

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:

- Rules of State Agencies
- Commissioners' Orders
- 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
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Tim Pawlenty, Governor	(651) 296-3391	Department of Administration:	<i>State Register:</i>	
Carol L. Molnau, Lt. Governor	(651) 296-3391	Dana B. Badgerow, Commissioner	Robin Panlener, editor	(651) 297-7963
Lori Swanson, Attorney General	(651) 297-4272	Materials Management Division:	John Mikes, assistant editor	(651) 297-4616
Rebecca Otto, State Auditor	(651) 297-3670	Kent Allin, Director	Cathy Hoekstra, subscriptions	(651) 297-8777
Mark Ritchie, Secretary of State	(651) 296-2079	Mary Mikes, Manager	Bonnie Karels, billing	(651) 296-4912

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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.

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Monday 5 January - Monday 12 January 2009

Employment and Economic Development

Department

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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: Upper Red Lake Special Management Waters

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of the rule is *Minnesota Statutes*, Sections 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 are proportioned between the winter and open water seasons. 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: November 26, 2008

Mark Holsten, Commissioner
Department of Natural Resources

6264.0400 DESIGNATED SPECIAL MANAGEMENT WATERS.

[For text of subps 1 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 ~~C~~ F:

- (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 ~~C~~ F, the following walleye regulations apply:

(1) the daily and possession limit for walleye is ~~two~~ three 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 shall not include more than two walleye taken from Upper Red Lake and the tributaries listed under item C.~~

(4) if the cumulative walleye kill estimate from December 1, 2008, through February 22, 2009, is less than 112,000 pounds, then:

(a) notwithstanding subitem (1), beginning May 9, 2009, the daily and possession limit for walleye is four fish, of which not more than one walleye shall be over 26 inches in length; and

(b) notwithstanding subitems (2) and (3), beginning June 15, 2009, all walleye in possession must be less than 20 inches or greater than 26 inches in length. All walleye that are 20 inches to 26 inches in length, inclusive, must be immediately returned to the water. If this unit is implemented, it is effective through November 30, 2009. On December 1, the size limit reverts back to the limits under subitems (2) and (3); and

(5) notwithstanding subitem (4), if the cumulative walleye kill estimate from December 1, 2008, through September 30, 2009, is more than 168,000 pounds, then beginning December 1, 2009, the daily and possession limits for walleye revert back to the limits under subitems (1) to (3).

Expedited Emergency Rules

C. Notwithstanding item B, the waters listed in item F are closed to taking or angling for walleye at all times if the walleye cumulative kill estimate from December 1, 2008, to November 30, 2009, at any time equals or exceeds 240,000 pounds. This item is effective five days after notice through November 30, 2009. If this item is implemented, the notice will consist of a posting on the Department of Natural Resources Web site and at water access sites. On December 1, 2009, the daily and possession and size limits for walleye revert to the limits in item B, subitems (1) to (3).

D. A person's statewide bag limit and possession limit shall not include more walleye taken from Upper Red Lake and the tributaries listed under item F than is allowed as described under item B.

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

F. 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.8-10, 11-13,15-17	Beltrami

[For text of subps 60 to 86, see M.R.]

REPEALER. The expedited emergency amendments to *Minnesota Rules*, part 6264.0400, subpart 59, published in the *State Register*, volume 32, page 1262, January 7, 2008, are repealed.

Expedited Rules

An agency adopts Expedited Rules (*Minnesota Statutes* 14.389) when a law requires or authorizes such rules. The agency must follow *Minnesota Statutes*, sections 14.19 and 14.366. Within 180 days after issuance of the administrative law judge's report, or that of the chief administrative law judge, an agency shall submit its notice of adoption, amendment, or repeal to the *State Register* for publication. If the agency has not submitted its notice to the *State Register* within 180 days, the rules are automatically withdrawn.

