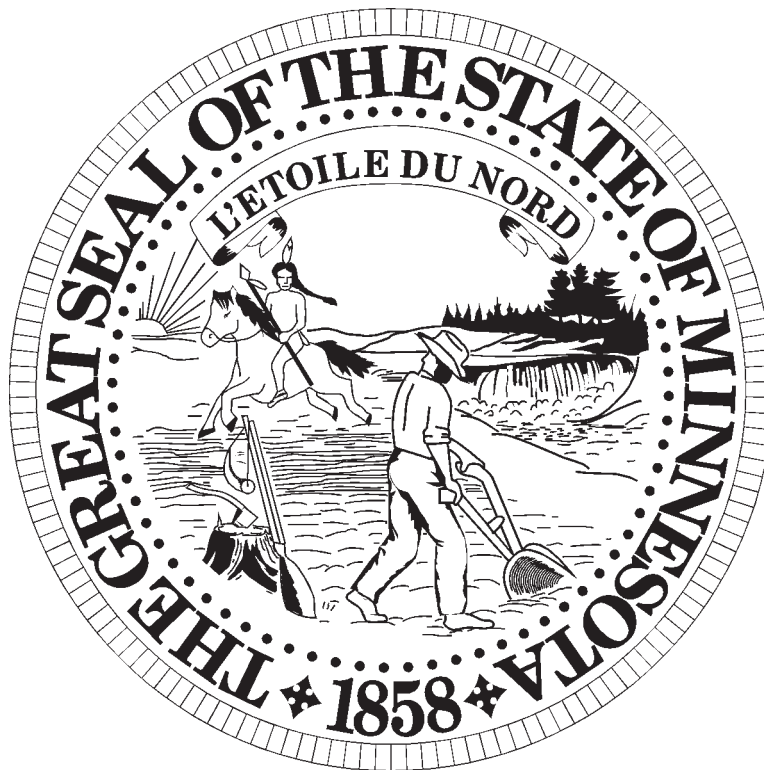


State of Minnesota

# State Register



**Rules, Executive Orders, Appointments,  
Commissioners' Orders, Revenue Notices, Official Notices, Grants,  
State Contracts & Loans, Non-State Bids, Contracts & Grants**

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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:

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- state grants and loans
- executive orders of the governor
- revenue notices
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
- appointments
- official notices

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# 29	Monday 14 January	Noon Tuesday 8 January 2008	Noon Wednesday 2 January 2008
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**Minnesota Rules: Amendments & Additions**  
 Rules Index - Vol. 32, # 28, January 7, 2008 ..... 1252

**Proposed Rules**

**Revenue Department**  
 Proposed Permanent Rules Governing Sales Tax Exemption  
 of Isolated and Occasional Sales..... 1253

**Exempt Rules**

**Natural Resources Department (DNR)**  
 Adopted Exempt Permanent Game and Fish Rules  
 Relating to Trout Streams and Lakes..... 1260

**Expedited Emergency Rules**

**Natural Resources Department (DNR)**  
 Adopted Expedited Emergency Game and Fish Rules:  
 Designated Special Management Waters on Upper Red Lake....1261

**Official Notices**

**Administration Department**  
 AT Advisory Council Meeting January 15, 2008..... 1263

**Comprehensive Health Association**  
 Meeting of the Enrollee Appeal Committee Jan. 9, 2008..... 1263

**Finance Department**  
**State Budget Trends Study Commission:**  
 Monthly Meeting January 23, 2008..... 1263

**Human Services Department**  
 Outreach Incentive Program..... 1263  
 CORRECTED DEADLINE: Vacancies on  
 Medicaid Citizens' Advisory Committee..... 1264

**Plumbing Board**  
 Request for Comments on Possible Amendment to  
 Rules Governing Plumbing..... 1265

**Pollution Control Agency (MPCA)**  
 Draft 2008 TMDL List – Notice that the Final Draft  
 2008 TMDL List will be Presented at the January 22,  
 2008 MPCA Citizens' Board Meeting  
 as an Information Item, Including the Identification  
 of Notable Changes to the Initial Draft List..... 1266

**State Grants & Loans**

**Corrections Department**  
 CANCELLATION NOTICE: Post-Release  
 Vocational Services to Released Targeted Offenders  
 in Hennepin and Ramsey Counties..... 1268

**Health Department (MDH)**  
 Division of Community and Family Health:  
 Request for Proposals for the Positive Alternatives  
 Grant Program..... 1268

**State Contracts**

Assistance with Contracts..... 1269

**Minnesota State Colleges and Universities (MnSCU)**

**Fond du Lac Tribal and Community College:**  
 Request for Proposal (RFP) for Bookstore Web Site..... 1270  
**Normandale Community College:**  
 Request for Sealed Bids for Printing of Normandale Magazine... 1270  
**St. Cloud State University:**  
 Request for Sealed Proposals for Consulting Services  
 for the Comprehensive Master Plan for Student Housing..... 1271  
**Winona State University:**  
 Request for Bids for NetMRI Enterprise..... 1271  
**Winona State University:**  
 Request for Proposals for the Development and  
 Deployment of Internet and Intranet Web Sites..... 1271

**Historical Society (MHS)**

Notice of Request for Bids for Building Preservation  
 and Stabilization Services at the Split Rock  
 Lighthouse Historic Site..... 1272

**Minnesota State Lottery**

Request for Proposals for Sponsorship Agreements..... 1272

**Natural Resources Department (DNR)**

Availability of Contract for Primary Forest Products  
 Industry Research..... 1273  
 Availability of Contract for Woody Biomass  
 Harvesting Research..... 1274

**Racing Commission**

Request for Proposal for Equine Drug Testing Services..... 1274

**Transportation Department (Mn/DOT)**

Contracting Opportunities for a Variety of Highway  
 Related Technical Activities ("Consultant  
 Pre-Qualification Program")..... 1275  
 Professional/Technical Contract Opportunities..... 1275

**Non-State Bids, Contracts & Grants**

**Hennepin County Designer Selection Committee (DSC)**  
 Advertisement for Architectural and Engineering (A/E) Services....1276

**Metropolitan Council**

Request for Statements of Interest (SOI) for Northstar  
 Commuter Rail Line Maintenance Services..... 1276

**Metropolitan Council - Metro Transit**

Sealed Bids Solicited for I-394 Seven Station Park and Ride  
 Maintenance Project..... 1277

**University of Minnesota**

Subscribe to Bid Information Service (BIS)..... 1277

Contracts information is available from the Materials  
 Management Helpline (651) 296-2600, or Web site:  
[www.mmd.admin.state.mn.us](http://www.mmd.admin.state.mn.us)

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# Minnesota Rules: Amendments and Additions

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

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

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

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

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

## Rules Index: Volume 32 - Issue # 28

(Cumulative Index in #27: July 2, 2007 - December 31, 2007)

### Natural Resources Department (DNR)

6264.0050 (adopted exempt).....	1260
6264.0400 (adopted expedited emergency).....	1261
6264.0400 s. 59, published in the <i>State Register</i> , 31 SR 986 (February 5, 2007) (repealed).....	1261

### Revenue Department

8130.5800 (proposed).....	1253
8130.5800 s. 7 (proposed repealer).....	1253

# 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.

## Minnesota Department of Revenue

### Proposed Permanent Rules Governing Sales Tax Exemption of Isolated and Occasional Sales

#### NOTICE OF HEARING

#### Proposed Rule Governing the Application of Sales and Use Tax Laws to Isolated and Occasional Sales and Sales of Personal Property Used in a Trade or Business, Amending *Minnesota Rules*, Part 8130.5800

**Public Hearing.** The Department of Revenue intends to adopt rules after a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing on the above-named rules in Conference Room 2040, 2nd Floor, Stassen Building, 600 North Robert Street, St. Paul, Minnesota 55146, starting at 9:30 a.m. on June 30, 2008, and continuing until the hearing is completed. The agency will schedule additional days of hearing if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

The agency originally published a 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 *State Register* on October 22, 2007 [32 SR 753], stating that the agency would have a hearing on December 6, 2007, if there were 25 or more requests for a hearing. There were sufficient numbers of requests to have a hearing. The agency, however, has rescheduled the hearing for June 30, 2008.

Those requesting a hearing did so in response to proposed language concerning transfers of tangible personal property between a single member limited liability company (SMLLC) and its one member. Based on the understanding that in 2008 legislation will be proposed which if enacted may make obsolete the Department's interpretation concerning SMLLC transfers, the Department decided to postpone the hearing until after the 2008 legislative session.

**Administrative Law Judge.** Administrative Law Judge Barbara L. Neilson will conduct the hearing. The judge can be reached at the Office of Administrative Hearings, P.O. Box 64620, St. Paul, Minnesota 55164-0620, **telephone:** (651) 361-7845, and **fax:** (651) 361-7936. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the administrative law judge.



