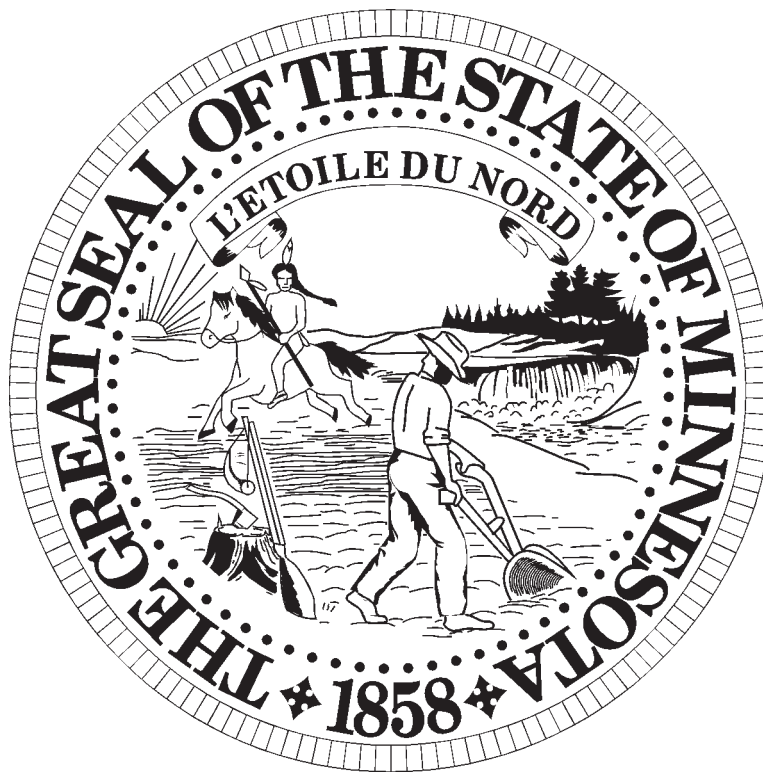


State of Minnesota

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- proposed, adopted, exempt, expedited emergency and withdrawn rules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
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#9	Monday 29 August	Noon Tuesday 23 August	Noon Wednesday 17 August
#10	TUESDAY 6 SEPTEMBER	Noon Tuesday 30 August	Noon Wednesday 24 August
#11	Monday 12 September	Noon Tuesday 6 September	Noon Wednesday 31 August
#12	Monday 17 September	Noon Tuesday 13 September	Noon Wednesday 7 September

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Contents

Minnesota Rules: Amendments & Additions

Volume 30, Issues # 1-9, Monday 29 August 2005 196

Proposed Rules

Employment and Economic Development Department

Vocational Rehabilitation: Proposed Permanent Rules Relating to Vocational Rehabilitation Services; Order of Selection; Consumer Financial Participation; Purchase of Services..... 197

Teaching Board

Proposed Permanent Rules Relating to Reading Licensure..... 213

Adopted Rules

Transportation Department (Mn/DOT)

Adopted Permanent Rules Relating to Aeronautics..... 216

Expedited Emergency Rules

Natural Resources Department

Adopted Expedited Emergency Game and Fish Rules: Wildlife Management Areas; Game Refuges; Ruffed and Spruce Grouse Season; Pheasant Season; Gray Partridge Season; Furbearers; Youth Waterfowl Day; Early Goose Hunting..... 216

Revenue Notices

Department of Revenue

Revenue Notice # 05-08: Sales and Use Tax – Rounding – Per Item or Per Invoice..... 222

Official Notices

Agriculture Department

Agricultural Marketing Services Division: Notice that Minnesota Has at Least 8 Million Gallons of Biodiesel Production Capacity..... 223

Commerce Department

Presumed Legal Cigarette Prices Available As Of August 1st, 2005..... 223

Executive Council

State Board of Investment

Investment Advisory Council

Meetings of the Executive Council and State Board of Investment on September 7, and the Investment Advisory Council on September 6..... 225

Health Department

Notice of a Revised List of Tests to be Performed for Determining the Presence of a Heritable or Congenital Disorder in Newborn Infants in Minnesota..... 225

Human Services Department

Health Care Purchasing and Delivery Systems Division, Health Care Administration: Public Notice of Maximum Allowable Costs of Medical Assistance Outpatient Prescribed Drugs..... 226
REQUEST FOR COMMENTS on Planned Rules Governing Pre-pregnancy Family Planning Demonstration Project..... 227

Metropolitan Council

Public Hearing on Chaska L-71 Lift Station Improvements Facility Plan..... 228

Pollution Control Agency

Municipal Division: REQUEST FOR COMMENTS on Possible New Rules Establishing an Environmental Performance Track Program..... 228

Racing Commission

REQUEST FOR COMMENTS on Possible Amendment to Rules Governing: Definitions, Licensure, Pari-Mutuel Rules, Facilities And Equipment, Class C Licenses, Stewards, Harness Races, Horse Medication, Standardbred Breeders' Fund, and other rules that may be proposed by industry groups..... 230

Statewide Independent Living Council (SILC)

Meeting Schedule for 2006..... 231

Teachers Retirement Association

Notice of Meeting..... 232

Utilities Commission, Public

Decisions on Xcel Energy's High Bridge Repowering Project: Environmental Assessment Adequacy; Site Designation and Site Permit..... 232

State Grants & Loans

Health Department, with the Education Department

Health Care and Long-term Care Career Promotion Grant Program Notice of Grant Opportunity..... 232

Safety Department, Public

Office of Justice Programs: Minnesota Financial Crimes Task Force..... 233

State Contracts

State Colleges and Universities

Lake Superior College, Duluth, Minnesota: Notice of Availability of Request for Proposal (RFP) for Owner Representative Selection for The New Academic and Student Services Addition..... 234

Higher Education Office

Notice of Request for Proposals: Higher Education Accountability Plan... 234

Minnesota Historical Society

Request for Bids for PRINTING SERVICES – *Courthouses of Minnesota*... 234

Human Services Department

Request for Proposals for Qualified Contractor(s) to Assist in the Planning, Development and Implementation of an Accessible and Coordinated Child Care Professional Development System..... 235

Natural Resources Department

Division of Forestry: Notice of Request for Proposal (RFP) for the Operation and Maintenance Services for Two (2) State-owned CL-215 Multi Engine Amphibious Water Scooping Aircraft..... 236

Transportation Department (Mn/DOT)

Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (the "Consultant Pre-Qualification Program")..... 236
Professional/Technical Contract Opportunities..... 237

Zoological Gardens

Availability of Contract for "Gateway to the North: Bears of the Ussuri" 237

Non-State Contracts & Grants

Metropolitan Council

Invitation for Bids (IFB) for the Fabrication and Delivery of Industrial Control Panels..... 238
Invitation for Bids (IFB) for Wastewater Treatment Plant Electrical Maintenance Services..... 238
Invitation for Prequalification for Tunneling Contractor for Empire WWTP Outfall and Rosemount Interceptor -- Phase II..... 239
Request for Proposals (RFP) for Fixed Asset Inventory and Yearly F.A. Analysis..... 239
Request for Proposals (RFP) for Employee Assistance Program Metropolitan Council RFP / Contract Number 05P066..... 240

Metro Transit - Metropolitan Council

Door Replacement at East Metro Transit Facility..... 240
Generator Procurement..... 241
Repairs to Stone Building at Fort Snelling Park and Ride Lot..... 241
Warehousing and Distribution Services..... 241

University of Minnesota

Subscribe to Bid Information Service (BIS)..... 241

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.

Rules Index, Volume 30, Issues #1-9

Monday, August 29, 2005

Behavioral Health and Therapy Board

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

Employment and Economic Development Department

3300.5000; .5010; .5020; .5030; .5040; .5050; .5060 (proposed)..... 197
3300.5010 s. 5, 7, 19, 32; .5030 s. 5 (proposed repealer).... 197

Natural Resources Department

6230.0290; .0400; 6234.0200; .0400; .0500; .1700; .2000; 6240.0610; .1000; .1200; .1500; .1600; .1700; .1750; .1800; .1850; .2100 (adopted expedited emergency)..... 214
6230.0400 s. 29; 6234.1800; 6240.1000 s.2; .1800 s. 2, 3 (repealed expedited emergency)..... 214

6232.0900; .1000; .2550; .2560 (adopted expedited emergency)..... 44
6232.0200; .0300; .0350; .0400; .0600; .0700; .0800; .1250 .1300; .1400; .1500; .1600; .1750; .1800; .1950; .2000; .2050; .2100; .2500; .2550; .2800; .3100; .4700 (adopted expedited emergency)..... 163
6234.0300; 6236.0300; .0700; .6237.0100; .0200; .0300; .0400; .0500; .0600; .0700 (adopted expedited emergency)..... 5

Pollution Control Agency

7001.0520; 7045.0020; .0120; .0206; .0208; .0214; .0450; .0552; .0685; .1400 (adopted)..... 43

7045.0020; 7045:1400 (adopted)..... 43
7045.0020; 7045:1400 (adopted)..... 127
7077.0100; .0105; .0115; .0116; .0117; .0118; .0119; .0121; .0272; .0277; .0279; .0280; .0281; .0286; .0288 (proposed)..... 89
7077.0105 s.14a; .0111; .0165; .0167; .0169; .0171; .0173; .0175; .0176; .0177; .0179; .0181; .0185; .0186; .0187; .0189; .0191; .0195; .0196; .0197; .0276; .0278; .0280 s. 3, 5; .0281 s.2; .0300; .0310; .0315; .0320; .0325; .0330 (proposed repealer)..... 89
7090.0060; .0080; .1010; .2010; .2020; .2030 (adopted)..... 125

Public Safety Department

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

Lottery

7856.4010; .6010; .7010; .7040; 7857.4000; .4010; .4040; .5000 (proposed)..... 87
7856.7030, 7857.4041 s. 2 (proposed repealer)..... 87

Teaching Board

8710.4725 (proposed)..... 211

Transportation Department

8800.0100; .1100; .1200; .1400; .1600; .1650; .1700; .1800; .1900; .2000; .2100; .2200; .2300; .2800; .3100; .3200; .3300; .3600; .3800; .3900; .3950; .4100; .4300; .4400; .4600; .4800; (adopted)..... 213
8800.1300; .1800 s. 2, 5, 12; .2100 s. 3, 5; .3400 (repealed)..... 213

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 Employment and Economic Development Vocational Rehabilitation

Proposed Permanent Rules Relating to Vocational Rehabilitation Services; Order of Selection; Consumer Financial Participation; Purchase of Services

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

Proposed Amendment to Rules Governing Vocational Rehabilitation, *Minnesota Rules*, 3300.5000 to 3300.5060

Introduction. The Department of Employment and Economic Development 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. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on September 28, 2005, a public hearing will be held in room N110, First National Bank Building, 332 Minnesota Street, St. Paul, Minnesota 55101, starting at 9:00 a.m. on Monday, October 17, 2005. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after September 28, 2005 and before October 17, 2005.

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: Heather Farmer, Department of Employment and Economic Development, Vocational Rehabilitation, First National Bank Building, 332 Minnesota Street, Suite E200, St. Paul, MN 55101. Her phone number is (651) 296-9152, FAX number is 651-297-5159 and e-mail address is Heather.Farmer@state.mn.us TTY users may call the department at (651) 296-3900 or 1-800-657-3973.

Requests for copies of the proposed rules or the Statement of Need and Reasonableness can be directed to: Pat Bienfang, Department of Employment and Economic Development, Vocational Rehabilitation, First National Bank Building, 332 Minnesota Street, Suite E200, St. Paul, MN 55101. Her phone number is (651) 297-8272, FAX number is (651) 297-5159 and e-mail address is Pat.Bienfang@state.mn.us TTY users may call the department at (651) 296-3900 or 1-800-657-3973.

Subject of Rules and Statutory Authority. The proposed rules are about the Vocational Rehabilitation program. The department is considering rule amendments to:

- Bring rules into conformity with federal regulations for the vocational rehabilitation program (Title 34, *Code of Federal Regulations*, Part 361;)
- Lower the gross family income threshold at which customers will be expected to pay part of certain vocational rehabilitation services;
- Clarify and revise the terms and conditions for when costs are covered, how services are provided, and what products and

Proposed Rules

services can be provided to include the following:

Determination of the amount the agency will pay for individuals attending postsecondary training as part of an approved employment plan

Applying the tuition fee schedule to all private and out of state schools including Gallaudet and the National Technical Institute for the Deaf.

Removing fee guidelines for the purchase of computers

Using the same rate as that paid by medical assistance when purchasing durable medical equipment

Setting standards for vendors of pre-driving and driving assessments and standards for vendors that provide vehicle adaptations

Requiring that the agency consider public transit, including para-transit, prior to the agency providing vehicle modifications

Lowering the amount the agency will pay for vehicle repairs

Removing the stipulation that the agency must not require an individual to accept a loan to start a small business.

Requiring an individual to use gift aid in excess of the amount needed for postsecondary training for other school related expenses

The statutory authority to adopt the rules is *Minnesota Statutes*, section 116J.035 subd. 2, which gives DEED's commissioner general rulemaking authority to "adopt rules pursuant to chapter 14 as necessary to carry out the commissioner's duties and responsibilities." *Minnesota Statutes*, section 268A.03 (m), gives the commissioner program-specific authority to "adopt, amend, suspend, or repeal rules necessary to implement or make specific programs that the commissioner by sections 268A.01 to 268A.15 is empowered to administer." *Minnesota Statutes*, section 268A.03 (b) authorizes the commissioner to administer the vocational rehabilitation program by providing vocational rehabilitation services to persons with disabilities in accordance with the federal Rehabilitation Act of 1973, as amended.

Under these statutes, the department has the necessary statutory authority to adopt the proposed rules.

A copy of the proposed rules is published in the *State Register*. Interested persons may also obtain a copy at

<http://www.deed.state.mn.us/rehab/rehab.htm>

A free copy of the proposed rules is available from the agency contact person listed above.

Comments. You have until 4:30 p.m. on Wednesday, September 28, 2005, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Wednesday, September 28, 2005. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

Proposed Rules

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

Modifications. The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules, 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.

Cancellation of Hearing. The hearing scheduled for October 17, 2005, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (651) 296-9152 after September 28, 2005 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Richard C. Luis is assigned to conduct the hearing. Judge Richard C. Luis can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 349-2542 and FAX (612) 349-2665.

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

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

Statement of Need and Reasonableness. A statement of need and reasonableness is now available at:

<http://www.deed.state.mn.us/rehab/rehab.htm>

or 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. The statement may also be reviewed and copies obtained at the cost of reproduction from the agency.

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

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

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

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

Dated: August 11, 2005

Matt Kramer, Commissioner
Department of Employment and Economic Development

Proposed Rules

3300.5000 PURPOSE AND SCOPE.

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

Subp. 2. **Scope.** Parts 3300.5000 to 3300.5060 apply to the ~~division~~ agency, vendors of services under agreement with the ~~division~~ agency, and all persons applying for or receiving vocational rehabilitation services from the ~~division~~ agency. Parts 3300.5000 to 3300.5060 do not require expenditures for a person if funds are not available to the ~~division~~ agency from federal and state appropriations for the provision of vocational rehabilitation services.

Subp. 3. **Exclusion.** Parts 3300.5000 to 3300.5060 do not apply to the provision of vocational rehabilitation services to persons who are blind by State Services for the Blind and Visually Impaired Persons under parts 3325.0100 to 3325.0490.

3300.5010 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 3300.5000 to 3300.5060, the following terms have the meanings given them.

Subp. 1a. **Agency.** “Agency” means the vocational rehabilitation program in the Department of Employment and Economic Development.

Subp. 2. **Applicant.** “Applicant” means a person who has submitted an application for vocational rehabilitation services to the ~~division~~ agency, or whose parent, guardian, or legal representative has submitted an application.

Subp. 3. **Assessment for determining eligibility and vocational rehabilitation needs.** “Assessment for determining eligibility and vocational rehabilitation needs” means ~~the acquisition and use of information from applicants or eligible consumers and their families, medical and psychological service providers, programs serving persons with disabilities, and other sources in order to determine eligibility, establish an employment goal, and identify the specific vocational rehabilitation services an eligible consumer will need to achieve the eligible consumer’s employment goal~~ has the meaning given to the term “assessment for determining eligibility and vocational rehabilitation needs” by *Code of Federal Regulations*, title 34, section 361.5, paragraph (b)(6), as amended.

[For text of subp 3a, see M.R.]

Subp. 4. **Books and supplies for postsecondary training.** “Books and supplies for postsecondary training” means ~~required~~ textbooks, paper, pencils, pens, small calculators, and similar items that ~~are usually required~~ all students are required to purchase for participation in a training program at a postsecondary training institution.

Subp. 5. **See repealer.**

Subp. 6. **Comparable services and benefits.** “Comparable ~~services and~~ benefits” means services or financial assistance available to an eligible consumer individual, from sources other than the ~~division~~ agency or the eligible consumer individual, to meet, in whole or in part, the cost of vocational rehabilitation services. Examples of comparable benefits are: Medicare, Medicaid, individual and group insurance, workers’ compensation benefits, community social service agencies, state agencies other than the ~~division~~ agency, and public or private educational and training grants and scholarships.

Subp. 7. **See repealer.**

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

Subp. 9. **Eligible consumer individual.** “Eligible consumer individual” means a person who is eligible for vocational rehabilitation services as provided by ~~the Rehabilitation Act of 1973, United States Code, title 29, section 722, subsection (a); as amended~~ *Code of Federal Regulations*, title 34, section 361.42(a).

Subp. 10. **Employment goal.** “Employment goal” means ~~fulltime or parttime gainful employment that:~~

A. ~~is consistent with the strengths, resources, priorities, concerns, abilities, and capabilities of an eligible consumer~~ an “employment outcome” as defined by Code of Federal Regulations, title 34, section 361.5, paragraph (b)(16), as amended; and

B. ~~provides the eligible consumer with access to an appropriate occupational field in which there is opportunity for the eligible consumer to develop and be productive, consistent with the eligible consumer’s abilities and informed choice;~~

C. ~~that is available in the labor market area where the eligible consumer individual is willing to seek and accept employment; and,~~

D. ~~is in the competitive labor market, including supported employment, or any other vocational outcome determined by the secretary of the federal Department of Education to be consistent with the Rehabilitation Act of 1973, as provided by United States Code, title 29, chapter 16, as amended;~~

Subp. 10a. **Employment plan.** “Employment plan” means an individualized plan for employment that is developed in accordance with Code of Federal Regulations, title 34, section 361.45, as amended, and that meets the requirements of Code of Federal Regulations, title 34, section 361.46, as amended.

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

Subp. 13. **Functional area.** “Functional area” means mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills. For the purposes of this subpart:

A. “communication” means the ability to effectively give and receive information through ~~spoken~~ words or concepts, such as reading, writing, speaking, listening, sign language, or other adaptive methods;

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

E. “self-direction” means the ability to independently plan, initiate, organize, or carry out goaldirected activities or solve problems related to ~~self-care, socialization, recreation, and working independently~~;

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

G. “work tolerance” means the capacity or endurance to effectively and efficiently perform jobs requiring various levels of physical demands, psychological demands, or both.

Subp. 14. **Gift aid.** “Gift aid” means grants, scholarships, and other financial assistance from federal, state, or other sources that are used to pay for the costs of postsecondary training and that do not have to be repaid. Gift aid based on academic merit is not considered when calculating the agency contribution for required tuition and mandatory fees.