The agency may not adopt the withdrawn rules without again following the procedures of *Minnesota Statutes* 14.05 to 14.28. If the law authorizing or requiring rules to be adopted under this section 14.389, and refers to **Subdivision 5, Option**, then the notice must include a statement that a public hearing will be held if 100 or more people request a hearing. If such is the case, the agency may adopt the rule only after complying with all of the requirements of chapter 14 for rules adopted after a public hearing.

Department of Employment and Economic Development Business and Community Development Division Adopted Expedited Permanent Rules Governing the Military Reservist Economic Injury Loan Program, *Minnesota Rules*, 4305.0010 – 4305.0080 Notice of Intent to Adopt Expedited Rules Without a Public Hearing

Introduction. The Minnesota Department of Employment and Economic Development intends to adopt rules under the expedited rulemaking process set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until Monday, February 23, 2009.

Agency Contact Person. Comments or questions on the rules must be submitted to: Jeffrey M. Nelson, Senior Loan Officer, at the Minnesota Department of Employment and Economic Development, 1st National Bank Building, 332 Minnesota Street, Suite E200, St. Paul, Minnesota 55101, **phone:** (651) 259-7523, **fax:** (651) 296-5287, and **e-mail** at: jeff.m.nelson@state.mn.us. **TTY** users may call the Minnesota Department of Employment and Economic Development at (651) 282-5909.

Subject of the Expedited Rules and Statutory Authority. The proposed expedited rules are regarding the application for and awarding of loans to small businesses suffering economic injury due to an essential employee who is a member of the military reserves being deployed for 180 days or more. The statutory authority to adopt the rules and to use the expedited rulemaking process set forth in *Minnesota Statutes*, section 14.389, is *Minnesota Statutes*, section 116J.996, subd. 4. A copy of the proposed rules is published in the State Register and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Monday, February 23, 2009, to submit written comment in support of or in opposition to the proposed expedited rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed expedited rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Modifications. The agency may modify the proposed expedited rules if the modifications do not make the rules substantially different as defined in *Minnesota Statutes*, section 14.05, subdivision 2, paragraphs (b) and (c), unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If the final rules are identical to the rules originally published in the *State Register*, the agency will publish a notice of adoption in the *State Register*. If the final rules are different from the rules originally published in the *State Register*, the agency must publish a copy of the changes in the *State Register*. If the proposed expedited rules affect you in any way, you are encouraged to participate in the rulemaking process.

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

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

Adoption and Review of Expedited Rules. The agency may adopt the rules at the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified
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Expedited Rules

of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: January 5, 2009

Dan McElroy, Commissioner
Department of Employment and Economic Development

4305.0010 SCOPE AND PURPOSE.

Parts 4305.0010 to 4305.0080 govern the implementation of the military reservist economic injury loan program.

4305.0020 DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 4305.0010 to 4305.0080, the terms defined in this part have the meanings given them.

Subp. 2. **Active service.** "Active service" means state active service, federally funded state active service, or federal active service, as defined in *Minnesota Statutes*, section 190.05.

Subp. 3. **Agency.** "Agency" means the Department of Employment and Economic Development.

Subp. 4. **Application.** "Application" means a submittal requesting a loan from the military reservist economic injury loan program.

Subp. 5. **Applicant.** "Applicant" means an eligible business that submits an application to the military reservist economic injury loan program.

Subp. 6. **Commissioner.** "Commissioner" means the commissioner of the Department of Employment and Economic Development.

Subp. 7. **Eligible business.** "Eligible business" means a small business as defined in *Minnesota Statutes*, section 645.445, which was operating in Minnesota on the date that one or more of its essential employees received orders for active service of 180 days or more.

Subp. 8. **Essential employee.** "Essential employee" means a military reservist:

A. who is the owner or employee of an eligible business; and

B. whose managerial or technical expertise is critical to the day-to-day operation of the eligible business.

Subp. 9. **Military reservist.** "Military reservist" means a member of the reserve component of the armed services.

Subp. 10. **Program.** "Program" means the military reservist economic injury loan program as authorized by *Minnesota Statutes*, section 116J.996.

