt. Party hunting is not allowed. The blaze orange requirements in Minnesota Statutes, section 97B.071, paragraph (a), apply to all hunters and trappers and all adult mentors of youth hunters in the areas open to firearms deer hunting during the youth special seasons established in this part.

Subp. 2. **Open areas.** Open areas and dates for youth special seasons shall be established annually by the commissioner. For 2005, Kittson, Lake of the Woods, Marshall, Pennington, and Roseau Counties are open October 22 and October 23 for taking antlerless deer by firearms for youths who are at least age 12 and under age 15 at the time of the hunt. All youths participating in this season must first obtain a free Northwest Minnesota youth special deer season license endorsement at an electronic licensing system agent.

EFFECTIVE PERIOD. The emergency amendments to Minnesota Rules, parts 6232.0900 and 6232.1000, expire December 31, 2005. After the emergency amendments expire, the permanent rules as they read prior to those amendments again take effect, except as they may be amended by permanent rule. Minnesota Rules, parts 6232.2550 and 6232.2560, expire December 31, 2005.

Commissioners' Orders

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

Natural Resources Department Designation of Aquatic Management Areas Order No. AMA 05-007

Pursuant to the provisions of Minnesota Statutes, section 86A.07, subdivision(2), and section 86A.05, subdivision 14(e), the following described lands under the jurisdiction of the Minnesota Department of Natural Resources meet the criteria as being suited for aquatic management areas:

Hay Creek AMA, Goodhue County

An angling and management corridor along Hay Creek as it runs through Township 112, Range 15, in the following sections, as described in deeds previously recorded at the Goodhue County Recorders Office.

Commissioner's Orders

Parcel	Document #	Deed Date	Section	Locator
1	219838	6/30/1970	33	E1/2NE1/4
2	260689	8/3/1978	33	NE1/4SE1/4
3	254110	7/5/1977	33	W1/2SE1/4
6	483267	9/19/1977	34	SW1/4NE1/4
7	253706	6/18/1977	26	NW1/4SW1/4
8	252809	4/28/1977	26	S1/2NW1/4
9A	253538	6/9/1977	26	S1/2NW1/4
9B	253585	6/13/1977	23	SW1/4SE1/4
9C	253537	6/9/1977	24	SW1/4

Spring Creek AMA, Goodhue County

An angling and management corridor along Spring Creek as it runs through Township 112, Range 15, in the following sections, as described in deeds previously recorded at the Goodhue County Records Office.

Parcel	Document #	Deed Date	Section	Locator
2	276692	7/9/1981	18	SE1/4NE1/4
6	276811	7/23/1981	7	W1/2NE1/4
7	430285	6/7/1999	6	S1/2SE1/4

Middle Branch Whitewater Creek AMA, Olmsted County

An angling and management corridor along Middle Branch Whitewater Creek as it runs through Township 107, Range 11, in the following sections, as described in deeds previously recorded at the Olmsted County Records Office.

Parcel	Document #	Deed Date	Section	Locator
4	424657	4/22/1980	35	W1/2SW1/4
5	411054	1/31/1979	35	W1/2NE1/4
6	413178	4/17/1979	26	S1/2SE1/4
7	411439	1/8/1979	26	N1/2SE1/4
9	439965	12/24/1981	25	E1/2NW1/4

Cold Spring Brook AMA, Wabasha County

An angling and management corridor along Cold Spring Brook as it runs through Township 110, Range 13, in the following sections, as described in deeds previously recorded at the Wabasha County Records Office.

Parcel	Document #	Deed Date	Section	Locator
2	158192	11/2/1979	31	NW1/4NW1/4
4	161805	5/4/1981	31	NE1/4NW1/4

East Indian Creek AMA, Wabasha County

An angling and management corridor along East Indian Creek as it runs through Township 109, Range 10, in the following sections, as described in deeds previously recorded at the Wabasha County Records Office.

Parcel	Document #	Deed Date	Section	Locator
5	156618	4/20/1979	27	NW1/4
7	174732	1/21/1986	1	E1/2NW1/4
8	156059	1/10/1979	28	S1/2NW1/4
9	179179	3/16/1987	32	NW1/4NE1/4

Gilbert Creek AMA, Wabasha County

An angling and management corridor along Gilbert Creek as it runs through Township 111, Range 13, in the following sections, as described in deeds previously recorded at the Wabasha County Records Office.

Parcel	Document #	Deed Date	Section	Locator
4,6	191739	9/18/1990	11	N1/2NW1/4

Commissioner's Orders

Long Creek AMA, Wabasha County

An angling and management corridor along Long Creek as it runs through Township 109, Range 12, in the following sections, as described in deeds previously recorded at the Wabasha County Recorders Office.

