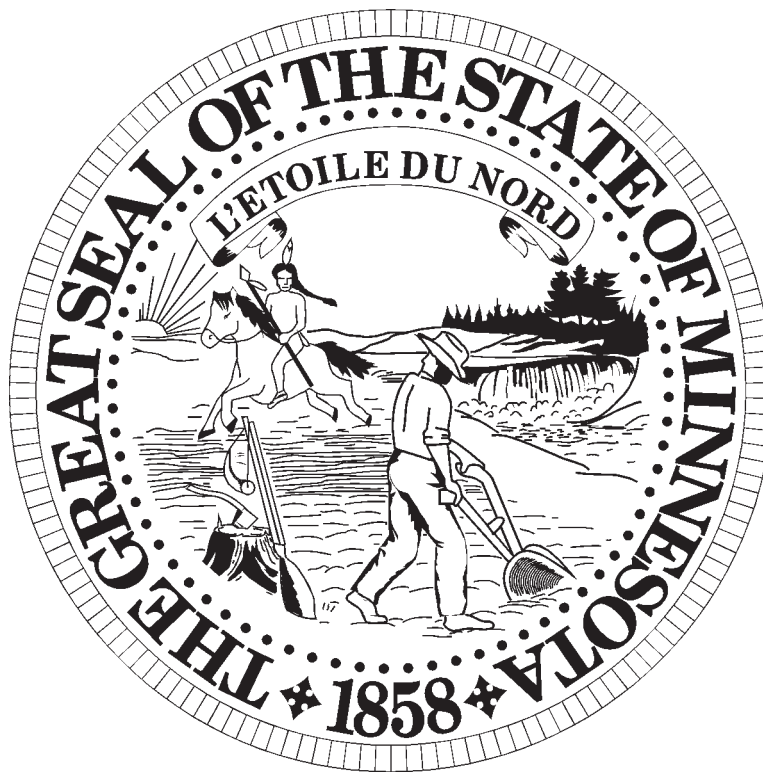


State of Minnesota

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- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
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# 43	Monday	24 April	Noon Tuesday	18 April	Noon Wednesday	12 April
# 44	Monday	1 May	Noon Tuesday	25 April	Noon Wednesday	19 April
# 45	Monday	8 May	Noon Tuesday	2 May	Noon Wednesday	26 April
# 46	Monday	15 May	Noon Tuesday	9 May	Noon Wednesday	3 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 Rule Amendments. An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

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

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

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 Administration Make Rules Tracking Easy

Obtain MORE and FASTER information on rulemaking. You receive much more with a subscription than by viewing the *State Register* on our website. Subscribe and you receive many LINKS to the *State Register*. Open the *State Register* and click on Bookmarks in the upper right corner - bingo, a Table of Contents appears! You will also receive ALL the current rules, with an INDEX, and previous years' indices. You also receive a summarized "Contracts & Grants" section to review. Subscriptions cost \$180 a year (normal cost \$260 - an \$80 savings). Here's what you receive:

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Minnesota Department of Commerce

Proposed Permanent Rules Relating to Data Service Organizations

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Amendment to Rules Governing Data Service Organizations, *Minnesota Rules*, Chapter 2705.

It is Proposed to Repeal *Minnesota Rules* parts 2705.2300, 2705.2400, 2705.2700, and 2705.3100

Introduction. The Department of Commerce intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until May 24, 2006.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Tammy L. Lohmann, at the Minnesota Department of Commerce, 85 Seventh Place East, St. Paul, Minnesota, 55101, **phone:** (651) 296-2327, **fax:** (651) 284-4106, or **e-mail:** tammy.lohmann@state.mn.us. TTY users may call the Minnesota Department of Commerce at (651) 296-2860.

Subject of Rules and Statutory Authority. The proposed rules are about data service organizations. In addition to making revisions to these rules, it is proposed to repeal *Minnesota Rules* parts 2705.2300, 2705.2400, 2705.2700, and 2705.3100. The statutory authority to adopt the rules is *Minnesota Statutes*, section 79.51 and 45.023. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Proposed Rules

Comments. You have until 4:30 p.m. on May 24, 2006, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules 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 rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on May 24, 2006. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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, please contact the agency contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rule may not be substantially different than these proposed rules, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. Copies of the statement may be obtained at the cost of reproduction from the agency or on the Minnesota Department of Commerce web site at www.commerce.state.mn.us.

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

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

Dated: April 11, 2006

Glenn Wilson, Commissioner
Department of Commerce

2705.0200 DEFINITIONS.

[For text of subps 1 to 10, see M.R.]

Subp. 11. **Rating association.** “Rating association” means the Minnesota Workers’ Compensation Insurers Rating Association of Minnesota, Inc.

[For text of subp 12, see M.R.]

2705.1000 APPLICATION INFORMATION.

A data service organization shall apply to the commissioner for a license. ~~The rating association shall submit an application to be licensed as a data service organization by July 1, 1983.~~ An application to be a data service organization shall include all information required by *Minnesota Statutes*, section 79.62. In addition, the application shall include:

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

B. a plan for data collection and analysis, and other activities of the data service organization, including:

(1) a statistical plan for the collection and reporting of exposure base and loss data of individual insureds from each member;

(2) a system for the classification of risks to be used for reporting by member insurers, and for calculating pure premium relativities, and all other ~~rate-related~~ rate or rating plan related or data analytic activities it proposes to undertake;

[For text of subitems (3) to (10), see M.R.]

2705.1100 MANUALS.

A. ~~There are five manuals currently filed by the rating association and in force in Minnesota. The rating association must file similar manuals as part of their application to become a data service organization. The application must include a list of any changes in the current manuals. The rating association or any other licensed data service organization must file and maintain the following manuals:~~

(1) a basic manual containing a uniform classification system for risks and other general standards related to the identification and underwriting of risks;

(2) a unit statistical plan manual;

(3) an experience rating manual; and

(4) a policy forms manual.

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

D. Every workers' compensation insurer shall report its data in accordance with the uniform classification code manual system, and the unit statistical plan manual, and the related rules in the basic manual. ~~In the current basic manual these rules consist of the following:~~

~~(1) in part one, rules I, II, III, IV, V, VIII (A.1, A.2a, A.2.b.1, A.2.c, B.1, B.2, B.6, C.1, C.2, C.4), IX, XI (A, B), XII, XIII, XIV (AD), XV (A and C);~~

~~(2) all of part two on classifications; and~~

~~(3) in part three, pages 917 on classifications; pages 1819, special rules (IV, V, IX); and pages 2023.~~

E. Insurers may use the premium factors, the experience rating plan, ~~or the retrospective rating plans, and other filed manual rules developed by the rating association. They may also develop and use their own factors and plans. In the current basic manual, the rules which insurers will not be required to use consist of the following:~~

~~(1) in part one, rules VI, VII, VIII (A.2.b.24, B.35, C.3) X, XI (CH), XIV (EG), XV (B); and~~

~~(2) in part three, pages 18; pages 1819, special rules VI and VII; and appendix B.~~

2705.1150 AMENDMENTS TO APPLICATION.

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

Subp. 2. **Changes filed.** A data service organization must file with the commissioner every proposed change in the uniform classification system, the uniform statistical plan, or ~~associated manual rules manuals~~. Any change must be approved by the commissioner who shall also establish an effective date for the change. If a change is ordered by the commissioner, it must be used by every workers' compensation insurer in reporting data to the data service organization of which it is a member.

2705.1600 DATA SERVICE ORGANIZATIONS RATEMAKING REPORTS.

Subpart 1. **See repealer**

Subp. 2. **Subsequent Outlines and draft reports.** ~~After 1984,~~ Licensed data service organizations must submit an outline of their annual ratemaking report to the commissioner for comment by July 1 of each year. A draft of the report should be submitted to the commissioner for comment by October 1. The final ratemaking report must be submitted no later than January 1 of the succeeding year. Interim reports on the effect of changes in the law on rates may be submitted at any time during a year.

Subp. 3. **Annual reports.** ~~Beginning in 1984,~~ Licensed data service organizations shall make yearly ratemaking reports to the commissioner. Insurers may not make reference to a report in their filings until it has been filed with the commissioner.

2705.1700 CONTENTS OF RATEMAKING REPORT.

Subpart 1. **Statutory and other data.** A ratemaking report shall meet all requirements of *Minnesota Statutes*, ~~section sections 79.55, subdivision 8, and 79.61, subdivision 1, clause (c) and~~, in addition, may contain information useful to data service organization members regarding factors pertinent to Minnesota workers' compensation business such as legislative concerns, Workers' Compensation Reinsurance Association operations, loss control programs, and programs developed by insurers that may be of interest and applicability to workers' compensation insurers.

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

2705.1800 USE OF RATEMAKING REPORT.

A. After the ratemaking report has been filed with the commissioner, insurers may develop and use rates based upon the pure premium base rates contained in the report. ~~Effective January 1, 1984,~~ Insurers may also develop and use rates based upon any reasonable factors which are not inconsistent with *Minnesota Statutes*, sections 79.50 to 79.62.

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

C. Insurers may adjust premiums by application of discount factors as defined in *Minnesota Statutes*, section 79.52, subdivision 8, and merit rating as defined in *Minnesota Statutes*, section 79.52, subdivision 9. Insurers may use their own filed and approved plans or plans developed by a data service organization in which they maintain membership.

Proposed Rules

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

2705.1900 REVIEW BY COMMISSIONER.

Subpart 1. **Nonconforming ratemaking report.** If the commissioner finds upon review that the rate-making report is not as prescribed, then the commissioner shall issue an order specifying in which respects it fails to meet the requirements of *Minnesota Statutes*, ~~section~~ sections 79.55, subdivision 8, and 79.61 and parts 2705.1600 to 2705.1900, and stating a reasonable period within which the defects shall be corrected.

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

2705.2200 INSURER VARIATIONS.

An insurer may develop variations of the uniform classification system upon which a rate may be made. A variation must be filed with the commissioner ~~30~~ 60 days prior to its use. The commissioner shall disapprove variations if the insurer fails to demonstrate that the data produced by the variation can be reported consistent with the uniform statistical plan and classification system.