Subp. 16. **Independent living skills training.** “Independent living skills training” means training services that improve the ability of an individual with a ~~severe significant~~ disability to live and function more independently so as to achieve an employment outcome.

Subp. 17. **Individual with a most severe significant disability.** “Individual with a most ~~severe significant~~ disability” means an eligible ~~consumer individual~~:

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

C. who has one or more physical or mental ~~disabilities impairments~~ resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculoskeletal disorders, neurological disorders including stroke and epilepsy, paraplegia, quadriplegia, and other spinal cord conditions, sickle cell anemia, specific learning disability, and end-stage renal disease, or another ~~disability physical or mental impairment~~ or combination of ~~disabilities physical or mental impairments~~ determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable serious functional limitation.

Subp. 18. **Individual with a severe significant disability.** “Individual with a ~~severe significant~~ disability” means an eligible ~~consumer individual~~:

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

C. who has one or more physical or mental ~~disabilities impairments~~ resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculoskeletal disorders, neurological disorders including stroke and epilepsy, paraplegia, quadriplegia, and other spinal cord conditions, sickle cell anemia, specific learning disability, and end-stage renal disease, or another ~~disability physical or mental impairment~~ or combination of ~~disabilities physical or mental impairments~~ determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable serious functional limitation.

Subp. 19. **See repealer.**

Subp. 20. **Initial stocks, supplies, and equipment.** “Initial stocks, supplies, and equipment” means the initial inventory of goods for direct resale to customers by an eligible ~~consumer individual~~ entering into a self-employment enterprise, a start-up supply of expendable items that are necessary for the day-to-day operation of a business, and nonexpendable goods and tools that are necessary for the operation of a business, excluding the ongoing replacement of inventory and supplies and repair and replacement of equipment.

[For text of subp 21, see M.R.]

Subp. 21a. **Institutional aid.** “Institutional aid” means grants, scholarships, and other financial assistance a postsecondary institution awards from its own funds that are used to pay for the costs of postsecondary training and that do not have to be repaid. Institutional aid based on academic merit is not considered when calculating the agency contribution for required tuition and mandatory fees.

Subp. 22. **Job coaching.** “Job coaching” means services provided to assist an eligible ~~consumer individual~~ to perform work duties and retain employment in a competitive employment setting, such as:

- A. job skills training;
- B. training and assistance with work behaviors; and
- C. assistance to employers and coworkers when necessary to assist the eligible ~~consumer individual~~ to retain employment.

Subp. 23. **Job placement.** “Job placement” means services that assist eligible ~~consumers in seeking~~ individuals seek and obtaining gainful employment. These services include one or more of the following:

- A. contacting employers to develop or identify job opportunities and assisting eligible ~~consumers individuals~~ in securing employment;
- B. assessing the characteristics and tasks of an eligible ~~consumer’s individual’s~~ job choice to determine the skills, knowledge, and abilities needed to perform the tasks involved in the job;
- C. assisting the eligible ~~consumer individual~~ to become knowledgeable about job duties, personnel benefits, rates of pay, employment policies and practices, and the job location prior to job acceptance;
- D. providing group or individual counseling or training or both regarding the techniques for obtaining and maintaining employment, including assisting eligible ~~consumers individuals~~ in preparing resumes and job applications and in developing job interviewing skills;
- E. enhancing disability awareness through educating eligible ~~consumers individuals~~ and employers about various disabilities and

Proposed Rules

resulting vocational implications, rehabilitation technology, job accommodations, services provided by the division agency, incentives to the employer, and current disability-related legislation;

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

I. maintaining communication and coordination with other community agencies and resources concerning job openings, coordination of services to assist eligible consumers individuals to obtain and retain employment, and joint efforts to increase employment opportunities for people with disabilities.

Subp. 24. **Maintenance.** “Maintenance” means ~~the financial assistance provided to or on behalf of an eligible consumer to pay for added costs incurred by the eligible consumer as a result of participation in other planned vocational rehabilitation services~~ “maintenance” as defined by Code of Federal Regulations, title 34, section 361.5, paragraph (b)(35), as amended.

Subp. 25. **Notetaker services.** “Notetaker services” means the recording in writing of oral or written communication for later use by an eligible consumer individual.

[For text of subp 25a, see M.R.]

Subp. 26. **Order of selection.** “Order of selection” means the priority system under which the division agency provides vocational rehabilitation services to eligible consumers individuals when all eligible consumers individuals cannot be served.

[For text of subp 27, see M.R.]

Subp. 28. **Personal assistance services.** “Personal assistance services” means a range of services, provided by one or more persons, to assist an eligible consumer individual to perform daily living activities, on or off the job, that the eligible consumer individual would typically perform ~~without assistance~~ if the eligible consumer individual did not have a disability.

Subp. 28a. **Physical and mental restoration services.** “Physical and mental restoration services” means ~~the medical or medically related services provided to correct or modify, within a reasonable period of time, a physical or mental condition that is stable or slowly progressive. These services consist of the services listed under the definition of “physical and mental restoration services” in as defined by Code of Federal Regulations, title 34, section 361.1, subsection (e) 361.5, paragraph (2) (b)(40), as amended.~~

Subp. 29. **Postemployment services.** “Post-employment services” means ~~vocational rehabilitation services provided to assist an eligible consumer to maintain, regain, or advance in employment after the consumer has been determined to be rehabilitated according to “post-employment services” as defined by Code of Federal Regulations, title 34, section 361.43 361.5, paragraph (b)(42), as amended. Postemployment services are provided only to the extent necessary to overcome barriers to maintaining, regaining, or advancing in employment that result from the consumer’s disability.~~

Subp. 30. **Postsecondary training.** “Postsecondary training” means training provided by:

~~A. a postsecondary training institution; or~~

~~B. a community rehabilitation program in conjunction with a postsecondary training institution, when gift aid for the training is available through the postsecondary training institution.~~

Subp. 31. **Postsecondary training institution.**

“Postsecondary training institution” means a public or private university, college, community college, junior college, vocational school, business school, technical college, technical institute, hospital school of nursing, barber school or college, cosmetology school, commercial driver training school, or other school as defined in *Minnesota Statutes*, section 136A.62, subdivision 3, or 141.21, subdivision 5, that is registered as provided by *Minnesota Statutes*, chapter 154, or section 136A.63, licensed as provided by *Minnesota Statutes*, chapter 155A, section 141.25, or 171.34, or exempt from such licensing or registration requirements.

[For text of subp 31a, see M.R.]

Subp. 32. **See repealer.**

Subp. 33. **Reader services.** “Reader services” means the oral reading of written material for an eligible consumer individual.

Subp. 34. **Referral.** “Referral” means counseling or research on behalf of an applicant or eligible consumer individual for the purpose of directing the applicant or eligible consumer individual to other agencies and organizations that provide financial assistance, rehabilitation services, or other services needed by the applicant or eligible consumer individual.

Subp. 35. **Rehabilitation counseling and guidance.** “Rehabilitation counseling and guidance” means the process by which a rehabilitation counselor assists an eligible consumer individual to:

A. understand the eligible consumer’s individual’s abilities and potential and develop selfconfidence;

B. identify and establish an employment goal ~~and intermediate objectives to reach that goal; and~~

C. complete a program of services leading to the achievement of the ~~intermediate objectives and~~ employment goal established in the eligible consumer’s individualized written rehabilitation program individual’s employment plan; and

D. ~~gather information and identify support services, if needed, to assist an eligible individual exercise informed choice.~~

Subp. 36. **Rehabilitation counselor.** “Rehabilitation counselor” means a person classified by the Minnesota Department of Employee Relations as a rehabilitation counselor and employed by the division agency to determine eligibility for services, provide rehabilitation counseling and guidance, develop employment plans and amendments collaboratively with eligible individuals, approve employment plans and amendments, provide and coordinate the provision of vocational rehabilitation services, and determine if an employment

outcome is satisfactory.

Subp. 37. **Rehabilitation technology.** “Rehabilitation technology” means services that apply technologies, engineering methodologies, or scientific principles to meet the needs of and address the barriers confronted by an eligible ~~consumer~~ individual. These services include:

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

B. any service that directly assists an eligible ~~consumer~~ individual in the selection, acquisition, or use of a piece of equipment or product system described in item A.

[For text of subp 39, see M.R.]

Subp. 40. **Serious functional limitation.** “Serious functional limitation” means that, due to a severe physical or mental impairment, one or more of an individual’s functional capacities, including mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills is restricted to the degree that the individual requires services or accommodations not routinely made for other individuals in order to prepare for, ~~enter, engage in, or secure, retain, or regain~~ employment.

Subp. 41. **State Rehabilitation Advisory Council.** “State Rehabilitation ~~Advisory~~ Council” means the council established under United States Code, title 29, chapter 16, section 725, as amended, ~~to advise the division on the services and outcomes of the vocational rehabilitation program.~~

Subp. 42. **Tools and equipment.** “Tools and equipment” means hammers, clamps, cutlery, screwdrivers, tool belts, brushes, safety goggles, ladders, scissors, and similar implements required for participation in an ~~individualized written rehabilitation program employ-~~ ment plan.

[For text of subp 43, see M.R.]

Subp. 44. **Tuition cap fee schedule.** “Tuition cap fee schedule” means:

A. ~~For the regular threequarter or twosemester academic year:~~

(1) ~~for undergraduate postsecondary training programs at all private postsecondary institutions and at public postsecondary institutions outside Minnesota, the dollar amount equal to the cost of tuition and mandatory fees needed for an individual to be considered a full-time student at the state university in the Minnesota State College and University system with the highest combined cost of tuition and mandatory fees. This amount is available annually from the Higher Education Services Office;~~

(2) ~~for postbaccalaureate degree programs at the University of Minnesota, the dollar amount equal to the cost of tuition and mandatory student service fees needed for an individual to be considered a full-time student at the Graduate School of the University of Minnesota-Twin Cities Campus. This amount is available annually from the Higher Education Services Office; or~~

(3) ~~for postbaccalaureate degree programs at all private postsecondary institutions and at public postsecondary institutions outside Minnesota, the dollar amount equal to the cost of tuition and mandatory fees needed for an individual to be considered a full-time student at the graduate school in the Minnesota State College and University system with the highest combined cost of tuition and mandatory fees. This amount is available annually from the Higher Education Services office.~~

B. ~~For summer school:~~

(1) ~~for undergraduate summer school programs at all private postsecondary institutions and at public postsecondary institutions outside Minnesota, the dollar amount equal to the cost of tuition and mandatory fees needed for an individual to be considered a full-time student in two consecutive summer school sessions at the state university in the Minnesota State College and University system with the highest combined cost of tuition and mandatory fees. This amount is available annually from the Higher Education Services Office;~~

(2) ~~for postbaccalaureate degree programs at the University of Minnesota, the dollar amount equal to the cost of tuition and mandatory student service fees needed for an individual to be considered a full-time student in two consecutive summer school sessions at the Graduate School of the University of Minnesota-Twin Cities Campus. This amount is available annually from the Higher Education Services Office; or~~

(3) ~~for postbaccalaureate degree programs at all private postsecondary institutions and at public postsecondary institutions outside Minnesota, the dollar amount equal to the cost of tuition and mandatory fees needed for an individual to be considered a full-time student in two consecutive summer school sessions at the graduate school in the Minnesota State College and University system with the highest combined cost of tuition and mandatory fees. This amount is available annually from the Higher Education Services Office.~~

A. ~~For the regular academic year at all private postsecondary institutions and at public postsecondary institutions outside Minnesota:~~

(1) ~~for postsecondary training institutions not offering baccalaureate degrees, an amount determined by averaging the cost of full-time resident tuition at each of the technical and community colleges in the Minnesota State Colleges and Universities system. This amount will be calculated annually based on figures from the Higher Education Services Office;~~

(2) ~~for postsecondary training institutions offering baccalaureate degrees, an amount determined by averaging the cost of full-time undergraduate resident tuition at each of the state universities in the Minnesota State Colleges and Universities system. This amount will be calculated annually based on figures from the Higher Education Services Office; or~~

(3) ~~for postsecondary training institutions when the eligible individual is enrolled in a postbaccalaureate degree program, an amount determined by averaging the cost of full-time graduate resident tuition at each of the state universities in the Minnesota State Colleges and~~

Proposed Rules

Universities system. This amount will be calculated annually based on figures from the Higher Education Services Office.

B. For the summer session at all private postsecondary institutions and at public postsecondary institutions outside Minnesota:

(1) for postsecondary training institutions not offering baccalaureate degrees, an amount determined by averaging the cost of full-time resident summer school tuition at each of the technical and community colleges in the Minnesota State Colleges and Universities system. This amount will be calculated annually based on figures from the Higher Education Services Office;

(2) for postsecondary training institutions offering baccalaureate degrees, an amount determined by averaging the cost of full-time undergraduate resident summer school tuition at each of the state universities in the Minnesota State Colleges and Universities system. This amount will be calculated annually based on figures from the Higher Education Services Office; or

(3) for postsecondary training institutions when the eligible individual is enrolled in a postbaccalaureate degree program, an amount determined by averaging the cost of full-time graduate resident summer school tuition at each of the state universities in the Minnesota State Colleges and Universities system. This amount will be calculated annually based on figures from the Higher Education Services Office.

C. For eligible individuals attending any postbaccalaureate degree program at the University of Minnesota:

(1) for the regular academic year, the dollar amount equal to the cost of full-time graduate resident tuition and mandatory student services fees at the Graduate School of the University of Minnesota Twin Cities campus. This amount is available annually from the Higher Education Services Office; or

(2) for summer school, the dollar amount equal to the cost of full-time graduate resident summer school tuition and mandatory student services fees at the Graduate School of the University of Minnesota Twin Cities campus. This amount is available annually from the Higher Education Services Office.

D. Except as provided in item C, for training in a Minnesota public postsecondary institution, an amount equal to the cost of resident tuition and mandatory academic fees at the Minnesota public postsecondary institution the eligible individual is attending.

Subp. 45. **Vehicle adaptations.** "Vehicle adaptations" means changes made to the structure or control devices of a motor vehicle for a person with a disability an eligible individual to enter, exit, or operate the vehicle safely and legally.

[For text of subp 46, see M.R.]

Subp. 47. **Vocational rehabilitation program.** "Vocational rehabilitation program" means the organizational unit in the ~~division~~ agency that determines eligibility for, and provides vocational rehabilitation services to, individuals.

Subp. 48. **Vocational rehabilitation services.** "Vocational rehabilitation services" means the services provided or arranged for individuals by the ~~division's~~ vocational rehabilitation program to determine and achieve an employment goal.

Subp. 49. **Vocational training services.** "Vocational training services" means instruction and supplies provided to an eligible ~~consumer~~ individual to assist the eligible ~~consumer~~ individual in acquiring the knowledge, skills, attitudes, and educational qualifications necessary to obtain and retain gainful employment. These services include:

A. tuition and materials ~~usually~~ all students are required to purchase for training in an educational program at a postsecondary training institution; and

B. fees and materials ~~usually~~ required for vocational skills training in settings other than postsecondary training institutions, such as competitive employment settings and community rehabilitation programs.

[For text of subp 50, see M.R.]

3300.5020 CONDITIONS FOR IMPLEMENTING AN ORDER OF SELECTION.

Subpart 1. **Determination of open priority categories.** The ~~commissioner~~ director of the agency shall determine the need for an order of selection annually. The ~~commissioner's~~ director's determination shall be made after consulting with and obtaining advice from the State Rehabilitation Advisory Council. The ~~commissioner's~~ director's determination shall be based on the anticipated number of individuals eligible for services from the vocational rehabilitation program and the resources anticipated to be available to the vocational rehabilitation program. The ~~commissioner~~ director shall open as many priority categories as it is projected that the ~~division~~ agency can serve, starting with the first priority category listed in part 3300.5030. The ~~division~~ agency retains the discretion to open and close established priority categories based on an assessment of need and resources, but the ~~division~~ agency must not change the established order of categories. The open priority categories for order of selection must be identified in the division's state plan for vocational rehabilitation submitted annually to the federal Rehabilitation Services Administration. The division must conduct public meetings on the plan prior to its adoption, as provided by Code of Federal Regulations, title 34, section 361.18, paragraph (a)(1):

Subp. 2. **Continuation of services.** When there is a change in the priority categories open under an order of selection, the ~~division~~ agency must continue to provide vocational rehabilitation services to eligible ~~consumers~~ individuals who have begun to receive services in accordance with an ~~individualized written rehabilitation program~~ employment plan developed before the change occurred.

3300.5030 PRIORITY CATEGORIES FOR ORDER OF SELECTION.

Subpart 1. **First priority category.** The first priority category includes all individuals with a most ~~severe~~ significant disability.

Proposed Rules

Subp. 2. **Second priority category.** The second priority category includes all individuals with a ~~severe~~ significant disability that results in serious functional limitations in two functional areas.

Subp. 3. **Third priority category.** The third priority category includes all individuals with a ~~severe~~ significant disability that results in a serious functional limitation in one functional area.

Subp. 4. **Fourth priority category.** The fourth priority category includes all other eligible ~~consumers~~ individuals.

Subp. 5. **See repealer.**

3300.5040 CONSUMER FINANCIAL PARTICIPATION IN COST OF VOCATIONAL REHABILITATION SERVICES.

Subpart 1. **Financial participation required.** An eligible ~~consumer~~ individual whose gross family income is more than the consumer financial participation threshold shall pay for vocational rehabilitation services an amount equal to the percentage by which the eligible ~~consumer's individual's~~ gross family income exceeds the consumer financial participation threshold. For example, if an eligible ~~consumer's individual's~~ gross family income exceeds the consumer financial participation threshold by ten percent, the eligible ~~consumer~~ individual shall pay ten percent of the cost of vocational rehabilitation services provided and the ~~division~~ agency would pay 90 percent.

Subp. 1a. **Consumer financial participation threshold.** The ~~division~~ agency must calculate the consumer financial participation threshold annually. The consumer financial participation threshold is ~~the average of:~~

A. ~~the most recent estimate of Minnesota median income levels as adjusted for family size using the adjustment methodology specified in Code of Federal Regulations, title 45, section 96.85, as amended; and~~

B. ~~187.5~~ 200 percent of the poverty guidelines updated annually and published in the Federal Register by the United States Department of Health and Human Services under authority of section 673(2) of the Omnibus Budget Reconciliation Act of 1981, as adjusted for family size.

Subp. 2. **No required financial participation.** An eligible ~~consumer~~ individual whose gross family income is equal to or less than the consumer financial participation threshold is not required to pay any portion of the cost of the vocational rehabilitation services that the eligible ~~consumer~~ individual receives. However, regardless of consumer financial participation requirements under this part, all eligible ~~consumers~~ individuals are required to participate in the search for and utilization of comparable benefits and services as provided in part 3300.5050, and the ~~division's agency's~~ payments for any vocational rehabilitation services will not exceed the amounts described in part 3300.5060.

Subp. 3. **Basis for determining degree of financial participation required.** The ~~division~~ agency shall determine the degree of financial participation required for eligible ~~consumers~~ individuals who are not exempt from determination of the degree of financial participation under subpart 4. The degree of financial participation required is determined on the basis of the eligible ~~consumer's individual's~~ gross family income in relation to the consumer financial participation threshold.