Parcel	Document #	Deed Date	Section	Locator
4,6	191739	9/18/1990	11	N1/2NW1/4

Snake Creek AMA, Wabasha County

An angling and management corridor along Snake Creek as it runs through Township 109, Range 10, in the following sections, as described in deeds previously recorded at the Wabasha County Recorders Office.

Parcel	Document #	Deed Date	Section	Locator
1	157573	8/7/1979	11	NE1/4SW1/4
2	154065	6/8/1978	16	SE1/4NE1/4

West Indian Creek AMA, Wabasha County

An angling and management corridor along West Indian Creek as it runs through Township 109, Range 11, in the following sections, as described in deeds previously recorded at the Wabasha County Recorders Office.

Parcel	Document #	Deed Date	Section	Locator
2	156375	3/19/1979	21	NW1/4SW1/4
3	158279	11/15/1979	21	NW1/4NE1/4
4	160309	10/9/1980	21	NE1/4NE1/4
5	157065	6/19/1979	16	SE1/4SW1/4
6	158978	3/14/1980	17	NE1/4
2	156375	3/19/1979	21	NW1/4SW1/4

NOW THEREFORE, IT IS HEREBY ORDERED that the lands described above are designated as aquatic management areas.

Gene Merriam
Commissioner of Natural Resources

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.

Comprehensive Health Association

Notice of Meeting of the Enrollee Appeal Committee

Notice is hereby given that a meeting (via conference call) of the Minnesota Comprehensive Health Association's (MCHA), Enrollee Appeal Committee will be held at 2:00 p.m. on Wednesday, July 20, 2005, at the MCHA executive office located at 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

This meeting may be closed to the public, if so requested by the appellant(s), pursuant to Minn. Stat. 62E.10, subd. 4. For additional information, please call Lynn Gruber at (952) 593-9609.

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 the Order of St. Benedict (the "Corporation"), a Minnesota nonprofit corporation, as owner and operator of St. John's University (the "Institution"), at the Authority's offices at Suite 450, 380 Jackson Street, St. Paul, Minnesota, on August 3, 2005 at 9:00 a.m.

Under the proposal, the Authority would issue its revenue bonds or other obligations in an original principal amount of up to approximately \$45,715,000 to finance a project (the "Project") generally described as (1) the refunding of the Authority's outstanding Revenue Bonds, Series Four-L (St. John's University), dated July 1, 1997 which were issued in the original principal amount of \$29,850,000 to provide funds to finance, or to refund and prepay certain obligations originally issued to finance, certain projects described as follows: (a) refund the Authority's Revenue Bonds, Series Two-W (St. John's University) dated January 1, 1990, originally issued to finance an Art Building; (b) refund the Authority's Revenue Bonds, Series Three-H (St. John's University), dated June 1, 1992, originally issued to finance a student residence facility and a Campus Center and (c) to provide financing (i) for the renovation of the existing stadium, including new track, (ii) construction and furnishing and equipping of three duplexes, (iii) the construction, furnishing and equipping of a fieldhouse, including new track and tennis courts, (iv) renovation of existing gymnasium, including new fitness center, additional locker rooms and new training room, (v) the construction, furnishing and equipping of a biological sciences building, (vi) renovation of Benet Hall, (vii) roofing of the Housekeeping Building, Warner Palaestra Gymnasium, Thomas Hall, Greg House, Bernard Hall, Boniface Hall and Patrick Hall, (viii) partial renovation of Luke Hall and Wimmer Hall, (ix) renovation of existing science center and (x) various improvements relating to replacement surface parking and utilities; and (2) the refunding of the Authority's outstanding Revenue Bonds, Series Five-I (St. John's University) dated February 1, 2001, which were issued in the original principal amount of \$14,270,000 to provide funds to finance certain projects described as follows: (a) construction of St. Maur and St. Placid Houses, (b) renovation of the first floor of Main Quadrangle, (c) completion of the third and fourth floors of Sexton Commons, (d) reroofing the Great Hall, and (e) the renovation of the lower level of St. Mary's Hall, all owned and operated by the Corporation and located on the Institution's main campus in Collegeville, Minnesota.

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 July 18, 2005

By Order of the Minnesota Higher Education Facilities Authority
Marianne Remedios, Executive Director

Higher Education Services Office

Correction to Request for Proposals for Public Relations Services -- College Goal Sunday

The original notice in the July 5, 2005, *State Register* had an incorrect word in the first sentence: "**Bowl**" should have been "**Goal**." The first sentence of this notice should read as follows:

The Minnesota Office of Higher Education is requesting proposals from qualified professionals to provide public relations services to ensure low-income and first generation families are aware of and attend the College Goal Sunday events to be held throughout Minnesota beginning Feb. 12, 2006.

Human Services Department

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.