# Proposed Rules

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**Subject of Rules, Statutory Authority, and Agency Contact Person.** The proposed amendment to *Minnesota Rules*, part 8130.5800, deals with isolated or occasional sales of property and services by individuals and the sale of property that is primarily used in a trade or business but is not made in the normal course of business. The rule explains the meaning of some of the terms provided in the law, including: “primarily used” and “trade or business.” It explains the implications of the law in areas such as garage sales, farm auction sales, auctions, consignment auctions, consignment sales, and brokered sales. The rule also clarifies when sales of tangible personal property qualify as occasional sales under the applicable sections of the Internal Revenue Code, as sales of substantially all of the assets of the business, or as sales in transactions under \$1,000.

The statutory authority to adopt the rules is *Minnesota Statutes*, section 270C.06. A copy of the proposed rules was published in the *State Register* on October 22, 2007 [32 SR 753], is posted on the agency’s website, [www.taxes.state.mn.us](http://www.taxes.state.mn.us), and was enclosed with the previously mailed dual notice. A free copy of the rules is available upon request from the agency contact person. The agency contact person is:

Michal Garber  
Appeals and Legal Services Division  
Minnesota Department of Revenue  
600 North Robert Street  
St. Paul Minnesota, 55146-2220  
**Phone:** (651) 556-4067  
**Fax:** (651) 296-8229  
**E-mail:** [Michal.Garber@state.mn.us](mailto:Michal.Garber@state.mn.us)  
**TTY** users may call the Department at TTY 711

**Statement of Need and Reasonableness.** The statement of need and reasonableness 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. It is available from the agency contact person, is posted on the agency’s website, [www.taxes.state.mn.us](http://www.taxes.state.mn.us), and was enclosed with the previously mailed dual notice. You may review or obtain copies of the statement at the cost of reproduction by contacting the agency contact person.

**Public Comment.** You and all interested or affected persons, including representatives of associations and 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. At the hearing the administrative law judge may order this five-day comment period extended for a longer period but for no more than 20 calendar days. 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 one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the administrative law judge 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.

The agency requests that any person submitting written views or data to the administrative law judge before 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.

**Alternative Format/Accommodation.** Upon request, the agency can make this Notice 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 agency may modify the proposed rules, either as a result of public comment received during the 30 day comment period following the October 22, 2007, publication of the dual notice in the *State Register*, or as a result of the rule hearing process. It must support modifications by data and views either presented to the agency during the 30 day comment period following publication of the dual notice or presented during the rule hearing process. The adopted rules may not be substantially different than these proposed rules, unless the agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the agency encourages you to participate.

**Adoption Procedure After The Hearing.** 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 judge’s report will become available, and can make this request at the

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# Proposed Rules

hearing or in writing to the administrative law judge. You may also ask to be notified of the date that the agency adopts the rules and files them with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings. You may make these requests at the hearing or in writing to the agency contact person stated above.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions regarding this requirement 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.

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

Dated: 30 November 2007

Ward Einess, Commissioner  
Minnesota Department of Revenue

## **8130.5800 ISOLATED OR OCCASIONAL SALES AND SALES OF PERSONAL PROPERTY USED IN A TRADE OR BUSINESS.**

### Subpart 1. **In general.**

A. As provided in *Minnesota Statutes*, section ~~297A.25~~ ~~297A.67~~, subdivision ~~12~~ ~~23~~, the sales or use tax does not apply to isolated or occasional sales of tangible personal property or a service made by a person who is not engaged in selling such property or service in the normal course of business. The term “isolated” is defined as standing alone or solitary. The term “occasional” is defined as occurring at infrequent intervals or as incidental or as casual; that is, as distinguished from events of a similar nature recurring with some degree of regularity. This exemption does not apply to a sale of tangible personal property that is primarily used in a trade or business.

B. Under *Minnesota Statutes*, section 297A.68, subdivision 25, the sale of tangible personal property that is primarily used in a trade or business is exempt if the sale is not made in the normal course of business of selling that kind of property and the sale meets one of the listed conditions.

Subp. 1a. **Definitions.** For purposes of this part, the following definitions apply:

A. “Isolated” means standing alone or solitary.

B. “Normal course of business” is defined in *Minnesota Statutes*, section 297A.61, subdivision 21. The sale of inventory is considered to be made in the normal course of business and thus is subject to tax. The lease of tangible personal property is subject to tax.

Example 1. A bank repossesses secured property. This is part of the bank’s business. Repossessed items are considered to be inventory in possession of the bank and the sale by the bank is considered to be made during the normal course of business and is subject to tax.

Example 2. A construction company leases excavating and hauling equipment without an operator to another business, when not otherwise in use. The leasing is considered to take place in the normal course of business and is subject to tax.

Example 3. A luxury boat business sells one or two boats a year. The sales are taxable because, while the sales are infrequent, they are made in the normal course of business.

C. “Occasional” means occurring at infrequent intervals, as incidental, or as casual; that is, as distinguished from events of a similar nature recurring with some degree of regularity.

Example. A person has a garage sale once each year. The sale is considered to be occasional.

D. “Trade or business” means any continuous and regular activity carried on for the production of income from selling goods or performing services. Organizations exempt from federal taxation under Internal Revenue Code, subchapter F, such as organizations exempt under section 501(c)(3), are only considered to be engaged in a trade or business to the extent the activity is unrelated to their exempt purposes. Government organizations, including public schools, are not considered to be engaged in a trade or business since most of their activities are conducted to further a public purpose. However, if the government entity makes sales of surplus equipment or other tangible personal property on a regular basis, it is considered to be engaged in a trade or business.

Examples of a trade or business: apartment buildings or other rental property, home day care centers, farms, law offices, manufacturers, retail stores, and restaurants.

Examples of entities that are not considered to be engaged in a trade or business: American Red Cross, churches, nonprofit hospitals, and government agencies.

# Proposed Rules

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Example of an exempt organization engaging in a taxable activity: a nonprofit hospital also has a gift shop that sells taxable items to the general public. The gift shop is considered to be engaged in a trade or business. Sales of items used by the hospital, such as waiting room furniture, are not subject to tax because the hospital is not a business. However, sales of items used by the gift shop, such as shelves or computers used in the store, are taxable, unless one of the exclusions under *Minnesota Statutes*, section 297A.68, subdivision 25, applies, since these activities are not related to the hospital's exempt purpose.

E. "Primarily used" means used in the trade or business 50 percent or more of its operating time. If it is used less than 50 percent of the time in the trade or business, it is not used primarily in the trade or business and may qualify for the isolated or occasional sale exemption. The seller's use of the equipment is the determining factor. It does not matter how the buyer uses the item.

Example. An owner of a lawn mower has a small business operation to mow the neighbors' yards. The lawn mower is used 60 percent of the time for the owner's lawn and 40 percent of the time for the neighbors' lawns. Since the mower is used less than 50 percent of the time in the owner's business, it is not considered to be used primarily in a trade or business.

F. "Substantially all of the assets of a trade or business," as provided under *Minnesota Statutes*, section 297A.68, subdivision 25, paragraph (a), clause (5), or "substantially all of the property sold," as provided under *Minnesota Statutes*, section 297A.68, subdivision 25, paragraph (b), clause (1), means 90 percent or more of the total fair market value of tangible personal property and does not include property that is subject to an ad valorem property tax. It also includes the assets of a separate division, branch, or other identifiable segment of a business, if before the sale, the income and expenses attributable to the separate division, branch, or segment could be separately ascertained from the records. If the separate division, branch, or segment is leased or rented, rather than sold, the assets are taxable.

Example. A company has a retail hardware business, as well as a building construction division. The records of the businesses are kept separately. The retail hardware business closes while the construction division continues to exist. The sale of all the assets of the hardware business is exempt from tax. Sales of inventory items are taxable.

Subp. 2. **Isolated or occasional sales by a person other than a trade or business.** An isolated or occasional sale of tangible personal property or a service by a person who is not in the business of selling that kind of property or service is not subject to tax.

The following transactions are considered to be isolated or occasional sales: because they are

A: infrequent sales of a nonrecurring nature made by a person not engaged in the business of selling tangible personal property or a service.

Example 1. The sale of a used vacuum cleaner by ~~a housewife to a~~ one neighbor to another.

Example 2. Payment from a neighbor for mowing a neighbor's grass or taking care of a pet while the neighbor is on vacation.

Example 3. Sales by executors, administrators, trustees, and other fiduciaries in the liquidation of an estate, except inventory or stock in trade or tangible personal property primarily used in a trade or business.