2705.3000 SCHEDULE RATING PLANS.

The ~~maximum credit and~~ maximum debit which can be developed by schedule rating shall be determined by the commissioner and shall be no more than 25 percent of manual premium, after application of any experience modification.

REPEALER. *Minnesota Rules*, parts 2705.1600, subpart 1; 2705.2300; 2705.2400; 2705.2700; and 2705.3100, are repealed.

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*.

Department of Natural Resources

Commissioner's Scientific and Natural Area Order No 184: Cedar Mountain Scientific and Natural Area

WHEREAS, certain lands in Redwood County, Minnesota, described as:

The Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ of NE $\frac{1}{4}$), the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ of NW $\frac{1}{4}$), the South Half of the Northwest Quarter (S $\frac{1}{2}$ of NW $\frac{1}{4}$), the North Half of the Southwest Quarter (N $\frac{1}{2}$ of SW $\frac{1}{4}$), the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$), and the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ of SE $\frac{1}{4}$), all in Section 14, Township 112 North, Range 34 West, Redwood County Minnesota;

And

The East Half of the Northeast Quarter (E $\frac{1}{2}$ of NE $\frac{1}{4}$), Section 15, Township 112 North, Range 34 West, Redwood County, Minnesota;

And

The West Half of the Northwest Quarter (W $\frac{1}{2}$ of NW $\frac{1}{4}$), Section 23, Township 112 North, Range 34 West, Redwood County, Minnesota.

EXCEPTING there from the following described 2 parcels of land:

Those parts of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ of NE $\frac{1}{4}$), South Half of the Northwest Quarter (S $\frac{1}{2}$ of NW $\frac{1}{4}$), North Half of the Southwest Quarter (N $\frac{1}{2}$ of SW $\frac{1}{4}$), Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ of SE $\frac{1}{4}$), all in Section 14, Township 112 North, Range 34 West, Redwood County, Minnesota, bounded by the following described lines:

Beginning at the intersection of the centerline of Wabasha Creek and the east line of said Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ of SE $\frac{1}{4}$); thence on an assumed bearing of North, a distance of 2,595 feet along the east line of said Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ of SE $\frac{1}{4}$) and the east line of

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said Southwest Quarter of the Northeast Quarter (SW ¼ of NE ¼) to the northeast corner thereof; thence West, a distance of 1,765 feet along the north line of said Southwest Quarter of the Northeast Quarter (SW ¼ of NE ¼) and the north line of said South Half of the Northwest Quarter (S ½ of NW ¼); thence South 18 degrees 50 minutes West, a distance of 550 feet; thence West, a distance of 825 feet; thence South, a distance of 1,080 feet; thence South 60 degrees 45 minutes East, a distance of 1,555 feet to the centerline of Wabasha Creek; thence easterly and southerly, a distance of 1,890 feet, more or less, along said centerline to the point of beginning.

And

That part of the Southwest Quarter of the Northwest Quarter (SW ¼ of NW ¼), Section 23, Township 112 North, Range 34 West, lying south of a line drawn 66.00 feet south, when measured at right angles to the centerline of an existing Township Road, are in the process of being acquired.

WHEREAS, such lands contain mature stands of mesic oak forest, dry prairie, mesic prairie, rock outcrop, unique geological features and habitat for rare plant species including prairie bush clover (*Lespedeza Leptostachya*), great plains prickly pear cactus (*Optunia macrorhiza*), three-stamened waterwort (*Elantine triandra*), a species of lichen (*Buellia nigra*), water hyssop (*Bacopa rotundifolia*) and Carolina foxtail (*Alopecurus carolinianus*).

WHEREAS, the most effective means by which such lands can be protected and perpetuated in their natural state and used for educational and research purposes in such a manner as will leave them conserved for future generations is by designation as a Scientific and Natural Area;

NOW THEREFORE, I, Gene Merriam, Commissioner of Natural Resources, pursuant to authority vested in me by *Minnesota Statutes*, Section 84.033, 86A.05, subd. 5, and other applicable laws, do hereby designate the above-described lands as the Cedar Mountain Scientific and Natural Area upon acquisition of the above referenced parcel.

FURTHERMORE, the Cedar Mountain Scientific and Natural Area is designated as a Public Use unit, open to the public for nature observation and general educational and research activities.

IT IS FURTHER ORDERED that the provisions of *Minnesota Rules* 6136.0100 through 6136.0600 shall apply to the above-designated area, except that the area shall be open to deer hunting.

IT IS FURTHER ORDERED, that the Commissioner may issue permits to persons for the purposes of practicing historically important spiritual and cultural ceremonies at selected locations consistent with maintaining and preserving the natural features and resources of the Cedar Mountain Scientific and Natural Area.

Dated at St. Paul, Minnesota, this 15th day of March, 2005.

GENE MERRIAM, Commissioner
Department of Natural Resources

Minnesota Department of Natural Resources

Decision Record

Official Notice and Order

Use Changes in Scientific and Natural Areas Pursuant to *Minnesota Statutes*, 97A.093 and 86 A.05, Subd. 5.

COMMISSIONER'S DESIGNATION ORDER: Regarding Changing Uses In Specific Scientific and Natural Areas in Cook County, Minnesota

NOTICE PUBLISHED: April 24, 2006

EFFECTIVE DATE: April 24, 2006

NOTICE IS HEREBY GIVEN that the Commissioner of the Minnesota Department of Natural Resources orders the opening 1) of the Spring Beauty Northern Hardwood Scientific and Natural Area (SNA) to public hunting in seasons for protected game species, picnicking, picking edible berries for non-commercial purposes, and dogs; 2) of Myhr Creek Ridge SNA to picnicking, picking edible berries for non-

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commercial purposes, dogs and to hunting in seasons for protected game species; 3) of Hovland Woods and Lutsen SNAs to picking edible berries for non-commercial purposes and picnicking, except that picnicking at Lutsen SNA shall be confined to the designated snowmobile trail.

WHEREAS:

1. *Minnesota Statutes*, 86A.05, Subd. 5 (d) require a public hearing before altering the use of a scientific and natural area.
2. *Minnesota Statutes*, 97A.093, subd. 2, requires following the procedures in *Minnesota Statutes*, 86A.05, Subd. 5 (d) before opening any scientific and natural area to hunting if the scientific and natural area was designated before May 15, 1992 and at that time closed to hunting.
3. The agency held a public hearing and solicited and received written and verbal comments regarding the changes in use.
4. **The notice and procedural requirements in *Minnesota Statutes*, and other applicable rules and law have been compiled with.**
5. The use changes are both needed and reasonable.

NOW THEREFORE, IT IS ORDERED that the above use changes be implemented.

IT IS FURTHER ORDERED that the use changes above become effective on April 24, 2006.

A copy of this order shall be filed with the Secretary of State.

Dated: March 15, 2006

Gene Merriam, Commissioner
Department of Natural Resources

Revenue Notices

The Department of Revenue began issuing Revenue Notices in July of 1991. Revenue Notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue Revenue Notices is found in *Minnesota Statutes*, Section 270C.07.

Department of Revenue

Revenue Notice # 06-03: Sales and Use Tax – Online Data Retrieval for Capital Equipment Revocation of Revenue Notice # 98-03

This revenue notice revokes Revenue Notice # 98-03.

Minnesota Statutes, section 297A.68, subdivision 5, provides an exemption from sales and use tax for sales of capital equipment. Procedures for obtaining a refund of taxes paid on capital equipment and replacement capital equipment are found in *Minnesota Statutes*, section 297A.75. *Minnesota Statutes*, section 297A.68, subdivision 5(a), defines capital equipment as equipment and machinery used by the purchaser or lessee primarily for manufacturing, fabricating, mining, or refining tangible personal property to be sold ultimately at retail, and for electronically transmitting results retrieved by a customer of an online computerized data retrieval system. "Online data retrieval system" is defined in *Minnesota Statutes*, section 297A.68, subdivision 5(d)(8), as a system whose cumulation of information is equally available and accessible to all its customers.

Definitions

For purposes of the capital equipment refund for online data retrieval systems, the following definitions apply:

"Computerized system" or "system" means an electronic device or a group of hardware and software components that performs logical, arithmetical, and memory functions by manipulations of electronic or magnetic impulses. This definition includes all input, output,

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processing, storage, computer software, and communication facilities that are connected or related in some way and contribute to the performance of these operations.

“Customer” means a person who pays a direct consideration to another person for retrieval or access to information. In this case, “person” means a separate legal entity. Payments for services between divisions or units of a single legal entity do not constitute payments to another person.

“Customer group” means multiple customers who subscribe to receive the same level of service and receive the same capability to search the same databases for equivalent fees.

“Data retrieval” means electronic transmission of information, knowledge, facts, concepts, or instructions that have been compiled based on the request of the customer.

“Direct consideration” means that the customer pays a fee to the owner of the online data retrieval system for information requested. In situations where the information is provided both free of charge to some parties and sold to others, the system will qualify if 50 percent or more of its operating time is used to provide information to paying customers.

“Electronic transmission” means any one-way transmission or any two-way interactive transmission of sounds, signals, or other intelligence converted to like form, which effect or are intended to effect meaningful communications by electronic or electromagnetic means via wire, cable, satellite, light waves, microwaves, radio waves, or otherwise.

“Equally available and accessible” means all customers can access the same information on the database.

“Internet access service” means the offering or provision of the storage, computer processing, and transmission of information that enables the customer to make use of resources found via the Internet.

“Internet online services” means the offering or provision of information, information processing, and products or services to a customer as part of a package of services that are combined with Internet access service and offered to the customer for a single price.

“Online” means that a computerized system is capable of connecting with a communications network.

“Primarily” means that the software or hardware is used 50 percent or more of its operating time in a qualifying activity.

“Results” means data or information provided in a format intended to be usable by the customer.

General Requirements

To qualify for the capital equipment refund, the system must have a cumulation of information and this cumulation of information must be equally available and accessible to all customers or to each customer group within a fee structure. In addition, the hardware and software applications must be primarily used to support the online data retrieval system and the customers must pay a direct consideration for the specific information requested. To determine if a system qualifies, answer the following three questions:

1. Is there a cumulation of information? A system has a cumulation of information if information has been gathered or combined on the system. A system does not have a cumulation of information if customers can only access their own information or if information is only transported by the system.