Official Notices

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), April 19, 2004 (28 SR 1313-1314), May 3, 2004 (28 SR 1367-1368), August 9, 2004 (29 SR 173), August 23, 2004 (29 SR 224-225), November 8, 2004 (29 SR 510), November 15, 2004 (29 SR 534-535), February 7, 2005 (29 SR 923-924), February 14, 2005 (29 SR 951-952), March 7, 2005 (29 SR 1038-1039), April 11, 2005 (29 SR 1174-1175), and June 27, 2005 (29 SR 1607).

Effective July 26, 2005, 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>
16282	OXYCODONE	10MG	\$0.975
16283	OXYCODONE	20MG	\$1.85
16284	OXYCODONE	40MG	\$3.25
16286	OXYCODONE	80MG	\$5.98

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 \$1,600,000 for State Fiscal Year 2006 (July 1, 2005 through June 30, 2006).

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 or **email:** cody.c.wiberg@state.mn.us.

Metropolitan Council

Notice of Public Hearing on the Riverview Siphon Improvements Facility Plan

The Metropolitan Council will hold a public hearing on the Riverview Siphon Improvements Facility Plan, MCES Project No. 802500, at the Girl Scout Council of the St. Croix Valley, 400 South Robert Street (Room 205), St. Paul, Mn, Thursday, August 18, 2005, at 7:00 p.m..

The Draft Facility Plan for this project, prepared by the Metropolitan Council's Environmental Services Division, outlines alternatives and recommendations to repair the aging sanitary sewer pipe. The present Riverview Siphon system, located in the City of St. Paul, consists of three siphon barrels (pipes), an inlet structure, and a tailbox structure. Wastewater flow enters the system at the inlet structure located at the Mississippi River bluff approximately 2900 feet south of the river and flows northward through street right-of-way and easement toward the river. The siphon continues beneath the river and discharges flow into the tailbox, located beneath the intersection of Wabasha Street and Kellogg Boulevard.

The primary concerns driving the need for system improvements are:

- Age and condition of the siphon piping and inlet structure
- Capacity – spills have occurred during large rain events
- Odor emission at the inlet structure

The Draft Facility Plan recommends construction of an additional 24-inch barrel between the inlet structure and the river, two interconnect vaults with piping to isolate each barrel, cured-in-place pipe lining of each barrel, and new flow measurement.

Copies of the Draft Facility Plan are available for review at:

- St. Paul Public Library, 90 West Fourth Street, St. Paul
- Riverview Library, 1 East George Street
- St. Paul City Hall, 15 West Kellogg Blvd., St. Paul
- Metropolitan Council's Data Center, 230 E. Fifth St., St. Paul

All interested persons are encouraged to attend the public hearing on August 18, 2005 and provide comments.

You also may submit comments, which must be received by the Metropolitan Council no later than August 28, 2005:

Send written comments to: Pat Schultz at Metropolitan Council Environmental Services, 230 E. Fifth St., St. Paul, MN 55101

- Fax comments to: Pat Schultz at 651-602-1477
- Record comments on: Metropolitan Council Public Comment Line at 651-602-1500
- E-mail comments to: data.center@metc.state.mn.us
- Sent TTY comments to 651-291-0904

Upon request, the Council will provide reasonable accommodations to persons with disabilities. Please submit such requests to Pat Schultz via mail or fax (see above) or by phone at 651-602-1096 before August 11, 2005.

Ombudsman for Mental Health and Mental Retardation Advisory Committee Meeting

The Ombudsman for MH/MR Advisory Committee will hold a meeting from 9 a.m. to 1 p.m. on July 21, 2005. The meeting will be held in Suite 420, Metro Square Building, 121 7th Place E., St. Paul. Please RSVP to Paula at 651-296-3848 or 800-657-3506.

Minnesota Pollution Control Agency Municipal Division

Request for Comments on Possible Amendments to Rules Governing Individual Sewage Treatment Systems, *Minnesota Rules Chapter 7080*

Subject of Rules. The Minnesota Pollution Control Agency (MPCA) requests comments on its possible amendments to rules governing the individual sewage treatment system (ISTS) program. The MPCA is considering rule amendments to address the following:

- (1) a definition of redoximorphic features and other criteria that can be used by system designers and inspectors;
- (2) direction on the interpretation of observed soil features that may be redoximorphic and their relation to zones of seasonal saturation; and
- (3) procedures on how to resolve professional disagreements on seasonally saturated soils.

This rulemaking is separate of the rulemaking associated with the Request for Comments published on January 5, 2004.

Persons Affected. The amendments to the rules would likely affect ISTS professionals (i.e., a person who designs, installs, pumps, or inspects all or part of an ISTS, engineers who work with ISTS), local units of government that regulate ISTS, environmental organizations, home builders associations, the real estate industry, land developers, Professional Soil Scientists, and citizens who own or reside in dwellings or establishments not connected to a municipal wastewater treatment facility.

Statutory Authority. *Minnesota Statutes*, § 115.55, subdivision 3, which was amended and signed into law on May 18, 2004, authorizes the MPCA to address the three items listed above.