A. For the purposes of this subpart, the eligible ~~consumer's individual's~~ gross family income includes cash payments or benefits, other than gifts or loans, received by or actually available to an eligible ~~consumer~~ individual or an eligible ~~consumer's individual's~~ family from public or private sources. These payments or benefits include:

[For text of subitems (1) to (4), see M.R.]

B. For purposes of determining gross family income, the eligible ~~consumer's individual's~~ family includes:

(1) the spouse of the eligible ~~consumer~~ individual; and

(2) the parent or parents of the eligible ~~consumer~~ individual if:

(a) the eligible ~~consumer~~ individual is under 18 years of age and living with the parent or parents; or

(b) the parent or parents claimed the eligible ~~consumer~~ individual as a dependent for federal income tax purposes in the most recent calendar year; or

(c) a postsecondary institution has determined that the eligible ~~consumer~~ individual is a dependent student for purposes of determining financial aid for postsecondary training.

Subp. 4. **Exemption from determination of degree of financial participation.**

A. Except as provided in item B, an eligible ~~consumer~~ individual is not required to pay any portion of the cost of the vocational rehabilitation services that the eligible ~~consumer~~ individual receives if the eligible ~~consumer~~ individual:

(1) receives benefits under title II or title XVI of the federal Social Security Act, under Code of Federal Regulations, title 34, section 361.54(b)(3)(ii), as amended; or

(2) has been determined eligible for a federal or state means-tested income assistance program, such as ~~Aid to Families with Dependent Children~~ the Minnesota family investment program or general assistance, or a federal or state means-tested health insurance program, such as medical assistance, when the highest income eligibility requirements of the income assistance program or the health insurance program are equal to or less than the consumer financial participation threshold.

B. When the eligible ~~consumer~~ individual has been determined eligible for a federal or state meanstested health insurance program, or when the eligible consumer receives payments from Supplemental Security Income, the ~~division~~ agency must determine the degree of financial participation required of the eligible ~~consumer~~ individual if:

Proposed Rules

- (1) the eligible ~~consumer~~ individual is under 18 years of age and living with the parent or parents;
- (2) the parent or parents claimed the eligible ~~consumer~~ individual as a dependent for federal income tax purposes in the most recent calendar year; or
- (3) a postsecondary institution has determined that the eligible ~~consumer~~ individual is a dependent student for purposes of determining financial aid for postsecondary training.

Subp. 5. **Services subject to financial participation.** An eligible ~~consumer~~ individual may be required to participate in paying the cost of all vocational rehabilitation services not exempted from financial participation under subpart 6.

Subp. 6. **Services exempted from financial participation.** The ~~division~~ agency must not require ~~eligible~~ consumer financial participation for the following services:

A. assessment for determining eligibility, priority for services, and vocational rehabilitation needs, except those ~~nonassessment~~ services that are provided ~~under~~ to an individual with a significant disability during either an exploration of the individual's abilities, capabilities, and capacity to perform in work situations through the use of trial work experiences or an extended evaluation that are not diagnostic in nature;

[For text of items B to J, see M.R.]

K. ~~singletime nonrecurring purchases of goods and services costing \$300 or less; and~~

~~E. postemployment services consisting of the services identified in this subpart; and~~

L. ~~personal assistance services.~~

Subp. 7. **Income verification.** If an eligible ~~consumer's individualized written rehabilitation program~~ individual's employment plan includes or is expected to include vocational rehabilitation services other than those identified in subpart 6, the eligible ~~consumer~~ individual shall provide the ~~division~~ agency with written verification of the eligible ~~consumer's~~ individual's gross family income and sources of income, unless the eligible ~~consumer~~ individual provides the ~~division~~ agency with written verification that the eligible ~~consumer~~ individual is exempt from the determination of the degree of financial participation under subpart 4. The eligible ~~consumer~~ individual shall provide the ~~division~~ agency with a copy of the first page of the most recent federal income tax return documenting the eligible ~~consumer's~~ individual's gross family income. If there has been a substantial change in the eligible ~~consumer's~~ individual's or family's income, either an increase or a decrease, to the degree that it would change the eligible ~~consumer's~~ individual's financial participation, the eligible ~~consumer~~ individual shall provide the ~~division~~ agency with written verification of the eligible ~~consumer's~~ individual's present gross family income.

Subp. 8. **Consumer financial participation.** The amount of consumer financial participation in the costs of services and the amount of ~~division~~ agency payments for services must be determined as follows:

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

C. if the result obtained under item B is greater than zero, determine the dollar amount of consumer financial participation based on the lesser of:

(1) the amount determined in item B; or

(2) the maximum amount the ~~division~~ agency is permitted to pay for the service under part 3300.5060;

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

E. if the result obtained under item D is greater than zero, ~~division~~ agency payments must be the lesser of:

(1) the amount determined under item D; or

(2) the maximum amount the ~~division~~ agency is

permitted to pay for the service under part 3300.5060, minus the amount of consumer financial participation determined under item C.

Subp. 9. **Variance.** An eligible ~~consumer~~ individual who cannot pay for vocational rehabilitation services to the extent required in subpart 1 may apply to the ~~commissioner~~ director of the vocational rehabilitation program or designee for a variance in the determination of financial need as follows:

A. A request for a variance must be submitted in writing by the eligible ~~consumer~~ individual or the eligible ~~consumer's~~ individual's legal representative. The request must provide the ~~commissioner~~ director of the vocational rehabilitation program or designee with evidence describing the unusual financial situation. If the ~~commissioner~~ director of the vocational rehabilitation program or designee requires additional information to determine eligibility for a variance, the ~~division~~ agency must, within 15 days after receiving the written request, inform the eligible ~~consumer~~ individual in writing of the specific additional information required.

B. The ~~commissioner~~ director of the vocational rehabilitation program or designee must determine whether the eligible ~~consumer~~ individual is eligible for a variance and notify the eligible ~~consumer~~ individual of the determination in writing 30 days after the ~~commissioner~~ director of the vocational rehabilitation program or designee receives all the information required under item A. The written notification must:

(1) specify whether the eligible ~~consumer~~ individual is eligible for a variance;

(2) indicate the reasons for the determination;

(3) specify the amount of the variance, if any;

(4) inform the eligible ~~consumer~~ individual of review and appeal rights under *Code of Federal Regulations*, title 34, ~~subtitle B, chapter~~ ~~HH~~, section ~~361.48~~ 361.57, as amended; and

(5) be signed and dated by the ~~commissioner~~ director of the vocational rehabilitation program or designee.

Proposed Rules

C. The ~~commissioner~~ director of the vocational rehabilitation program or designee shall grant a variance only if the eligible ~~consumer individual~~ demonstrates that it is impossible for the eligible ~~consumer individual~~ to make the cost contributions required under subpart 1 because of extraordinary costs resulting from illness or disability in areas such as mobility, communication, self-care, medical care, shelter, food, and clothing.

D. The ~~commissioner~~ director of the vocational rehabilitation program or designee shall determine the amount of a variance by:

(1) calculating the sum of the eligible ~~consumer's individual's~~ extraordinary expenditures identified under item C that make it impossible for the eligible ~~consumer individual~~ to make the cost contributions required under subpart 1; and

(2) subtracting the sum in subitem (1) from the financial participation amount the eligible ~~consumer individual~~ would have to pay without the variance.

E. An eligible ~~consumer individual~~ who receives a variance must immediately notify the ~~commissioner~~ director of the vocational rehabilitation program or designee in writing if the eligible ~~consumer's individual's~~ gross family income improves.

F. The ~~commissioner~~ director of the vocational rehabilitation program or designee may review the financial situation of an eligible ~~consumer individual~~ who receives a variance at any time to determine whether the individual's financial situation continues to justify the variance.

3300.5050 COMPARABLE BENEFITS AND SERVICES.

Subpart 1. **Use of comparable services and benefits.** Comparable ~~services and~~ benefits must be used if available to an eligible ~~consumer individual~~ or a member of an eligible ~~consumer's individual's~~ family for all vocational rehabilitation services identified in the eligible ~~consumer's individualized written rehabilitation program individual's employment plan~~, except:

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

H. the services listed in items A to G when provided as postemployment services necessary to assist ~~consumers eligible individuals~~ to maintain, regain, or advance in employment; or

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

Subp. 2. **Consumer Individual responsibilities.** Except in the circumstances described in subpart 1, an eligible ~~consumer individual~~ must, with the assistance of the ~~division agency~~, participate in the search for and use of comparable benefits as follows:

A. Before receiving training services in a postsecondary institution, an eligible ~~consumer individual~~ must apply for ~~educational grants and scholarships~~ gift aid or institutional aid to pay all or part of the costs of tuition, fees, books, supplies, tools and equipment, and living expenses; and

(1) provide evidence to the rehabilitation counselor of the amount of ~~the educational grants and scholarships that are gift aid or institutional aid~~ available to the eligible ~~consumer individual~~; or

(2) provide evidence to the rehabilitation counselor that the eligible ~~consumer individual~~ is not eligible for ~~educational grants and scholarships~~ gift aid or institutional aid.

B. If ~~grants or scholarships are~~ gift aid or institutional aid is not available to the eligible ~~consumer individual~~ because the eligible ~~consumer individual~~ is in default on repayment of a student loan, the ~~division agency~~ must not participate financially in the purchase of postsecondary training services until the ~~division agency~~ determines that a responsible repayment effort has been made. This determination shall be made by the rehabilitation counselor in consultation with the eligible ~~consumer individual~~ and the holder of the loan, after considering such factors as the financial resources available to the eligible ~~consumer individual~~ and the attempts that have been made to work out a satisfactory repayment agreement with the holder of the loan. The requirement of a responsible repayment effort will be deemed to be satisfied if the ~~consumer eligible individual~~ has made ~~six consecutive~~ payments for six consecutive months.

C. Before receiving physical and mental restoration services or durable medical equipment, an eligible ~~consumer individual~~ must file a claim or application with the ~~consumer's eligible individual's~~ health insurer, if any. If the eligible ~~consumer individual~~ has no health insurance, or if the restoration services or durable medical equipment provided are not covered by the eligible ~~consumer's individual's~~ health insurance, the eligible ~~consumer individual~~ must apply to a local human services agency for medical assistance under *Minnesota Statutes*, chapter 256B, or general assistance medical care under *Minnesota Statutes*, chapter 256D, if the ~~division agency~~ determines that it is likely that the eligible ~~consumer individual~~ may be eligible for medical assistance or general assistance medical care.

D. Before receiving any vocational rehabilitation service other than those listed in subpart 1, an eligible ~~consumer individual~~ shall apply or provide evidence of having already applied for any comparable benefit that the ~~division agency~~ determines may be available to the eligible ~~consumer individual~~. The ~~division agency~~ must not purchase a service when the eligible ~~consumer individual~~ refuses to make formal application for a comparable benefit to pay all or part of the cost of the service, or when the eligible ~~consumer individual~~ refuses to accept a comparable benefit that is available to the eligible ~~consumer individual~~.

3300.5060 TERMS AND CONDITIONS FOR PROVISION OF VOCATIONAL REHABILITATION SERVICES.

Subpart 1. **General conditions for provision of vocational rehabilitation services.**

A. The ~~division agency~~ must provide vocational rehabilitation services only for the following purposes:

(1) to determine whether an individual is eligible for vocational rehabilitation services and the nature and scope of vocational

Proposed Rules

rehabilitation services needed by the individual, as provided by *Code of Federal Regulations*, title 34, subtitle B, chapter III, sections 361.31, 361.32, 361.33, 361.42 and 361.34 361.45(f); and

(2) to assist an eligible ~~consumer individual~~ to achieve an employment goal in accordance with the ~~consumer's individualized written rehabilitation program~~ eligible individual's approved employment plan.

B. The ~~division agency~~ must follow applicable state, Department of Employment and Economic Security Development, and ~~division agency~~ purchasing policies and procedures when purchasing goods or services for ~~consumers eligible individuals~~.

C. The ~~division agency~~ must not make payments to reduce legal financial obligations incurred by the ~~consumer eligible individual~~.

Subp. 1a. **Auxiliary aids and services for effective communication.** The ~~division agency~~ must provide auxiliary aids and services for effective communication necessary to enable an applicant or eligible ~~consumer individual~~ to access ~~division agency~~ services or participate in vocational rehabilitation services under an ~~individualized written rehabilitation program employment plan~~, except that the ~~division agency~~ must not assume the responsibility of other programs or vendors, such as postsecondary training institutions, community rehabilitation programs, physicians, psychologists, and placement agencies, for providing program and service accessibility under Code of Federal Regulations, title 28, sections 35.149 to 35.164; and 36.301 to 36.310, or the Minnesota Human Rights Act, Minnesota Statutes, chapter 363A, sections 363A.02 and 363A.11 to 363A.13.

Subp. 2. Child care.

A. Before the ~~division agency~~ provides child care, the amount of consumer financial participation in the cost of child care must be determined under part 3300.5040.

B. The eligible ~~consumer individual~~ must, with the assistance of the ~~division agency~~, participate in the search for and use of comparable benefits under part 3300.5050, subpart 2, item D, except that a search for comparable benefits is not required if the search would cause the eligible ~~consumer individual~~ to lose an immediate job placement.

C. The ~~division agency~~ must not provide child care unless an eligible ~~consumer's individualized written rehabilitation program individual's employment plan~~ would be interrupted if child care is not provided. The ~~division agency~~ must:

[For text of subitems (1) and (2), see M.R.]

D. ~~Division Agency~~ payments for child care must not exceed the rate established by the Department of Human Services under part ~~9565.5100~~ 3400.0130.

Subp. 3. Computer hardware and software.

A. Before the ~~division purchases agency provides~~ computer software or hardware, including modems, printers, and other peripherals, the amount of consumer financial participation in the cost of the items must be determined under part 3300.5040.

B. The eligible ~~consumer individual~~ must, with the assistance of the ~~division agency~~, participate in the search for and use of comparable benefits under part 3300.5050, subpart 2, item D, except that a search for comparable benefits is not required if the search would cause the eligible ~~consumer individual~~ to lose an immediate job placement.

C. The ~~division agency~~ must ~~purchase provide~~ computer software or hardware, including modems, printers, and other peripherals, only for:

(1) ~~disability-related reasons, except for computers purchased as;~~

(2) equipment necessary for an eligible ~~consumer individual~~ to achieve an employment goal of self-employment or operation of a small business;

(3) ~~students in a postsecondary setting if all are required to have their own computer; or~~

(4) ~~when all students in a postsecondary training institution are charged for a computer either as a mandatory fee or as part of tuition.~~

D. The ~~division agency~~ must not ~~purchase provide~~ computer software or hardware, including modems, printers, and other peripherals, if an eligible ~~consumer's individual's~~ needs can be met through alternative means of accessing computers, such as the use of computer laboratories at postsecondary institutions.

E. Before the ~~division purchases agency provides~~ computer software or hardware, including modems, printers, and other peripherals, ~~if either the counselor or the eligible consumer is uncertain regarding the eligible consumer's needs;~~ an assessment to determine the eligible ~~consumer's individual's~~ needs for computer hardware, software, or modems, printers, and other peripherals must be conducted by a person knowledgeable about computers who is not a vendor of computer equipment, if either the counselor or the eligible individual is uncertain regarding the eligible individual's needs.

F. Any ~~division purchases agency provision~~ of computer software or hardware, including modems, printers, and other peripherals, must be made using the information obtained from the assessment under item E.

G. The ~~division expenditures for the purchase of computer hardware, modems, printers, and other peripherals for an eligible consumer~~ must not exceed \$3,000, excluding costs for adaptations required because of the eligible consumer's disability.

Subp. 3a. Durable medical equipment.

A. Before the ~~division agency~~ provides durable medical equipment, the amount of consumer financial participation in the cost of durable medical equipment must be determined under part 3300.5040.

B. The eligible ~~consumer individual~~ must, with the assistance of the ~~division agency~~, participate in the search for and use of comparable

Proposed Rules

benefits under part 3300.5050, subpart 2, item D, except that a search for comparable benefits is not required if the search would cause the eligible consumer individual to lose an immediate job placement.

C. The agency's expenditures for durable medical equipment must not exceed the amount paid by the Minnesota medical assistance program.

Subp. 5. Maintenance.

A. Before the division agency provides maintenance, the amount of consumer financial participation must be determined under part 3300.5040.

B. The eligible consumer individual must, with the assistance of the division agency, participate in the search for and use of comparable benefits under part 3300.5050, subpart 2, item D, except that a search for comparable benefits is not required if the search would cause the eligible consumer individual to lose an immediate job placement.

C. The division agency must not provide maintenance to pay for expenses that the eligible consumer individual would incur whether or not the eligible consumer individual was receiving vocational rehabilitation services.

D. The division agency must not pay for maintenance if the provision of maintenance would result in a reduction of payments to the eligible consumer individual by other government assistance programs.

E. Maintenance will be provided only when participation in one or more other vocational rehabilitation services being provided results in added costs.

F. Payments for relocation expenses may be provided only when:

- (1) the eligible consumer individual cannot receive needed vocational rehabilitation services without relocation; and
- (2) a rehabilitation counselor, in consultation with the eligible consumer individual, has determined that there is a need to relocate, based on available employment and labor market information.

G. Maintenance payments for ongoing monthly living expenses for eligible consumers individuals participating in postsecondary training may be provided only when the eligible consumer individual cannot receive postsecondary training without incurring added living costs and:

(1) the eligible consumer individual is unable to work while participating in postsecondary training because of the eligible consumer's disability individual's physical or mental impairment, as determined based on available medical, psychological, and other diagnostic information; or

(2) it is necessary for the eligible consumer individual to leave subsidized housing in order to participate in postsecondary training under an individualized written rehabilitation program employment plan.

H. When added costs are due to loss of subsidized housing:

- (1) the eligible consumer individual must reapply for subsidized housing if available in the new location; and
- (2) maintenance for ongoing monthly living expenses shall be discontinued when new subsidized housing is offered or the eligible consumer's individualized written rehabilitation program individual's employment plan terminates.

I. Maintenance payments for ongoing monthly living expenses for eligible consumers individuals not participating in postsecondary training may be provided only during a period of temporary relocation necessary to participate in other vocational rehabilitation services under an individualized written rehabilitation program employment plan while a primary residence is maintained by the eligible consumer individual or the eligible consumer's individual's family.

J. Except as provided in item K, division agency maintenance payments for ongoing monthly living expenses must not exceed the lesser of:

[For text of subitems (1) and (2), see M.R.]

K. For eligible consumers individuals receiving maintenance under item I, division agency maintenance payments in any 12month period must not exceed the lesser of:

[For text of subitems (1) and (2), see M.R.]

Subp. 7. Personal assistance services.

A. The division agency must not provide personal assistance services unless an eligible consumer individual is receiving one or more other vocational rehabilitation services.

B. ~~Before the division provides personal assistance services, the amount of consumer financial participation in the cost of personal assistance services must be determined under part 3300.5040.~~

C. The eligible consumer individual must, with the assistance of the division agency, participate in the search for and use of comparable benefits under part 3300.5050, subpart 2, item D, except that a search for comparable benefits is not required for personal assistance services that are necessary for job placement.