2. Is all of the information in the system equally available and accessible to all customers or each customer group within a fee structure? Information is considered equally available and accessible to all customers if all customers have the ability to search the same information and if all customers that perform identical searches achieve identical results.

3. Do the customers pay a direct consideration for the specific information requested?

If the answer to any of the questions is “no,” the equipment does **NOT** qualify for a capital equipment refund. If the answer to **ALL** of the questions above is “yes,” the hardware and software components that are used primarily for supporting the online data retrieval system may qualify for a capital equipment refund if all other conditions are met.

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Examples

The following are examples of equipment used for electronically transmitting results retrieved by a customer of an online computerized data retrieval system that may qualify for a capital equipment refund if all other conditions are met.

A research company offers its services online to subscribers. The database is created from information gathered from outside sources and is refined by the company through the addition of narrative comments, additional reference sources, and notations as to related topics. No other information is included on the hardware or software that supports this system. This system qualifies as capital equipment.

A provider offers varying levels of subscription services. While all information within the system is available for access, access to certain portions of the data is limited by the service level selected by the subscriber. However, each subscriber is able to participate at each service level they subscribe to without restriction. If the system meets all other criteria, this system qualifies as capital equipment.

An individual buys a computer, a modem, a computerized outdoor weather information system, and software to provide a temperature and time service to people who call in. If the customer is billed a direct fee for this use (*e.g.*, on their telephone bill), the system will qualify for the capital equipment exemption. If there is no direct charge to the customer, then the system does not qualify.

An Internet online service charges customers a fee for access to the Internet and access to information that the service maintains. Equipment that is used primarily by the Internet online service to provide, maintain, and allow access to its own information service qualifies for the capital equipment exemption.

A business contracts with pharmacy benefit managers or health plans to provide patient data to health care providers. The business has an online system containing health plan benefit information, including eligibility, formulary, and medication history. Health care providers can access this information in their office or at hospitals prior to writing prescriptions. All the information in the system is available to a requesting health care provider if all provisions of the federal *Health Insurance Portability and Accountability Act* and privacy laws and regulations are followed. A transaction fee is charged to the pharmacy benefit manager or health plan each time information is accessed by a health care provider. The equipment used to provide this service is an online data retrieval system that qualifies for the capital equipment exemption.

The following are examples of equipment that does not qualify as equipment used primarily for electronically transmitting results retrieved by a customer of an online computerized data retrieval system.

A bank uses online systems to receive payroll and other payable information from its clients. The bank uses this information to debit the client's account, and generate and mail checks on behalf of the client. Each client is able to access his or her own bank account information through the incoming software systems, but is not able to access accounting information for other clients. Because the data privacy provisions prevent clients from accessing all information on the system, this system does not qualify for the capital equipment exemption.

An Internet access service provides customers with direct access to the Internet for a fee. Equipment used to provide the Internet access service does not qualify for the capital equipment exemption.

A business buys computers, modems, and software to provide e-mail and other online communications between the various divisions of the business. The divisions share the cost of the system through intracompany funds transfers to the administrative division. Equipment used to provide this service does not qualify for the capital equipment exemption because the information is being transported and not cumulated and because the service is limited to intracompany use.

A business maintains a database to store images and text files for various clients, including a magazine publisher. The publisher stores its finished stories on the database and uses the database to research, review, and select text and images for current stories. The publisher can only access its own material that is stored on the database. Equipment used to provide this service does not qualify as machinery and equipment used to electronically transmit results retrieved by a customer of an online data retrieval system as the business is storing the information of others and is not cumulating information since each client can only access its own information.

Revenue Notice # 98-03 is hereby revoked.

Publication Date: April 24, 2006

JOHN H. MANSUN, Assistant Commissioner
for Tax Policy and External Relations

Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Minnesota 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 16, 2006, in the Cargill Commons, MacMillan Education Wing, Minnesota Historical Society History Center, St. Paul, Minnesota. The State Review Board will meet at 6:45 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 7:00 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 State Operated Services Division

Final Payment Rate for the State Operated Community Behavioral Health Hospitals

NOTICE IS HEREBY GIVEN to recipients, providers of services under the Medical Assistance (MA) Program, and to the public, of the final payment rate for the State Operated Community Behavioral Health Hospitals under the MA Program. This notice is published pursuant to 42 *United States Code* §1396a(a)(13)(A) (§1902(a)(13)(A) of the Social Security Act), which requires the Department to publish payment rates for providers, the methodologies underlying the establishment of such rates, and the justification of such rates.

In conjunction with the current state fiscal year's budget for State Operated Services, as appropriated by the legislature, payment rates are determined in accordance with *Minnesota Statutes*, §246.50, subdivision 5.

Effective for admissions occurring on or after March 1, 2006 and continuing through June 30, 2006, the payment rate for the State Operated Community Behavioral Health Hospitals will be \$850 per day.

Questions and comments may be directed to Lynn Glancey, Minnesota Department of Human Services, State Operated Services Division, 444 Lafayette Road North, St. Paul, MN 55155-3826, **Phone** (651) 582-1875 or **Email:** Lynn.Glancey@state.mn.us.

Investment Advisory Council Notice of Meeting April 28, 2006

The Investment Advisory Council will meet on Friday, April 28, 2006 at 8:30 A.M. at the State Board of Investment, Board Room (Main Floor), 60 Empire Drive, St. Paul, MN.

Minnesota Department of Labor and Industry Construction Codes and Licensing Division

Request for Comments on Possible Amendment to Rules Governing High Pressure Piping, *Minnesota Rules*, Parts 5230.0010 to 5230.6200

Subject of Rules. The Minnesota Department of Labor and Industry requests comments on its possible amendment to rules governing High Pressure Piping Administration, Code for Power Piping Systems, and ammonia refrigeration systems. The Department is considering rule amendments that update the rules regarding the administration of the licensure and permitting functions of the High Pressure Piping Unit (HPP Unit) of the Construction Codes and Licensing Division (CCLD). *Minnesota Rules, Parts 5230.0010 to 5230.0210*. These rules have not been updated since 1983. Since that time, a number of statutory changes have occurred that have rendered some of the administrative procedures contained in the rules obsolete and that require changes in other provisions. Notably, the Minnesota Legislature long ago repealed the law creating the "Advisory Council for Pipefitting Examinations" and replaced it with an entity known

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as the Code Enforcement and Advisory Council, which now deals with high pressure piping issues and boiler issues. The change in name and function of the advisory council requires repeal of a number of subparts and amendment to other parts and subparts.

Additionally, in 1989, the Legislature added certain ammonia piping systems and ammonia refrigeration systems to the definition of a high pressure piping system. Technical rules regarding standards applied to ammonia piping systems were added by rule in 1992. The possible rule amendments include codification of the Department's administrative practice regarding ammonia piping and high pressure piping.

In 1997 the Department appointed an advisory committee to recommend updated rules regarding the administration of the licensure and permitting functions of the HPP Unit. This HPP Administrative Rules Advisory Committee recommended the administrative portions of these possible amendments in January 1998. Subsequently the Department's priorities shifted, and the administrative changes recommended by the HPP Administrative Rules Advisory Committee were not proposed for adoption at the time. In 2005, the Department appointed a new rules subcommittee of the Code Enforcement and Advisory Council. This rules subcommittee has begun meeting to consider possible rule amendments.

The possible amendments include:

- What constitutes "repairs": Under *Minnesota Statutes*, section 326.48, subdivision 1, no pipefitter's license is required "for repairs on existing installations." The Department is considering a rule defining "repairs" which would specify that "repairs" cannot include any replacement of welded joints or any alteration of an existing high pressure piping system.

- Welder qualifications: The Department is considering rule amendments that would require qualification tests regarding welding procedures, welders, and welding operations to be submitted for examination and certification to an independent, certified entity. Also, the Department is considering a rule amendment under which welders' qualifications would expire after three years.

- Inspection requirements: The Department is considering rule amendments which would require that all high pressure piping installed in Minnesota be inspected by: a Department inspector; or, where a municipality has adopted an appropriate ordinance, a municipal inspector; or, in certain circumstances, an independent inspection agency approved by the commissioner.

Due process protections and procedures may be added in these rule amendments to govern the disciplinary procedures used when the Department intends to take some action against a high pressure piping license holder or owner of a high pressure piping system as authorized by law. The Department has always had the statutory authority to suspend or revoke high pressure piping licenses and to suspend operation of a high pressure piping system which is either operating in an unsafe condition or is available to operate in an unsafe condition. Legislation may be enacted in 2006 that would provide a process for these types of disciplinary actions. If this legislation is not enacted, then the possible rule amendments may include a procedure for disciplinary action.

The possible rule amendments also include a small number of clarifications, updates, and additions to the Code of Power Piping and ammonia related parts, ***Minnesota Rules, Parts 5230.0250 to 5230.6200***. These possible amendments were not considered by the HPP Administrative Rules Advisory Committee in 1998, but have been considered by the current rules subcommittee of the Code Enforcement and Advisory Council. The possible amendments include: updating the ASTM Specification pipe that may be used; changing the definition of "brine" to "secondary coolant"; deleting an erroneous reference to the maximum allowable concentration of ammonia in refrigeration systems; updating a reference to "brine" regarding Indirect Systems; adopting a new standard for the inspection and replacement of ammonia Pressure Relief Devices; and making a minor change in the location of drip pockets or "dirt legs."

Persons Affected. The amendment to the rules would likely affect primarily: pipefitters and pipefitting contractors engaged in high pressure piping; those persons and entities owning, operating, improving or constructing high pressure piping systems; mechanical and biotechnical design professionals; the manufacturers of integrated high pressure piping systems; and employees and members of the public who occupy buildings with high pressure piping systems.

Statutory Authority. *Minnesota Statutes*, sections 175.171, 326.46, 326.47, 326.48, and 326.50 authorize the Department to adopt rules establishing minimum standards for high pressure piping and to adopt rules regarding high pressure piping licenses and permits.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. The Department has appointed the rules subcommittee of the Code Enforcement and Advisory Council as an advisory committee to comment on the possible rules. It is anticipated that this advisory committee will complete their work on the possible rules by June 15, 2006.