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 rules. The existing *Minnesota Rules 7080.0025* ISTS Advisory Committee will be reviewing these possible rule amendments and advising the MPCA. In addition, the MPCA also intends to seek additional input from the University of Minnesota and the Minnesota Association of Professional Soil Scientists.

Rules Drafts. The MPCA is currently working on preparing a draft of the possible rule amendments and anticipates that it will be available before the publication of the proposed rules at the following MPCA Web Site: <http://www.pca.state.mn.us/programs/ists/ists-rulechanges.html#drafrules>

Official Notices

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

Mark Wespetal
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194
Phone: (651) 296-9322 (direct)
MN Toll Free: (800) 657-3864
Fax: (651) 297-8676
E-mail: mark.wespetal@pca.state.mn.us
TTY users may call the MPCA teletypewriter at (651) 282-5332 or (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 MPCA 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.

Sheryl A. Corrigan, Commissioner
Minnesota Pollution Control Agency

Pollution Control Agency

Environmental Analysis and Outcomes Division

Notice of Availability of the Draft Statewide Mercury Total Maximum Daily Load (TMDL) Plan and Request for Comments

The Minnesota Pollution Control Agency (MPCA) is requesting comments on the draft Plan for the Mercury Total Maximum Daily Load (TMDL). In the Minnesota Pollution Control Agency (MPCA) 2004 List of Impaired Waters, there are 1239 mercury impairments consisting of 419 river impairments and 820 lake impairments. This includes 20 river reaches and 12 lakes with both fish tissue and water column impairments.

Comments must be received by the MPCA contact person listed below by August 17, 2005, the end of the 30-day formal comment period. The draft TMDL Plan, Attachments, and other supplemental information are available for review at <http://www.pca.state.mn.us/water/index.tmdl#drafttmdl>. Following the 30-day formal public comment period, the MPCA will make appropriate changes to the TMDL Plan and submit it, along with all comments received and associated Agency responses, to the U.S. Environmental Protection Agency (EPA) for their review and approval.

The mercury in the state's fish tissue arrives almost entirely from atmospheric deposition, with approximately 90% originating outside the state. About 70% of the deposited mercury is from anthropogenic (human) emission sources. Natural geologic sources of mercury vapor, such as volcanic activity, account for the remaining 30%. There is relatively uniform atmospheric deposition across the state. Based on Agency research that failed to detect hotspots in fish tissue mercury from local water and air point sources, the MPCA has chosen a regional approach to developing the pollution reduction goals required.

Mercury moves from the air into fish in complex ways. Aquatic systems in northeastern Minnesota have fish tissue mercury concentrations that average about 40% higher than the rest of the state. As a result, the state was divided into two regions, based on natural ecological areas called ecoregions. The northeast (NE) region is comprised of the Northern Lakes and Forests ecoregion and the Northern Minnesota Wetlands ecoregion. The rest of the state is the SW region and is comprised of the North Central Hardwood Forest ecoregion, the Red River Valley ecoregion, the Western Corn Belt Plains ecoregion, and the Driftless area.

Agency Contact Person: Written comments, petitions, questions, or requests to receive a copy of the draft TMDL plan and requests for more information should be directed to:

Howard Markus, Ph.D., P.E.
Research Scientist 3
Environmental Analysis & Outcomes
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194
651-296-7295
1-800-657-3864
howard.markus@pca.state.mn.us

Written comments must include the following:

1. A statement in your interest in the draft TMDL Plan;
2. A statement of the action you wish the Agency to take, including specific references to sections of the draft Plan that you believe should be changed; and
3. The reasons supporting your position, stated with sufficient specificity to allow the MPCA Commissioner to investigate the merits of your position.

Public Informational Meeting: The Agency will be holding statewide informal public informational meetings at five Agency regional offices and the central office in St. Paul. See the web site for meeting dates, locations, and times at <http://www.pca.state.mn.us/water/tmdl/tmdl-mercuryplan.html#schedule>.

Petition for Contested Case Hearing: You may submit a petition for a contested case hearing. A contested case hearing is a formal evidentiary hearing before an administrative law judge. In accordance with *Minnesota Rules* 7000.1900, the MPCA will grant a petition to hold a contested case hearing if it finds that: (1) there is a material issue of fact in dispute concerning the draft TMDL Plan; (2) the MPCA has the jurisdiction to make a determination on the disputed material issue of fact; and (3) there is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case would allow the introduction of information that would aid the MPCA in resolving the disputed facts in making a final decision on the draft TMDL Plan. A material issue of fact means a fact question, as distinguished from a policy question, whose resolution could have a direct bearing on a final MPCA decision.

A petition for a contested case hearing must include the following information:

1. A statement of reasons or proposed findings supporting the MPCA decision to hold a contested case hearing according to the criteria in *Minnesota Rules* 7000.1900, as discussed above; and
2. A statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested or resolution of the matter.