Subp. 11. **Reserve component of the armed services.** "Reserve component of the armed services" means reserve components as defined by *United States Code*, title 10, section 101(c), which includes the Army National Guard and the Air National Guard.

Subp. 12. **Reservist economic injury loan or loan.** "Reservist economic injury loan" or "loan" means a disbursement under the military reservist economic injury loan program.

Subp. 13. **Substantial economic injury.** "Substantial economic injury" means an economic harm to an eligible business that results in the inability of the business to:

A. meet its obligations as they mature;

B. pay its ordinary and necessary operating expenses, meaning its business expenses as defined by *United States Code*, title 26, section 162, and *Code of Federal Regulations*, title 26, section 1.162-1, but excluding taxes, civil or criminal fines or penalties, and lobbying expenses; or

C. manufacture, produce, market, or provide a product or service ordinarily manufactured, produced, marketed, or provided by the eligible business.

4305.0030 APPLICATION REQUIREMENTS AND PROCESS.

Subpart 1. **Requirements.** The applicant must submit to the agency an application in the form prescribed by the agency. At a minimum, the application must include:

A. the name of each essential employee who has been called to active service for 180 days or more, including:

(1) the employee's date of hire;

(2) the employee's job title;

(3) the nature of the employee's expertise;

(4) a statement as to how that expertise is critical to the day-to-day operation of the business;

(5) the employee's military unit name;

(6) the total length of the call to active service;

(7) a copy of the employee's active duty orders; and

(8) the employee's military unit contact person's name, telephone number, and e-mail address;

B. the name of the business, including:

(1) the type of legal business entity;

(2) a statement as to whether it is an affiliate or subsidiary of a business dominant in its field of operation;

- (3) the number of employees;
- (4) the annual gross revenues in the preceding fiscal year;
- (5) whether the business is a technical or professional service; and
- (6) evidence that the business is operating in Minnesota and, if the business is incorporated, that it is a corporation in good standing;

C. a proposed budget for the use of the loan funds received from the program; and

D. a statement of how this use will prevent, remedy, or ameliorate the business's substantial economic injury.

Subp. 2. **Process.** The agency shall accept applications on an open application basis and make loans until all funds are committed. When all funds are committed, the agency may suspend the program until sufficient funds to make additional loans are available.

4305.0040 SELECTION CRITERIA.

The agency shall consider the following criteria when determining whether an applicant is eligible for a loan under the program:

A. the likelihood of repayment of the loan funds; and

B. the extent to which the loan funds will help to prevent, remedy, or ameliorate substantial economic injury shown by the applicant.

4305.0050 ELIGIBLE USES OF LOAN FUNDS.

Subpart 1. **In general.** The agency shall make interest-free loans to eligible businesses that sustain or are likely to sustain a substantial economic injury resulting from an essential employee being called to active duty according to parts 4305.0010 to 4305.0080 and Minnesota Statutes, section 116J.996.

Subp. 2. **Permitted uses of loan.** An eligible business must use a loan under the program to:

A. meet its obligations as they mature;

B. pay its ordinary and necessary operating expenses as defined by *United States Code*, title 26, section 162, and *Code of Federal Regulations*, title 26, section 1.162-1; or

C. manufacture, produce, market, or provide a product or service ordinarily manufactured, produced, marketed, or provided by the eligible business.

Subp. 3. **Prohibited uses of loan funds.** An eligible business may not use loan funds for the following:

A. charitable contributions and gifts;

B. illegal payments to government officials or employees;

C. illegal payments under any Minnesota or federal law;

D. kickbacks, rebates, and bribes under Medicare and Medicaid;

E. lobbying and political expenditures;

F. fines and penalties due or paid to a government for the violation of any civil or criminal law;

G. payment of taxes;

H. treble damage payments under the antitrust laws; or

I. employee remuneration exceeding \$1,000,000.

4305.0060 LOAN TERMS.

The loan agreement must identify specific loan terms and include, at a minimum, the following:

A. maximum loan period;

B. repayment terms; and

C. default terms.

4305.0070 LOAN DEFAULT.

The loan agreement must identify what constitutes default of the loan. The agency may, at its discretion, pursue any course of action to remedy default, including but not limited to modifying the repayment terms, referring the debt for collection, or writing off the debt as uncollectible.