~~D. C.~~ The division agency must purchase personal assistance services only from:

- ~~(1) a personal care attendant who is employed by or under contract to a personal care provider organization; or~~
- ~~(2) a personal care attendant who is authorized by the Department of Human Services Personal Care Services Division to be independently enrolled for the purpose of providing personal care meets the requirements established by the Department of Human Services, Personal Care Services Division.~~

Proposed Rules

E. ~~D.~~ After an eligible ~~consumer~~ individual is hired for a job that meets the eligible ~~consumer's~~ individual's employment goal, the ~~division~~ agency must not provide personal assistance services for a period exceeding 90 consecutive calendar days from the eligible ~~consumer's~~ individual's first day of employment.

F. ~~E.~~ Division ~~Agency~~ payments for personal assistance services must be made at the lesser of the provider's submitted charges or the maximum rate established by part 9505.0335, subpart 11, as adjusted by the consumer price index for urban consumers as published by the Bureau of Labor Statistics, United States Department of Labor and is incorporated by reference. It is subject to frequent change and is available from the Minitex interlibrary loan system.

G. ~~F.~~ The ~~division~~ agency must not provide personal assistance services if the provision of the services would result in a reduction in benefits or services from other government or private programs.

H. ~~G.~~ The ~~division~~ agency must provide eligible ~~consumers~~ individuals with training in the management of personal care attendants when the eligible ~~consumer~~ individual and a rehabilitation counselor jointly determine that the training is necessary.

(1) Before the ~~division~~ agency provides training in the management of personal care attendants, the amount of consumer financial participation in the cost of training in the management of personal care attendants must be determined under part 3300.5040.

(2) A search for comparable benefits for training in the management of personal care attendants is not required.

Subp. 7a. **Physical and mental restoration services.**

A. Before the ~~division~~ agency provides physical and mental restoration services, the amount of eligible consumer financial participation in the cost of physical and mental restoration services must be determined under part 3300.5040.

B. The eligible ~~consumer~~ individual must, with the assistance of the ~~division~~ agency, participate in the search for and use of comparable benefits under part 3300.5050, subpart 2, items C and D, except that a search for comparable benefits is not required if the search would delay the provision of medical services to an eligible ~~consumer~~ individual at extreme medical risk, or if the search would cause the eligible ~~consumer~~ individual to lose an immediate job placement.

C. The ~~division~~ agency must not pay for recurring, ongoing physical or mental restoration services that an eligible ~~consumer~~ individual would require regardless of participation in an ~~individualized written rehabilitation program~~ employment plan, such as group or individual psychotherapy, prescription drugs, or physical therapy.

D. Eligible ~~consumers~~ individuals may select:

[For text of subitems (1) to (4), see M.R.]

Subp. 9. **Rehabilitation technology.**

A. Before the ~~division~~ agency provides rehabilitation technology, the amount of consumer financial participation in the cost of rehabilitation technology must be determined under part 3300.5040, except that items that are also auxiliary aids and services for effective communication are not subject to consumer financial participation.

B. Before the ~~division~~ agency purchases rehabilitation technology, if either a rehabilitation counselor or the eligible ~~consumer~~ individual is uncertain regarding the eligible ~~consumer's~~ individual's needs, an assessment to determine the eligible ~~consumer's~~ individual's needs for rehabilitation technology must be conducted by a knowledgeable person.

C. ~~Division~~ Agency purchases of vehicle adaptations must be made as follows:

(1) ~~before the agency purchases vehicle adaptations for an eligible individual that has not previously driven an adapted vehicle, or when the individual's physical or cognitive conditions have changed since the individual last drove an adapted vehicle, a predriving evaluation is required. Predriving evaluations must be conducted by an occupational therapist or physical therapist. The therapist must have experience and training in the area of driver's assessment or have a minimum of one year full-time experience in the evaluation and treatment of adults with cognitive and physical limitations;~~

(2) ~~before the division agency purchases vehicle adaptations, an evaluation of the vehicle and the consumer's eligible individual's needs must be conducted by a person knowledgeable in adapting vehicles for persons with disabilities qualified driver specialist who meets the qualifications necessary to apply for ADED certification, the certification of the Association for Driver Rehabilitation Specialists, or similar organization, who is not a vendor of vehicle adaptations;~~

(2) (3) any vehicle adaptations purchased by the ~~division~~ agency must be consistent with the findings of the evaluation in subitem (4) (2);

(4) the agency must only purchase vehicle adaptations for a vehicle that is owned by the eligible individual;

(5) the agency will contribute no more than the amount necessary for the least costly alternative for the adaptations;

(3) (6) the ~~division~~ agency must ~~not~~ consider the availability of transportation provided by a public entity, including paratransit, ~~or carpooling~~ in determining whether to provide vehicle adaptations. ~~If transportation provided by a public entity, including paratransit, will allow the eligible individual to achieve the individual's employment goal, the agency must not provide vehicle adaptations; and~~

(4) (7) the ~~division~~ agency must only purchase vehicle adaptations that have not been previously owned ~~and that are not yet installed in the consumer's vehicle at the time of purchase of the vehicle~~, except that the ~~division~~ agency may purchase used vehicle adaptive equipment if the following conditions are met:

(a) the used equipment must be evaluated for its operational reliability by a person knowledgeable in adapting vehicles for persons with disabilities who is not the vendor selling the used equipment or a person employed by that vendor, and a copy of the evaluation must

be submitted to the ~~division~~ agency;

(b) the used equipment meets the eligible ~~consumer's individual's~~ needs as identified in subitem ~~(+)~~ (2);

(c) the cost of the used equipment, including the cost of removing the used equipment from the vehicle in which it is currently installed and installing it in the vehicle being adapted, is less than the cost of purchasing and installing new equipment;

(d) the vendor of the used equipment must provide the ~~division~~ agency and the eligible ~~consumer individual~~ with a written warranty in which the vendor of the used equipment agrees to pay the costs of parts and labor necessary to repair or replace the used equipment if the used equipment malfunctions or is found to be defective for a period of at least six months after installation in the eligible ~~consumer's individual's~~ vehicle; and

(e) the purchase of the used equipment must comply with the applicable bidding and purchasing requirements of the Department of Administration, Materials Management Division; and

(8) the agency must only purchase vehicle adaptations from vendors that agree to adhere to the guidelines of the National Mobility Equipment Dealers Association (NMEDA).

Subp. 11. Small business enterprises.

A. Before the ~~division~~ agency purchases occupational licenses, tools, equipment, and initial stocks and supplies to establish a small business enterprise, the amount of consumer financial participation in the cost of the occupational licenses, tools, equipment, and initial stocks and supplies must be determined under part 3300.5040.

B. The eligible ~~consumer individual~~ must, with the assistance of the ~~division~~ agency, participate in the search for and use of comparable benefits under part 3300.5050, subpart 2, item D.

C. ~~Division~~ Agency assistance in the establishment of a small business enterprise is for the purchase of occupational licenses, tools, equipment, and initial stocks and supplies.

D. Before the ~~division~~ agency provides occupational licenses, tools, equipment, and initial stocks and supplies for the establishment of a small business enterprise, the eligible ~~consumer individual~~ must:

[For text of subitem (1), see M.R.]

(2) develop and submit to the eligible ~~consumer's individual's~~ rehabilitation counselor a business plan based on the advice and consultation received under subitem (1) that includes a market analysis, a description of the technical and management expertise of the person or persons expected to manage and operate the business, and a financial analysis including an estimation of the viability of the business.

E. ~~The division must not require an eligible consumer to accept a loan, but an eligible consumer individual may choose to accept a loan to supplement the division's purchases of occupational licenses, tools, equipment, and initial stocks and supplies to establish a small business.~~

F. The ~~division's~~ agency's purchases of occupational licenses, tools, equipment, and initial stocks and supplies for the establishment of a small business enterprise must be made only after the eligible ~~consumer individual~~ and the rehabilitation counselor take into consideration the information obtained in item D.

G. F. Total ~~division~~ agency expenditures for occupational licenses, tools, equipment, and initial stocks and supplies for a small business enterprise must not exceed \$5,000 for the life of the business, excluding costs for rehabilitation technology.

H. G. The ~~division~~ agency must not purchase occupational licenses, tools, stocks, supplies, or equipment for the ongoing operation of a business after initial stocks, supplies, and equipment are provided.

I. H. The ~~division~~ agency must not pay any costs of bankruptcy proceedings or costs due to the bankruptcy of an eligible ~~consumer's individual's~~ small business.

Subp. 12. Transportation services.

A. Before the ~~division~~ agency provides transportation services, the amount of consumer financial participation in the cost of transportation services must be determined under part 3300.5040.

B. The eligible ~~consumer individual~~ must, with the assistance of the ~~division~~ agency, participate in the search for and use of comparable benefits under part 3300.5050, subpart 2, item D, except that a search for comparable benefits is not required if the search would cause the eligible ~~consumer individual~~ to lose an immediate job placement.

C. The ~~division~~ agency must not provide transportation services unless an eligible ~~consumer individual~~ is receiving one or more other vocational rehabilitation services.

D. The ~~division~~ agency must not purchase, lease, or otherwise obtain, maintain, or insure vehicles for applicants or eligible ~~consumers individuals~~.

E. If transportation provided by a public entity, including paratransit, is available and used by the eligible ~~consumer individual~~, ~~division~~ agency payments for transportation must not exceed the actual cost of the transportation.

F. If transportation provided by a public entity, including paratransit, is available, but the eligible ~~consumer individual~~ chooses alternate transportation, ~~division~~ agency payments for transportation must not exceed the equivalent cost of transportation provided by a public entity.

G. When transportation provided by a public entity, including paratransit, is unavailable and the eligible ~~consumer individual~~ is being
(Cite 30 SR 211)

Proposed Rules

transported by personal vehicle, the ~~division's agency's~~ payments must not exceed the costs of gasoline and parking plus the cost of a driver if required. The ~~division's agency's~~ payments for gasoline costs must be determined by using the rate established by the Internal Revenue Service for personal income tax deductions for mileage for charitable contributions under the Internal Revenue Code of 1986, section 170i, as amended through December 31, 1992. The ~~division's agency's~~ payments for a driver must be determined by the usual and customary rate for the area.

H. The agency must limit transportation payments in support of postsecondary training to the amount that would apply if the eligible individual attended the Minnesota public institution closest to the eligible individual's residence which offers the broad field of study required by the employment plan.

I. When transportation provided by a public entity, including paratransit, and transportation by personal vehicle are unavailable, ~~division agency~~ payments must not exceed the actual cost of the available transportation.

~~I. Division J. Agency purchases of vehicle repairs must be made as follows:~~

(1) repair to a vehicle owned ~~or used~~ by an eligible ~~consumer individual~~ must not be provided unless an eligible ~~consumer's individual's~~ ability to participate in an ~~individualized written rehabilitation program employment plan~~ would be interrupted if vehicle repair is not provided. The ~~division agency~~ may provide vehicle repair only if no other means of transportation, such as public transportation, including paratransit, ~~or carpooling~~, is available and the repair is necessary for the safe and legal operation of the vehicle; ~~and~~

~~(2) the agency must not provide vehicle repairs for items that are routinely expected to wear during normal driving of the vehicle;~~

~~(2) (3) division agency~~ payments for vehicle repairs must not exceed ~~\$1,500~~ \$1,000 for an eligible ~~consumer individual~~ in a 12-month period; ~~and~~

~~(4) the agency will only pay for repairs when the vehicle is owned by the eligible individual.~~

Subp. 12a. **Postsecondary training books, supplies, and tools and equipment.**

A. Before the ~~division agency~~ provides books, supplies, and tools and equipment for postsecondary training, the amount of consumer financial participation in the cost of those services must be determined under part 3300.5040.

B. The eligible ~~consumer individual~~ must, with the assistance of the ~~division agency~~, participate in the search for and use of comparable benefits under part 3300.5050, subpart 2, items A, B, and D.

C. ~~Division Agency~~ payments under this subpart shall only be for the cost of books, supplies, and tools and equipment required of all students in the postsecondary training program.

D. The ~~division agency~~ shall consider any gift aid ~~or institutional aid~~ in excess of tuition and fees as a comparable benefit when determining the amount the ~~division agency~~ will pay for required books, supplies, ~~and~~ tools and equipment, ~~transportation, and maintenance.~~

Subp. 13. **Postsecondary training tuition and mandatory fees.**

A. Before the ~~division agency~~ provides tuition and mandatory fees for postsecondary training, the amount of consumer financial participation in the cost of those services must be determined under part 3300.5040.

B. The eligible ~~consumer individual~~ must, with the assistance of the ~~division agency~~, participate in the search for and use of comparable benefits under part 3300.5050, subpart 2, items A, B, and D.

C. The estimated cost of tuition and mandatory fees for the eligible ~~consumer's individual's~~ postsecondary training program must be determined annually, based on information from the postsecondary training institution. The estimated cost of tuition and mandatory fees for the eligible ~~consumer's individual's~~ postsecondary training during the regular academic year and the estimated costs of tuition and mandatory fees for the eligible ~~consumer's individual's~~ summer school postsecondary training must be determined separately, based on information from the postsecondary training institution.

D. The tuition ~~cap fee schedule~~ for an eligible ~~consumer individual~~ who will attend fewer than three quarters or two semesters during the regular academic year must be prorated based on the number of quarters or semesters which the eligible ~~consumer individual~~ will attend. The summer school tuition ~~cap fee schedule~~ must be prorated based on the number of summer school sessions which the eligible ~~consumer individual~~ will attend if the eligible ~~consumer individual~~ is attending a postsecondary institution where there are two summer school sessions.

E. The tuition ~~cap fee schedule~~ for an eligible ~~consumer individual~~ enrolled in a postsecondary training program less than full time must be prorated in accordance with the specific program standards for fulltime or parttime status.

F. ~~The division must not apply the tuition cap in determining the amount of division payments for tuition and mandatory fees for postsecondary training when the eligible consumer's individualized written rehabilitation program includes attendance at:~~

~~(1) Gallaudet University;~~

~~(2) National Technical Institute for the Deaf; or~~

~~(3) a postsecondary training program operated by a community rehabilitation program in conjunction with a Minnesota public postsecondary training institution.~~

G. If the undergraduate field of study required by the eligible ~~consumer's individualized written rehabilitation program individual's employment plan~~ is not available at a Minnesota public postsecondary institution, the ~~division agency~~ shall not apply the tuition ~~cap fee~~

Proposed Rules

schedule in determining the amount of ~~division agency~~ payments for tuition and mandatory fees.

~~H. G.~~ The amount of gift aid ~~or institutional aid~~ available to the eligible ~~consumer individual~~ to pay for the costs of postsecondary training must be determined annually, based on information obtained from the postsecondary training institution. The amount of gift aid ~~or institutional aid~~ available to the eligible ~~consumer individual~~ to pay for the costs of the regular academic year must be determined separately from the amount of gift aid ~~or institutional aid~~ available to the eligible ~~consumer individual~~ to pay for the costs of summer school, based on information obtained from the postsecondary training institution.

~~F. H.~~ When the amount of gift aid ~~or institutional aid~~ equals or exceeds the cost of tuition and mandatory fees, the ~~division agency~~ shall not pay any of the costs of tuition and mandatory fees.

~~J. When I.~~ The amount of gift aid is less than, if any, the agency will pay for the cost of tuition and mandatory fees; ~~the amount, if any, to be paid by the eligible consumer must be determined by applying the consumer financial participation requirements under part 3300.5040 to the lesser of~~ is determined by:

(1) ~~the difference between the amount of gift aid and~~ subtracting institutional aid from the total actual cost of tuition and mandatory fees; or

(2) subtracting gift aid from the remaining tuition and mandatory fees or the tuition fee schedule, if applicable, whichever is less; and

(2) (3) ~~the tuition cap, if applicable~~ subtracting consumer financial participation from the balance.

~~K. When the cost of tuition and mandatory fees exceeds the total of gift aid and eligible consumer financial participation, the division shall pay the lesser of:~~

(1) ~~the difference between the cost of tuition and mandatory fees, and the total of gift aid and eligible consumer financial participation;~~
or

(2) ~~the tuition cap, if applicable, minus the amount of any required consumer financial participation.~~

~~E. J.~~ Regardless of the provisions in items A to ~~K I~~ and subpart 12a, the ~~division agency~~ must make payments for tuition and mandatory fees, and for books, supplies, and tools and equipment for postsecondary training only to the extent that the ~~division agency~~ payments do not reduce the amount of gift aid ~~or institutional aid~~ available to the eligible ~~consumer individual~~.

~~M. K.~~ The ~~division agency~~ does not require an eligible ~~consumer individual~~ to accept self-help aid. The eligible ~~consumer individual~~ has the right to accept or reject a postsecondary training institution's offer of self-help aid. When the ~~division agency~~ assistance results in a reduction of eligibility for self-help aid from a postsecondary training institution, the eligible ~~consumer individual~~ may choose whether to accept the ~~division agency~~ assistance in full or in part, or to accept the self-help aid.

~~N. L.~~ The ~~division agency~~ must report to the postsecondary training institution, with the eligible ~~consumer's individual's~~ release, the amount of planned ~~division agency~~ purchases of services for postsecondary training for an eligible ~~consumer individual~~. If the eligible ~~consumer individual~~ does not provide a release for the ~~division agency~~ to report planned ~~division agency~~ purchases of services for postsecondary training, the ~~division agency~~ must not make the purchases.

REPEALER. *Minnesota Rules*, parts 3300.5010, subparts 5, 7, 19, and 32; and 3300.5030, subpart 5, are repealed.

Board of Teaching

Proposed Permanent Rules Relating to Reading Licensure

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing If 25 or More Requests for Hearing Are Received

In the Matter of Proposed Amendment to *Minnesota Rule 8710.4725* Subpart 2, Relating to the Issuance of a Reading License to Special Education Licensees

Introduction. The Board of Teaching 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. If, however, 25 or more persons submit a written request for a hearing on the rules by September 29th 2005, a public hearing will be held in Room CC14, Minnesota Department of Education, 1500 Highway 36 W, Roseville, Minnesota 55113, starting at 9:30 a.m on October 12th, 2005. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after 4:30 p.m., Thursday 29 September 2005.

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: Allen Hoffman, at the Minnesota Board of Teaching, 1500 Highway 36 West, Roseville, Minnesota 55113. His phone number is (651) 582-8888. TTY users may call the Board of Teaching at (651) 582-8201.

Subject of Rule and Statutory Authority: The proposed amendment would allow Special Education Licensees to add a Reading License. The statutory authority to adopt the amendment is Minnesota Statutes, 122A.09, and 122A.18. A copy of the proposed rules

Proposed Rules

is attached to this notice as mailed and can be obtained by contacting the Agency Contact Person.

Comments. You have until 4:30 p.m. on Thursday, 29 September 2005 to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing: In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m., 29 September 2005. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

Modifications: The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules, 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.

Cancellation of Hearing: The hearing scheduled for October 12th, 2005 beginning at 9:30 a.m. will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at 651.582.8888 after September 29th to find out whether the hearing will be held.

Notice of Hearing: If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the 12th of October, 2005. The hearing will continue until all interested persons have been heard. Administrative Law Judge Barbara L. Neilson is assigned to conduct the hearing. Judge Barbara L. Neilson can be contacted at the Office of Administrative Hearings is located at 100 Washington Square, Suite 1700, Minneapolis, Minnesota 554012138, telephone (612) 341-7604, FAX (612) 349-2665.

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

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

Statement of Need and Reasonableness: A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed and copies obtained at the cost of reproduction from the agency.