In addition, and to the extent known, a petition for a contested case hearing should also include the following information:

1. A proposed list of prospective witnesses to be called, including experts, with a brief description of proposed testimony or summary of evidence to be presented at a contested case hearing;
2. A proposed list of publications, references, or studies to be introduced and relied upon at a contested case hearing; and
3. An estimate of time required for you to present the matter at a contested case hearing.

MPCA Decision: You may submit a petition to the MPCA Commissioner requesting that the MPCA Citizens' Board consider the Regional Mercury TMDL Plan approval. To be considered timely, the petition must be received by the MPCA by 4:30 p.m. on the date the public comment period ends, identified on the initial page of this Notice. Under the provisions of *Minnesota Statutes* § 116.02, subd. 6(4), the decision whether to submit the Plan and, if so, under what terms will be presented to the MPCA Citizens' Board for decision if: (1) the Commissioner grants the petition requesting the matter be presented to the MPCA Citizens' Board; (2) one or more Board members request to hear the matter before the time the Commissioner makes a final decision on the TMDL Plan; or (3) a timely request for a contested case hearing is pending. You may participate in the activities of the MPCA Citizens' Board as provided in *Minnesota Rules* 7000.0650.

The written comments, requests, and petitions submitted during the 30-day public comment period will be considered in the final decision on this TMDL Plan. If the Agency does not receive written comments, requests, or petitions during the comment period, MPCA staff, as authorized by the MPCA Citizens' Board, will make the final decision on the draft TMDL Plan.

Official Notices

Revenue Department

Revenue Notice # 05-07: Sales and Use Tax – Bad Debts; Deductions of Uncollectible Debts; Applying Payments Received on Previously Claimed Bad Debt

This revenue notice sets forth the Department's position on "bad debt" deductions from sales and use tax for debt that is written off as uncollectible in the claimant's books and records and that is either eligible to be deducted for federal income tax purposes or, under generally accepted accounting principles, would be eligible for a bad debt deduction for federal income tax purposes if the claimant was required to file a federal income tax return.

This revenue notice also sets forth the Department's position on the treatment of a debt payment made subsequent to the taxpayer deducting a "bad debt," regarding the apportionment of the payment among the taxable price of the product, the sales tax, and any other charges imposed on the customer.

Statutory and Regulatory Authority

Under *Minnesota Statutes*, section 297A.81, "bad debts," as defined and limited by section 289A.40, subdivision 2, may be deducted on the taxpayer's sales tax return for the period during which the bad debt is written off as uncollectible. *Minnesota Rules*, part 8130.7400, subpart 1, provides the general rule that uncollectible debts ("bad debts") will be recognized as a deduction for sales tax purposes only when given recognition by a direct charge-off for federal income tax purposes or, if the retailer is not required to file income tax returns, the bad debt will be charged off "in accordance with generally accepted accounting principles."

Minnesota Rules, part 8130.7400, subpart 5, provides that if a taxpayer collects a debt in whole or in part after the taxpayer had previously deducted the bad debt on a sales tax return, then the amount collected must be included in the first return filed after collection, and the tax on the amount must be paid with the return.

Department Position

A. Deductions of Uncollectible Debts

If a taxpayer is required to file federal income tax returns, bad debts may be deducted on the sales and use tax return for the period during which the following two criteria are met:

1. the bad debt is written off as uncollectible in the claimant's books and records, and
2. the bad debt is eligible to be deducted for federal income tax purposes.

The Department interprets meeting these criteria as meeting the test of *Minnesota Rules*, part 8130.7400, subpart 1, that only a debt that has been "given recognition by a direct charge-off" on the claimant's books and records "for federal income tax purposes" may be deducted.

If a taxpayer is not required to file federal income tax returns, bad debts may be deducted on the sales and use tax return for the period during which the above two criteria are met, as if the claimant was required to file a federal income tax return, or as long as the debt is otherwise charged off "in accordance with generally accepted accounting principles."

B. Applying Payments Received on Previously Claimed Bad Debt

For the purposes of reporting a payment received on a previously claimed bad debt, any payments made on a debt or account are applied first proportionally to the taxable price of the property or service and the sales tax thereon, and secondly to interest, service charges, and any other charges.

John H. Munson
Assistant Commissioner
for Tax Policy and External Relations

Revenue Department

Revenue Notice # 05-06: Sales and Use Tax – Sales Price – Discounts

Minnesota Statutes, section 297A.61, subdivision 7, defines "sales price" for purposes of imposing the Minnesota sales and use tax. "Sales price" means the total amount of consideration for which personal property or services are sold, leased or rented. The definition provides that, among other things, discounts allowed by the seller on a sale that are not reimbursed by a third party are not included in the sales price.

Issue

When and what discounts are included in the sales price?