4305.0080 SECURITY REQUIREMENTS.

The agency must require applicants to provide security for the loan equal to or in excess of the loan value. Security may be in the form of one or more of the following:

A. a lien on real property owned by the applicant; or

B. other security satisfactory to the agency such as:

(1) a senior, junior, or parity lien on other assets of the applicant;

(2) a senior, junior, or parity lien on assets of certain owners, officers, and affiliated proprietors and their spouses, partners and

Expedited Rules

their spouses, and major shareholders or corporate officers; or

(3) a guaranty of owners; officers; and affiliated persons of the applicant, including partners and their spouses, and major shareholders or corporate officers and their spouses; or other related corporations of the applicant.

Appointments

Minnesota Statutes, Section 15.06, Subd. 5. requires notice of the designation of a commissioner or acting commissioner, or the assumption of office by a temporary commissioner, shall be filed with the president of the senate and the speaker of the house with a copy delivered to the secretary of state and published in the next available edition of the *State Register*.

Mediation Services Bureau

Notice of Appointment of Commissioner Steven G. Hoffmeyer

NOTICE IS HEREBY GIVEN, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Tim Pawlenty appointed Steven G. Hoffmeyer to the office of Commissioner of the Minnesota Bureau of Mediation Services effective January 5, 2009. He replaces Commissioner James Alex Cunningham, Jr. who was appointed February 10, 2003.

This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled. The laws and rules governing the Bureau of Mediation Services are:

- *Minnesota Statutes*, Chapters 179 and 179A
- *Minnesota Rules* 5505-5530

Commissioner Hoffmeyer resides at 1596 - 9th Street, White Bear Lake, Minnesota 55110, Ramsey County, Congressional District Four.

He can be reached at the Minnesota Bureau of Mediation Services, 1380 Energy Lane, Suite Two, St. Paul, MN 55108-5253. Telephone (651) 649-5421. Website: <http://www.bms.state.mn.us>

Commissioners' Orders

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

Minnesota Department of Natural Resources Classification of State Forest Lands in Beltrami, Clearwater, Marshall, Lake of the Woods, Pennington, Polk, Red Lake, and Roseau Counties of Minnesota with Respect to Motor Vehicle Use

NOTICE IS HEREBY GIVEN that the Commissioner of Natural Resources orders the classification of state forest lands described below with respect to motor vehicle use. These classifications of state forest lands with respect to motor vehicle use are pursuant to *Minnesota Laws 2003*, Chapter 128, Article 1, Section 167, (as amended in 2005 and 2007) and *Minnesota Rules* Chapter 6100.1950.

The commissioner further orders that state forest lands described below be designated as areas with limitations on off-trail and non-designated trail use pursuant to *Minnesota Statutes*, Section 84.926, Subd. 5.

WHEREAS

1. *Minnesota Laws 2003*, Chapter 128, Article 1, Section 167, (as amended in 2005 and 2007) and *Minnesota Rules* Chapter 6100.1950 require the Commissioner of Natural Resources to classify all state forest lands with respect to motor vehicle use.

2. *Minnesota Statutes 2006*, Section 84.926, Subdivisions 2 and 4 allow some hunting- and trapping-related motor vehicle uses on state forest lands classified as 'limited' or 'managed' with respect to motor vehicle use. Section 84.926, Subdivision 5 authorizes the commissioner to designate areas on state forest lands that are not subject to the exceptions provided in subdivisions 2 and 4.

3. The Department of Natural Resources published its proposed motor vehicle use classifications; proposed forest road and trail designations; and proposed areas with limitations for state forest lands in the Northern Border planning area in a draft plan in July 2008.