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

Adoption Procedure if No Hearing: If no hearing is required, the agency may adopt the rules after the end of the comment period. The

Proposed Rules

rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

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

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

Dated: 10 August 2005

Allen Hoffman, Executive Director
Minnesota Board of Teaching

8710.4725 TEACHERS OF READING.

Subpart 1. **Scope of practice.** A teacher of reading is authorized to facilitate and provide for ~~grades~~ kindergarten through grade 12 students instruction that is designed to develop reading skills, strategies, and comprehension. The teacher of reading is also authorized to provide assistance to teachers who have responsibility for providing reading instruction. Nothing in this ~~rule part~~ restricts teachers of elementary education or teachers of special education from providing reading instruction to students they are licensed to teach nor restricts any other teacher from providing instruction in reading in their content areas.

Subp. 2. **Licensure requirements.** A candidate for licensure to teach reading to students in ~~grades~~ kindergarten through grade 12 shall:

A. hold or qualify for a full professional license valid for:

(1) classroom teaching in ~~prekindergarten, adult basic education, or grades kindergarten through 6, 1 through 6, 5 through 8, 9 through 12, or kindergarten through 12;~~ as defined in part 8710.0300, in one or more of the following student levels: elementary, middle, or secondary;

(2) kindergarten through grade 12 special education teaching under parts 8710.5000 to 8710.5800; or

(3) adult basic education teaching under part 8710.4000; and

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

[For text of subps 3 and 4, see M.R.]

Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule. If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed. If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

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

Department of Transportation (Mn/DOT)

Adopted Permanent Rules Relating to Aeronautics

The rules proposed and published at *State Register*, Volume 29, Number 46, pages 1352-1366, May 16, 2005 (29 SR 1352), are adopted as proposed.

Expedited Emergency Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited emergency rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Expedited emergency rules are effective upon publication in the State Register, and may be effective up to seven days before publication under certain emergency conditions.

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

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

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules: Wildlife Management Areas; Game Refuges; Ruffed and Spruce Grouse Season; Pheasant Season; Gray Partridge Season; Furbearers; Youth Waterfowl Day; Early Goose Hunting

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of the rule is *Minnesota Statutes*, Sections 97A.091, 97A.095, 97A.137, 7B.112, 97B.605, 97B.635, 97B.711, 97B.731, 97B.803, 97B.901, and 97B.926.

The emergency conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, are as follows. Field recommendations on opening and closing refuges and Wildlife Management Areas are not available until June. Changes to allow firearms deer hunting in the Bemidji State Game Refuge are necessary to further reduce deer numbers in the refuge, and reasonable because local public discussions and meetings have demonstrated support for the change. However, there is some public opposition to this proposal. In response to this opposition, DNR withdrew this change from a recent permanent rule proposal, and stated the intent to continue firearms deer hunting for two more years by expedited emergency rule. After that time, DNR will evaluate the effects on deer populations and conduct further public meetings or hearings before continuing firearms deer hunting in the Bemidji State Game Refuge. Changes to extend the ruffed grouse, spruce grouse, pheasant, and gray partridge seasons were authorized by the Legislature in June. Changes to furbearer tagging requirements are to continue the repeal of site-tagging of fisher, pine marten and otter that was done legislatively for 2001 and 2002, but that expired on March 1, 2003 (Laws of Minnesota for 2001, Chapter 206, Sec. 2 and 3). Following the sunset of this law, and evaluation of the effects of discontinuance of site-tagging has revealed no biological need to continue site-tagging to regulate total harvests of these species. A permanent rule is in process to continue this provision, but it may not be effective before the beginning of this fall's seasons. Furbearer bag limits are established based on population modeling completed in May of each year. The youth waterfowl day is based on annual determinations of season timing and selection of the option as allowed under federal frameworks for early season migratory bird hunting that are announced in June of each year. Provisions for taking Canada geese in early seasons are based on population data that is not available until June and selection of options as allowed under federal frameworks for early season migratory bird hunting announced in June. Several miscellaneous changes in this rule that are intended to be ongoing are in the process of being incorporated into a permanent rule that may not be in effect before the beginning of this fall's seasons.

Dated: August 21, 2005

Gene Merriam
Commissioner of Natural Resources

6230.0290 BECKLIN HOMESTEAD PARK WILDLIFE MANAGEMENT AREA.

The Becklin Homestead Park Wildlife Management Area is open to hunting and trapping during the established seasons only to disabled hunters and trappers who meet the requirements of *Minnesota Statutes*, section 97B.055, subdivision 3, paragraphs (a) and (b).

6230.0400 SPECIAL PROVISIONS FOR STATE GAME REFUGES.

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

Subp. 2. **Bemidji Game Refuge, Beltrami County.** The Bemidji Game Refuge in Beltrami County is open to:

- A. small game hunting, except waterfowl, through ~~October 31~~ the Thursday nearest November 4;
- B. Canada goose hunting during the early goose season, except on Lake Bemidji, the Mississippi River, and Stump Lake;
- C. trapping for beaver, mink, ~~otter~~, and muskrat only; and
- ~~C. D. deer and bear hunting by archery through the first Sunday in December; and~~
- E. deer and bear hunting by firearms.

[For text of subp 3, see M.R.]

Subp. 4. **Claremont Game Refuge, Dodge County.** The Claremont Game Refuge in Dodge County is open to:

Expedited Emergency Rules

- A. small game hunting, except ducks and mergansers;
- B. trapping; ~~and~~
- C. deer hunting by muzzleloader during the muzzleloader season; and
- D. deer and bear hunting by archery.

Subp. 5. **Clay County Game Refuge, Clay County.** The Clay County Game Refuge in Clay County is open to:

- A. prairie chicken hunting;
- B. deer and bear hunting by firearms; ~~and~~
- ~~B. C.~~ deer and bear hunting by archery; and
- D. Canada goose hunting during the early goose season.

[For text of subps 6 and 7, see M.R.]

Subp. 8. **East Minnesota River Game Refuge, Blue Earth and Le Sueur Counties.** The East Minnesota River Game Refuge in Blue Earth and Le Sueur Counties is open to deer, wild turkey, and bear hunting by archery.

Subp. 9. **Elizabeth Lake Game Refuge, Isanti County.** The Elizabeth Lake Game Refuge in Isanti County is open to:

- A. small game hunting, except waterfowl;
- B. trapping;
- C. deer and bear hunting by firearms; ~~and~~
- D. deer and bear hunting by archery; ~~and~~
- E. Canada goose hunting during the early goose season and waterfowl hunting on youth waterfowl day, for youth who are accompanied by a nonhunting adult and are participating in the Isanti County Sportsmen's Club mentoring program.

[For text of subp 10, see M.R.]

Subp. 11. **Evansville Game Refuge, Douglas County.** The Evansville Game Refuge in Douglas County is open to:

- A. trapping; ~~and~~
- B. Canada goose hunting during the early goose season; and
- C. deer and bear hunting by firearms.

Subp. 12. **Fish Lake-Ann River Game Refuge, Kanabec County.** The Fish Lake-Ann River Game Refuge in Kanabec County is open to trapping, small game hunting except waterfowl, and deer and bear hunting by firearms and archery.

[For text of subp 13, see M.R.]

Subp. 14. **German Lake Game Refuge, Isanti County.** The German Lake Game Refuge in Isanti County is open to:

- A. small game hunting, except waterfowl;
- B. trapping;
- C. deer and bear hunting by firearms; ~~and~~
- D. deer and bear hunting by archery; ~~and~~
- E. Canada goose hunting during the early goose season and waterfowl hunting on youth waterfowl day, for youth who are accompanied by a nonhunting adult and are participating in the Isanti County Sportsmen's Club mentoring program.

[For text of subps 15 to 20, see M.R.]

Subp. 21. **Lac qui Parle Game Refuge, Chippewa and Lac qui Parle Counties.** The following special provisions apply to the Lac qui Parle Game Refuge, Chippewa and Lac qui Parle Counties:

A. Those portions within the Lac qui Parle State Recreational Area, Mission Site, or that are posted to prohibit trespass are closed to hunting. The remainder of the refuge is open to:

(1) waterfowl hunting only during the open Canada goose season in the ~~Lac qui Parle~~ West Central Goose Zone, only at designated hunting stations as provided by parts 6230.0500 to 6230.1100;

(2) deer hunting; and

(3) small game hunting other than waterfowl, except from ~~the first day of the open goose season~~ Saturday, October 15 through the last day of the open Canada goose season in the ~~Lac qui Parle~~ West Central Goose Zone, when small game hunting is allowed only at designated hunting stations as provided by parts 6230.0500 to 6230.1100. Small game hunting is not allowed on closed Canada goose hunting days during a split goose season.

B. A person may not trespass on any part of the refuge which is posted with signs prohibiting trespass during the dates posted, except that fishing is permitted in the posted closed area ~~within the Lac qui Parle, except from Saturday, October 15 through the last day of the open Canada goose season in the West Central Goose Zone on any day when goose hunting in the zone is closed.~~

C. A person may not enter onto Rosemoen Island at any time during the year, except as specifically authorized.

D. Designated hunting stations within the refuge must be spaced no less than 200 yards apart and must be no more than 125 yards inside the refuge, as measured from the posted boundary.

Subp. 22. **Lake Ripley Game Refuge, Meeker County.** The Lake Ripley Game Refuge in Meeker County is open to:

- A. small game hunting, except waterfowl, after the ~~waterfowl~~ duck season; and

Expedited Emergency Rules

B. trapping after the ~~waterfowl~~ duck season.

[For text of subs 23 to 28, see M.R.]

Subp. 29. **See repealer.**

[For text of subp 30, see M.R.]

Subp. 31. **Nerstrand Woods Game Refuge, Rice County.** That portion of the Nerstrand Woods Game Refuge in Rice County that is within the Nerstrand Big Woods State Park and the Prairie Creek Woods Scientific and Natural Area is open to deer hunting by muzzleloader special permit only. The remainder of the refuge is open to:

A. small game hunting, except waterfowl;

B. trapping;

~~B. C.~~ deer and bear hunting by firearms; and

~~C. D.~~ deer and bear hunting by archery.

[For text of subp 32, see M.R.]

Subp. 33. **Ocheda Lake Game Refuge, Nobles County.** The Ocheda Lake Game Refuge in Nobles County is open to:

A. small game hunting, except from the first day of the regular duck season through December 1;

B. trapping;

C. waterfowl hunting on youth waterfowl day;

D. Canada goose hunting during the early and late seasons, except that hunting is prohibited within 100 yards of surface water during the early goose season; and

E. deer hunting by firearms and archery, except from the first day of the regular duck season through December 1.

[For text of subs 34 to 53, see M.R.]

Subp. 54. **Mud-Bardwell Game Refuge, Martin County.** The Mud-Bardwell Game Refuge in Martin County is open to special goose hunts.

Subp. 55. **Collegeville (St. John's) Game Refuge, Stearns County.** The Collegeville (St. John's) Game Refuge in Stearns County is open to firearms deer and bear hunting during the established seasons, by written permission of the landowner.

Subp. 56. **Carleton Game Refuge, Dakota and Rice Counties.** The Carleton Game Refuge in Dakota and Rice Counties is open for deer hunting by archery from the fourth Thursday in November to December 31, by written permission of the landowner.

Subp. 57. **Talcot Lake Game Refuge, Cottonwood County.** The following special provisions apply to the Talcot Lake Game Refuge, Cottonwood County.

A. Those portions within the Talcot Lake Game Refuge that are posted to prohibit trespassing are closed to hunting. The remainder of the refuge is open to waterfowl hunting during the open Canada goose seasons only at designated hunting stations as provided by parts 6230.0500 to 6230.1100.

B. Designated hunting stations within the refuge must be spaced no less than 200 yards apart and must be no more than 100 yards inside the refuge, as measured from the posted boundary.

Subp. 58. **Clear Lake Game Refuge, Sherburne County.** The Clear Lake Game Refuge in Sherburne County is open to:

A. deer hunting by firearms; and

B. deer hunting by archery.

6234.0200 TAKING RUFFED GROUSE AND SPRUCE GROUSE.

Subpart 1. **Open season.** Ruffed grouse and spruce grouse may be taken by firearm or bow and arrow from the Saturday on or nearest September 16 to ~~December 31~~ January 1.

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

6234.0400 TAKING PHEASANTS.

Subpart 1. **Open season.** Only cock (male) pheasants may be taken by firearm or bow and arrow from the Saturday on or nearest October 13 to ~~the Sunday on or nearest December 16~~ January 1 from 9:00 a.m. to sunset each day.

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

6234.0500 TAKING GRAY PARTRIDGE.

Subpart 1. **Open season.** Gray (Hungarian) partridge may be taken by firearm or bow and arrow from the Saturday on or nearest September 16 to ~~December 31~~ January 1.

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

6234.1700 TAKING FISHER AND PINE MARTEN.

Subpart 1. **Open season.** Fisher and pine marten may be taken by trapping from the first Saturday nearest December 1 following

Expedited Emergency Rules

Thanksgiving to the Sunday nearest December 16 12.

Subp. 2. **Bag limits.** The combined limit for fisher and pine marten is ~~four~~ five per season, in aggregate. A person may not take more than ~~two~~ five fisher and pine marten, combined, per season or possess more than ~~two~~ five fisher and pine marten, combined, at a time, except that a person may possess additional pelts that the person lawfully took, tagged, and registered during previous seasons.

Subp. 3. **Tagging.** ~~Each fisher pelt must be tagged by the person taking it at the time and place where taken with a locking possession tag issued by the state. These tags must be obtained prior to the season according to the procedure provided by part 6234.2600. Tags will not be issued to persons under five years of age. Tags must be fastened to fisher pelts in the manner provided by part 6234.2600. Pelts and skinned carcasses of fisher and pine marten are subject to the provisions of part 6234.2600.~~

Subp. 4. **Open area.** ~~Fisher and pine marten may be taken only in that area of the state lying north of Interstate Highway 94 (I-94) beginning at the west boundary of the state; thence along I-94 to U.S. Highway 10; and thence along U.S. Highway 10 to the east boundary of the state.~~

6234.2000 TAKING OTTER.

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

Subp. 4. **Tagging otter.** ~~Each otter or pelt must be tagged by the person taking it at the time and place where taken with a locking possession tag issued by the state. These tags must be obtained according to the procedure provided by part 6234.2600. Tags will not be issued to a person under five years of age. Tags must be fastened to otter or their pelts in the manner provided by part 6234.2600. Pelts are subject to the provisions of part 6234.2600.~~

6240.0610 YOUTH WATERFOWL HUNTING DAY.

Subpart 1. **Dates, eligibility, and license requirements.** Ducks, mergansers, coots, moorhens, and Canada geese may be taken statewide on September 17, by hunters 15 years of age or younger. ~~An adult mentor 18 years of age or older, who is authorized by the youth's parent or guardian, must accompany the youth hunter at all times during the hunt. The accompanying adult may not hunt. No hunting license or waterfowl stamps are required.~~

Subp. 2. **Shooting hours.** Shooting hours are onehalf hour before sunrise to 4:00 p.m.

Subp. 3. **Bag limits.** The daily bag limit for ducks, mergansers, coots, and moorhens is as allowed by federal rule. The daily bag limit for geese is five Canada geese, except in those areas where taking Canada geese near water is restricted under part 6240.1200, subpart 1, item A, where the daily bag limit is one Canada goose.

6240.1000 TAKING GEESE IN SOUTHEAST GOOSE ZONE.

Subpart 1. **Zone.** The Southeast Goose Zone is comprised of ~~Isanti, Chisago, Washington, Anoka, Hennepin, Carver, Scott, Ramsey, Dakota, Rice, Goodhue, Wabasha, Winona, Olmsted, Dodge, Steele, Freeborn, Mower, Fillmore, and Houston Counties; that part of the state within the following described boundaries:~~

~~Beginning at the intersection of U.S. Highway 52 and the south boundary of the Twin Cities Metro Canada Goose Zone; thence southerly along U.S. Highway 52 to State Trunk Highway (STH) 57; thence southerly along STH 57 to U.S. Highway 14; thence along U.S. Highway 14 to County State-Aid Highway (CSAH) 13, Dodge County; thence southerly along CSAH 13 to STH 30; thence easterly along STH 30 to U.S. Highway 63; thence southerly along U.S. Highway 63 to the south boundary of the state; thence along the south and east boundaries of the state to the south boundary of the Twin Cities Metro Canada Goose Zone; thence along said boundary to the point of beginning.~~

Subp. 2. **See repealer.**

6240.1200 SPECIAL PROVISIONS ON TAKING GEESE DURING EARLY SEASONS.

Subpart 1. **Taking near water.**

A. Taking Canada geese during the early seasons is prohibited on or within 100 yards of all surface waters, ~~except on those described or shown on a map provided by the commissioner.~~ in the following areas:

(1) the Northwest, Southeast, and Twin Cities Metro Goose Zones, except for Spurzem Lake in Baker Park Reserve, Mud Lake in Elm Creek Park Reserve, and Cleary Lake in Cleary Lake Regional Park;

(2) all of the Carlos Avery Wildlife Management Area, including that portion outside the Twin Cities Metro Goose Zone; and

(3) the Swan Lake area in Nicollet County, within the boundary described as follows:

~~Beginning at the junction of State Trunk Highway (STH) 14 and County State-Aid Highway (CSAH) 12 north along CSAH 12 to CSAH 5; thence east along CSAH 5 to CSAH 13; thence south along CSAH 13 to STH 99; thence west along STH 99 to CSAH 17; thence south along CSAH 17 to STH 14; thence northwest and west along STH 14 to CSAH 12.~~

Expedited Emergency Rules

B. Taking Canada geese on or within 100 yards of surface waters during the early Canada goose seasons is allowed for youth hunters participating in the youth waterfowl hunting day and on specific bodies of water in closed zones as described or shown on maps provided by the commissioner.

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

6240.1500 TAKING GEESE IN TWIN CITIES METRO CANADA GOOSE ZONE.

Subpart 1. **Open season.** The open season for taking Canada geese ~~may be taken~~ in the Twin Cities Metro Canada Goose Zone ~~beginning~~ begins the first Saturday in September ~~to September 15~~, except the season begins on Sunday, September 1, in any year when the first Saturday falls on September 7. The season closes on September 22, except the season closes on the first Friday before the duck season opens in years when the duck season opens on or before September 22.

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

6240.1600 TAKING GEESE IN FIVE GOOSE ZONE.

Subpart 1. **Open season.** The open season for taking Canada geese ~~may be taken~~ in the ~~Four~~ Five Goose Zone ~~beginning~~ begins the first Saturday in September ~~to September 15~~, except the season begins on Sunday, September 1, in any year when the first Saturday falls on September 7. The season closes on September 22, except the season closes on the first Friday before the duck season opens in years when the duck season opens on or before September 22.

Subp. 2. **Daily limits.** A person may not take more than ~~four~~ five Canada geese per day during the early season.

[For text of subps 3 and 4, see M.R.]

6240.1700 TAKING GEESE IN TWO GOOSE SOUTHEAST ZONE EARLY SEASON.

Subpart 1. **Open season.** The open season for taking Canada geese ~~may be taken~~ in the ~~Two~~ Goose Southeast Zone ~~beginning~~ begins the first Saturday in September ~~to September 15~~, except the season begins on Sunday, September 1, in any year when the first Saturday falls on September 7. The season closes on September 22, except the season closes on the first Friday before the duck season opens in years when the duck season opens on or before September 22.