Example 4. Sales or executions pursuant to a court order or by a court officer, except inventory or stock in trade or tangible personal property primarily used in a trade or business.

B: Infrequent sales of a nonrecurring nature of tangible personal property acquired for use or consumption by the seller, and not sold in the regular course of business of such person:

Example 1. The sale of a typewriter by ~~an insurance company which does not regularly dispose of such equipment.~~

Example 2. The sale of used machinery, fixtures, equipment, and similar items by a person engaged in a business or occupation such as manufacturing or operating a retail store, where such person does not sell such items in the regular course of business. Owner may retain services of auctioneer if sale is conducted on owner's premises and owner's identity is disclosed.

Example 3. The sales of an entire business by the owner thereof except that the transfer of inventory or stock in trade constituting a part of such sale is not exempt as an isolated sale.

Subp. 3. **Nonisolated sales.** The following are examples of transactions that are not considered isolated or occasional sales:



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# Proposed Rules

A. The sale of property held primarily for sales to customers in the ordinary course of trade or business.

Example 1. Leasing company sells to X a bulldozer to X which that was previously used in its business by leasing to others. ~~Inasmuch as leases constitute sales~~ Since a lease constitutes a sale, leasing company is deemed to be in the business of selling this kind of property. The sale of the bulldozer to X is not an isolated or occasional sale.

B. The ~~infrequent~~ sale of ~~stock in trade or other property~~ of a kind which would properly be included by a manufacturer, wholesaler, ~~an inventory item~~ by a retailer, jobber, or other vendor ~~in inventory~~, even though such sales ~~are infrequent~~ do not happen often and only comprise an insignificant ~~fraction~~ part of the vendor's total business.

Example 1. Sporting goods store sells one power cruiser during the calendar year. The sale is taxable.

C. Sales ~~which that~~ constitute an integral part of a business even though the sale of such tangible personal property is not the primary business of the seller (as the sale of repossessed property by a finance company).

D. The sale of by-products, waste, scrap, and other obsolete and used equipment by a person engaged in a business, when sales are regularly made to employees or to the public to dispose of these items.

**Subp. 3a. Sale of property used in a trade or business in transactions qualified and reported under the Internal Revenue Code.**

A. The sale of tangible personal property primarily used in a trade or business is exempt if the sale is not made in the normal course of business of selling such property; the sale occurs in a transaction subject to, or described in, section 118, 331, 332, 336, 337, 338, 351, 355, 368, 721, 731, 1031, or 1033 of the Internal Revenue Code, and the following conditions are met:

(1) the sale must qualify, as well as be reported, as a transaction occurring under one of the Internal Revenue Code sections listed in this item; and

(2) the transfer must be between partnerships and their partners or between corporations and their shareholders or, if the sale is under section 1563(a) of the Internal Revenue Code, between members of a controlled group.

B. Limited liability companies are generally treated as either corporations or partnerships for federal income tax purposes and transfers between limited liability companies and their members are covered by one of the Internal Revenue Code sections listed in Item A. Single member limited liability companies that elect to be treated as a corporation are also covered by one or more of the Internal Revenue Code sections listed in item A. However, when a single member limited liability company does not elect to be treated as a corporation for federal income tax purposes, the limited liability company is neither a partnership nor a corporation and transfers between the limited liability company and its one member are not exempt from sales tax under this subpart.

**Subp. 3b. Sale of substantially all of the assets of a trade or business.**

A. The sale of tangible personal property primarily used in a trade or business is exempt if the sale is not made in the normal course of business of selling such property and the sale is a sale of substantially all of the assets of a trade or business, as defined in *Minnesota Statutes*, section 297A.68, subdivision 25, paragraph (b), clause (3), and as defined in subpart 1a, item F. A buyer of property is not subject to use tax if the buyer has a written statement from the seller confirming that the sale of the property is a sale of substantially all of the assets of the business, as defined in subpart 1a. If the buyer has a written statement from the seller to that effect and the seller does not sell substantially all of the assets of the trade or business, the seller is subject to tax on the total amount received.

B. Under *Minnesota Statutes*, section 297A.68, subdivision 25, paragraph (b), clause (3), the sale of substantially all of the assets has to take place within the period of 12 months. This means that the seller must sell 90 percent or more of the total fair market value of tangible personal property within the 12-month period in order to be exempt from tax.

**Subp. 3c. Sale of property used in a trade or business in transaction with \$1,000 gross receipts limitation.** The sale of tangible personal property primarily used in a trade or business is exempt if the sale is not made in the normal course of business of selling such property and the total amount of gross receipts from the sale of trade or business property made during the calendar month of the sale, as well as sales of property made in the previous 11 months, does not exceed \$1,000, as provided under *Minnesota Statutes*, section 297A.68, subdivision 25, paragraph (a), clause (6). A buyer of property is not subject to use tax if the buyer has a written statement from the seller confirming that the sale of the property meets this requirement. In this case, if the seller sells property for an amount exceeding \$1,000, the seller is subject to tax on the total amount received, including the first \$1,000. The limitation of \$1,000 does not apply when the business sells substantially all of its assets.

Example. A company sells some cabinets and desks for \$12,000 during a period of 12 months but it is not a sale of substantially all the assets of the business. The sale of these fixtures does not qualify for the exemption since the amount received exceeds \$1,000.

**Subp. 3d. Farm auctions.** The sale of tangible personal property sold at a farm auction is exempt if substantially all the property sold

# Proposed Rules

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is used in the trade or business of farming, or is other nonbusiness property. However, inventory sold by another trade or business is subject to tax.

Example. The following farming equipment is sold at a farm auction: tools, lawn mowers, and other supplies. A neighboring home improvement business sells patio furniture at the farm auction and the auction also includes personal items owned by various individuals. The farming equipment and the personal items consist of 95 percent of the fair market value of the items sold; the home improvement inventory consists of five percent of the items sold. The farming equipment and the personal items are exempt. The items sold by the home improvement business are subject to tax.

Subp. 4. **Garage sales and flea markets sale or personal sale.** A “garage sale or personal sale” is a sale by a person or persons selling their excess personal belongings in a garage, porch, backyard, basement, etc. A garage sale or personal sale does not include flea markets, craft shows, antique shows, coin shows, stamp shows, comic book shows, convention exhibit areas, or similar selling events, as provided under *Minnesota Statutes*, section 297A.87. A garage sale includes moving sales, estate sales, and other similar sales. If a person does not regularly hold garage sales or personal sales and the items sold have not been collected or purchased for the purpose of resale, the sales are isolated or occasional. A person who collects or purchases items for resale is deemed to be in business, and must obtain a sales and use tax permit and collect and remit tax on sales of taxable items.

~~A gathering of vendors selling their merchandise at one location is commonly referred to as a “flea market.” A flea market differs from a garage sale in that the vendors collected or purchased or manufactured the merchandise with the intention of reselling it. Each vendor at a flea market must obtain a sales and use tax permit and collect and remit tax on sales of taxable merchandise.~~

~~A fee paid for leasing an area in a flea market is not a lease of personal property and is not taxable.~~

~~Admissions to flea markets are not taxable.~~

~~If any trade or business assets are sold at the garage sale, sales tax is due on those items.~~

Example 1. A person sells personal belongings at an annual neighborhood garage sale that was advertised through word-of-mouth, notices on a bulletin board, or an advertisement in the classified section of a newspaper. No sales tax applies.

Example 2. A person sells new or used items that were purchased for the purpose of resale, as well as personal items, at a garage sale. The personal items include some children’s toys and a lamp. The person is considered to be carrying on a trade or business and sales tax must be charged on all sales of taxable items that were purchased for resale. The sale of the lamp and the toys is not subject to tax.

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

Subp. 7. [See repealer.]

Subp. 8. **Auctions.**

A. For purposes of this part, an auction is a method of selling tangible personal property in a public forum through open and competitive bidding conducted by an auctioneer licensed under *Minnesota Statutes*, chapter 330. An auction does not include a consignment auction or consignment sale, as defined in subpart 10.

B. The sale of items held in inventory, taxable services, and property primarily used in a trade or business is generally subject to tax, as provided in *Minnesota Statutes*, section 297A.68, subdivision 25.

C. When tangible personal property is sold in an auction, the sale qualifies as an isolated or occasional sale under *Minnesota Statutes*, section 297A.67, subdivision 23, if it would qualify as an isolated or occasional sale when sold by the owner of the property, and if the following conditions are met:

(1) the title is exchanged directly between the owner and the buyer;

(2) the auctioneer does not carry insurance on the property; and

(3) the auctioneer and the owner of the property to be sold have entered a written agreement as provided under *Minnesota Statutes*, section 330.10.

D. When the sale is taxable, the person receiving the payment is responsible for collecting and remitting the sales tax on the total sales price of the property.