Rules Drafts. The Department has prepared a draft of the possible rules amendments, and any person interested may review the draft rules and print a copy from the department's internet web site, <http://www.doli.state.mn.us/hpp.html>. A copy of the rules may also be obtained from the agency contact person listed below.

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

Kevin Wilkins, Director
CCLD Licensing Unit
Minnesota Department of Labor and Industry
443 Lafayette Road North

St. Paul, MN 55155
Fax: (651) 284-5737
E-mail: Kevin.wilkins@state.mn.us
TTY users may call the Department at (651) 297-4198.

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 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 if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: April 18, 2006

M. Scott Brener, Commissioner
Department of Labor and Industry

Metropolitan Council

Public Hearing on Revised Regional Park Capital Grant Reimbursement Policy, AND Regional Park System Map Illustrating Shared Transit/Regional Trail Rights-Of-Way

A public hearing will be held on amendments to the *2030 Regional Parks Policy Plan* regarding the revised regional park capital grant reimbursement policy and the regional park system map illustrating shared transit/regional trail rights-of-way as part of the Metropolitan Council's Community Development Committee meeting. The hearing is scheduled for:

4:15 p.m., Monday, May 1, 2006

Testimony will be taken until 5:30 p.m.

Metropolitan Council chambers, Mears Park Centre
230 East Fifth Street, St. Paul, MN

All interested persons are encouraged to attend the public hearing and offer comments. People may register in advance to speak by calling Karen Patraw at (651) 602-1456 or (612) 291-0904 (TTY). Upon request, the Council will provide reasonable accommodations to persons with disabilities.

In addition to the public hearing, you may also provide oral or written comments as follows:

- Written comments to: Metropolitan Council Data Center
Mears Park Centre, 230 E 5th St, St. Paul, MN 55101-1626
ATTN: Park capital grant reimbursement policy and shared trail/transit map comments
- Fax comments to Data Center at (651) 602-1464
- Record comments on the Metropolitan Council's Public Comment Line at (651) 602-1500
- Send TTY comments to: (651) 291-0904
- E-mail comments to: data.center@metc.state.mn.us

Comments will be accepted until 4:30 p.m., May 15, 2006.

Copies of *Revised Regional Park Capital Grant Reimbursement Policy and Regional Parks System Map Illustrating Shared Transit/Regional Trail Rights-Of-Way* (Publication No. 78-06-028) are available after April 17 for review at major public libraries in the seven-county Twin Cities Metropolitan Area or by contacting the Council's Regional Data Center at (651) 602-1140 or (612) 291-0904 (TTY). You can also view this document on the Council's website: "www.metrocouncil.org".

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Minnesota Public Utilities Commission

REQUEST FOR COMMENTS for Possible Amendment of Rules of Practice and Procedure, *Minnesota Rules*, Chapter 7829, to Set New Notice Requirements for Certificate of Need Applications for Pipelines

Subject of Rules. The Minnesota Public Utilities Commission requests comments on its possible amendment of its rules of practice and procedure. The Commission is considering rule amendments that would set new notice requirements for certificate of need applications filed under *Minnesota Rules*, Chapters 7851, 7853, or 7855 for the construction of pipelines. Those pipelines would include, but not necessarily be limited to, natural and synthetic gas pipelines, petroleum pipelines, coal liquids pipelines, and coal slurry pipelines. The amendments would incorporate the notice requirements recently adopted for high-voltage transmission lines, at *Minnesota Rules*, part 7829.2550.

Persons Affected. The proposed rule amendments would likely affect the following groups of people:

- cooperative, municipal, and investor-owned utilities seeking to build pipelines;
- other entities seeking to build pipelines;
- gas and electric customers throughout the state;
- persons living or owning property near potential pipeline routes;
- local and tribal governments in areas likely to be affected by proposed pipelines;
- Minnesota agencies with jurisdiction over cooperative, municipal, or investor-owned utilities seeking to build pipelines;
- Minnesota agencies with jurisdiction over pipeline companies.

Statutory Authority. These amendments are authorized under *Minnesota Statutes* §§ 216A.05; 216B.08, 14.06 (a); 216B.243.

Public Comment. Interested persons or groups may submit comments or information on these possible amendments in writing or orally until 4:30 p.m. on June 1, 2006. Comments should include the docket number assigned to this rulemaking, U-999/R-06-212. The Commission does not contemplate appointing an advisory committee to comment on the possible amendments, since the amendments under consideration would incorporate notice requirements recently adopted in a related rulemaking.

Rules Drafts. The Commission has prepared a draft of the possible amendments; that draft is set forth below.

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

Carol Casebolt, Managing Attorney
Public Utilities Commission
121 Seventh Place East, Suite 350
St. Paul, Minnesota 55101-2147
Telephone: (651) 201-2225
Fax: (651) 297-2073
Minnesota Relay Service: (800) 627-3529
E-mail: carol.casebolt@state.mn.us

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 if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Working Draft. The agency's current working draft of the rule amendments is set forth below.

7829.2550 NOTICE PLANS WHEN SEEKING CERTIFICATION OF PIPELINES

Subpart 1. **Filings required, service requirements.** Three months before filing a certificate of need application for any pipeline under *Minnesota Rules*, chapters 7851, 7853, or 7855, the applicant shall file a proposed plan for providing notice to all persons reasonably likely to be affected by the proposed pipeline. Applicants shall serve their proposed plans on the following persons:

- A. the department;
- B. the Residential and Small Business Utilities Division of the Office of the Attorney General; and

C. all persons who have requested notice of applications for pipeline route permits under *Minnesota Rules*, part 4400.1350, subpart 1, item A.

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

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

A. direct mail notice, based on county tax assessment rolls, to landowners reasonably likely to be affected by the proposed pipeline;

B. direct mail notice to all mailing addresses within the area reasonably likely to be affected by the proposed pipeline;

C. direct mail notice to tribal governments and to the governments of towns, statutory cities, home rule charter cities, and counties whose jurisdictions are reasonably likely to be affected by the proposed pipeline; and

D. newspaper notice to members of the public in areas reasonably likely to be affected by the proposed pipeline.

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

A. a map showing the end points of the pipeline and existing pipelines and related facilities in the area;

B. a description of general right-of-way requirements for a pipeline of the size and type proposed and a statement that the applicant intends to acquire property rights for the right-of-way that the proposed pipeline will require;

C. a notice that the pipeline cannot be constructed unless the commission certifies that it is needed;

D. the commission's mailing address, telephone number, and Web site;

E. a statement that the department will be preparing an environmental report on each pipeline for which certification is requested;

G. a brief explanation of how to get on the mailing list for the department's proceeding; and

H. a statement that requests for certification of pipelines are governed by Minnesota law, including specifically chapters 4410 and 7851, 7853, and 7855 and *Minnesota Statutes*, section 216B.243.

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

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

Subp. 7. **Good faith sufficient.** The commission shall not deny a request for certification of a pipeline on grounds of defective notice if the applicant acted in good faith, in substantial compliance with the notice requirements of this part, and in substantial compliance with any commission orders issued under this part.

State Grants & Loans

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

Minnesota Department of Agriculture Agriculture Marketing Services Division

Notice of Availability of Fuel Testing Grants not to Exceed \$50,000

Proposals are Being Accepted by the Minnesota Department of Agriculture for Ethanol Combustion Efficiency Grants under *Minnesota Statutes*, section 41A.09.

The Minnesota Department of Agriculture is accepting proposals for up to two grants, each in an amount not to exceed \$50,000, to qualified applicants proposing to do research on ethanol including but not limited to ethanol's effect on fuel system materials compatibility and ways to improve the energy efficiency of ethanol fuel blends in motor vehicles while meeting all requirements for control of tailpipe emissions.

Grant funds must be matched at the rate of \$2 of non-state money for each \$3 of state grant money. Proposals must be received by Ralph Groschen at the Minnesota Department of Agriculture, 625 Robert St. N., St. Paul, MN 55155, **no later than 4:30 PM May 15, 2006**. For questions please e-mail Ralph Groschen, ralph.groschen@state.mn.us, or call at 651-201-6223.

Department of Health

Office of Rural Health and Primary Care

Request for Proposals for Clinical Dental Education Innovations Grants

The Office of Rural Health and Primary Care, the Minnesota Department of Health, is soliciting proposals for grants to sponsoring institutions and clinical dental training sites for projects that increase dental access for underserved populations and promote innovative clinical training of dental professionals. A total of \$2,086,000 is available for grants with a maximum award of \$500,000 for a two-year grant period. Eligible applicants include institutions that sponsor accredited clinical dental education programs, institutions that sponsor or are developing interdisciplinary clinical training programs that include accredited dental education, clinical training sites that host dental professionals and are currently enrolled as active Medicaid providers, or consortia consisting of members of one or both groups. Potential uses of grant funds include funding or expansion of existing programs with demonstrated success in providing dental services to underserved populations and development or implementation of new programs designed to improve access for underserved populations in Minnesota through the use of dental residents or students.

To be considered for funding, proposals must be received by **4:30 p.m., Tuesday, June 20, 2006** at the Minnesota Department of Health, 85 East Seventh Place, Suite 220, St. Paul, MN 55101, attention Karen Welter. **Late proposals will not be considered.** A copy of the full Request for Proposals may be obtained at <http://www.health.state.mn.us/divs/chs/grants.htm>. Click on "Clinical Dental Education Innovations Grants." For more information contact Karen Welter at (651) 282-6302, Email: Karen.welter@health.state.mn.us

By mail: P.O. Box 64882, St. Paul, MN 55164-0882

By courier: 85 East 7th Place, Suite 220, St. Paul, MN 55101

Minnesota Housing Finance Agency

Consolidated Request for Proposals:

- **2006 Multifamily Request for Proposals**
- **2007 Housing Tax Credit Program Request for Proposals**

The Minnesota Housing Finance Agency (MHFA), the Greater Minnesota Housing Fund, the Family Housing Fund, and the Metropolitan Council announce the availability of funds through a Consolidated Request for Proposals (RFP) using the Minnesota Multifamily Rental Housing Common Application (Common Application). Funds are available to assist in the development, construction, acquisition, refinance, demolition, or rehabilitation of affordable rental housing for low and moderate-income residents of Minnesota. Limited amounts of funding are available for operating subsidies for new or existing MHFA-financed housing developments as well as funding for rental

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assistance programs. The RFP represents an effort to coordinate the resources available within the MHFA and state, and to address communities' comprehensive housing efforts.