4. All notice and procedural requirements in *Minnesota Statutes*, and other applicable laws and rules have been met.

NOW THEREFORE, IT IS ORDERED that the following state forest lands be classified as 'managed' with respect to motor vehicle use, pursuant to authority vested in me by Minnesota law:

- State forest lands in the Lake of the Woods State Forest;
- State forest lands in the Lost River State Forest;
- State forest lands in the Northwest Angle State Forest;
- State forest lands in the Red Lake State Forest
- Approximately 21,000 acres of state forest lands outside of statutory state forest boundaries in Beltrami, Clearwater, Marshall, Lake of the Woods, Pennington, Polk, Red Lake, and Roseau counties.

These state forest lands are depicted as 'managed' on the maps in *Exhibits A-1, A-2, A-3, and A-4*, attached hereto and incorporated herein.

IT IS FURTHER ORDERED that the following state forest lands be classified as 'limited' with respect to motor vehicle use, pursuant to authority vested in me by Minnesota law:

- Approximately 351.4 acres of state forest lands outside of statutory state forest boundaries and south of US Highway 2 in Polk County.

Commissioner's Orders

These state forest lands are depicted as 'limited' on the map in *Exhibit A-4*, attached hereto and incorporated herein.

IT IS FURTHER ORDERED that state forest lands within the areas described below be designated as areas with limitations on off-trail and non-designated trail use pursuant to *Minnesota Statutes*, Section 84.926, Subdivision 5:

- ***Sprague Creek Area with Limitations*** – from the intersection of MN Highway 310 and the US/Canada border, south along Highway 310 to Sprague Creek, southwest along Sprague Creek and the Roseau River to the boundary of the Roseau Lake WMA, then northerly following the boundary of the Roseau Lake WMA to Roseau County Road 118 at the NE corner of Section 7 - T163N - R40W, then north along County Road 118 and an unnamed road to the US/Canada border, then east along the US/Canada border to the point of beginning.
- ***Larson Lake Area with Limitations*** – from the intersection of State Highway 72 and County Highway 111 located about 4 miles south of Waskish, then west along County Highway 111 for 1 mile, then continue west along Township Road 13 for 1 mile to the southwest corner of Section 31 – T154N – R30W, then north about 0.6 mile on the undesignated route and the township line to the shore of Upper Red Lake, then northeast about 0.5 mile along the shore of Upper Red Lake to the section line between sections 30 and 31, then east about 0.13 mile along the section line and a minimum maintenance state forest road to an intersection with Kansas City Road (Township Road 805), then northeast about 2.3 miles along Kansas City Road to the intersection with State Highway 72, then south about 2.6 miles to the point of beginning.
- ***Shotley Area with Limitations*** – from the intersection of Township Road 416 and a minimum maintenance state forest road located about 4 miles east of Shotley, then north about 0.8 miles to Shotley Brook following the state forest road and access route along the township line, then northwesterly along Shotley Brook to CSAH 23, then west along CSAH 23 for about 0.5 mile to a north-south ditch along the section line between sections 14 and 15, then south 2 miles along the ditch then the access route then the minimum maintenance forest road to the intersection with Township Road 416, then east along Township Road 416 to the point of beginning.
- ***Saum Area with Limitations*** – from the intersection of CSAH 23 and County Road 104 located about 2.5 miles south of Saum; then west along County Road 104, north along county Road 104, and northwesterly along township and Indian Reservation roads to the crossing of the Battle River; then northeasterly along the Battle River to the confluence of the North and South Branches of the Battle River; then northeasterly along the South Branch of the Battle River to CSAH 23; then south along CSAH 23 to the point of beginning