Department Position

“Sales price” includes consideration received by the seller from third parties if:

1. The seller actually receives consideration from a party other than the purchaser and the consideration is directly related to a price reduction or discount on the sale;
2. The seller has an obligation to pass the price reduction or discount through to the purchaser;
3. The amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the taxable item to the purchaser; and
4. One of the following criteria is met:
 - a. The purchaser presents a coupon, certificate or other documentation to the seller to claim a price reduction or discount where the coupon, certificate or documentation is authorized, distributed or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate or documentation is presented;
 - b. The purchaser identifies himself or herself to the seller as a member of a group or organization entitled to a price reduction or discount (a “preferred customer” card that is available to any patron does not constitute membership in such a group), or
 - c. The price reduction or discount is identified as a third party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate or other documentation presented by the purchaser.

Retailers sometimes use coding systems such as “MC” for manufacturer’s coupon and “SC” for store coupon on the invoice or cash register tape provided to the customer. These codes are acceptable for identifying whether the discount is included in the sales price of the item.

This notice applies to sales made at retail business locations as well as purchases made on-line where discounts are offered electronically. However, this notice does not apply to manufacturer’s rebates on purchases of motor vehicles. Refer to Revenue Notice 96-20 for details on the exemption allowed for rebates on purchases of motor vehicles.

Examples

A. Seller’s in-store coupon. The purchaser presents a coupon to the seller at the time of sale entitling the purchaser to a \$1.00 reduction in the sales price. The amount of the consideration is certain at the time of the sale. The discount is not included in sales price, however, because the seller is not reimbursed for the \$1.00 discount by any third party.

B. Manufacturer’s coupon. The facts are the same as in Example A, except the seller is entitled to receive \$1.00 in cash or credit from the product manufacturer on presentation of the coupon. The coupon is issued by the manufacturer and the manufacturer will reimburse any retailer who accepts the coupon from the purchaser. The \$1.00 discount is included in sales price.

C. Manufacturer’s coupon – special deal. The facts are the same as in Example B, except the manufacturer has authorized a specific retailer to distribute 1,000 coupons in its stores pursuant to a special marketing promotion. The \$1.00 discount is identified on the cash register tape provided to the purchaser, but it is not specifically identified as a manufacturer’s discount. The manufacturer will not honor the coupons if presented to it by another retailer. The \$1.00 discount is not includable in the sales price under paragraph 4.a. because the coupon is not generally negotiable by any retailer. If, however, the discount is identified as a manufacturer’s discount on the invoice or cash register tape, or on the coupon itself, the \$1.00 discount is includable in sales price under paragraph 4.c.

D. Group discounts. A seller offers a 10% discount to all members of a particular credit union. The credit union member must present an identification card or other evidence of membership in the credit union to claim the discount. If the seller is reimbursed by the credit union for the discount, the discount is included in the sales price. If the seller is not reimbursed by the credit union, the amount is not included in the sales price. Because the purchaser has taken action to claim the discount, it is not necessary that the purchaser know the terms of reimbursement between its organization and the seller. Failure to include the discount on the sales invoice or cash register tape, however, will not relieve the seller of liability for collecting the proper amount of sales tax.

E. Volume discounts. A seller purchases appliances from a manufacturer for \$1,000 each and resells them to customers at \$1,500. If the seller sells more than 100 appliances in a month, the manufacturer will provide a rebate of \$100 per item sold. In-store advertising indicates that “sales prices are slashed due to manufacturer’s incentives.” The amount of the rebate is not shown on the purchaser’s invoice or cash register tape and all purchasers receive the reduced price. The rebate amount is not included in the sales price.

Official Notices

F. Seller's "loyalty" cards – no reimbursement. A grocer offers a "loyalty" or "preferred customer" discount card to its customers at no cost that they can present at the cash register for selected discounts and savings whenever they patronize the grocer. The "preferred customer" card is available on request to any customer. The discounts are identified on the cash register tape, either on an item-by-item basis, or as a "total savings" amount at the end of the tape. None of the discounts are reimbursed by manufacturers or other third parties. Because a "preferred customer" card that is available to any patron does not constitute "special status" under paragraph 4.b, and there is no third party reimbursement under paragraph 1, the discounts are not included in the sales price subject to tax.

G. Seller's "loyalty" cards – reimbursement. The facts are the same as in Example F, except some of the discounts are based on the grocer's agreement with a manufacturer, pursuant to which the discount is reimbursed. As noted above, a "preferred customer" card that is available to any patron does not constitute "special status" under paragraph 4.b. Thus, although the seller is actually reimbursed by a third party, the discounts are not included in the sales price unless the discount is actually identified on the invoice or cash register tape as a "manufacturer's discount" as provided by paragraph 4.c.

H. Advertising incentives. A manufacturer agrees to pay seller \$5.00 per case that must be used to cover the cost of advertising, shelf space and other promotional costs, but does not require or specify that the payment be in any way used to reduce the retail price of the product. The seller runs an in-store promotion discounting the product using the seller's purchase discount card. Because the consideration is not directly related to the seller's promotional discount to the consumer, the consideration is not included in the sales price.