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

Subp. 3. **Zone description.** The ~~Two~~ Goose Zone is described as follows:

That part of the state lying east of Interstate Highway 35 and south of the Twin Cities Metro Canada Goose Zone as described in part 6240.1500, subpart 3 Southeast Zone is that portion of the state described in part 6240.1000.

6240.1750 TAKING GEESE IN NORTHWEST GOOSE ZONE.

Subpart 1. **Open season.** The open season for taking Canada geese in the Northwest Goose Zone, described in part 6240.0860, begins the first Saturday in September, except the season begins on Sunday, September 1, in any year when the first Saturday falls on September 7. The season closes on September 15.

Subp. 2. **Daily limits.** A person may not take more than two Canada geese per day during the early season.

6240.1800 EARLY GOOSE HUNT APPLICATION AND PERMIT LICENSE.

Subpart 1. **Permit License required.** ~~A permit is required to take Canada geese during~~ The early seasons described in parts 6240.1500, 6240.1600, and 6240.1700 are special seasons for purposes of the special season Canada goose license required under *Minnesota Statutes*, section 97B.802. ~~A person may obtain a permit as prescribed by the commissioner.~~

Subp. 2. **See repealer.**

Subp. 3. **See repealer.**

6240.1850 GAME REFUGES OPEN TO THE TAKING OF GEESE.

The following refuges are open to the taking of geese, as specified:

A: Subpart 1. **Goose refuges.** Those portions of the Douglas County Goose Refuge in Douglas County, the Otter Tail County Goose Refuge in Otter Tail County, and the Sauk Rapids-Rice Goose Refuge in Benton County, in the respective zone or zones in which they are located, are open to goose hunting during the early, regular, and late goose seasons for those zones. All other goose hunting regulations apply in these refuges. Taking waterfowl from public roads and their rights-of-way is prohibited. The Ashby Goose Refuge in Grant County is open to Canada goose hunting during the early September goose season.

B: Subp. 2. **Game refuges.** The Fox Lake Game Refuge in Martin County and the Saint James Game Refuge in Watonwan County are open to goose hunting during the first three days of the regular goose season in the respective zones in which they are located. The Fox Lake Game Refuge is ~~also~~ open to goose hunting from the Saturday on or nearest November 20 26 to the end of the goose season in the zone

Expedited Emergency Rules

in which it is located, except there is no goose hunting within 100 yards of Fox and Temperence Lakes.

~~C. Subp. 3. Waterfowl refuges.~~ The Harstad Slough Waterfowl Refuge in Stevens County is open to Canada goose hunting during the early September goose season. The Mud-Bardwell Waterfowl Refuge in Martin County is open to Canada goose hunting from ~~November~~ ~~† the Saturday on or nearest October 30~~ to the end of the ~~regular~~ goose season in the zone in which it is located, except there is no goose hunting within 100 yards of Mud and Bardwell Lakes. The Rickert Lake Waterfowl Refuge in Steele County is open to Canada goose hunting during the early September goose season. The waterfowl sanctuary within this refuge is closed to hunting and trespass, as posted.

6240.2100 DESIGNATED MIGRATORY WATERFOWL FEEDING AND RESTING AREAS.

Subpart 1. **Designation of entire lakes.** The following lakes are designated as migratory waterfowl feeding and resting areas:

Name	Location	County
A. Bakers Lake	T.114N; R.29W	McLeod
B. Bear Lake	T.101N; R.22W	Freeborn
C. Big Rice Lake	T.140, 141N; R.26W	Cass
D. Cottonwood Lake	T.106N; R.25W	Blue Earth
E. Diamond Lake	T.110N; R.23W	Le Sueur
F. Dora Lake	T.110N; R.23W	Le Sueur
G. Lake Johanna	T.123N; R.36W	Pope
H. Lake Lillian	T.117N; R.33, 34W	Kandiyohi
I. Little Puposky Lake	T.149N; R.33, 34W	Beltrami
J. Mud Lake	T.131N; R.43W	Otter Tail
K. Mud Lake	T.114N; R.26W	Sibley
L. Nelson Lake	T.124N; R.38W	Pope
M. Oakleaf Lake	T.110N; R.26W	Nicollet
N. Pleasant Lake	T.113N; R.23W	Scott
O. Puposky Lake	T.149N; R.33, 34W	Beltrami
P. Rice Lake	T.148, 149N; R.27W	Itasca
<u>Q. Rice Lake</u>	<u>T.111N; R.23W</u>	<u>Le Sueur</u>
Q. R. Sanborn Lake	T.112N; R.23W	Le Sueur
R. S. Scotch Lake	T.110N; R.25W	Le Sueur
S. T. Squaw Lake	T.148, 149N; R.27W	Itasca
T. U. Tiger Lake	T.115N; R.26W	Carver
U. V. Turtle Lake	T.148N; R.39W	Polk
V. W. Unnamed Lake	T.114N; R.29W; S.28	McLeod
W. X. Upper Rice Lake	T.145N; R.36, 37W	Clearwater
X. Y. Wagonga Lake	T.118, 119N; R.34, 35W	Kandiyohi
Y. Z. Washington Lake	T.114N; R.26W	Sibley
<u>AA. Thielke Lake</u>	<u>T.122N; R.46W</u>	<u>Big Stone</u>
<u>BB. Lake Henry</u>	<u>T.110N; R.25W</u>	<u>Le Sueur</u>

[For text of subs 2 to 8, see M.R.]

Subp. 9. Minnesota Lake, Faribault and Blue Earth Counties. All that portion of Minnesota Lake in Faribault and Blue Earth Counties within the area posted by signs or buoys and identified as a migratory waterfowl feeding and resting area is designated as a migratory waterfowl feeding and resting area.

REPEALER. Minnesota Rules, parts 6230.0400, subpart 29; 6234.1800; 6240.1000, subpart 2; and 6240.1800, subparts 2 and 3, are repealed.

EFFECTIVE PERIOD. The expedited emergency amendments to *Minnesota Rules*, parts 6230.0400, 6234.0200, 6234.0400, 6234.0500, 6234.1700, 6234.2000, 6240.0610, 6240.1000, 6240.1200, 6240.1500, 6240.1600, 6240.1700, 6240.1750, 6240.1800, 6240.1850, and 6240.2100, and the repealer expire January 2, 2006. After the emergency amendments expire, the permanent rules as they read prior to those amendments again take effect, except as they may be amended by permanent rule.

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 270.0604.

Department of Revenue

Revenue Notice # 05-08: Sales and Use Tax – Rounding – Per Item or Per Invoice

Introduction

In computing sales or use tax to be collected or remitted as the result of a transaction, the tax computation must be carried to the third decimal place. *Minnesota Statutes*, section 297A.76, subdivision 1, provides that in computing the tax “amounts of tax less than one-half of one cent must be disregarded and amounts of tax of one-half cent or more must be considered an additional cent.” Additionally, when the seller is collecting or remitting both state and local taxes, this rounding rule shall be applied to the aggregated state and local taxes.

Issue

Whether sellers may elect to compute the tax due on a transaction on either an item basis or an invoice basis.

Department Position

Sellers may elect to compute the tax due on a transaction on either an item basis or an invoice basis.

Examples

1. Seller X sells the following taxable items to Purchaser A:

- 10 widgets for \$19.65 total
- 1 component part for \$3.56

The applicable tax rate (aggregate of state and local) is 7.5 %. Seller X elects to compute the tax due on a per item basis. The tax on the 10 widgets is \$1.47 (7.5% of \$19.65 = \$1.47375). The tax on the component part is \$0.27 (7.5% of \$3.56 = \$0.267). Using the rounding rule on a per item basis, the total tax is \$1.74.

2. Same as Example 1, except Seller X elects to compute the tax due on an invoice basis. The invoice price before tax is \$23.21. The tax rate of 7.5%, multiplied by \$23.21, equals \$1.74075. Using the rounding rule on an invoice basis, the tax is \$1.74.

Regardless of which method the seller uses to compute the sales tax on the transaction that is due from the customer, pursuant to section 297A.62, the seller must remit the sales tax imposed on the gross receipts from retail sales as defined in section 297A.61, subdivision 4.

Publication Date: August 29, 2005

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 Department of Agriculture

Agricultural Marketing Services Division

Notice that Minnesota Has at Least 8 Million Gallons of Biodiesel Production Capacity

Pursuant to *Minnesota Statutes* § 239.77 the Commissioner of Agriculture hereby certifies that at least 8 million gallons of annual biodiesel production capacity exists in the state of Minnesota. The Soy Mor biodiesel plant, in Glenville, MN certified production over 16 million gallons of biodiesel on August 23, 2005.

Minnesota Statutes § 239.77 states in part, “.....Except as otherwise provided in this section, all diesel fuel sold or offered for sale in Minnesota for use in internal combustion engines must contain at least 2.0 percent biodiesel fuel oil by volume.” Statute also indicates that any time after June 30, 2005 the mandate will take effect when “thirty or more days have passed since the commissioner of agriculture publishes notice in the *State Register* that annual capacity in Minnesota for the production of biodiesel fuel oil exceeds 8,000,000 gallons.” Therefore, pursuant to statute and based on the timing of this notice the state-wide 2% biodiesel mandate will take effect in Minnesota on September 22, 2005.

This 2% requirement does not apply to motors located at an electric generating plant regulated by the Nuclear Regulatory Commission, railroad locomotives, and off-road taconite and copper mining equipment and machinery.

Questions about this posting may be directed to Ralph Groschen at (651) 297-2223.

Department of Commerce

Presumed Legal Cigarette Prices Available As Of August 1st, 2005

The presumed prices for wholesalers and retailers, as provided for by *Minnesota Statutes*, chapter 325D, are shown in this schedule. The computations are based on manufacturers' list prices. All cigarettes in a wholesaler's or retailer's inventory must be priced to reflect the new presumed prices within seven (7) calendar days after the manufacturer's price change is reflected on a purchase invoice. A wholesaler or retailer may sell for less if they can show that their actual costs of doing business are lower than the presumed minimum. Prices include “Off-Invoice” promotions, though not “Buy-Down” promotions. For questions, contact the Department of Commerce, 85 7th Place East, Suite 500, St. Paul, MN 55101.

BRAND	Wholesale Cost	Retail Price	Pack Price
COMMONWEALTH BRANDS, INC.			
Montclair	\$33.73	\$36.43	\$3.65
USA Gold	\$33.73	\$36.43	\$3.65
KEBLON S.A. (GLOBAL TRADING CORP.)			
Euro	\$25.39	\$27.42	\$2.75
LIGGETT GROUP, LTD			
Eve	\$32.38	\$34.97	\$3.50
Jade	\$29.93	\$32.32	\$3.24
Liggett Pyramid	\$30.88	\$33.35	\$3.34
Liggett Select	\$29.93	\$32.32	\$3.24
LORILLARD TOBACCO COMPANY			
Kent	\$43.93	\$47.44	\$4.75
Maverick	\$29.23	\$31.57	\$3.16
Max	\$43.93	\$47.44	\$4.75
Newport	\$42.93	\$46.36	\$4.64
Old Gold	\$40.23	\$43.45	\$4.35
Satin	\$43.93	\$47.44	\$4.75

Official Notices

BRAND	Wholesale Cost	Retail Price	Pack Price
Triumph	\$43.93	\$47.44	\$4.75
True	\$43.93	\$47.44	\$4.75
NATIONAL TOBACCO, INC.			
American Hero	\$25.29	\$27.31	\$2.74
PHILIP MORRIS, USA			
Alpine	\$41.23	\$44.53	\$4.46
Benson & Hedges	\$43.93	\$47.44	\$4.75
Basic	\$34.73	\$37.51	\$3.76
Bristol	\$41.23	\$44.53	\$4.46
Bucks	\$41.23	\$44.53	\$4.46
Cambridge	\$41.23	\$44.53	\$4.46
Commander	\$43.93	\$47.44	\$4.75
L&M	\$43.93	\$47.44	\$4.75
Lark	\$43.93	\$47.44	\$4.75
Marlboro	\$37.43	\$40.42	\$4.05
Merit	\$43.93	\$47.44	\$4.75
Parliament	\$37.43	\$40.42	\$4.05
Players	\$43.93	\$47.44	\$4.75
Saratoga	\$43.93	\$47.44	\$4.75
Virginia Slims	\$37.43	\$40.42	\$4.05
R.J. REYNOLDS TOBACCO, INC. (REYNOLDS AMERICAN, INC.)			
Belair	\$43.93	\$47.44	\$4.75
Best Value	\$28.95	\$31.27	\$3.13
Camel	\$42.93	\$46.36	\$4.64
Camel Tins (5 pk crtn)	\$24.19	\$26.12	\$5.23
Camel Regular	\$43.93	\$47.44	\$4.75
Capri	\$43.93	\$47.44	\$4.75
Carlton	\$43.93	\$47.44	\$4.75
Doral	\$40.23	\$43.45	\$4.35
Gold Coast	\$28.64	\$30.93	\$3.10
GPC	\$32.73	\$35.35	\$3.54
KOOL	\$42.93	\$46.36	\$4.64
Magna	\$40.23	\$43.45	\$4.35
Misty	\$31.33	\$33.84	\$3.39
Monarch	\$28.95	\$31.27	\$3.13
More	\$43.93	\$47.44	\$4.75
Now	\$43.93	\$47.44	\$4.75
Pall Mall Box	\$40.23	\$43.45	\$4.35
Raleigh Extra	\$39.03	\$42.15	\$4.22
Salem	\$42.93	\$46.36	\$4.64
Sterling	\$40.23	\$43.45	\$4.35
Vantage	\$43.93	\$47.44	\$4.75
Viceroy	\$32.73	\$35.35	\$3.54
Winston	\$42.93	\$46.36	\$4.64
Worth	\$27.64	\$29.85	\$2.99
SANTA FE NATURAL TOBACCO COMPANY, INC. (REYNOLDS AMERICAN, INC.)			
American Spirit	\$44.59	\$48.16	\$4.82
American Spirit Organic	\$51.39	\$55.50	\$5.56
STAR SCIENTIFIC, INC.			
Gsmoke	\$26.32	\$28.43	\$2.85
Main Street	\$28.14	\$30.39	\$3.04

BRAND	Wholesale Cost	Retail Price	Pack Price
Sport	\$28.14	\$30.39	\$3.04
VECTOR TOBACCO INC.			
Omni	\$40.43	\$43.66	\$4.37
USA	\$27.13	\$29.30	\$2.94
WINNER COMPANY			
Winner	\$25.84	\$27.91	\$2.80
OTHER			
AM Light	\$40.23	\$43.45	\$4.35
CT	\$26.28	\$28.38	\$2.84
Stars & Bars	\$43.73	\$47.23	\$4.73

Executive Council State Board of Investment Investment Advisory Council

Official Notice of Meetings of the Executive Council and State Board of Investment on September 7, and the Investment Advisory Council on September 6

The Executive Council and the State Board of Investment will meet on Wednesday, September 7, 2005 at 9:00 A.M. in Room 123, State Capitol, St. Paul, MN.

The Investment Advisory Council will meet on Tuesday, September 6, 2005 at 2:00 P.M. at the State Board of Investment, Board Room (Main Floor), 60 Empire Drive, St. Paul, MN.

Minnesota Department of Health

Notice of a Revised List of Tests to be Performed for Determining the Presence of a Heritable or Congenital Disorder in Newborn Infants in Minnesota

This notice is given to meet requirements of *Minnesota Statutes* 144.125 "Tests of infants for heritable and congenital disorders". The statutes describe the mechanism for revising the list of tests as follows:

"The list of tests to be performed may be revised if the changes are recommended by the advisory committee established under section 144.1255, approved by the commissioner, and published in the *State Register*. The revision is exempt from the rulemaking requirements in Chapter 14, and sections 14.385 and 14.386 do not apply."

Notice is hereby given that the addition of cystic fibrosis to the newborn screening panel has been recommended by the advisory committee and approved by the commissioner. Implementation of cystic fibrosis screening is anticipated to begin in Spring 2006.

Minnesota Department of Health Newborn Screening Panel

Amino Acid Disorders

Argininemia (ARG)
Argininosuccinate Lyase Deficiency (ASA)
Citrullinemia (CIT)
Homocystinuria
Hypermethioninemia
Maple Syrup Urine Disease (MSUD)
Phenylketonuria (PKU)
Tyrosinemia Type I (TYR-I)
Tyrosinemia Type II (TYR-II)
Tyrosinemia Type III (TYR-III)

Endocrine Disorders

Congenital Adrenal Hyperplasia

Official Notices

Congenital Hypothyroidism

Fatty Acid Oxidation Disorders

Carnitine Palmitoyl Transferase Deficiency I (CPT-I)
Carnitine Palmitoyl Transferase Deficiency II (CPT-II)
Carnitine/Acylcarnitine Translocase Deficiency (CACT)
2,4-Dienoyl-CoA Reductase Deficiency (2,4 Di)
Long-Chain 3-Hydroxy Acyl-CoA Dehydrogenase Deficiency (LCHAD)
Glutaric Acidemia Type II (GA-II)
Short-Chain Acyl-CoA Dehydrogenase Deficiency (SCAD)
Medium/Short-Chain Hydroxy Acyl-CoA Dehydrogenase Deficiency (M/SCHAD)
Medium-Chain Acyl-CoA Dehydrogenase Deficiency (MCAD)
Mitochondrial Trifunctional Protein Deficiency (TFP)
Very Long-Chain Acyl-CoA Dehydrogenase Deficiency (VLCAD)

Hemoglobinopathies

Sickle Cell Disease
Thalassemia

Organic Acid Disorders

Glutaric Acidemia Type I (GA-I)
3-Hydroxy-3-Methylglutaryl CoA Lyase Deficiency (HMG)
Isobutyryl-CoA Dehydrogenase Deficiency (IBD)
Isovaleric Acidemia (IVA)
3-Methylcrotonyl-CoA Carboxylase Deficiency (3MCC)
Methylmalonic Acidemias (MMA)
Mitochondrial Acetoacetyl-CoA Thiolase Deficiency (BKT)
Propionic Acidemia (PA)
2-Methylbutyryl-CoA Dehydrogenase Deficiency (2MBCD or SBCAD)
Multiple CoA Carboxylase Deficiency (MCD)
3-Methylglutaconyl-CoA Hydratase Deficiency (3MGA)
2-Methyl-3-Hydroxybutyryl CoA Dehydrogenase Deficiency (3HBD)

Other

Galactosemia
Biotinidase Deficiency
Cystic Fibrosis

Information about Minnesota's newborn screening program is posted at the website: <http://www.health.state.mn.us/divs/fh/mcshn/nbs.htm>. For additional information, please contact Louise Liao, Minnesota Department of Health, Public Health Laboratory Division, 717 Delaware St SE, PO Box 9441, Minneapolis, MN 55414-9441, phone (612) 676-5706, e-mail louise.liao@health.state.mn.us.

Department of Human Services

Health Care Purchasing and Delivery Systems Division

Health Care Administration

Public Notice of Maximum Allowable Costs of Medical Assistance Outpatient Prescribed Drugs

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

At least once each calendar year, the United States Department of Health and Human Services, Centers for Medicare & Medicaid Services, publishes a federal upper limit (FUL) payment schedule for many commonly prescribed multiple-source drugs. The federal

upper limit is set at a rate equal to 150 percent of the published price for the least costly therapeutic equivalent that can be purchased by pharmacists. This FUL payment schedule constitutes the federal MAC list. For many multiple-source drugs that are not on the federal MAC list, the Department establishes a state MAC list. Additionally, the Department imposes a state MAC for many multiple-source drugs that are on the federal MAC list, as long as the savings are at least as much as the savings would be using the federal MAC list.