Eligible applicants are invited to submit proposal(s) to the 2006 RFP and the 2007 Housing Tax Credit Program using the Common Application and its required forms and submittals. Separate Single Family proposals are required; refer to www.mhfa.state.mn.us for application deadlines. Comprehensive housing proposals that consist of both single family and multifamily units within the same geographical area are required to complete both a single family and multifamily application. A separate request for proposals for Single Family will be published in early June 2006 with funding recommendations in October 2006.

MULTIFAMILY RFP

The Multifamily Division publishes an RFP once per year for its deferred loan and grant funding. A limited amount of funding is available on an open pipeline basis with funds available through the Low and Moderate Income Rental Housing program, the Flexible Financing for Capital Costs program, the Preservation Affordable Rental Investment Fund, the Housing Trust Fund, the Ending Long - Term Homeless Fund and the Publicly Owned Permanent Supportive Housing Program if the application meets certain criteria. Eligibility criteria for an open pipeline application are published in the Multifamily Consolidated Request for Proposal Guide that is available at

http://www.mhfa.state.mn.us/multifamily/MF_CommonApp.htm.

The next Multifamily RFP for deferred loans will be issued in Spring 2007 with selections being made in Fall 2007. The Housing Tax Credit program and Single Family Division will continue to have two funding rounds per year. Further information regarding the Housing Tax Credit annual schedule is outlined in Housing Tax Credit section of this publication.

Eligible Locations:

MHFA funds are generally available statewide; while respective RFP partners' funds are available only in the Twin Cities Metropolitan area or Greater Minnesota depending upon the specific funding partner.

Eligible Applicants:

In general, eligible applicants for the majority of resources include Minnesota Cities, limited dividend entities, for profit organizations, nonprofit organizations, private developers, corporations, partnerships, natural persons, Indian tribes or tribal housing corporations, public housing agencies, joint powers board established by two or more cities, and cooperative housing corporations

MULTIFAMILY STRATEGIC GOALS

The following summarizes the strategic plan and strategic goals of the MHFA for program years 2004-2007 (October 1, 2003 through September 30, 2007). This period coincides with the 2003-2005 and 2005-2007 affordable housing plans. The plan is the result of input from MHFA stakeholders throughout the state, Governor Tim Pawlenty and Pawlenty Administration staff, the MHFA Board, senior leadership and staff.

The MHFA vision, mission and values are related; mutually reinforcing and based on the principle that decent, safe, affordable housing is required for individuals to be healthy, for families to be strong, and for communities to be vibrant.

The strategic goals are to:

1. End long-term homelessness in Minnesota by 2010
2. Increase minority homeownership
3. Preserve strategically the existing affordable housing stock
4. Provide housing choices for low and moderate-income workers
5. Establish the MHFA as a housing partner of choice

End Long-Term Homelessness:

The MHFA continues to provide leadership in implementing the Administration's business plan to end long-term homelessness by 2010. In 2003, the Minnesota Legislature, at the request of Governor Tim Pawlenty, directed the state Commissioners of Human Services, Corrections, and the Housing Finance Agency to convene a broadly representative working group to address the issue of long-term homelessness in Minnesota. The Working Group's report and recommendations were submitted to the 2004 Legislature on March 2004. The complete report and business plan, "*Ending Long-Term Homelessness in Minnesota; Report and Business Plan of the Working Group on Long-Term Homelessness*" at <http://www.mhfa.state.mn.us/multifamily/LTH.htm>. The Multifamily Division has designed programs and funding sources that will help achieve this goal. These programs are outlined in this RFP.

Increase Minority Homeownership:

The MHFA continues to increase minority homeownership through implementation of the business plan and "Emerging Markets (Cite 30 SR 1171)

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Homeownership Initiative". The Single Family Division has designed programs and funding sources that will help achieve this goal.

Preserve Strategically the Existing Affordable Housing Stock:

The MHFA will continue to invest in preserving the existing affordable housing supply. Preservation helps eliminate the danger of housing becoming unaffordable for low and moderate income households, thus ensuring they can continue to find affordable housing near work and transportation. In 2005 the MHFA's Single Family and Multifamily Divisions collaborated and formulated a five-year Preservation Plan. The plan is anticipated to be presented to the Minnesota Housing Finance Agency Board of Directors for approval by the end of 2006. Both Multifamily and Single Family Divisions have existing programs and funding sources that will help achieve this goal. The Multifamily programs are outlined in this RFP.

Provide Housing Choices for Low and Moderate Income Workers:

The MHFA continues to increase housing choices for low- and moderate-income workers to support the State's economic vitality. Both the Multifamily and Single Family Divisions have designed programs and funding sources that will help achieve this goal. The Multifamily programs are outlined in this RFP.

Establish the MHFA as a Housing Partner of Choice:

Scarce resources require redoubled efforts at customer service, collaboration, greater creativity in identifying resources, and review of regulatory requirements. The Agency aims to establish the MHFA as a housing partner of choice.

A complete copy of the strategic plan can be found at: http://www.mhfa.state.mn.us/about/strategic_plan.pdf

MULTIFAMILY RFP FUNDING AVAILABILITY

Funding Availability

Estimated total funding through the MHFA and funding partners not including Housing Tax Credits is approximately \$85,000,000, subject to available funding. Specific programs and estimated dollar amounts are listed below.

MHFA Loan Programs and Estimated Funding Available:

- The MHFA also has up to \$30 million available for first mortgage financing under the Low and Moderate Income Rental Program (LMIR) through tax-exempt and taxable bonds.
- Economic Development and Housing Challenge Program (EDHC): approximately \$4 million
- Housing Trust Fund: 70% of funds targeted to proposals serving households experiencing long-term homelessness.
 - Capital (HTF): approximately \$2,000,000
 - Operating Subsidy (HTF/OS): up to \$709,000 for MHFA-financed developments
- Preservation ARIF (PARIF): \$6 million
- Publicly Owned Permanent Supportive Housing Program (POPSHP): up to \$20 million for proposals targeting long-term homelessness subject to legislative approval
- Ending Long-term Homelessness Initiative Fund (ELHIF): at least \$8 million available for capital, operating subsidy and rental assistance for proposals targeting long-term homelessness
- Flexible Financing for Capital Costs (FFCC): up to \$9 million for proposals with a LMIR first mortgage financing.

Funding Partner Programs and Estimated Funding Available:

- Family Housing Fund (FHF): approximately \$1 million
- Metropolitan Council – Local Housing Incentive Account (LHIA): \$1.66 million
- Greater Minnesota Housing Fund (GMHF): approximately \$2.5 million for general occupancy multifamily or supportive housing proposals.
- Minnesota Green Communities Program funded in part by the Family Housing Fund and Greater Minnesota Housing Fund: approximately \$300,000

Types of Multifamily Funding Available

The Multifamily RFP funding sources listed above may be provided in several forms. More detailed program information, including financing terms and specific program requirements, is provided in the Multifamily Consolidated Request for Proposal Guide.

Deferred loan funds are generally in the form of a zero percent (0%), 30 year deferred or subordinate loan or grant. Actual interest rate, term and type of loan or grant will vary depending upon recommended funding source(s) and will be discussed in detail with sponsors/

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applicants upon selection for funding. For the POPSHP program, the terms are 0% interest rate, 20 year loans that are forgivable.

For developments using the Federal Housing Tax Credit Program, loans may be structured with an interest rate to be eligible for inclusion in qualified basis. More information on the Housing Tax Credit Program follows this section.

Long term fixed rate mortgages for acquisition, refinance, or new construction of multifamily housing for developments that generate adequate income to service debt are also available. These mortgages are offered through the LMIR program. Separate application materials are not required for the first mortgage program. Source of funding available is Agency reserves, taxable, or tax-exempt bonds. First mortgages may be used in conjunction with housing tax credits for new construction or acquisition/rehabilitation.

Operating subsidies are available for new or existing MHFA financed developments and are available in two forms, revenue shortfall and unique costs. Operating subsidies are awarded in the form of a grant and may be provided for up to 10 years.

Rental Assistance funding for tenant or sponsor-based programs are available through the ELHIF program. The rent subsidy is awarded in the form of a grant and can be provided to a tenant for the term of the grant and/or generally no more than five consecutive years. The Metropolitan Housing and Redevelopment Authority offers project based rental assistance for a minimum of one year and maximum of ten years.

Eligible Projects and Activities:

In general, the funding sources available for capital funding can be used for a variety of activities and housing types. Eligible activities include new construction, acquisition of land or existing structures, rehabilitation of housing, refinancing of existing loans, preservation of federally assisted housing, conversion to housing from another use, demolition, construction financing, permanent financing. Rental assistance and operating subsidies are eligible activities, however funding is limited. Eligible housing types include emergency shelters, transitional housing, permanent supportive housing, service-enriched housing, and permanent affordable housing. MHFA has preferences for developments which promote economic integration; new construction of workforce housing in areas of job and population growth; and acquisition/rehabilitation of housing in which all or a portion of units will be targeted to households experiencing long-term homelessness. Eligible projects must contain a minimum of four units. Scattered site developments, must be located in the same city or county and also contain a minimum of four units.

Developments with age restrictions of 55 and older are not a funding priority under most funding sources. In addition, nursing homes, board and care facilities, and supervised living facilities licensed by the Minnesota or a delegated local Department of Health are not eligible for funding, nor are properties where residents require a 24-hour plan for supervision and/or medical/health care.