John H. Mansun, Assistant Commissioner
for Tax Policy and External Relations

State Retirement System

Board of Directors Regular Meeting

The Board of Directors of the Minnesota State Retirement System (MSRS) is scheduled to meet Thursday, July 21, 2005, at 9 a.m. in the Retirement Systems of Minnesota Building, 60 Empire Drive, Suite 117, St. Paul, Mn.

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) Web site. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD Web site 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.

Colleges and Universities, Minnesota State (MnSCU)

Anoka Ramsey Community College Cambridge Campus

Construction - Owner's Representative

Anoka-Ramsey Community College, Cambridge Campus has an immediate opportunity for an experienced Owner's Representative to provide oversight for an Academic Building Addition and Remodeling project.

Proposals must be delivered prior to bid opening July 29, 2005 @ 9am. Mail bids C/O: Roger Freeman 300 Polk Street, Cambridge, Minnesota, 55008 or deliver to Main information Desk of the Campus Center Building, Cambridge Campus. Anticipated contract award date August 19, 2005.

For a project description and request for proposal specifications visit <http://www.anokaramsey.edu/it/proposal.cfm> or contact Mike Seymour, (763) 422-3430. Anoka-Ramsey Community College reserves the right to reject any or all proposals, or portions thereof, or to waive any irregularities or informalities, in proposals received.

Colleges and Universities, Minnesota State (MnSCU)

Anoka Ramsey Community College Cambridge Campus

Academic Building Addition and Remodeling

Response to this solicitation is due no later than July 28, 2005 at 2:00 p.m. CDT. Deliver bids to 300 Polk Street, Cambridge, Minnesota, 55008 Main information Desk of the Campus Center Building, Cambridge Campus.

Pre-bid meeting date: July 21, 2005 at 2:00 CDT Mandatory for Generals
Pre-bid meeting details: Pre-Bid meeting to be held at Anoka-Ramsey Community College Cambridge Campus, 300 Polk Street, Cambridge, Minnesota 55008, at the Main Information Desk of the Student Services Building.
Architect: Jonathan Crump, AIA, DLR Group, inc., 9521 West 78th Street, Eden Prairie, Minnesota, 55344-3853. Telephone No. (952) 941-8950 Fax No. (952) 941-7965
Contact person: Jon Crump
Contact phone: (952) 941-8950
Fax number: (952) 941-7965
Location of work: Anoka-Ramsey Community College Cambridge Campus
Deposit: \$150.00

Scope Description: Building addition of approximately 30,000 sq. ft. of classroom and office space, including light demolition and remodeling of existing building, structural modifications, masonry, GWB, wall finishes, acoustical ceilings, flooring, casework, door and hardware, electrical, plumbing, piping, HVAC, fire sprinkler work. Contact architect with questions. Plans will be at exchanges and available for pick up. A handling fee is required for bidding documents and addendum that are shipped. The fee is non-refundable and shall be a separate check in the sum of \$25.00 and payable to DLR Group, inc.

Further description: Complete sets only of the drawings and specifications for use by Bidders in submitting a Bid will be available through Engineering Repro Systems (ERS) Plan Well. A preview of the Bidding Documents will be available on line at www.ersdigital.com. A set may be obtained by contacting ERS Communications Dept at (763) 694-5900.

Bidders must hold their bid for sixty (60) days.

Anoka-Ramsey Community College reserves the right to reject any or all proposals, or portions thereof, or to waive any irregularities or informalities, in proposals received.

Colleges and Universities, Minnesota State (MnSCU)

Bemidji State University

Notice of Request for Proposals for Campus Dining Services

NOTICE IS HEREBY GIVEN that Bemidji State University will receive proposals for the purpose of providing campus dining services at the University, according to specifications on file and available beginning August 1, 2005, at the following website:

<http://www.bemidjistate.edu/DiningRFP>

Instructions for delivering proposals, as well as all other requirements and contact information, are contained in the RFP at the above website. The deadline for receipt of proposals is 3:00 PM, November 1, 2005. Late proposals will not be considered. Bemidji State University reserves the right to reject any or all proposals and to waive any irregularities or informalities in proposals received. This Request for Proposal does not obligate the university to complete the proposed contract, and the university reserves the right to cancel the solicitation if it is considered to be in its best interest.