Example 1. An auctioneer conducts an estate sale and sells personal belongings of the deceased person. No tax is due if the conditions provided under this subpart are met.

Example 2. An auctioneer purchases 50 tires from an individual. The tires are auctioned to the general public. The sale is subject to tax since the auctioneer took title of the tires and, therefore, is considered to be selling the tires in the normal course of business.

Example 3. An insurance company contracts with an auctioneer to sell its used office furniture at an annual auction. The items sold are

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# Proposed Rules

subject to tax, unless the sales meet the exceptions provided in subparts 3a to 3d. The insurance company is a business and thus *Minnesota Statutes*, section 297A.67, subdivision 23, does not apply.

## **Subp. 9. Brokered sales.**

A. For purposes of this part, a broker is a person who sells tangible personal property owned by others and who receives a fee or a commission for selling the owner's property. A broker is not an auctioneer.

B. The sale of items held in inventory, taxable services, and property primarily used in a trade or business is generally subject to tax, as provided in *Minnesota Statutes*, section 297A.68, subdivision 25.

C. When tangible personal property is sold by a broker, the sale qualifies as an isolated or occasional sale under *Minnesota Statutes*, section 297A.67, subdivision 23, if it would qualify as an isolated or occasional sale when sold by the owner of the property, and the following conditions are met:

- (1) the title to the property passes directly from the owner to the buyer;
- (2) the payment does not pass through any accounts of the broker;
- (3) the broker does not carry insurance on the property; and
- (4) the rights to accept or reject any offer are retained by the owner.

D. When the sale is taxable, the person receiving the payment is responsible for collecting and remitting the sales tax on the total sales price of the property.

Example 1. The owner of a boat marina sells a boat on behalf of a boat owner who is not in the trade or business of selling boats. The marina owner advertises the boat for sale and obtains offers to purchase the boat. The marina owner informs the buyer of the offers. The boat owner retains the power to accept or reject the offers. Title to the boat passes directly from the owner to the buyer. Payment is made directly to the owner. Upon sale of the boat, the marina owner receives a commission from the seller. This sale is exempt from tax.

Example 2. A boat marina negotiates the sale of a boat for the owner of a boat. The owner has no involvement in the negotiation of the sale. Payment for the boat is deposited in the marina's account. The sale is subject to tax.

## **Subp. 10. Consignment sales and consignment auctions.**

A. For purposes of this part, consignment sales are sales in which a retailer maintains a place of business where tangible personal property owned by others is sold by the retailer in the normal course of business. The retailer may also sell property owned by the retailer. A consignment sale is not an auction, as defined in subpart 8.

B. Consignment auctions are events that are regularly scheduled, are open to members of the public to sell their items, and are held at the same location. Consignment auctions are not selling events, as provided under *Minnesota Statutes*, section 297A.87. Consignment auctions are not auctions, as defined in subpart 8.

C. The sale of items held in inventory, taxable services, and property primarily used in a trade or business is generally subject to tax, as provided in *Minnesota Statutes*, section 297A.68, subdivision 25.

D. Consignment sales and consignment auctions are exempt from tax if:

- (1) the title to the property passes directly from the owner to the buyer;
- (2) the payment does not pass through any accounts of the retailer or auctioneer;
- (3) the retailer or auctioneer does not carry insurance on the property; and
- (4) the rights to accept or reject any offer are retained by the owner.

E. When the sale is taxable, the person receiving the payment is responsible for collecting and remitting the sales tax on the total sales price of the property.

Example 1. A person sells used books on consignment at a retail store. Under the contract, the store determines the selling price of the books. The sale is taxable.

Example 2. A person sells a lawn mower at a consignment auction. Title passes from the owner directly to the buyer. Payment is deposited in the auction company's books. The company deducts its fee and then pays the owner a share of the payment. The sale is subject to tax.

Example 3. A person rents space from the operator of a craft show to sell craft items. The seller participates in the event for four days. The sales at the show are taxable since this is a selling event under *Minnesota Statutes*, section 297A.87.

**REPEALER.** *Minnesota Rules*, part 8130.5800, subpart 7, is repealed.

# Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the *State Register*. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* Sections 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only. The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

**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 Exempt Permanent Game and Fish Rules Relating to Trout Streams and Lakes

**NOTICE IS HEREBY GIVEN** that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 97C.005.

Dated: December 14, 2007

Mark Holsten, Commissioner  
Department of Natural Resources

### 6264.0050 RESTRICTIONS ON DESIGNATED TROUT LAKES AND STREAMS.

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

Subp. 4. **Listing of designated trout streams.** The following described streams and portions of streams and their tributaries within the section specified are designated as trout streams and counties whose names appear in parentheses contain portions of those streams:

Name	Location		
	Township	Range	Section

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

YY. Wilkin County:	Lawndale Creek	135	45	5, 6
		135	46	1, <del>2</del> , 22, 27, 34, 35

*[For text of items ZZ and AAA, see M.R.]*

# 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: Designated Special Management Waters on Upper Red Lake

**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*, Section 97C.005, 97A.045, subd. 2, and 97C 401.

The emergency conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, are as follows. The Red Lake proposed walleye regulations are based on a safe harvest level that is proportioned 50/50 between the winter and open water season. Final harvest threshold levels to be included in the proposed rules were not available until November, and the new regulations need to be in place before the end of the winter fishing season in case harvest levels exceed the safe harvest threshold which would trigger a fishing season closure for walleye.

Dated: December 20, 2007

Mark Holsten, Commissioner  
Department of Natural Resources

### 6264.0400 DESIGNATED SPECIAL MANAGEMENT WATERS.

[For text of subps 2 to 58, see M.R.]

#### Subp. 59. Upper Red Lake and listed tributaries.

A. While a person is on or fishing in the waters listed under item ~~E~~ D:

- (1) the daily and possession limit for northern pike shall not include more than one northern pike over 40 inches in length;
- (2) all northern pike in possession must be less than 26 inches or greater than 40 inches in length; and
- (3) all northern pike that are from 26 to 40 inches in length, inclusive, must be immediately returned to the water.

B. While a person is on or fishing in the waters listed under item ~~E~~ D, the following walleye regulations apply:

- (1) the daily and possession limit for walleye is two fish, of which not more than one walleye shall be over 26 inches in length;
- (2) all walleye in possession must be less than 17 inches or greater than 26 inches in length;
- (3) all walleye that are 17 inches to 26 inches in length, inclusive, must be immediately returned to the water; ~~and~~
- (4) a person's statewide bag limit and possession limit shall not include more ~~than two~~ walleye taken from Upper Red Lake and the tributaries listed under item ~~E~~ D ~~than is allowed under the limit in effect as described under subitem (1), (5), or (6);~~
- (5) notwithstanding subitem (1), from May 10, 2008, the daily and possession limit for walleye in waters listed in item D is three fish, of which not more than one walleye shall be over 26 inches in length;

(6) notwithstanding subitem (5), if the cumulative walleye kill estimate from December 1, 2007, through September 30, 2008, is more than 168,000 pounds, then on December 1, 2008, the daily and possession limit for walleye in waters listed in item D reverts to two fish, of which not more than one walleye shall be over 26 inches in length, consistent with subitem (1). If this subitem is implemented, it is effective through February 22, 2009. Notice of the change shall be posted on the Department of Natural Resources Web site at water access sites;

(7) notwithstanding subitem (5), if the cumulative walleye kill estimate from December 1, 2008, through February 22, 2009, at any time equals or exceeds 160,000 pounds, then the waters listed in item D are closed to the taking of walleye through February 22, 2009. This subitem is effective five days after notice. Notice of the change shall be posted on the Department of Natural Resources Web site and at water access sites; and

# Expedited Emergency Rules

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(8) the waters listed in item D are closed to the taking of or angling for walleye at all times if walleye cumulative kill estimate figured from December 1, 2007, to November 30, 2008, at any time equals or exceeds 240,000 pounds. This subitem is effective five days after notice through November 30, 2008. If this subitem is implemented, the notice shall consist of a posting on the Department of Natural Resources Web site and at water access sites.

C. While a person is on the waters listed in item D, fish carcasses from fish with size limits must be retained with head, spinal column, and tail intact and maintained in such a way that the carcasses may be readily unpacked, unwrapped, and separated so that they may be examined, measured, and counted.

D. This subpart applies to the following waters:

Name	Location	County
Upper Red Lake (outside Red Lake Indian Reservation)	T.153, R.31,32, S. Various; T.154, R.30-32, S. Various; T.155, R.30-32, S. Various	Beltrami
Shotley Brook (from Hwy. 72 west to Upper Red Lake)	T.153, R.31, S.10, 11,13,14,24; T.153, R.30, S.19-22	Beltrami
Tamarack River (from the Beltrami County line west to Upper Red Lake)	T.154, R.30, S.810, 11-13, 15-17	Beltrami

[For text of subps 60 to 76, see M.R.]