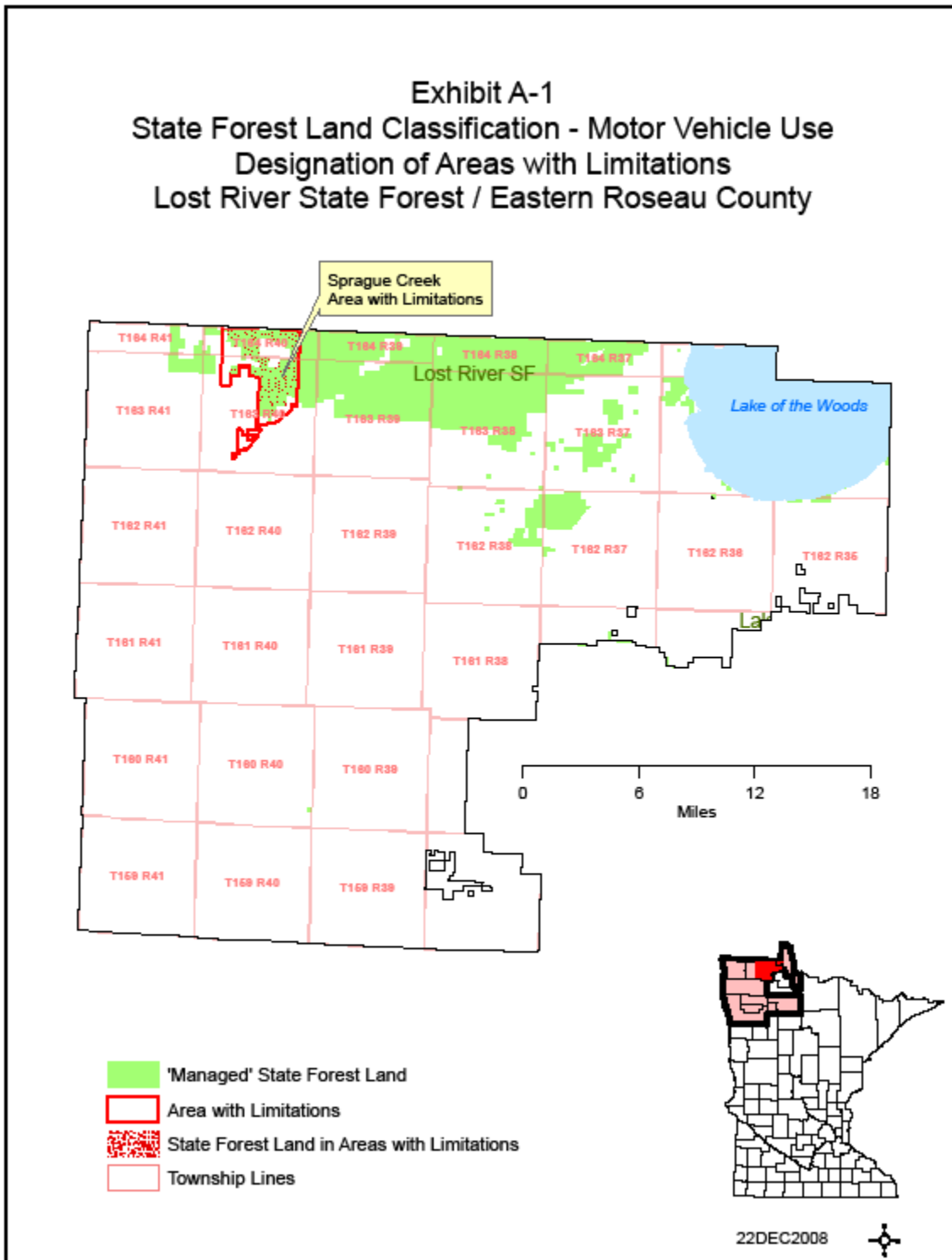
These areas with limitations on off-trail and non-designated trail use are depicted on the maps in *Exhibits A-1 and A-3*, attached hereto and incorporated herein.

IT IS FURTHER ORDERED that the above motor vehicle use classifications and designations of areas with limitations shall become effective December 31, 2009.