State Contracts

Education Department

Notice of Request for Proposals to Conduct a Statewide Comprehensive Assessment: Securing Educational Accomplishments of Migrant Students (SEAMS) and Service Delivery Plan

The Minnesota Department of Education is requesting proposals to conduct a statewide comprehensive assessment: Securing Educational Accomplishments of Migrant Students (SEAMS) as described in the *No Child Left Behind Act of 2001, Title I, Part C*. This assessment and service delivery plan is intended to improve the effectiveness of Minnesota's Migrant Education program in assuring that all migrant students achieve academically and graduate from high school. The contractor will work with state staff to determine an appropriate needs assessment protocol, gather input and data, prepare recommendations for improvement and finalize an implementation plan. The implementation plan will be used to develop future Migrant Education Program federal applications, set program goals and indicators, guide the use of program resources, and clarify expectations for local education agencies and community partners.

The Department of Education has estimated the cost of this project should not exceed \$120,000.00

The anticipated project period is August 29, 2005 to March 31, 2007

For a complete copy of the Request for Proposals, please contact: Noemi Treviño, Department of Education, 1500 Highway 36 West, Roseville, Minnesota 55113, telephone 651-582-8233, fax 651-582-8727, E-mail : Noemi.Trevino@state.mn.us

Responses are due by 3:00 P.M. Central Daylight Time, August 15, 2005. **Late proposals will not be considered.** Fax or E-Mail proposals will **not** be considered.

This 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 considered to be in its best interest. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Education Department

Request for Proposals for the Quality Assurance of Minnesota's

Large Scale Testing and Accountability Programs Request for Proposal

The Department of Education is soliciting proposals from qualified vendors to implement for 2006 independent systems to verify the Department's item analysis, scaling and equating, and Adequate Yearly Progress (AYP) results for the Minnesota Comprehensive Assessments – Series II (MCA-II) for Reading and Mathematics (grades 3 – 8); Writing (grade 6); Science (grades 5, 8 and high school); MCA-II/GRAD Reading (grade 10); Mathematics (grade 11); the Basic Skills Tests for Reading and Mathematics (retests), and Written Composition (initially given in grade 10 moving to grade 9); and the Test of Emerging Academic English and Test of Emerging Academic English for Mathematics given to Limited English Proficient students in grades 3-12. These tests partially fulfill the requirements of the No Child Left Behind Act of 2001 and the statewide testing law Minn. Stat. § 120B.30. Virtually all students in the grades involved will take the MCA-IIs.

The Department has estimated the cost of the first contract period should not exceed \$300,000.00 and the total cost of this project should not exceed \$1,300,000.00 over the five-year period of the RFP.

The anticipated project period is October 3, 2005 to June 30, 2010. The initial contract period is expected to be from October 3, 2005 to June 30, 2006. The Responder must submit a proposal for all tests in the project. For a copy of the complete Request for Proposal, please contact:

Mary Jo Swanson
Minnesota Department of Education
1500 Highway 36 West
Roseville, Minnesota 55113-4567
Phone: (651) 634-2222
Fax: (651) 582-8874
Mary.Jo.Swanson@state.mn.us

Proposals are due no later than 3:00 p.m. August 23, 2005. Late proposals will not be considered. The 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.

Minnesota Supreme Court

Request for Proposals for a Conceptual Design and Business Requirements for a Management Information System for Drug Courts

The Court Services Division of the State Court Administrator's Office is soliciting proposals from interested, qualified vendors for gathering and documenting the business requirements and developing a conceptual design for a statewide MIS system that supports the information needs for the operation, management and evaluation of Adult and Juvenile Drug Courts.

Proposals must be delivered to Deb Dailey by August 1, 2005, at 4:00 p.m.

A full Request for Proposals is available on the Minnesota Supreme Court website: www.courts.state.mn.us. For further information, please contact:

Deb Dailey
Court Services Division
State Court Administrator's Office
105 Minnesota Judicial Center
25 Rev. Dr. Martin Luther King Jr. Boulevard
St. Paul, MN 55155
Telephone: (651) 284-4024
Fax: (651) 296-6609
Email: deb.dailey@courts.state.mn.us

Other department personnel are NOT allowed to discuss the Request for Proposal with anyone, including responders, before the proposal submission deadline. This request for proposal does not obligate the Minnesota Supreme Court to complete the proposed project, and the Minnesota Supreme Court reserves the right to cancel the solicitation if it is considered to be in its best interest.

Department of Transportation (MnDOT)

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 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.

State Contracts

Department of Transportation (MnDOT)

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.

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 commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

Metropolitan Council

Notice of Request for Proposals (RFP) for a Comprehensive Facility Plan for a Travel Instructor

Contract Number 05P026

The Metropolitan Council is requesting proposals for a comprehensive Facility Plan for a Travel Instructor to provide regular route travel training persons with disabilities, focusing on ADA certified riders.

Issue Request for Proposals

Receive Proposals

Contract negotiated, executed, NTP

July 14, 2005

August 11, 2005

September, 2005

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

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

University of Minnesota

Subscribe to Bid Information Service (BIS)

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

Request for Bids/Proposals are also available to the public each business day from 8:00 a.m. to 4:30 p.m. in the Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Minneapolis, Minnesota 55454.

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