Income and Rent Limits:

The overall goal of the RFP process is to serve lower income households. Priority will generally be given to those developments serving the lowest income households. The relationship between proposed rent levels and Fair Market Rents/Payment Standards is an important factor because it is crucial that Section 8 voucher holders are able to rent units in MHFA-financed developments. The following are income and rent limits for the various multifamily resources available this RFP round:

Economic Development and Housing Challenge Program (EDHC): Income limit - 80% of the greater of state or area median income. Affordability based on wage levels. Rents and incomes may be further restricted based on other sources of funding.

Preservation Affordable Rental Investment Fund (PARIF): Income limits are subject to federal guidelines per the program being preserved. Rents are based on restrictions per the federal subsidy being preserved.

Housing Trust Fund (HTF): This fund can be used for capital funding, operating subsidies or rental assistance programs. Income limit - 60% of Twin Cities area median income adjusted for families of five or more with a priority for proposals targeting 30% of Twin Cities area median income adjusted for families of five or more. Rents affordable at 60% of Twin Cities area median income with a priority for proposals affordable at 30% of Twin Cities area median income.

Ending Long-term Homelessness Initiative Fund (ELHIF): This fund can be used for capital funding, operating subsidies or rental assistance programs. Income Limit - 60% of Twin Cities area median income adjusted for families of five or more with a priority for proposals targeting 30% of Twin Cities area median income adjusted for families of five or more. Rents affordable at 60% of Twin Cities area median income with a priority for proposals affordable at 30% of Twin Cities area median income.

Publicly Owned Permanent Supportive Housing Program (POPSHP): This funding can be used for capital funding. Income Limit - 50 percent of the greater of the statewide or area median household income, as determined by HUD, adjusted for families of five or more. (Cite 30 SR 1173)

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Rents affordable at 50% of the greater of the statewide or area median household income, as determined by HUD.

Flexible Financing for Capital Costs (FFCC): This deferred loan funding is to be used in conjunction with a LMIR first mortgage only and has the same rent and income limits.

Low and Moderate Income Rental Program (LMIR): Income limits - 40% of units must be occupied by individuals/families whose income is 60% or less of area median income; or 20% of the units must be occupied by individuals/families whose income is 50% or less than area median income. 25% of the units may have unrestricted incomes. The balance of units must be occupied by tenants with incomes equal to or less than 100% area median income. Rent limits - 40% of the units affordable to persons at 60% of income; or 20% of units affordable to persons at 50% of income; and the balance of units with rents at MHFA determined "market".

Housing Tax Credit Program (HTC): Income limit at 50% area median income or 60% area median income. Maximum rent limit at 60% area median. There is a priority for units affordable at 50% and 30% area median income.

Family Housing Fund (FHF): Income limit - 60% of area median income. Rents affordable up to 60% of area median income.

Greater Minnesota Housing Fund (GMHF): Gross household income, 80% of statewide median income, adjusted by family size. For supportive housing, priority is given to projects serving households at 60% or less of statewide median income. For preservation or rehabilitation projects, priority is given to projects serving households at or below 50% of statewide median income. Rents shall be affordable to the targeted population.

Minnesota Green Communities Program: Gross household income, 80% of statewide median income, adjusted by family size. For supportive housing, priority is given to projects serving households at 60% or less of statewide median income. For preservation or rehabilitation projects, priority is given to projects serving households at or below 50% of statewide median income. Rents shall be affordable to the targeted population.

Local Housing Incentives Account, Metropolitan Council (LHIA): 50% of funds dedicated to creating/preserving units with incomes and rents at 30% of median income. Remaining funds targeted towards incomes and rents at or below 50% of median income. Funds may be reallocated to projects at 50% of median income, if there is insufficient supply of projects at 30% of median income.

2007 HOUSING TAX CREDIT PROGRAM

The Minnesota Housing Finance Agency (MHFA) is pleased to announce that it is accepting 2007 Round 1 competition applications for reservation and allocation of 2007 Housing Tax Credits, authorized by the Federal Tax Reform Act of 1986, as revised. This RFP also provides important notice information as to 2007 Round 2 for the housing tax credit program. Please refer to the Important Dates section of this RFP for additional details.

Housing Tax Credits offer a ten-year reduction in tax liability to owners and investors in eligible low-income rental housing developments involving new construction, rehabilitation or existing rental housing with rehabilitation. General information on tax credit availability is posted on MHFA's internet web site: [/www.mhfa.state.mn.us/multifamily/multifamily_tax.htm](http://www.mhfa.state.mn.us/multifamily/multifamily_tax.htm).

Total estimated 2007 tax credits available for the State of Minnesota is approximately \$9.7 million. MHFA has estimated the housing credit ceiling for Minnesota for calendar year 2007 based upon the amounts of the housing credit ceiling for calendar year 2006. The actual housing credit ceiling for the year 2007 will not be known by MHFA until some time in February or March of 2007. In early 2007 the IRS will make a final determination of Minnesota's population component used in determining Minnesota's final year 2007 housing credit ceiling. The IRS will publish this population component some time in February or March of 2007.

As in past competition years, 2007 Round 1 will be the primary tax credit selection / allocation round. It is anticipated that most of the 2007 tax credits will be forward selected during this round for the 2007 tax credit year. Any credits remaining following the conclusion of the 2007 Round 1 will be made available for 2007 Round 2.

The MHFA's 2007 Housing Tax Credit Program, Qualified Allocation Plan and related manual contents have been revised in several key respects as listed below. Additional detail regarding these changes can be found on MHFA's internet web site.

2007 PROGRAM CHANGES:

Increase per development credit allocation limits; provide options pursuant to Section 42(h)(6)(E)(i)(II) and 42 (h)(6)(F) for 4% tax credit developments using tax exempt bonds as financing; revise high speed internet access scoring section to include incentive for "wireless data networking" designs; establish a "green design" selection criteria including selection points; revise selection preferences and points sections of the QAP and Self-scoring worksheet relating to developments proposing to provide Project Based Voucher units as part of a

proposal so as to discontinue providing rental assistance points for proposed project based units and provide rental assistance points only for project based units which have a previously issued and fully executed commitment from the PHA in place and documented in the application submission materials [the intent of this revision to preserve to the extent possible the PBV selection procedure made available to PHA's via the final rule issued 10/13/05, 24 CFR 983.51, subsection (b)(2)]; minimize as appropriate, the number of times Tax Identification Numbers / Federal Employer Identification Numbers are collected in process; perform various administrative error, spelling, formatting, text and instructions corrections and clarifications within QAP, Manual, Self-Scoring Worksheet, and other 2007 tax credit program related documents.

2007 SCORING CRITERIA CHANGES:

Establish a 2 point (two tier, 1 point per tier) "green design" selection priority; make above cited high speed internet access change; make above cited Rental Assistance change with respect to Project Based Voucher units.

Credit Formula

The Minnesota Legislature designated the MHFA as the primary allocating agency for housing tax credits for the state and also authorized eligible cities and counties to administer the tax credits in their respective jurisdictions based on the *Minnesota Statutes* Section 462A.222 and 462A.223.

Local Administration of Tax Credit

The following eligible cities and counties have the authority to administer the tax credits locally:

(S) Suballocator		(JPS) Joint Powers Suballocator	
(S) St. Paul	(651) 266-6581	(JPS) Duluth	(218) 730-5303
(S) Dakota County	(651) 675-4478	(JPS) St. Cloud	(320) 252-0880
(S) Minneapolis	(612) 673-5263	(JPS) Washington Cty.	(651) 458-6556
		(JPS) Rochester	(507) 285-8082

Applicants with eligible buildings located within the jurisdiction of the above Suballocators (S) must apply to the local administrators (suballocators) for allocation of the housing tax credit. Applicants with eligible buildings located within the jurisdiction of the above Joint Powers Suballocators (JPS) must apply to both the local administrators (joint powers suballocators) and to the MHFA. Nonprofit applicants may apply both to the MHFA and the suballocator for an allocation. Typically, the MHFA will not make an allocation for projects located within the jurisdiction of the cities or counties that have elected to administer the credits until the amounts reserved have been allocated or returned to the MHFA for allocation.

For 2007, a suballocator was again able to elect to enter into a joint powers suballocator arrangement with the MHFA (via Joint Powers Agreement) in which the participating suballocator (referenced as Joint Powers Suballocator above) could prioritize the developments within their jurisdiction and then turn the application over to the MHFA to perform certain allocation and compliance functions. If applicable to your proposal, contact the suballocator for your location to determine if they have elected to participate in this joint powers program.

MHFA Administration of Tax Credits

In all tax credit rounds, applicants with eligible buildings in the balance of the state, not within the jurisdiction of a suballocator, may apply to the MHFA for an allocation of housing tax credits.

Each year, 10 percent of the state ceiling is set aside by MHFA for qualified 501(c)(3) and 501(c)(4) nonprofits as required by Section 42 of the Internal Revenue Code of 1986. Qualified nonprofits can apply to MHFA for these credits, regardless of the geographic location of the proposed low income housing development, as specified in the allocation plan.

APPLICATION PROCESS

Access application materials as follows:

- Multifamily RFP and Housing Tax Credits. The Multifamily RFP and Housing Tax Credit application materials are available on the MHFA website at www.mhfa.state.mn.us/multifamily/multifamily_forms.htm. Please refer to the website for more detailed application instructions. If you are unable to access the web or need assistance locating or identifying the appropriate materials, contact the Multifamily Division at (651) 297-3294 or Toll Free: 1-800-657-3701.

RFP TRAINING AND TECHNICAL ASSISTANCE SESSIONS:

- Multifamily and Housing Tax Credit: Multifamily Division staff is available for technical assistance on an on-going basis. Additionally, a Multifamily RFP and Housing Tax Credit workshop has been scheduled for May 10, 2006 in Brooklyn Center. Please

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check the MHFA website at http://www.mhfa.state.mn.us/multifamily/MF_TAT.htm for registration and additional information.

IMPORTANT DATES:

Proposal(s) Due: (Faxed, emailed, incomplete, or late applications will **NOT** be accepted.)

- Multifamily and Housing Tax Credit (2007 Round 1): Must be **received by** the MHFA by 5:00 p.m. on or before Tuesday, June 20, 2006.

- Housing Tax Credit (2007 Round 2): Must be **received by** the MHFA by 5:00 p.m. on or before Thursday, February 1, 2007.