The Department requires Medical Assistance pharmacy providers to submit their usual and customary costs. Pharmacy providers are reimbursed at the lower of: 1) the federal or state MAC, plus a dispensing fee; 2) the submitted usual and customary charge to the general public; or 3) a discount off of average wholesale price, plus a dispensing fee.

On January 13, 2003 at 27 SR 1117-1130, the Department published the MAC list, listing the federal and state MACs. Additional changes to the state MAC list were published on February 18, 2003 (27 SR 1331-1334), March 3, 2003 (27 SR 1386-1393), April 21, 2003 (27 SR 1583-1584), August 4, 2003 (28 SR 102-103), October 13, 2003 (28 SR 505-506), October 20, 2003 (28 SR 528-529), December 15, 2003 (28 SR 784-785), January 26, 2004 (28 SR 934-935), March 8, 2004 (28 SR 1089-1090), April 5, 2004 (28 SR 1232), April 19, 2004 (28 SR 1313-1314), May 3, 2004 (28 SR 1367-1368), August 9, 2004 (29 SR 173), August 23, 2004 (29 SR 224-225), November 8, 2004 (29 SR 510), November 15, 2004 (29 SR 534-535), February 7, 2005 (29 SR 923-924), February 14, 2005 (29 SR 951-952), March 7, 2005 (29 SR 1038-1039), April 11, 2005 (29 SR 1174-1175), June 27, 2005 (29 SR 1607), July 18, 2005 (30 SR 49-50), and August 15, 2005 (30 SR 147).

Effective August 30, 2005, the Department will add the following outpatient prescribed drugs to the state MAC list:

<u>GCN</u>	<u>Drug Name</u>	<u>Strength</u>	<u>MAC Price</u>
94624	GABAPENTIN TA	600MG	.96
94447	GABAPENTIN TA	800MG	1.212

These additions are made to bring Medical Assistance reimbursement to pharmacists more closely in line with the actual acquisition cost of the drugs listed above. The Department estimates that there will be a state savings of \$1,700,000 for State Fiscal Year 2006 (July 1, 2005 through June 30, 2006).

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

Written comments and requests for information may be sent to Cody Wiberg, Pharm.D., R.Ph., Pharmacy Program Manager, Health Care Purchasing and Delivery Systems Division, Minnesota Department of Human Services, 444 Lafayette Road North, St. Paul, Minnesota 55155-3854; **phone:** (651) 296-8515 or **e-mail:** cody.c.wiberg@state.mn.us.

Minnesota Department of Human Services

REQUEST FOR COMMENTS on Planned Rules Governing Pre-pregnancy Family Planning Demonstration Project, *Minnesota Rules*, Parts 9505.5300 to 9505.5360

Subject of Rules. The Minnesota Department of Human Services requests comments on its planned rules governing pre-pregnancy family planning services offered through the federally-approved pre-pregnancy family planning demonstration project. The demonstration project will expand the availability of family planning services offered through the Minnesota Health Care Program [MHCP] to persons who are not now eligible to receive them. The Department is preparing rules to govern the demonstration.

Persons Affected. The rules will affect persons who were previously not eligible to receive pre-pregnancy family planning services in the MHCP by allowing them to participate in the demonstration project. The rules will also affect providers of pre-pregnancy family planning services.

Statutory Authority. *Minnesota Statutes*, section 256B.04, subdivision 2, that authorizes the Department to adopt rules to carry out the Medical Assistance program, and 256B.78, that authorizes the Department to establish a demonstration project that offers improved access to pre-pregnancy family planning.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing or orally until the rules are published. The Department is considering the creation of an advisory committee or a work group to comment on the planned rules.

Rules Drafts. The Department will prepare a draft of the rules for publication and comment by the end of the year. The draft will also be available from the contact person listed below.

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

Before October 21, 2005: Tracy Hoisington at the Minnesota Department of Human Services, 444 Lafayette Road, Saint Paul, MN 55155-3848, **phone:** (651) 296-5292, or **e-mail:** tracy.hoisington@state.mn.us.

After October 21, 2005: Tracy Hoisington, P.O. Box 64989, Saint Paul, MN 55164-0989, **phone:** (651) 431-2316, or **e-mail:** tracy.hoisington@state.mn.us.

Official Notices

TTY users may call the Department at (651) 296-7385.

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

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

Metropolitan Council

Public Hearing on Chaska L-71 Lift Station Improvements Facility Plan

**CHASKA COMMUNITY CENTER
1661 Park Ridge Drive, Chaska, MN 55318
September 28, 2005, 7:00 p.m.**

The Metropolitan Council will hold a public hearing on the Chaska L-71 Lift Station Improvements Facility Plan, MCES Project No. 803900. The Draft Facility Plan for this project, prepared by the Metropolitan Council's Environmental Services Division, reviews the alternatives of installing new pumping facilities at the former Chaska Wastewater Treatment Plant (WWTP) site.

Lift Station L-71 conveys flow from the City of Chaska south and east through an existing forcemain and gravity sewer interceptor to the Blue Lake WWTP located in the City of Shakopee. The present lift station, constructed in the existing WWTP headwork's building as an interim facility, has insufficient capacity to convey projected future flows.

The project consists of the design and construction of a new 21 million gallons/day (mgd) custom built replacement pumping station. The project also includes the demolition of the wastewater treatment facilities from the phased-out Chaska WWTP. The project schedule calls for facilities design in 2005 and 2006 with construction commencing in 2006.

Copies of the Draft Facility Plan will be available for review after September 16 at:

- **City of Chaska**, 1 City Hall Plaza, Chaska, MN 55318
- **Chaska Public Library**, 3 City Hall Plaza, Chaska, MN 55318
- **City of Carver**, 316 Broadway, Carver, MN 55315
- **Metropolitan Council's Data Center**, 230 E. Fifth St., St. Paul, MN 55101

All interested persons are encouraged to attend the public hearing on September 28, 2005 and provide comments.

You also may submit comments, which must be received by the Metropolitan Council no later than October 8, 2005.

- Send written comments to: Pat Schultz at Metropolitan Council Environmental Services, 230 E. Fifth St., St. Paul, MN 55101
- Fax comments to: Pat Schultz at (651) 602-1477
- Record comments on: Metropolitan Council Public Comment Line at (651) 602-1500
- E-mail comments to: data.center@metc.state.mn.us
- Sent TTY comments to (651) 291-0904

Upon request, the Council will provide reasonable accommodations to persons with disabilities. Please submit such requests to Pat Schultz via mail or fax (see above) or by phone at (651) 602-1096 before September 18, 2005.

Minnesota Pollution Control Agency

Municipal Division

REQUEST FOR COMMENTS on Possible New Rules Establishing an Environmental Performance Track Program Related to Minnesota Rules Chapters 7007, 7011, 7019 and 7045

Subject of Rules: The Minnesota Pollution Control Agency (MPCA) requests comments on possible new rules establishing an Environmental Performance Track Program similar to the U.S. Environmental Protection Agency's (EPA) National Environmental Performance Track Program ("Performance Track Program"). The EPA Performance Track Program encourages environmental protection above and beyond existing federal regulations through recognition, regulatory flexibility and other incentives such as sharing information through networking. The Performance Track Program is based on the premise that government should complement existing programs with new

tools and strategies that not only protect people and the environment, but also capture opportunities for reducing costs and encouraging technological innovation. This rulemaking would establish in MPCA Rules a Performance Track Program, which may provide similar incentives to Performance Track Program members that the EPA offered at the federal level through its final rule, effective on April 22, 2004 (69 *Federal Register* 21737), as amended on October 25, 2004 (69 *Federal Register* 62217).

This MPCA rule would only apply to regulated entities that voluntarily decide to join the Performance Track Program and would allow Performance Track members an extended hazardous waste accumulation period without a hazardous waste permit or interim status, and reduced reporting frequency for qualifying air emissions sources that are required to comply with Maximum Available Control Technology (MACT) provisions of the Clean Air Act. These provisions would serve as incentives for regulated entities that are members of the Performance Track Program while ensuring the current level of environmental protection as provided by the relevant hazardous waste and MACT provisions.

Persons Affected: The MPCA's planned rulemaking potentially affects any entity regulated by the MPCA which approves to become a member of the Performance Track Program. This could possibly include businesses, industrial facilities, companies, manufacturers, trade associations, commercial establishments, and governmental entities that adopt pollution-reducing plans referred to as Environmental Management Systems under EPA rules. The flexibility offered by the proposed rule would be available to a relatively small number of eligible regulated entities. Also, potentially affected are federal, state, and local government agencies, non-governmental organizations, schools, communities, neighborhoods, and other entities that are dedicated to improving environmental protection.

Statutory Authority: The MPCA's authority to adopt and implement the hazardous waste section of the proposed new rules is found in *Minnesota Statutes* § 116.07, subd. 4. The relevant portion reads as follows:

Subd. 4. Rules and standards. Pursuant to chapter 14, the Pollution Control Agency may adopt, amend, and rescind rules and standards having the force of law relating to any purpose within the provisions of this chapter for generators of hazardous waste, the management, identification, labeling, classification, storage, collection, treatment, transportation, processing, and disposal of hazardous waste and the location of hazardous waste facilities. A rule or standard may be of general application throughout the state or may be limited as to time, places, circumstances, or conditions. In implementing its hazardous waste rules, the Pollution Control Agency shall give high priority to providing planning and technical assistance to hazardous waste generators. The agency shall assist generators in investigating the availability and feasibility of both interim and long-term hazardous waste management methods. The methods shall include waste reduction, waste separation, waste processing, resource recovery, and temporary storage.

The MPCA's statutory authority to adopt the air quality section of the proposed new rules is set forth in *Minnesota Statutes* §116.07, subds. 4, 4a and 4b. The portion relevant to air quality regulation reads as follows:

Subd. 4. Rules and standards. Pursuant and subject to the provisions of chapter 14, and the provisions hereof, the Pollution Control Agency may adopt, amend and rescind rules and standards having the force of law relating to any purpose within the provisions of Laws 1967, chapter 882, for the prevention, abatement, or control of air pollution. Any such rule or standard may be of general application throughout the state, or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, rules or standards may relate to sources or emissions of air contamination or air pollution, to the quality or composition of such emissions, or to the quality of or composition of the ambient air or outdoor atmosphere or to any other matter relevant to the prevention, abatement, or control of air pollution.

Public Comment: Affected and interested persons or groups may submit comments or information on these planned rules in writing until further notice is published in the *State Register* that the MPCA intends to adopt or withdraw the rules. The MPCA does not contemplate appointing an advisory committee to comment on the possible rules. If you wish to be included in future mailings and updates, please indicate which item(s) you are interested in.

Rule Drafts: The MPCA is in the process of preparing a draft of the possible rules.

Agency Contact Person: Written comments, questions, or requests to receive a draft of the rules when they are prepared, and requests for further information on the proposed rules should be directed to: Placida L. Venegas, J.D., Minnesota Pollution Control Agency, Municipal Division, 520 Lafayette Road North, St. Paul, MN 55155-4194, telephone number: (651) 297-8370; facsimile number: (651) 297-8676; and may also be directed by e-mail: placida.venegas@pca.state.mn.us. TTY users may call the MPCA at TTY (651) 282-5332 or 1 (800) 657-3864.

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

NOTE: Comments received in response to this notice may not necessarily be included in the formal rulemaking record of the

Official Notices

proceeding to adopt the rules. The MPCA is required to submit to the Administrative Law Judge reviewing the rules only written comments after the rules are formally proposed for adoption in the *State Register*.

Dated: August 22, 2005

Sheryl A. Corrigan, Commissioner
Minnesota Pollution Control Agency

Minnesota Racing Commission

REQUEST FOR COMMENTS on Possible Amendment to Rules Governing:

- **Minnesota Rules 7869 Definitions**
- **Minnesota Rules 7870 Licensure**
- **Minnesota Rules 7873 Pari-Mutuel Rules**
- **Minnesota Rules 7875 Facilities And Equipment**
- **Minnesota Rules 7877 Class C Licenses**
- **Minnesota Rules 7879 Stewards**
- **Minnesota Rules 7884 Harness Races**
- **Minnesota Rules 7890 Horse Medication**
- **Minnesota Rules 7895 Standardbred Breeders' Fund**
- **Other rules that may be proposed by industry groups**

Subject of Rules. The Racing Commission requests comments on its possible amendment to rules governing horse racing. Proposed rule amendments include the following subjects:

- *Minnesota Rules 7869* (Definitions) – housekeeping and technical changes to existing definitions to accommodate pari-mutuel harness racing, changes to reflect current technology in simulcasting, and adding the definition of “restricted area” within an association’s grounds.
- *Minnesota Rules 7870* (Licensure) – Removal of obsolete language regarding Class A license fees as addressed in *Minnesota Statutes* 240.10.
- *Minnesota Rules 7873* (Pari-Mutuel Rules) – Allowing for 10 cent Superfecta wagers and requiring a minimum of seven betting interests in a race with Superfecta wagering. Omitting the requirement against disclosing the number of Pick Six tickets sold until after the last race in the Pick Six has been declared official.
- *Minnesota Rules 7875* (Facilities and Equipment) — Omitting the prohibition against cell phones or other external means of communication at a racetrack.
- *Minnesota Rules 7877* (Class C Licenses) – Establishes a minimum level of involvement with pari-mutuel horse racing before a Class C license is required. Clarifies that a Claims Clerk is required only for Thoroughbred and Quarterhorse racing. Deletes the license category of Equipment Inspector for harness races. Deletes the requirement that identifiers, placing judges and patrol judges pass optical examinations. Requires harness drivers to meet the licensing qualifications of the United States Trotting Association (USTA). Establishes minimum threshold levels of involvement in pari-mutuel racing and/or cost of goods or services provided before a vendors or concessionaire’s license is required. Provides for the Jockey’s Guild patch to be displayed on a jockey’s attire. Prohibits physical contact between jockeys and/or another jockey’s horse before, during, or after a race. Requires Bloodstock Agents to provide documentation on the conduct and extent of their business. Establishes Paddock Judge responsibilities for harness racing. Allows for the identification of horses by freeze brands. Establishes the times that an outrider is required to be on the racetrack for harness races. Deletes the duties for Clerk of the Course in harness racing.
- *Minnesota Rules 7879* (Stewards) – Requires the stewards to follow the United States Trotting Association procedures for harness horse claiming races.
- *Minnesota Rules 7884* (Harness Races) – Establishes definitions needed for the conduct of harness racing. Clarifies requirements for eligibility and entering for harness horse races. Allows the use of facsimile for harness race entries. Establishes new language and requirements for coupled entries. Deletes existing language regarding lost entries. Clarifies the requirements for qualifying races, and requires that claiming races be held in accordance with the requirements of the United States Trotting Association. Amends the requirements for reporting broken equipment during a harness race. Establishes the time by which horses must be at the racetrack on the days that they are scheduled to race.

- *Minnesota Rules 7890 (Horse Medication)* – Adds definitions and makes clarifications to bring Minnesota’s rules into conformance with model rules as suggested by the American Association of Equine Practitioners. Prohibits the use of a nasogastric tube without permission of the Commission veterinarian within 24 hours of a day on which a horse is scheduled to race. Establishes conditions for the use of Extracorporeal shock wave therapy or radial pulse wave therapy. Prohibits the possession and use of blood doping agents. Requires that horses racing on NSAIDs must show a detectable level of the drug or metabolites in post-race samples. Changes the restrictions on confirmed bleeders.
- *Minnesota Rules 7895 (Standardbred Breeders’ Fund)* – amends the standardbred breeders’ fund rules by amending the definitions for Breeder, Minnesota-Bred, and deleting the definitions for Minnesota-Foaled and Minnesota Sire. Deletes the requirement that purse supplements earned are not included in the determination of breeders’ or stallion awards. Allows the transportation of semen outside the state of Minnesota, and allowing the resulting foals to be considered as Minnesota-breds provided that they race in Minnesota.

Persons Affected: The amendments to the rules would likely affect holders of Class A, B, and C licensees, patrons attending events at licensed racetracks in Minnesota, and participants in harness racing and breeding in Minnesota.

Statutory Authority: The Commission’s statutory authority to amend these rules is set out in *Minnesota Statutes*, Sections 240.08, Subp. 1 (Occupational Licensing); 240.13, Subp. 1 (Types of Betting), 240.18, Subp. 4 (Rules Regarding Breeders Fund), 240.23, Subp. 1 (Rules Regarding Medication, 240.24, Subp 2 (Exceptions), and 240.23 (Rule Making Authority).

Public Comment: Interested persons or groups may submit comments or information on these planned rules in writing or orally until further notice is published in the *State Register* that the Commission intends to adopt or to withdraw the rules. The Commission has appointed an advisory committee to comment on the planned rules.

Rules Drafts: The Commission has not yet prepared a draft of the planned rules amendments.

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

Richard G. Krueger, Executive Director
Minnesota Racing Commission
P.O. Box 630
Shakopee MN 55379
Telephone: (952)-496-7950
Fax: (952) 496-7954
E-mail: richard.krueger@state.mn.us
TTY users may call the commission at 1-800-627-3529.

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

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: July 28, 2004

Richard G. Krueger, Executive Director
Minnesota Racing Commission

Statewide Independent Living Council (SILC) Meeting Schedule for 2006

The Statewide Independent Living Council (SILC) will conduct eight meeting during Federal Fiscal Year 2006 and, with the exception of the May 2006 out-state meeting, meets at the Four Points Sheraton, Minneapolis from 9:00 a.m. to 3:00 p.m. Meeting dates are as follows:

October 13th
November 10th
December 8th
January 12th
April 13th
June 8th
September 14th

Official Notices

Teachers Retirement Association

Notice of Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Wednesday, September 14, 2005 at 9:30 a.m. in Suite 400, 60 Empire Drive, St. Paul, MN to consider matters which may properly come before the Board.

Minnesota Public Utilities Commission

Decisions on Xcel Energy's High Bridge Repowering Project: Environmental Assessment Adequacy; Site Designation and Site Permit

At a meeting on August 11, 2005, the Minnesota Public Utilities Commission (PUC) determined that the Environmental Assessment for the High Bridge Repowering Project was adequate. The Commission also designated a site and issued a Site Permit for the proposed large electric power generating plant (LEPGP). The site is located in Township 28 North, Range 23 West, Sections 1 and 12 in Ramsey County, Minnesota.

The project is part of the Metropolitan Emission Reduction Proposal which was reviewed and approved by the PUC in Docket No. E002/M-02-633. The proposal consists of replacing the existing 270 MW coal fueled plant (i.e., the High Bridge Plant) with a new, 480-665 megawatt, natural gas-fired, combined cycle plant. The conversion of the High Bridge Plant is exempted from the Certificate of Need requirements of Minnesota Statutes § 216B.243.

If you have any questions about this project or would like more information, please contact the Department of Commerce project manager: Bill Storm, 85 7th Place East, Suite 500, St. Paul, MN 55101. **Telephone:** (651) 296-9535; **e-mail:** bill.storm@state.mn.us.