**REPEALER.** The expedited emergency amendments to *Minnesota Rules*, part 6264.0400, subpart 59, published in the *State Register*, volume 31, page 986, February 5, 2007, are repealed.



## 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 Administration AT Advisory Council Meeting January 15, 2008**

The AT Advisory Council meeting will be held on Tuesday, January 15, 2008 from 9:00 a.m. - 3:00 p.m. at the Continuing Education and Conference Center - Room 52, 1890 Budord Avenue, St. Paul, MN. Please contact the STAR Program at (651) 201-2640 if accommodations are needed.

### **Minnesota Comprehensive Health Association Notice of Meeting of the Enrollee Appeal Committee January 9, 2008**

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Enrollee Appeal Committee will be held at 9:00 a.m. on Wednesday, January 9, 2008, at the MCHA executive office located at 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

This meeting may be closed to the public, if so requested by the appellant(s), pursuant to Minn. Stat. 62E.10, subd. 4.

For additional information, please call Lynn Gruber at (952) 593-9609.

### **Department of Finance State Budget Trends Study Commission Notice of Monthly Meeting January 23, 2008**

The State Budget Trends Study Commission, required by the Laws of Minnesota 2007, Chapter 148, Article 2, Sec. 81, will hold its January monthly meeting on Wednesday, January 23, 2008 at the Veterans Service Building, 5<sup>th</sup> Floor conference room, 20 W 12<sup>th</sup> Street, Saint Paul, MN 55155, at 8:30 – 10:30 a.m. For more information you may call Commissioner of Finance, Tom Hanson at (651) 201-8010.

### **Department of Human Services Notice of Outreach Incentive Program**

The Minnesota Department of Human Services wants to partner with a variety of community agencies through a new outreach program. This new program, called the MN Community Application Agent (MNCAA) Program, provides an incentive for community agencies willing to assist uninsured Minnesotans with the Minnesota Health Care Program application process. As stated in *Minnesota Statutes* §256.962 Subd. 5, the financial bonus will be contingent upon successful enrollment in Medical Assistance, General Assistance Medical Care or MinnesotaCare. A MNCAA will earn \$20 for each successfully enrolled applicant. Beyond the \$20 bonus, sites enrolled in the MNCAA program will have access to new tools and resources. DHS will offer outreach materials and application supplies to enrolled sites along with training, technical support and designated liaisons.

# Official Notices

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Organizations interested in enrolling in the incentive program should have ongoing contact with an uninsured population. All organizations interested in the MNCAA program can submit a letter of interest. All letters should be submitted on the agency letterhead and signed by the CEO, Executive Director or President. Letters should be no longer than 3 pages. There is no deadline for the submission of a letter of interest; all letters are received on a rolling basis and will be considered at any time. Letters should identify the primary contact and include contact information as well as answer the following questions:

1. Is the organization for-profit or not-for-profit?
2. What kind of organization is it? (ex. Hospital, School, WIC, Provider, etc.)
3. Explain the mission of your organization and how application assistance is part of or complements your mission
4. Describe the population(s) your agency serves
5. Estimate the number of uninsured clients you encounter
6. Briefly describe the process, if any, used to identify uninsured clients in your agency
7. Briefly disclose any other State and/or Federal funds your agency receives specifically for application assistance

All letters should be submitted via mail or fax to:

Sarah Kelsea, Outreach Strategic Planner  
Department of Human Services  
Health Care Eligibility and Access  
PO Box 64989  
St. Paul, MN 55164-0989  
**Phone:** (651) 431-4935  
**Fax:** (651) 431-7423  
**E-mail:** [sarah.l.kelsea@state.mn.us](mailto:sarah.l.kelsea@state.mn.us)

## Department of Human Services

### **CORRECTED DEADLINE: Vacancies on Medicaid Citizens' Advisory Committee**

Pursuant to title 42, part 431, section 12 (42 CFR §431.12) of the *Code of Federal Regulations* governing the Medicaid Program, the Minnesota Department of Human Services seeks applications from Medicaid (Medical Assistance) clients and others interested in serving on the Medicaid Citizens' Advisory Committee. The purpose of the committee is to ensure that continued high quality health and medical services are provided to low-income persons. The committee, representing Medicaid clients, advises the Department and helps define what the Medicaid Program should be in relationship to future technological needs. Specifically, the committee explores designated problem areas, evaluates Department programs, makes specific recommendations and resolutions, and contributes to the formulations of Department policy and standards.

In the past two years, the committee heard presentations about and advised the Department on many state and federal topics including: the Department's legislative health care proposals in 2006 and 2007 and final state legislative session outcomes; Quality Care and Rewarding Excellence initiatives; the Long-term Care Partnership program; federal citizenship documentation changes; National Provider Identification numbers; the PMAP + Waiver renewal process; proposed federal regulations governing Medicaid, and the federal Transformation Grant for a web-based communication system linking DHS and health care providers for improved client health care.

New members will be appointed for the years 2007-2008. Committee meetings are typically held quarterly at the Department of Human Services, 540 Cedar St., St. Paul, Minnesota. Employees of the State of Minnesota (except for employees of the Department of Health) and private persons or organizations under contract to the Department of Human Services for administrative services will not be appointed to the committee.

For further information, contact Lisa Knazan, Minnesota Department of Human Services at (651) 431-2298. TTY/TDD users can call the Minnesota Relay Service at 711 or 1-800-627-3529. Letters of interest should be sent to: Lisa Knazan, Federal Relations, Health Care Administration, Minnesota Department of Human Services, P.O. Box 64983, St. Paul, Minnesota 55164-0983. Letters of interest will be accepted until Monday, February 11, 2008.

## **Minnesota Plumbing Board**

### **REQUEST FOR COMMENTS on Possible Amendment to Rules Governing Plumbing, *Minnesota Rules*, Chapter 4715**

**Subject of Rules.** The Minnesota Plumbing Board (Board) requests comments on its possible amendment to the Minnesota State Plumbing Code, including rules governing the licensing and bonding of plumbers. *Minnesota Rules*, Chapter 4715 (Plumbing Code) is intended to provide principles, materials and methods for installations of plumbing that will be safe and sanitary. This code is founded upon certain basic principles of environmental sanitation and safety through properly designed, acceptably installed and adequately maintained plumbing systems. The code requires plans for plumbing installations that serve the public to be submitted to the Minnesota Department of Labor and Industry (Department), so that the Department can review the plans for compliance with the code. The code also requires inspections of installations of plumbing, and provides local jurisdictions with the ability to administer certain rules locally. The Plumbing Code provides for examination and licensing of plumbers.

The Board is considering several amendments to Chapter 4715. Chapter 4715 was first adopted in 1969, but has been revised periodically to stay current with new materials and methods. This chapter was last modified in 2003.

The rule amendments being considered fall into the following categories:

- Approving new materials and methods, which would increase the options for plumbing designers and installers.
- Updating reference testing standards to stay current with references.
- Correcting and clarifying existing rule language.
- Amending cross-references to the plumbing code and other construction codes as necessary.
- Updating installation requirements to stay current with changing health and industry needs.
- Updating the state plumbing code for consistency with national plumbing codes.

[*NOTE:* The Board is not considering the amendment of rules governing water conditioning servicing and installations, or rules governing the licensing of water conditioning contractors and installers. Instead, the Department is considering the amendment of those rules pursuant to the Request for Comments published in the *State Register* on October 30, 2006, 31 SR 582. The legal authority for the amendment of those rules remains with the Department under *Minnesota Statutes*, section 326.57 (to be renumbered 326B.52), subdivision 1, and section 326.60 (to be renumbered 326B.55), subdivision 3.]

**Persons Affected.** The amendment to the rules would likely affect plumbers, plumbing apprentices and trainees, and building contractors and owners.

**Statutory Authority.** The authority to adopt the rules is: *Minnesota Statutes*, section 326.3705, subdivision 2, clauses 3 and 5, which gives the Board the power to adopt the plumbing code and amendments thereto, and the power to adopt rules regulating the licensure and registration of plumbing contractors, plumbers, and apprentices; and *Minnesota Statutes*, section 326.37, subdivision 1, which gives the Board the power to prescribe uniform minimum standards for all new plumbing installations connected with any water or sewage disposal system owned or operated by or for any municipality or other place of business.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rule amendments in writing until further notice is published in the *State Register* that the Board intends to adopt or to withdraw the rules. The Board hopes to publish proposed rule amendments by the fall of 2008.