Multifamily RFP and 2007 Housing Tax Credit applications must include the following materials:

- 1). The Multifamily Application Form electronically submitted,
- 2). The Multifamily Application Form with original signature plus 3 copies, and
- 3). All required attachments (narratives, forms and submittals) plus three (3) copies of all attachments.

NOTE: *Applications determined to be incomplete will be returned to the applicant.*

MHFA Board Approval:

- Multifamily RFP and Housing Tax Credit (2007 Round 1) funding recommendations will be made at the October 26, 2006 MHFA Board meeting.

- Housing Tax Credit (2007 Round 2) funding recommendations will be made at the April 26, 2007 MHFA Board Meeting.

Fund Notification:

- Notification of Multifamily Programs and 2007 Housing Tax Credit funding awards will be posted on the MHFA website after the Board meeting noted above (www.mhfa.state.mn.us/multifamily/multifamily_home.htm). Selection letters will be mailed within 20 days of the approval.

This request for proposals is subject to all applicable federal, state, and municipal laws, rules, and regulations. MHFA reserves the right to modify or withdraw this RFP at any time and is not able to reimburse any applicant for costs incurred in the preparation or submittal of proposals.

It is the policy of the MHFA to further fair housing opportunity in all Agency programs and to administer its housing programs affirmatively, so that all Minnesotans of similar income levels have equal access to Agency programs regardless of race, color, creed, religion, national origin, sex, sexual orientation, marital status, status with regard to receipt of public assistance, disability, or family status.

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.

Department of Administration Great Business for You

Almost \$3 billion a year in state government business and contracts can be yours by subscribing to the *State Register*. There you will find more information and easier access than by getting the *State Register* off our website. You get so much more with a subscription to the *State Register*. It brings you an "easy-to-use format", helpful LINKS, a simple and special contracts section for quick and easy review, and indices for handy reference. Subscriptions cost \$180 a year (normal cost \$260), or about \$3.50 per issue. Here's what you receive:

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- **Early delivery, on Friday**
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- **Index to Vol. 30**
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Plus, it's all E-mailed to you. You don't have to do anything. And you receive it on Friday, instead of waiting for Monday's issue. Contact Jessie Rahmeyer, our subscriptions manager, at (651) 297-8774, or **Fax:** (651) 297-8260, or **E-mail:** jessie.rahmeyer@state.mn.us

Department of Administration Real Estate Management Division Notice of Lease of Office Space for the Department of Natural Resources

NOTICE IS HEREBY GIVEN that the State of Minnesota, Department of Administration, requests proposals to lease approximately 18,093 usable square feet of office, heated and unheated storage space, for the Minnesota Department of Natural Resources; Divisions of Forestry, Fish and Wildlife within the Grand Marais area.

To be eligible to submit a Proposal in response to this RFP, a Non-Binding Letter of Intent to Submit a Proposal must be received by **2:30 p.m. CDT, May 31, 2006**. The Proposal must be received in the Real Estate Management Division, Administration Building, 50 Sherburne Avenue, Room 309, St. Paul MN 55155 no later than **2:30 p.m. CDT, July 7, 2006**.

All related information and the requirements for preparation and submission of a Proposal may be obtained at www.admin.state.mn.us, or requested by fax at (651) 215-6245, or by e-mail to Kathy.meyer@state.mn.us.

Department of Administration Notice of Request for Proposals for Automated Patient Assistance Program

The Minnesota Department of Administration, on behalf of the Minnesota Multistate Contracting Alliance for Pharmacy (MMCAP), is requesting proposals in order to establish a contract with one vendor for an automated online patient assistance program (PAP) for any interested MMCAP-eligible facilities.

MMCAP is a voluntary group purchasing organization administered by the State of Minnesota and made up of entities with statutory authority to purchase from governmental contracts. MMCAP has 43 participating state members (plus the City of Chicago). Approximately 4000 facilities within member states purchase over \$1 billion per year of pharmaceutical and related products from 140 companies currently under contract with MMCAP. Most products are purchased through one of three MMCAP authorized distributors.

MMCAP will make the Request for Proposals (RFP) available either electronically or by hard copy (electronic transmission is the preferred method). Interested companies should contact Dorothy Johnson by e-mail at Dorothy.Johnson@state.mn.us or by telephone at (651) 201-2417 to request an RFP.

PAP proposals in response to this solicitation must be received at the address and in the manner specified in the RFP no later than 2:00 p.m., Central Daylight Time, on Wednesday, May 17, 2006. **Late proposals will not be considered.**

State Contracts

MMCAP reserves the right to cancel this solicitation at any time prior to executing a contract. All expenses incurred by responders to this RFP are the sole responsibility of the responders.

Department of Administration

Division of State Architect's Office

Notice of Request for Proposals (RFP) and Fee Schedule for Consulting Services to Design a Replacement Energy Management System for the Minnesota Historical Center

The State of Minnesota (State) through its Department of Administration's State Architect's Office (SAO), requests proposals and fee schedules to provide design services for a replacement energy system for the Minn. Historical Center from firms and individuals (Responder). Design services are to include but are not limited to, schematic design, design development, construction documents, bidding, and construction administration.

The State Architect's Office intends to enter into a Basic Service Agreement with the Responder meeting the criteria noted in the RFP. The Request for Proposal may be found online at: www.sao.admin.state.mn.us. Copies of the RFP may also be requested from:

Contracts Officer
State Architect's Office
301 Centennial Building, 658 Cedar Street
St. Paul, MN 55155-1625
Telephone: (651) 201-2399

The State reserves the right to cancel this solicitation if it is considered to be in its best interest. The RFP is not a guarantee of work and it does not obligate the State to award any contracts. The State reserves the right to discontinue the use or cancel all or any part of this Request for Proposals or subsequent Master Contracts if it is determined to be in its best interest. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Proposals must be received no later than 3:00 p.m. CDT on **Monday May 29, 2006**.

Department of Administration

Division of State Architect's Office

Notice of Request for Proposals (RFP) and Fee Schedule for Professional Industrial Hygiene Services

The State of Minnesota (State) through its Department of Administration's State Architect's Office (SAO), requests proposals and fee schedules from firms and individuals (Responder) to provide industrial hygiene services, including but not limited to, project management, testing, sample collection and analysis, and surveys for abatement of asbestos and other hazardous materials. Services include on-site air monitoring and daily electronic log reports, site surveys, on-site and bulk material collection, sampling and analysis, recommendations, and reports for hazardous materials projects.

The State Architect's Office intends to enter into a Professional and Technical Services Master Contract (Master Contract) with Responders meeting the criteria noted in the RFP. Multiple Responders may be offered a Master Contract to perform work. Projects will vary in nature and scope, and will involve emergency response services, new construction, and remodeling.

The Master Contracts will be used by the State Architect's Office on most or all state projects required to be done under the authority of the Commissioner of Administration. This includes, but is not limited to, projects done for the Departments of Administration, Corrections, Human Services, and Veterans Affairs, as well as the Minnesota State Academies, Minnesota State Retirement Systems, Perpich Center for Arts Education, and Veterans Home Board.

Those firms currently having Master Contracts must submit responses to this RFQ to be considered for new Master Contracts. **All current Master Contracts for industrial hygiene services will cease to have work orders placed against them upon execution of the new master Contracts, and will be terminated when all remaining work orders are completed.**

Note that an abatement firm, or employees of a firm for an asbestos and/or other related hazardous materials abatement contractor, are not eligible to respond to this RFP.

The Request for Qualifications document may be found online at: www.sao.admin.state.mn.us. Copies of the RFQ may also be requested from:

Contracts Officer
State Architect's Office
301 Centennial Building, 658 Cedar Street
St. Paul, MN 55155-1625
Telephone: (651) 201-2399

The State reserves the right to cancel this solicitation if it is considered to be in its best interest. The RFP is not a guarantee of work and it does not obligate the State to award any contracts. The State reserves the right to discontinue the use or cancel all or any part of this Request for Proposals or subsequent Master Contracts if it is determined to be in its best interest. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Proposals must be received no later than 3:00 p.m. CDT on **Thursday, June 1, 2006**.

Minnesota State Colleges and Universities (MnSCU) Request for Bid: PRINT and FULFILLMENT of Go Places Publications

The Office of the Chancellor is requesting bids from qualified vendors for the printing and fulfillment of Go Places publications.

Specifications are available by visiting the website: www.mnscu.edu/goplacesrfb or by contacting Chris McGing, Minnesota State Colleges and Universities, Wells Fargo Place, 30 - 7th St. E., Suite 350, St. Paul, Minnesota 55101, (651) 297-2720, or email christine.mcging@so.mnscu.edu. Sealed bids must be received by Wed, May 3, 2006, 3:00 pm CST.

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

The Minnesota State Colleges and Universities system is an Equal Opportunity employer and educator.

Minnesota State Colleges and Universities (MnSCU) Request for Proposal (RFP) for Provision of Online Tutoring Services

Description: The Minnesota State Colleges and Universities (MnSCU) is the fifth-largest higher education system in the U.S. and is comprised of 33 two-year and four-year state colleges and universities with 53 campuses located in 46 Minnesota communities. MnSCU colleges and universities serve about 150,000 students each semester and produce about 30,000 graduates a year.

The MnSCU/Academic Innovations Unit within the Office of the Chancellor is responsible for providing support for MnSCU work efforts. MnSCU (www.minnesotaonline.org) provides an online gateway to the extensive array of online courses and programs within MnSCU. During the last school year, more than 30,000 students availed themselves of online learning opportunities from MnSCU.

Minnesota Online is governed by the Minnesota Online Council that includes representatives from the various stakeholder groups within MnSCU. The Council reports directly to the Senior Vice Chancellor for Academic and Student Affairs and is supported by the Associate Vice Chancellor for Academic Innovations. A number of work groups have been established to support the work of the Council. The work group that initially sponsored this RFP was the eStudent Services work group. The work group has had numerous discussions around this topic since the fall of 2005. Recently, the eStudent Services work group established a Tutoring sub-committee that will focus on promoting best practices in online tutoring services and will provide oversight to this project. Members of the sub-committee come from campuses throughout MnSCU.