Dated: August 16, 2005

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 Health

in partnership with

Minnesota Department of Education

Health Care and Long-term Care Career Promotion Grant Program

Notice of Grant Opportunity

The Minnesota Department of Health (MDH), in partnership with the Minnesota Department of Education, is seeking applications from qualifying consortia or partnerships between school districts, health and/or long term care employers, and higher education. The grants program is intended to assist consortia to develop intergenerational programs to encourage middle and high school students to work and volunteer in health care and long-term care settings. To qualify for a grant, a consortium shall demonstrate its ability to: 1) implement a health and/or long-term care careers curriculum that provides for the integration of academic and work based learning opportunities in a variety of clinical areas including long term care options; 2) align the health careers curriculum with the National Health Care Skill Standards, Minnesota Health Care Core Skills and the Minnesota Graduation Standards (available upon request); 3) offer program for high school students that provide training in health and long-term care careers with credit that articulate into post-secondary programs; 4) provide assistance and support to middle and junior high schools interested in developing information and exploration programs about health and long term care careers; 5) establish a Health/Long-term Care Careers Advisory Group to support the continued development of the program; 6) provide technical support to the participating health care and long-term care employer(s) to enable the use of the employer(s) facilities and programs for kindergarten to grade 12 health and long-term care careers education; 7) include program planning, design, marketing and implementation activities, and demonstrate evaluation and sustainability.

State Grants & Loans

Available in 2006 is \$147,000, with maximum grant awards to be no more than \$20,000, and a maximum \$30,000 allocation within the two-year 2006-2007 funding cycle. Grant awards will be announced by November 30, 2005, for the contract period beginning January 1, 2006, through December 31, 2006.

Applications are available at the following web sites:

<http://www.health.state.mn.us/divs/chs/grants.htm> or <http://children.state.mn.us/wrkgrnt.html>

Prospective applicants who have questions, and/or would like a written copy of the application form may contact the Office of Rural Health and Primary Care, Minnesota Department of Health Phone: (651) 282-3851 or toll free: 1-(800) 366-5424.

Deadline for proposals is **4:00 p.m. CST on Friday, October 14, 2005**. No late proposals will be considered.

Lawrence Colaizy
Office of Rural Health & Primary Care
Minnesota Department of Health

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

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

Department of Public Safety

Office of Justice Programs

Minnesota Financial Crimes Task Force

Purpose: The purpose of this funding is to reimburse state and local law enforcement agencies for the costs of assigning qualified, full-time licensed peace officers to the Minnesota Financial Crimes Task Force (MNFCTF). This task force is charged with investigation of criminal activity related to identity theft and financial crimes. The MNFCTF will operate under the direction of a Statewide Commander and an oversight council. All assigned investigators have statewide jurisdiction but will remain employees of the contributing agency.

Selected participating agencies will sign a memorandum of understanding (MOU) that will address common issues and terms of participation. A fiscal agent will provide for the general operating support of the MNFCTF including site costs, communications, training, investigative funds and computer support.

Eligible Applicants: State and local law enforcement agencies.

Source of Funds and Legislative Authority: *Minnesota Statutes 299A.681*.

Total Funding Available: There is approximately \$650,000 available for funded projects.

Match Requirement: There is no hard match requirement but priority may be given to applicants willing to assume some of the costs of participation.

Project Period: Funded projects will be for 21 months and will begin October 1, 2005.

Application Materials: A full application description and application materials may be accessed by contacting Sue Perkins at sue.perkins@state.mn.us or (651) 284-3329.

Submission deadline: All proposals must be postmarked no later than Tuesday, September 13, 2005. Delivered applications must be received by 4:30 p.m. that same day. Emailed, faxed and late applications will not be accepted.

Submission details: Mail or deliver an original plus ten (10) copies and a copy on disk or CD-ROM of the completed proposal to:

Sue Perkins
Office of Justice Programs
444 Cedar Street, Suite 100
St. Paul, MN 55101-5100

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.

Minnesota State Colleges and Universities

Lake Superior College, Duluth, Minnesota

Notice of Availability of Request for Proposal (RFP) for Owner Representative Selection for The New Academic and Student Services Addition

The Minnesota State Colleges and Universities, acting as the owner for the State of Minnesota, is soliciting proposals from interested, qualified consultants for Owner Representative services for the above referenced project.

A full Request for Proposal is available on Lake Superior College's **website:** <http://www.lsc.edu/> click on "Solicitation Announcements."

A project informational meeting has been scheduled for September 1, 2005, 9:00 a.m. in the Administration Conference Room: Room #E2028. Contact: Gary Adams at (218) 733-7625 or **e-mail:** g.adams@lsc.mnscu.edu to sign up for the meeting.

Proposals must be delivered to Lake Superior College, Purchasing Office Room #E1312, 2101 Trinity Road, Duluth MN 55811, not later than September 16, 2005, 1:00 p.m. Late responses will not be considered.

Minnesota Office of Higher Education

Notice of Request for Proposals: Higher Education Accountability Plan

The Minnesota Office of Higher Education is requesting proposals from qualified professionals to assist the Office in the developing a plan for an accountability system for higher education in Minnesota. The goal of this project is to recommend state goals and corresponding indicators for a statewide performance accountability system for Minnesota's higher education sector. The system recommended by the contractor will be continuously maintained by the State to provide state policy makers with relevant information on the effects of higher education on state residents, students and the economy for the purpose of state policy improvement.

Proposals must be submitted **no later than 2:30 p.m. Central Time, September 19, 2005.**

The Request for Proposals (RFP) does not obligate the Office of Higher Education to complete this project, and the Office reserves the right to cancel the solicitation if it is considered to be in its best interest.

The total cost of this proposal should not exceed \$100,000.

Copies of the complete RFP are available on the Office website or from:

Mark Misukanis
Director of Fiscal Policy and Research
Minnesota Office of Higher Education
1450 Energy Park Drive, Suite 350
St. Paul, MN 55108-5227
Phone: (651) 642-0533, ext. 3700
E-mail: mark.misukanis@state.mn.us
Website: www.ohe.state.mn.us

Minnesota Historical Society

Notice of Request for Bids for PRINTING SERVICES – *Courthouses of Minnesota*

The Minnesota Historical Society, dba the Minnesota Historical Society Press/Borealis Books, is seeking bids from qualified firms for the printing of the book entitled *Courthouses of Minnesota* (6,000 casebound books, plus additional 1,000s and 1,000 flat & trimmed jackets to ship to warehouse with books).

The schedule is, as follows: December 1, 2005 - all to printer; April 1, 2006 - finished books at the Society's warehouse and Press.

The Request for Bids is available by calling or writing Mary Green-Toussaint, Contracting & Purchasing Assistant, Minnesota

Historical Society, 345 Kellogg Blvd. W., St. Paul, MN 55102. Telephone is (651) 297-7007; e-mail is mary.green-toussaint@mnhs.org. Bids must be received no later than 2:00 p.m., Local Time, Tuesday, September 13, 2005. No late bids will be accepted.

Dated: August 29, 2005

Minnesota Department of Human Services

Request for Proposals for Qualified Contractor(s) to Assist in the Planning, Development and Implementation of an Accessible and Coordinated Child Care Professional Development System

The Minnesota Department of Human Services (DHS) is soliciting proposals from qualified responders (agencies or individuals) with the capacity to assist in the planning, development and implementation of an accessible and coordinated child care professional development system. This work will involve three interrelated components:

1) Scanning Professional Development System Components (PD): The PD component of the work will involve developing and implementing tools and/or methods that can be used on an ongoing basis to gather, compile and summarize information from child care professional development initiatives in Minnesota within the context of the DHS child care PD system planning process to inform development of the:

- Trainer Infrastructure function
- Curriculum Development function

2) Assessing Access to the Professional Development System: The Access component of this work will involve developing and implementing tools and/or methods that can be used on an ongoing basis to gather, compile and summarize information from child care professional development initiatives and the Minnesota Child Care Resource and Referral (CCR&R) system to assess the effectiveness of efforts to increase access to the PD system. This work will also include summarizing strategies and initiatives currently in place to increase access for all existing and potential consumers of the PD system, including those from low income communities, family, friend and neighbor (FFN) child care providers (also known as informal or legally unlicensed child care providers), communities of color, tribal communities, English Language Learners (ELL), geographically isolated communities, immigrant and refugee communities and individuals with disabilities or special needs.

3) Planning and Implementing Systems Change (Change): The Change component of this work will gather information directly and analyze and integrate the information gathered from the PD and Access components of this request for proposals in order to recommend next steps toward the development and delivery of an accessible PD system. This component will also provide direction, methods, tools and support for planning and implementing an inclusive, engaging and participatory change process.

Agencies and/or individuals may apply to one or more of the project components: 1) Scanning Professional Development System; 2) Assessing Access to the Professional Development System and 3) Planning and Implementing Systems Change.

The objective of this RFP is to contract with a qualified responder(s) to perform the tasks and services set forth in this RFP. The term of any resulting contract is anticipated to be for 14 months, from November 1, 2005 until December 30, 2006.

Interested parties may receive a copy of the Request for Proposal by contacting:

Catharine Cuddeback
Community Partnerships Division
Department of Human Services
444 Lafayette Road North
St. Paul, MN 55155-3803
E-mail: Catharine.Cuddeback@state.mn.us

Prospective responders with questions regarding this RFP may write or e-mail: Catharine Cuddeback at the above address. Ms. Cuddeback is the only person at the Department of Human Services who is authorized to answer questions regarding this document. All responses to this RFP are due to the Department of Human Services by **September 20, 2005 by 3:00 p.m.**

State Contracts

Department of Natural Resources

Division of Forestry

Notice of Request for Proposal (RFP) for the Operation and Maintenance Services for Two (2) State-owned CL-215 Multi Engine Amphibious Water Scooping Aircraft

NOTICE IS HEREBY GIVEN that the DNR is requesting proposals for operation and maintenance services for two (2) State-owned CL-215 multi-engine amphibious water scooping aircraft. These services shall be performed by fully qualified personnel and equipped to meet specifications for use in protection of lands from wildfire in Minnesota. The type of services which aircraft would generally be required to perform, but not restricted to are: tactical fire fighting operations. The successful responder will have to be qualified to do business in Minnesota.

The Term of the contract shall be for a period of approximately 2 years and 2 months, commencing at Contract signature and ending February 28, 2008. This contract may be extended on a year-by-year basis with the approval of both parties for an additional 2 years, February 28, 2010.

Proposals shall be based on the RFP requirements and delivered to the Department of Natural Resources by 2:00 p.m., October 5, 2005.

To obtain complete RFP requirements, please contact:

Sheldon Mack
Minnesota Dept. of Natural Resources – MIFC
402 SE 11th Street
Grand Rapids MN 55744
Telephone: (218) 327-4530 or 4436
Fax: (218) 327-4527

Department of Transportation (MnDOT)

Engineering Services Division

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

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

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

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

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

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

Send completed application material to:

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

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

Department of Transportation (MnDOT)**Engineering Services Division****Notice Concerning Professional/Technical Contract Opportunities**

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

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

Minnesota Zoological Gardens**Notice of Availability of Contract for "Gateway to the North: Bears of the Ussuri"**

The Minnesota Zoo is requesting proposals from firms to provide a Construction Manager services for the new \$20.6 million "Gateway to the North" exhibit expansion.

Work is proposed to start in October 2005 and continue through June 2008.

A Request for Proposals will be available by mail from this office through September 9, 2005. A written request (by mail, email or fax) is required to receive the Request for Proposal.

Please note **mandatory** site visit scheduled for September 7 for all interested bidders.

The Request for Proposal may be obtained from:

Ken Kornack
Sterns & Associates, LLC
2334 University Avenue West, Suite 150
St. Paul, Minnesota 55114
Telephone: (651) 310- 0128
E-mail: kornack@sternsassoc.com

Non-State Contracts & Grants

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

Metropolitan Council

Notice of Invitation for Bids (IFB) for the Fabrication and Delivery of Industrial Control Panels

Reference Number 05P027

The Metropolitan Council is requesting bids for fabrication and assembly of open industrial control panels for ten (10) Interceptor regulators stations, six (6) river quality monitoring stations, nine (9) wastewater treatment plant monitoring locations, two (2) lift station sites plus doors, and twenty (20) Interceptor metering panels.

The tentative schedule for this procurement is as follows:

Issue Invitation for Bids

August 22, 2005

Bids Due

September 27, 2005

Award Contract

October 2005

All firms interested in submitting bids for this contract and desiring to receive an IFB package are invited to make a request by e-mail, fax, mail or phone to:

Elizabeth Sund
Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council
230 East Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1169
Fax: (651) 602-1083
E-mail: elizabeth.sund@metc.state.mn.us

Metropolitan Council

Notice of Invitation for Bids (IFB) for Wastewater Treatment Plant Electrical Maintenance Services

Reference Number 05P073

The Metropolitan Council is requesting bids for Wastewater Treatment Plant Electrical Maintenance Services.

Issue Invitation for Bids

August 22, 2005

Bids Due

September 22, 2005

Award Contract

October 2005

All firms interested in submitting bids for this contract and desiring to receive an IFB package are invited to make a request by e-mail, fax, mail or phone to:

Elizabeth Sund
Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council
230 East Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1169
Fax: (651) 602-1083
E-mail: elizabeth.sund@metc.state.mn.us

Non-State Contracts & Grants

Metropolitan Council

Invitation for Prequalification for Tunneling Contractor for Empire WWTP Outfall and Rosemount Interceptor -- Phase II

Prequalification Submittal Documents (PSDs) are solicited by the Metropolitan Council ("Council") for the purpose of establishing a list of prequalified contractors to provide the tunneling work of the Council's Empire WWTP Outfall and Rosemount Interceptor – Phase II project. The contractor that performs the tunneling work (Tunneling Contractor) may be the general contractor for the project or a subcontractor to the general contractor.

The Council intends to use a two-step process to award this project. In this first step, Tunneling Contractors are invited to submit PSDs, which will be evaluated based upon the prequalification criteria of the project. After evaluating the submitted PSDs, the Council will inform each Tunneling Contractor of its prequalification status. In the second step, the Council will issue a public Invitation for Bids for the project. Each bidder will be required to list its Tunneling Contractor on the bid form. **Bids will only be accepted from bidders that list a Tunneling Contractor that has been prequalified by the Council.**

Contractors interested in obtaining an Invitation for Prequalification should submit a written request to:

Sunny Jo Emerson, Senior Administrative Assistant
Metropolitan Council
230 East Fifth Street
St. Paul, Minnesota 55101
Phone: (651) 602-1499
Fax: (651) 602-1083
E-mail: sunnyjo.emerson@metc.state.mn.us

The tentative schedule for this procurement is as follows:

<i>Invitation for Prequalification Issued</i>	August 19, 2005
<i>PSD Due</i>	September 9, 2005 at 2:00 p.m. local time
<i>Notification of Successful Prequalification</i>	September 16, 2005
<i>Invitation for Bids</i>	September 30, 2005
<i>Due Date of Bids</i>	November 10, 2005
<i>Award of Contract</i>	December 2005

Metropolitan Council

Notice of Request for Proposals (RFP) for Fixed Asset Inventory and Yearly F.A. Analysis

Metropolitan Council RFP / Contract Number 05P077

The Metropolitan Council (Council) is requesting proposals to conduct yearly specialized appraisal on Environmental Services construction projects for six years and a physical inventory of Environmental Services and Regional Administration assets. The Council capitalizes all fixed assets having an acquisition value of \$5,000.00 or more and with an estimated useful life of greater than one year. The Council is required by internal policy to conduct a physical inventory of all fixed assets every five years. The Council desires to conduct the physical inventory of those assets in calendar year 2006. The Council also desires to have annual capital project analysis for 2005 through 2010 until the next physical inventory is conducted.

The anticipated solicitation schedule is shown below.

<i>Issue Request for Proposals</i>	August 29, 2005
<i>Receive Proposals</i>	2:00 PM, September 27, 2005
<i>Award of Contract</i>	November 2005

All firms interested in receiving an RFP package are invited to submit an e-mail, written or fax request to:

Sunny Jo Emerson
Contracts and Procurement Unit
Metropolitan Council
230 East Fifth Street
St. Paul, MN 55101

Non-State Contracts & Grants

Phone: (651) 602-1499

Fax: (651) 602-1083

E-mail: sunnyjo.emerson@metc.state.mn.us

Note: RFPs are not available in electronic form.

Metropolitan Council

Notice of Request for Proposals (RFP) for Employee Assistance Program Metropolitan Council RFP / Contract Number 05P066

The Metropolitan Council is requesting proposals for an Employee Assistance Program for Council employees and their dependent family members. The successful proposer will provide personal consultation and referral services with regard to all personal, social, or other human services issues except for those of a primarily medical nature. The term of the contract will be three years.

The anticipated solicitation schedule is shown below.

Issue Request for Proposals

August 15, 2005

Receive Proposals, 2:00 PM on day

September 15, 2005

Award of Contract

November 2005

All firms interested in receiving an RFP package are invited to submit an e-mail, written or fax request to:

Elizabeth Sund

Contracts and Procurement Unit

Metropolitan Council

230 East Fifth Street

St. Paul, MN 55101

Fax: (651) 602-1083

E-mail: elizabeth.sund@metc.state.mn.us

NOTE: RFPs are **NOT** available in electronic form.

Metro Transit - Metropolitan Council

Door Replacement at East metro Transit Facility Procurement No. 6909

Metro Transit, a division of the Metropolitan Council, is soliciting sealed bids for supplying and installing an overhead door at its East Metro transit Facility.

A site visit will be conducted at the East Metro Transit Facility, 800 Mississippi Street, St. Paul, MN 55101 at 10:00 a.m. on September 7, 2005.

Sealed bids are due by 2:00 p.m. on September 14, 2005. Bids must be submitted in accordance with the Invitation for Bids documents available from:

Metropolitan Council

Metro Transit Purchasing Department

515 North Cleveland Avenue

St. Paul, MN 55114

(612) 349-5070

Non-State Contracts & Grants

Metro Transit - Metropolitan Council Generator Procurement

The Metropolitan Council is soliciting sealed bids for the procurement of generators at two Metro Transit facilities. Bids are due at 2:00 p.m. on September 27, 2005. Bids must be submitted in accordance with the Invitation for Bids documents available from:

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

Metro Transit - Metropolitan Council Repairs to Stone Building at Fort Snelling Park and Ride Lot Procurement No. 6908

Metro Transit, a division of the Metropolitan Council, is soliciting sealed bids for repairs to the Stone Building, located at the Fort Snelling Park and Ride lot. This project consists of the renovation of a modest stone structure of historical significance. The work includes providing new electrical service to, and within, the building; removal of exterior mortar and re-pointing of all joints; removal and replacement of damaged wood roofing components; repair/replacement and re-glazing of windows; painting of all exterior wood elements; and repair of corrugated metal roofing system.

Sealed bids are due by 2:00 p.m. on September 14, 2005. Bids must be submitted in accordance with the Invitation for Bids documents available from:

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

Metro Transit - Metropolitan Council Warehousing and Distribution Services

The Metropolitan Council is soliciting sealed bids for Warehousing and Distribution Services. Bids are due at 2:00 p.m. on September 22, 2005. Bids must be submitted in accordance with the Invitation for Bids documents available from:

Metropolitan Council
Metro Transit Purchasing Department
515 North Cleveland Avenue
St. Paul, MN 55114
(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.



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