**Rules Drafts.** The Board has not yet prepared a draft of the possible rule amendments. When a draft of the possible rule amendments becomes available to the public, the draft and other information about the rulemaking will be posted on the Department's rulemaking docket at:

*[http://www.doli.state.mn.us/rulemaking\\_activity.html](http://www.doli.state.mn.us/rulemaking_activity.html)*

**Agency Contact Person.** Written comments, questions, requests to receive a draft of the rule amendments when it has been prepared, and requests for more information on these possible rule amendments should be directed to: Annette Trnka at the Minnesota Department of Labor and Industry, 443 Lafayette Road North, St. Paul, MN 55155, **phone:** (651) 284-5860, **fax:** (651) 284-5749, and **e-mail:**

# Official Notices

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*annette.trnka@state.mn.us*. TTY users may call the Department at (651) 297-4198.

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

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

Dated: December 21, 2007

John Parizek, Chair, Minnesota Plumbing Board

## **Minnesota Pollution Control Agency Draft 2008 TMDL List – Notice that the Final Draft 2008 TMDL List will be Presented at the January 22, 2008 MPCA Citizens' Board Meeting as an Information Item, Including the Identification of Notable Changes to the Initial Draft List**

The final draft 2008 Total Maximum Daily Load (TMDL) List will be presented at the January 22, 2008 Minnesota Pollution Control Agency (MPCA) Citizens' Board meeting as an information item, including the identification of notable changes to the initial draft list. In the event that the item can not be presented at the January meeting, it will be presented at the next available Board meeting. Information on Board Agenda scheduling can be found at the following link: <http://www.pca.state.mn.us/about/board/bdagenda.html>.

In accordance with the requirements of Section 303(d) of the Federal Clean Water Act (CWA), the MPCA published its initial 2008 draft TMDL list of stream segments and lakes that have impaired designated uses and for which the MPCA proposes to complete TMDL studies. The 30-day public notice period was from October 8, 2007 to November 7, 2007.

During that comment period, the Agency received 24 comments; the large majority involved requests to add lakes to the final draft 2008 TMDL List, but there were also requests to move the TMDL planning schedules forward in time, to not include some proposed new lake listings, and there were several comments related to stream listing removals.

Concurrent with the TMDL comment period, the MPCA was making revisions to water quality standards. As a result of public comments received concerning the water quality standards revisions, a change was made to the criterion for acetochlor. The new criterion affected three of the proposed stream listings, eliminating them from the final draft 2008 TMDL list.

The Agency also discovered that a few lake assessments were mistakenly missed. Minor typographical errors were also corrected, but they will not be included in the summary of changes below.

### **Notable Modifications to the Draft 2008 TMDL List of Impaired Waters**

MPCA actions not related to Public Notice comments received:

- Delisted Sunset Lake (82-0153-00) because the lake is now meeting water quality standards
- Added Sand Lake (03-0659-00) because of excess nutrients
- Removed Whiskey Creek (09020104-521) listing for turbidity because the sampling station was on a different reach
- Removed the following acetochlor listings because of water quality criteria changes: Whitewater River, Bevens Creek, and Blue Earth River. [Remaining on the list for acetochlor are Little Beauford Ditch and the Le Sueur River]
- Removed the Redwood River [07020006-508] listing for turbidity, because of inadequate data
- Removed the Minnesota River [07020007-508] listing for turbidity, because of inadequate data
- Removed the Hardwood Creek [07010206-596] listing for turbidity, because of inadequate data

## MPCA actions related to Public Notice comments received:

**Lakes added:** Betty [47-0042], Clear [47-0095], Marie [73-0014], Fish [86-0183], Swartout [86-0208], Albion [86-0212], Henshaw [86-0213], Caroline [86-0281], Augusta [86-0284], Scott [86-0297], Union [86-0298], Jennie [21-0323], Rush [13-0069], and School [13-0057]

**Lakes not added:** Jail [18-0415], Little Mud [47-0096], Hollerberg [76-0057], and Jennie [47-0015]

**Lakes removed:** Birch [13-0042]

**River reaches added:** Clearwater River [09020305-510] fecal coliform “un-delisted”

**River reaches not added:** none

**River reaches removed:** Silver Creek [07020012-523]

For lakes, in summary, 15 lakes were added and two were removed from the initial draft listing.

The final draft 2008 List includes **1480** stream reaches and lakes or lake bays, of which **297** were new TMDL listings. The new TMDL listings include excess nutrients in lakes (**123** new listings), excess turbidity (72 new listings), perfluorooctane sulfonate (PFOS) in fish (**19** new listings), acetochlor (**two** new listings), and impaired biotic communities in wetlands (**three** new listings). This final draft 2008 TMDL List can be found at the Agency TMDL web site: <http://www.pca.state.mn.us/water/tmdl/tmdl-303dlist.html>.

## The Draft 2008 TMDL List and the Total Inventory of Impaired Waters

As noted above, the 2008 final draft TMDL List contains 1480 impairments. This is the list for which TMDL pollution reduction studies are required. But this is not the complete list of all impaired waters. The Inventory of Impaired Waters includes those needing a TMDL plan **and** those for which the plan has already been developed and approved by US EPA. The inventory also includes waterbodies that are naturally impaired, such as the arsenic exceedances in the Red River.

While the final draft 2008 TMDL List has 1480 impairments [affecting 336 rivers and 511 lakes], the Inventory has 2575 impairments [affecting 353 rivers and 1029 lakes]. The main differences are the approved Statewide Mercury TMDL and the approved Southeast Regional Fecal Coliform TMDL. Waters in the Impaired Waters Inventory will remain there until they meet water quality standards.

If you have further questions, you may contact Dr. Markus at (651) 296-7295, (800) 657-3864, or [howard.markus@pca.state.mn.us](mailto:howard.markus@pca.state.mn.us).

Howard D. Markus, Ph.D., P.E.  
TMDL List Coordinator  
Environmental Assessment & Outcomes Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4196

## 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 Corrections

#### **CANCELLATION NOTICE: Post-Release Vocational Services to Released Targeted Offenders in Hennepin and Ramsey Counties**

The Minnesota Department of Corrections, Community Services Division, Grants and Subsidies Unit, announces the cancellation of the Request for Proposals (RFP) for a 27-month period providing post-release vocational services to targeted offenders released to communities in Hennepin and Ramsey Counties. The Notice of Availability of Funds was published in the State Register on December 3, 2007. It is anticipated that the RFP will be reissued with additional information in the near future.

Questions regarding the cancellation may be directed to:

Gary Johnson  
Minnesota Department of Corrections  
Reentry Unit  
1450 Energy Park Drive, Suite 200  
St. Paul, Minnesota 55108-5219  
**Telephone:** (651) 361-7236  
**TTY:** (800) 627-3529  
**E-mail:** [grjohnson@co.doc.state.mn.us](mailto:grjohnson@co.doc.state.mn.us)

### Minnesota Department of Health

#### **Division of Community and Family Health**

#### **Request for Proposals for the Positive Alternatives Grant Program**

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Health is seeking grant applications from private nonprofit organizations to provide alternative-to-abortion programs that support, encourage, and assist women in carrying their pregnancies to term and caring for their babies after birth. The goal of the program is to reduce the number of abortions, improve pregnancy outcomes and support family self-sufficiency.

Eligible applicants are private, non-profit organizations who have had an alternatives-to-abortion program in place for at least one year as of July 1, 2005, or have had such a program incorporated for at least one year as of July 1, 2005. These organizations will ensure that their alternatives-to-abortion program's purpose is to assist and encourage women in carrying their pregnancies to term and maximizing their potentials thereafter. No organizations that perform abortions, promote abortion or directly refer to abortion providers will be eligible for funds.

Eligible programs will provide women with information on, referral to, and assistance with securing the following services: medical care, supplemental nutrition, housing assistance, adoption services, education and employment assistance, including services that support the continuation and completion of high school, childcare assistance and parenting education and support services. Programs may also provide one or more of these services directly.

Grants are offered in two monetary tiers: the first comprised of awards up to \$75,000 per year and the second comprised of awards between \$75,000 and \$150,000 per year. Grants will be awarded for two years, July 1, 2008 to June 30, 2010, with the possibility of an extension for two additional years, from July 1, 2010 to June 30, 2012.



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## State Grants & Loans

Applications and instructions will be made available on January 2, 2008 and applications are due on or before March 3, 2008. Award decisions will be made by May 1, 2008. To receive application materials, please contact:

Mary Bocek  
Positive Alternatives Coordinator  
Minnesota Department of Health  
Division of Community and Family Health  
P. O. Box 64882  
St. Paul, MN 55164-0882  
**Telephone:** (651) 201-3581

or download from Positive Alternatives **web site:** [www.health.state.mn.us/cfh/paa](http://www.health.state.mn.us/cfh/paa) after January 1, 2008.