MnSCU is requesting proposals to assist in developing an online tutoring "solution" for online students. Selection of vendors shall be based on MnSCU's evaluation of responses. While vendors must respond to MnSCU's pricing specifications, they are also encouraged to offer alternative pricing strategies. MnSCU intends to enter into a contract with the selected vendor, and this contract will contain all the terms and conditions required by this request for proposals (RFP), as well as further terms and conditions negotiated between MnSCU, the Office of the Chancellor's General Counsel and/or the Office of the Attorney General, and the selected vendor.

MnSCU has estimated that the cost of this project should not exceed \$120,000 (one hundred twenty thousand dollars). This cost is inclusive of all implementation and tutoring services.

Proposals are due: **May 19, 2006 — 3:00 PM CDT (Central Daylight Time)**

More information can be found at: www.tutoring_rfp.project.mnscu.edu

State Contracts

Minnesota State Colleges and Universities (MnSCU)

Minneapolis Community and Technical College

Solicitation of Bids for Machine Tool Equipment

NOTICE OF INTENT to solicit bids for purchase of machine tool equipment which includes trade-in of existing equipment.

- Description:** Bid to include the following:
- 1) two new Bridgeport Series I Standard Mills to include Inch Screws and dials, R8 Spindle, Chrome Ways & Gibs, One Shot Lube, Sony Millman 2-Axis DRO (installed) and Servo 200-150 Power Feed (installed).
 - 2) Three Sony Millman 2-Axis DRO (installed on existing mills)
 - 3) Four Servo 200-150 Power Feed (installed on existing mills)
 - 4) Trade-in value for one Supermax Standard Mill w/o Power Feed or DRO, 208 volt
 - 5) Trade in value for one Millport Mill

FOB Destination: Unload and set in place new equipment and removal of trade-in equipment.

Deadline for Bids: 1:00pm Wednesday May 3, 2006

Contact for bid copies and to submit bids:

Michael Noble-Olson – Purchasing Manager
Minneapolis Community & Technical College
1501 Hennepin Avenue – Business Office
Minneapolis, MN 55403
Telephone: (612) 659-6866
E-mail: *Michael.Noble-Olson@minneapolis.edu*

Department of Transportation (Mn/DOT)

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 Ron Bisek at (651) 296-1361 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:

Ron Bisek
Consultant Services
Office of Technical Support
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 (Mn/DOT) 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.

Metropolitian Council Advertisement for Bids for Construction Services for Installation of a 30-Horsepower Diesel Engine Pump with a Standby Battery and Controls Document 00150

NOTICE IS HEREBY GIVEN that on May 16, 2006 at 2:00 P.M. the Metropolitan Council will receive and publicly open separate sealed bids for MCES Project Number 800602 at their office at 390 N. Robert Street, St. Paul, MN, 55101. Sealed bids should be delivered to 1st floor receptionist.

The Work of this Project includes Construction Services for the Installation of a 2400 gpm Pump, 30 Horsepower Diesel Engine with a standby battery and Controls.

The estimated construction cost is between \$80,000.00 and \$100,000.00.

Bidding Documents may be obtained at a non-refundable cost of **\$25.00** per set from the Metropolitan Council, 230 East 5th Street, St. Paul, MN 55101-1634, Attn: Sunny Jo Emerson, (651) 602-1499, **e-mail:** sunnyjo.emerson@metc.state.mn.us.

A Pre-Bid Meeting will be held at Hastings WWTP at 100 Lea Street & First Street, Hastings MN 55033, on May 3, 2006 at 10:00 a.m. Attendees should report to Administration Building.

Direct inquiries to the COUNCIL's Project Manager, Stephen Greenwood at (651) 602-8763.

The geographical area for this notice and contract is Dakota County.

Dated this 16th day of April, 2006

Non-State Contracts & Grants

Metropolitan Council

Notice of Request for Proposals (RFP) for MCES Asset Management and Mobile Computing Assessment

Contract Number 06P069

The Metropolitan Council is requesting proposals for the services of a consultant to prepare an assessment for asset management and mobile computing, within the wastewater treatment functions of the Council.

Issue Request for Proposals

April 24, 2006

Receive Proposals

May 24, 2006

Contract negotiated, executed, NTP

June 2006

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

Metropolitan Council

Notice of Request for Proposals (RFP) for Systems and Asset Monitoring

Contract Number 06P056

The Metropolitan Council is soliciting proposals for consulting assistance to help define the requirements and identify appropriate enterprise management tools (performance, capacity, asset management) to acquire and deploy into its environment.

Issue RFP

April 17, 2006

Proposals Due

May 4, 2006

Selection of Firm

May 2006

Project Activities

June – November 2006

Firms interested in providing these services should request a copy of the RFP from the contact listed below:

Harriet Simmons, Senior Administrative Assistant,
Contracts and Procurement Unit
Metropolitan Council
230 East Fifth Street
Mears Park Centre
St. Paul, MN 55101
Phone: (651) 602-1086
Fax: (651) 602-1083
E-mail: harriet.simmons@metc.state.mn.us

Metropolitan Council - Metro Transit

Solicitation for Bids for Park & Ride Monument Signs

The Metropolitan Council is soliciting sealed bids for the fabrication and installation of Park & Ride Monument Signs. Bids are due at **2:00 PM** on May, 16, 2006. Bids must be submitted in accordance with the Invitation for Bids document available from:

Metropolitan Council
Metro Transit Purchasing Department

Non-State Contracts & Grants

515 N. Cleveland Avenue
St. Paul, MN 55114
Phone: (612) 349-5070

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.

University of Minnesota Request for Qualifications for Firm to Provide Architectural Design Services for the Proposed TCF Banks Stadium on Twin Cities Campus

I. NOTICE OF REQUEST FOR QUALIFICATIONS

The University of Minnesota is soliciting qualifications for a firm or firms to provide architectural design services for the proposed TCF Banks Stadium on the Twin Cities Campus. The University is proposing to construct a new 50,000-seat open-air football stadium on the East Bank of the Twin Cities campus. The current plan is to locate the stadium on the existing Huron Boulevard parking complex, in close proximity to Mariucci Arena and the Williams Arena/Sports Pavilion complex. The total project cost is estimated at \$248 million.

The scope of the overall stadium project will include, but is not limited to: site environmental remediation work, district and Stadium specific utility work; transportation, roadways, transit, parking and way finding work both on and around campus; urban design, landscape and other work required to integrate the Stadium development into the campus; and such other work as may result from the Stadium project. The scope of services for architectural design services contemplated for this RFQ relates to the role of Stadium Project Architect. The Stadium Project Architect will lead a Stadium Project Design Team in producing a comprehensive program and detailed design for the Stadium Project. This will include programming, schematic design, design development, construction documentation, and construction administration. In addition, the Stadium Project Architect will coordinate the work of the Stadium Project Design Team with the work of the Site Project Design Team and the District Project Design Team to provide a seamless integration of the components into a cohesive overall Project.

E-mail your request for the full RFQ, which will be sent free of charge to interested vendors or download the RFQ from:

<http://www.cppm.umn.edu/rfp.html>.

II. CONTACT FOR RFQ INQUIRIES:

Lawrence Peszek
Project Manager, TCF Bank Stadium
Hines
200 South Sixth Street, Suite 640
Minneapolis, MN 55402
Phone: 612-338-8250
Fax: 612-349-6976
E-Mail: Larry_Peszek@hines.com

III. TENTATIVE SCHEDULE OF EVENTS

Be advised that these dates are subject to change, as University officials deem necessary.

The selection is subject to authorizing legislation currently being considered by the Minnesota State Legislature.

State Register Advertisement	April 24, 2006 - Monday
RFQ Document Available	April 20, 2006 – Thursday
Deadline for Letter of Intent to Propose	April 27, 2006 – Thursday
Deadline for All Questions / Inquiries at Noon	April 27, 2006 – Thursday

Non-State Contracts & Grants

Deadline for RFQ Response – Due at 1:00 PM	May 4, 2006 – Thursday
Evaluation & Selection of Short-listed Finalists	May 9, 2006 – Tuesday
Issue RFP to Short-listed Finalists	May 9, 2006 – Tuesday
Mandatory Pre-Proposal Meeting for Short-Listed Finalists	May 15, 2006 - Monday
RFP Proposal Deadline	May 23, 2006 – Tuesday
Respondent Presentations & Negotiations	May 25, 2006 - Thursday
Selection & Award	May 31, 2006 - Wednesday

The University reserves the right, in its sole discretion, to reject any and all responses, accept any response, waive informalities in responses submitted, and waive minor discrepancies between a response and these instructions, as it deems to be in its best interest. Any waiver of the University with respect to the requirements of these response instructions shall apply only to the particular instance for which it was made or given, and no such waiver shall constitute a permanent or future waiver of such requirements.

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• Waterfalls of Minnesota's North Shore, Year: 2006, Stock No.19-48, Price:\$19.95

• Ice Fishing Secrets, Year: 1991, Stock No.9-68, Price:\$12.95

• Birder's Guide to Minnesota, Year: 2002, Stock No.9-41, Price:\$20.00

• Amphibians and Reptiles Native to Minnesota, Year: 1994, Stock No.9-31, Price:\$29.95

**• 2-Book Set: Landscaping for Wildlife and Woodworking for Wildlife, Stock No.9-20,
Price:\$18.50**

**• Price Reduced! Minnesota Highway and Recreational Atlas, Year: 2003, Stock No.12-163,
Price:\$17.08**

• Butterflies of the North Woods, Year: 2002, Stock No.19-69, Price:\$14.95

• Great Cross County Ski Trails, Year: 2001, Stock No.19-28, Price:\$15.95

• Poster: Great Lakes Fishes, Stock No.9-107, Price:\$5.00

• Minnesota Gardener's Guide, Year: 2004, Stock No.19-130, Price:\$19.99

• Regional Parks Map, Year: 2005, Stock No.12-11, Price:\$3.95

**• Field Guide to Native Plant Communities: Eastern Broadleaf Forest Province, Year: 2005,
Stock No.9-7, Price:\$10.95**

• Minnesota Education Directory, Year: 2005, Stock No.1-93, Price:\$23.95

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