### 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](http://www.mmd.admin.state.mn.us) for informal solicitation announcements.

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

**Requirements:** There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements:

- \$0 - \$5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600
- \$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days;
- \$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and
- anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days

### Assistance with Contracts

Obtain MORE and FASTER information with a SUBSCRIPTION to the *State Register*. Subscribe and receive LINKS to the *State Register*. Open the *State Register* and click on Bookmarks in the upper right corner. You will also receive ALL the current rules, with an INDEX, and previous years' indices. You also receive a summarized "Contracts & Grants" section to review. Subscriptions cost \$180 a year (an \$80 savings). Here's what you receive via e-mail:

- **Word Search Capability**
- **LINKS, LINKS, LINKS**
- **Easy Access to *State Register* Archives**
- **Updates to Index to Vol. 31**
- **"Contracts & Grants" Open for Bid**
- **Early delivery, on Friday**
- **E-mailed to you . . . its so easy**
- **Indexes to Vols. 31, 30, 29, 28 and 27**

It's all E-mailed to you, at end-of-day on Friday, instead of waiting for the non-subscriber's issue released on Monday. Contact Cathy Hoekstra, our subscriptions manager, at (651) 297-8777, or **Fax:** (651) 297-8260, or **E-mail:** [cathy.hoekstra@state.mn.us](mailto:cathy.hoekstra@state.mn.us)

# State Contracts

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## Minnesota State Colleges and Universities (MnSCU) Fond du Lac Tribal and Community College Request for Proposal (RFP) for Bookstore Web Site

**SPECIAL NOTE:** This Request for Proposal (RFP) does not obligate the Minnesota State Colleges and Universities (MnSCU) system, its Board of Trustees or Fond du Lac Tribal and Community College, 2101 - 14<sup>th</sup> Street, Cloquet, MN 55720, to award a contract or complete the proposed project and each reserves the right to cancel this RFP if it is considered to be in its best interest.

Proposals must be clear and concise. Proposals that are difficult to follow or that do not conform to the RFP format or binding specifications may be rejected. Responding vendors must include the required information called for in this RFP.

MnSCU reserves the right to reject a proposal if required information is not provided or is not organized as directed. MnSCU also reserves the right to change the evaluation criteria or any other provision in this RFP by posting notice of the change(s) on [list name and address of web site, i.e. the MnSCU Finance Division web site, [www.fdlctc.edu/bookstore.](http://www.fdlctc.edu/bookstore.)] ] For this RFP, posting on the captioned web site above constitutes written notification to each vendor. Vendors should check the site daily and are expected to review information on the site carefully before submitting a final proposal.

Date of release: January 4, 2008

Bid Due Date: January 25, 2008 Friday, 2 PM

Questions/Answers: Received no later than Tuesday, January 22, 2008

Completion date: up and running by: June 2, 2008

CONTACT: Elliot Skurich (218) 879 0810, or e-mail: [eskurich@fdlctc.edu](mailto:eskurich@fdlctc.edu)

## Minnesota State Colleges and Universities (MNSCU) Normandale Community College Request for Sealed Bids for Printing of Normandale Magazine

Normandale Community College is requesting bids for printing its Normandale Magazine. Sealed bids are due Monday Jan. 21<sup>st</sup>, 11 A.M. CST. Bid specifications are available from Mary Solverson, Marketing Communications.

**Phone:** (952) 487-8192

**Fax:** (952) 487-8101

**E-mail:** [mary.solverson@normandale.edu](mailto:mary.solverson@normandale.edu)

Deliver bids to:

Mary Solverson  
Marketing Communications  
Room C1108  
9700 France Ave S.  
Bloomington MN 55431

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# **State Contracts**

## **Minnesota State Colleges and Universities (MNSCU)**

### **St. Cloud State University**

#### **Request for Sealed Proposals for Consulting Services for the Comprehensive Master Plan for Student Housing**

Sealed proposals for items hereinafter described will be received by St. Cloud State University at the Business Office, St. Cloud State University, St. Cloud Minnesota until **3:00 P.M. on February 5, 2008** and will then be publicly opened and read aloud. The right is reserved to accept or reject any or all bids or parts of bids and to waive informalities therein.

Bids are requested for the **Consulting Services – Comprehensive Master Plan for Student Housing** as per plans and specifications available in the Business Office, St. Cloud State University.

For Further information contact:

Lisa Sparks  
Director of Purchasing  
St. Cloud State University  
720 4<sup>th</sup> Ave. S.  
St. Cloud, MN 56301-4498  
**Phone:** (320) 308-4788

## **Minnesota State Colleges and Universities (MNSCU)**

### **Winona State University**

#### **Request for Bids for NetMRI Enterprise**

**NOTICE IS HEREBY GIVEN** that Winona State University is seeking bids for NetMRI Enterprise with 300 Device Licenses, the policy management module, the application flow analysis module and 15 month maintenance agreements.

Bid specifications will be available January 7, 2008 by contacting the Purchasing Department at PO Box 5838, 205 Somsen Hall, Winona, MN 55987, e-mail: [sschmitt@winona.edu](mailto:sschmitt@winona.edu) or by calling (507) 457-5067.

Sealed bids must be received by Sandra Schmitt at PO Box 5838, or at 175 W. Mark St., Somsen 205G, Business Office, Winona State University, Winona, MN 55987 by 3:00 PM Wednesday, January 23, 2008.

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

## **Minnesota State Colleges and Universities (MNSCU)**

### **Winona State University**

#### **Request for Proposals for the Development and Deployment of Internet and Intranet Web Sites**

**NOTICE IS HEREBY GIVEN** that Winona State University is seeking proposals from vendors for the development and deployment of internet and intranet web sites.

There will be an interested vendor meeting at 9:00 AM CST Tuesday, January 22, 2008 in Dining Room B, Kryzsko Commons, on the WSU campus, in Winona MN.

# State Contracts

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Proposal specifications are available by contacting the Purchasing Department at PO Box 5838, 205 Somsen Hall, Winona, MN 55987, e-mail: [sschmitt@winona.edu](mailto:sschmitt@winona.edu) or by calling (507) 457-5067.

Sealed proposals must be received by Sandra Schmitt at PO Box 5838, or at 175 W. Mark St., Somsen 205G, Business Office, Winona State University, Winona, MN 55987 by 3:00 PM CST Tuesday, February 5, 2008.

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

## Minnesota Historical Society Notice of Request for Bids for Building Preservation and Stabilization Services at the Split Rock Lighthouse Historic Site

The Minnesota Historical Society is seeking bids from qualified contractors for the preservation and stabilization of multiple buildings at the Split Rock Lighthouse Historic Site. It is the Society's intent that project services will begin by March 31, 2008 or sooner, weather permitting. Note, too, that all work on the Lighthouse and Fog Signal Building must be completed by May 14, 2008 to avoid the imposition of liquidated damages starting on May 15, 2008. Other work must be completed by July 18, 2008.

The Bid Sets (Project Manual and drawings) are available by contacting: Engineering Repro Systems, Telephone: (763) 694-5900; Fax: (763) 694-0216; Website: [www.ersdigital.com](http://www.ersdigital.com); E-mail: [planwell@ersdigital.com](mailto:planwell@ersdigital.com).

Note that contractor must purchase its own bid sets.

A MANDATORY PRE-BID MEETING will be held on Thursday, January 31, 2008 for all interested contractors. Details are included in the Project Manual.

All bids must be received by 2:00 P.M. Local Time, on Thursday, February 14, 2008. Late bids will not be considered.

Dated: January 7, 2008

## Minnesota State Lottery Request for Proposals for Sponsorship Agreements

### Description of Opportunity

The Minnesota State Lottery develops sponsorship agreements throughout the year with organizations, events, and sports teams to create excitement for lottery players, to interest new players and increase the visibility of lottery games. The Lottery encourages and continually seeks new sponsorship agreements to help achieve current Lottery marketing goals.

### Proposal Content

A sponsorship proposal presented to the Lottery should meet the following three criteria:

**1. Maximize Lottery Visibility** – the event, sports or tie-in proposal should draw a large number of desired participants (typically 50,000 or more) whose demographics match the Lottery player profile. The Lottery is interested in effectively delivering its message of fun and entertainment to Minnesota adults whose demographics skew primarily towards those aged 25-64, with a household income of \$35,000-\$75,000, and having an educational background of some college or higher. The Lottery does not market to those under the age of 18, and family events with high levels of children present are generally not accepted. Attendance, on-site signage visibility and paid media exposure will be critical components that will be evaluated.

**2. Enhance Lottery Image-** – the event, sports or tie-in proposal should inherently project the attitude that the Lottery is a fun and socially acceptable part of the community. The Lottery's presence should fit well within the lineup of other sponsors. The

Lottery is interested in creating opportunities whereby the sponsorship can translate into sales revenue, either via on-site sales from a Lottery booth, from sales-generating promotions with Lottery retailers or from joint programs with the sponsor's media partners.

**3. Provide Promotional Extensions** – the event, sports or tie-in proposal should offer exciting, value-added ways to interact with our players and have opportunities to motivate attendees, listeners and viewers to participate in and purchase Lottery games. The proposal must include proper staffing availability or other considerations to help the Lottery implement any appropriate promotional extension ideas.

Proposals should address all pertinent elements of the sponsorship and how the Lottery criteria as stated above and on the Evaluation Form are to be met. To view or print copies of the Request for Proposal go to: <http://www.mnlottery.com/vendors.html>

This Solicitation does not obligate the state to award a contract or pursue a proposed sponsorship opportunity, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

### Questions

Questions concerning this Solicitation should be directed to:

John Mellein, Marketing Director  
Minnesota State Lottery  
2645 Long Lake Road  
Roseville, MN 55113  
**Telephone:** (651) 635-8230  
**Toll-free:** (888) 568-8379 ext. 230  
**Fax:** (651) 297-7496  
**TTY:** (651) 635-8268  
**E-mail:** [johnm@mnlottery.com](mailto:johnm@mnlottery.com)

Other personnel are not authorized to answer questions regarding this Solicitation.

### Response Delivery

All responses must be in writing and delivered to the contact noted above. Proposals will be accepted on an ongoing basis.

## Department of Natural Resources

### Notice of Availability of Contract for Primary Forest Products Industry Research

CERTIFICATION # 14412  
Amount of proposed contract: \$194,000.00

The Minnesota Department of Natural Resources is requesting proposals which will result in findings that will help the primary forest products industry in Minnesota be more competitive, both nationally and internationally.

Work is proposed to start after February 15, 2008.

A Request for Proposals will be available by mail from this office through January 23, 2008. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After January 23, 2008 the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Calder Hibbard  
Minnesota Forest Resources Council  
150 Skok Hall  
2003 Upper Buford Circle  
St. Paul, MN 55108  
**Fax:** (651) 603-0110

# State Contracts

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Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 2:30 p.m., January 31, 2008. **Late proposals will not be considered.** Fax or e-mailed proposals will **NOT** be considered.

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

## Department of Natural Resources Notice of Availability of Contract for Woody Biomass Harvesting Research CERTIFICATION # 14410 Amount of proposed contract: \$300,000.00

The Minnesota Department of Natural Resources is requesting proposals for the purpose of researching woody biomass harvesting on saproxylic communities; species of plants, animals and fungi in Minnesota that are dependent on woody debris and snags; fire-responsive species; native plant communities; and nutrient cycling as well as site-level management factors influencing resilience and sustainability.

Work is proposed to start after February 15, 2008.

A Request for Proposals will be available by mail from this office through January 23, 2008. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After January 23, 2008 the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Calder Hibbard  
Minnesota Forest Resources Council  
150 Skok Hall  
2003 Upper Buford Circle  
St. Paul, MN 55108  
**Fax:** (651) 603-0110

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 2:30 p.m., January 31, 2008. **Late proposals will not be considered.** Fax or e-mailed proposals will **NOT** be considered.

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

## Minnesota Racing Commission Notice of Request for Proposal for Equine Drug Testing Services

**NOTICE IS HEREBY GIVEN** that the Minnesota Racing Commission is requesting proposals for the on-going testing of equine body fluids for the presence of prohibited medications in conjunction with horse racing at Canterbury Park, Shakopee, Minnesota and Running Aces Harness Park, Columbus, Minnesota for the 2008 racing season, with the option of extending for up to four additional years.

To obtain a copy of the complete Request for Proposal, free of charge, please contact:

Richard G. Krueger, Executive Director  
Minnesota Racing Commission  
1100 Canterbury Road  
P.O. Box 630



Shakopee, MN 55379  
Phone: (952) 496-7950

The deadline for submitting applications is Monday, February 4, 2008 at 4:00 PM central standard time.

## **Department of Transportation (Mn/DOT) Engineering Services Division Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (“Consultant Pre-Qualification Program”)**

This document is available in alternative formats for persons with disabilities by calling Juanita Voigt at (651) 366-4774 for persons who are hearing or speech impaired by calling Minnesota Relay Service at (800) 627-3529.

Mn/DOT, worked in conjunction with the Consultant Reform Committee, the American Council of Engineering Companies of Minnesota (ACEC/MN), and the Department of Administration, to develop 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 awards most of its consultant contracts for highway-related technical activities using this method, however, Mn/DOT also reserves the right to use Request for Proposal (RFP) or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to 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 for application. Applications are accepted on a continual basis. All expenses are 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 applications forms are available on Mn/DOT’s Consultant Services web site at: <http://www.dot.state.mn.us/consult>.

Send completed application material to:

Juanita Voigt  
Consultant Services  
Office of Technical Support  
Minnesota Department of Transportation  
395 John Ireland Blvd. Mail Stop 680  
St. Paul, Minnesota 55155

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

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

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

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

## Non-State Bids, 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.

## Hennepin County Designer Selection Committee (DSC) Advertisement for Architectural and Engineering (A/E) Services

The Hennepin County Designer Selection Committee (DSC) will be selecting architectural/engineering firms for design and construction administration services for the following projects:

- Adult Corrections Facility HVAC Renovations
- Sheriff's Crime Lab Remodeling
- New Excelsior Library
- Southdale Regional Center Expansion and Remodeling
- Ridgedale Regional Center Expansion and Remodeling

To obtain a Request for Proposal, please access the Hennepin County internet site at [www.hennepin.us](http://www.hennepin.us). From the County home page, search for "DSC" in the search box in the upper right corner. From the Hennepin County Designer Selection Committee page, you may view and print the RFP for your use.

A letter of interest is not required for RFP noted above. All proposals received by the deadline noted in the RFP will be reviewed by the Designer Selection Committee. If you experience difficulty locating or downloading the RFP, you may call Brett Bauer, Hennepin County Property Services, at (612) 348-9671.

The proposals must be received by 2:00 P.M. Friday, February 1, 2008, at the following address: Hennepin County Designer Selection Committee, ATTN: Brett Bauer, A-2208 Government Center, 300 South Sixth Street, Minneapolis, MN 55487-0228.

## Metropolitan Council Notice of Request for Statements of Interest (SOI) for Northstar Commuter Rail Line Maintenance Services

The Metropolitan Council of the Twin Cities of Minneapolis and St. Paul, Minnesota is soliciting statements of interest (SOI) for providing maintenance services for the Northstar Commuter Rail Line that will operate between Minneapolis and Big Lake, Minnesota. These services will be performed at the Council's maintenance facility in Big Lake, Minnesota, and are expected to include the maintenance of 5 locomotives, 18 multi-level commuter coaches, 6 coach cabs, designated yard tracks, yard switches and terminal tracks, and the maintenance facility itself.

It is anticipated that a Request for Proposals (RFP) will be issued in February 2008, with proposals due in March or April 2008 and a final selection made in June 2008. Maintenance facility operation is expected to begin in November 2008, and revenue service operation of the Northstar Commuter Rail Line is expected to begin in November 2009.

An RFP document will be sent to all respondents to this SOI.

SOI and all related correspondence should be directed to:

Auburn Dees  
RFP Administrator  
Metropolitan Council

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## Non-State Bids, Contracts & Grants

390 North Robert Street  
St Paul, MN 55101  
**Phone:** (651) 602-1346  
**Fax:** (651) 602-1070  
**E-mail:** [auburn.dees@metc.state.mn.us](mailto:auburn.dees@metc.state.mn.us)

### Metropolitan Council - Metro Transit Sealed Bids Solicited for I-394 7 Station Park and Ride Maintenance Project

Metro Transit, a service of the Metropolitan Council, is soliciting sealed bids for I-394 7 Station Park and Ride Maintenance Project. No Pre-Bid Meeting will be held. Bids are due at **2:00 PM** on February 5, 2008. Bids must be submitted in accordance with the Invitation for Bids document available from:

Metropolitan Council  
Metro Transit Purchasing Department  
Attn: Candace Osiecki  
515 N. Cleveland Avenue  
St. Paul, MN 55114  
**Phone:** (612) 349-5070  
**E-mail:** [candace.osiecki@metc.state.mn.us](mailto:candace.osiecki@metc.state.mn.us)

### University of Minnesota Subscribe to Bid Information Service (BIS)

The University of Minnesota offers 24 hour/day, 7day/week access to all Request for Bids/Proposals through its web-based Bid Information Service (BIS). Subscriptions to BIS are free. Visit our website at [bidinfo.umn.edu](http://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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