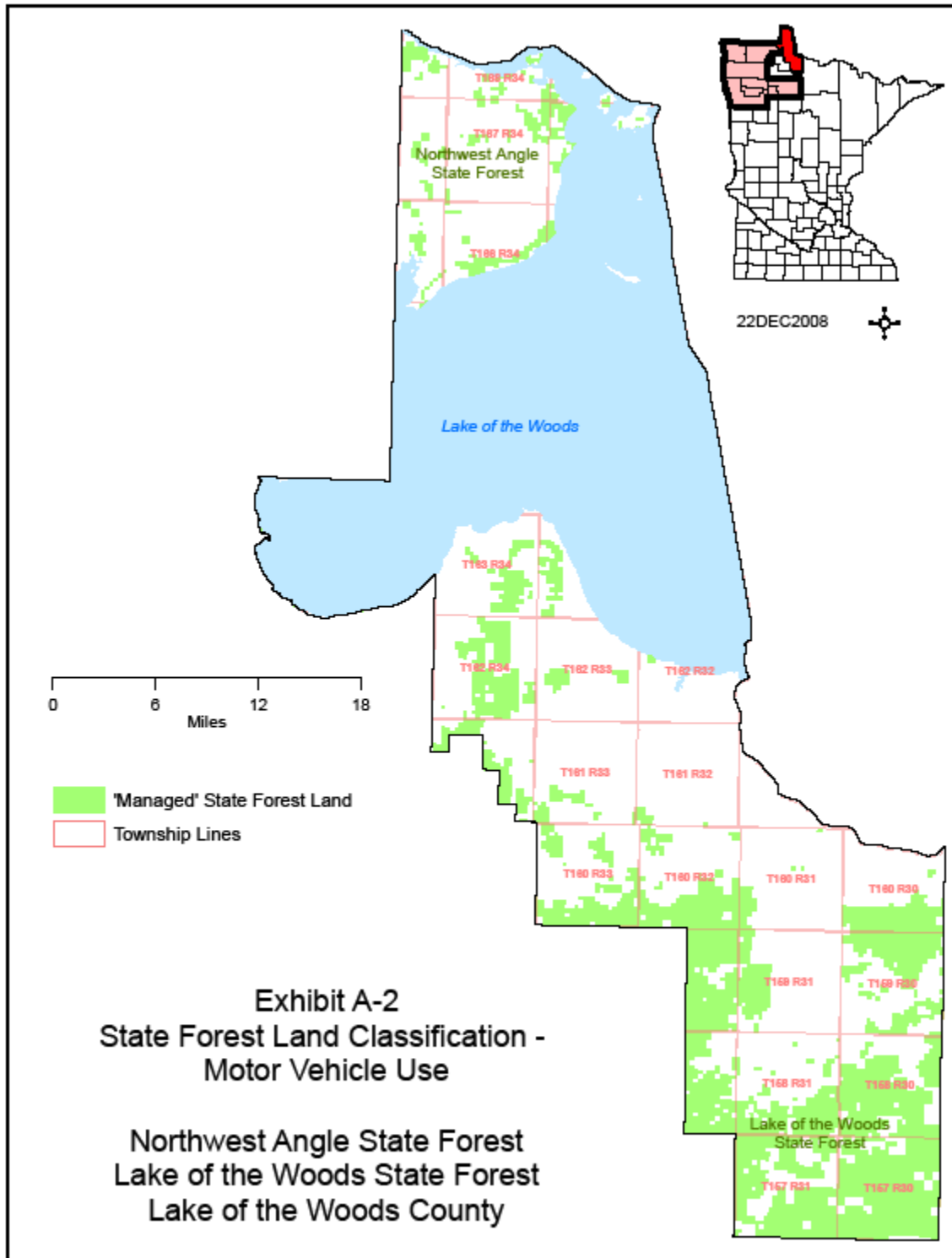
Dated: 23 Decembr 2008

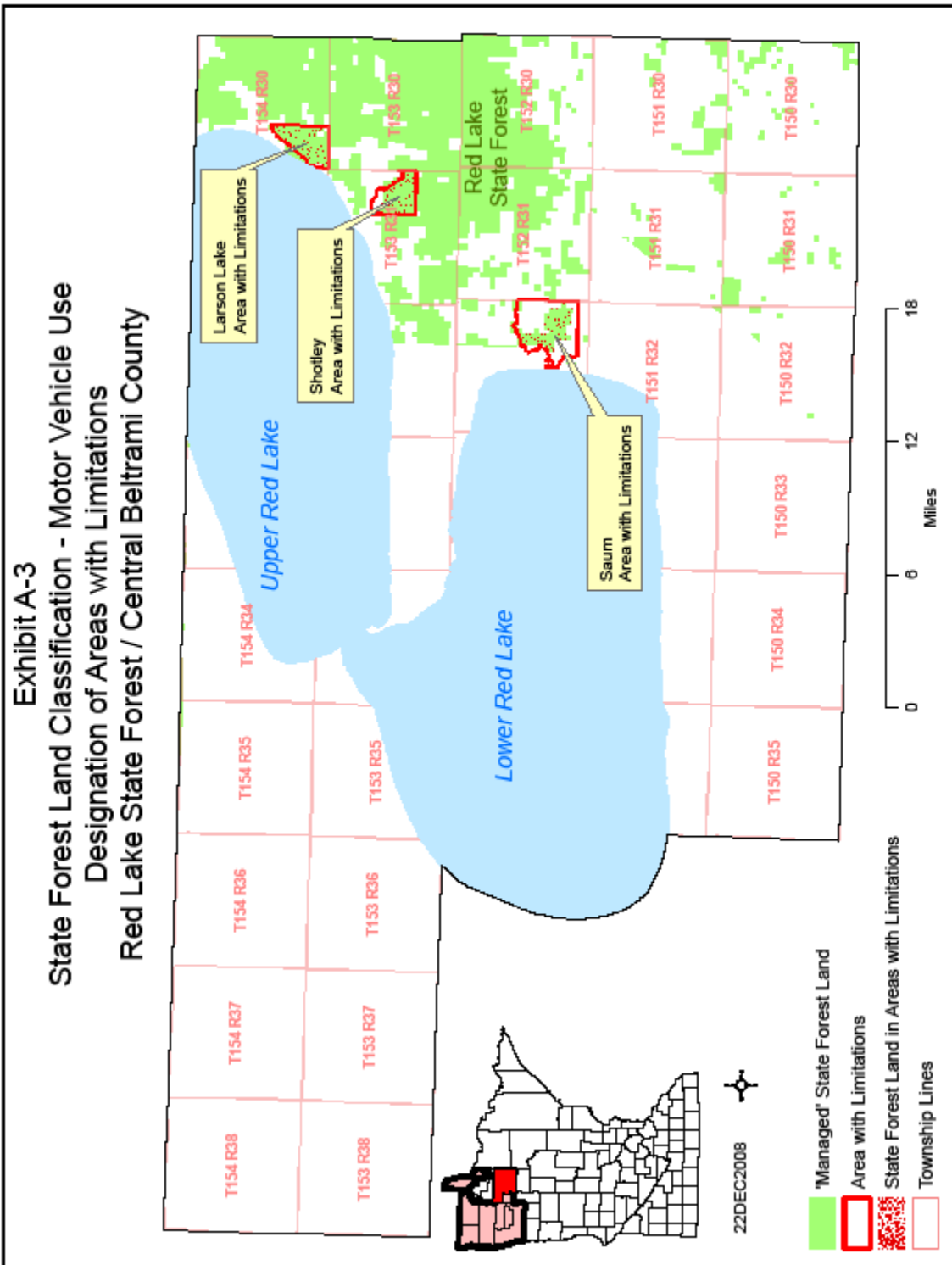
Hark Holsten, Commissioner
Minnesota Department of Natural Resources

Exhibit A-1
State Forest Land Classification - Motor Vehicle Use
Designation of Areas with Limitations
Lost River State Forest / Eastern Roseau County

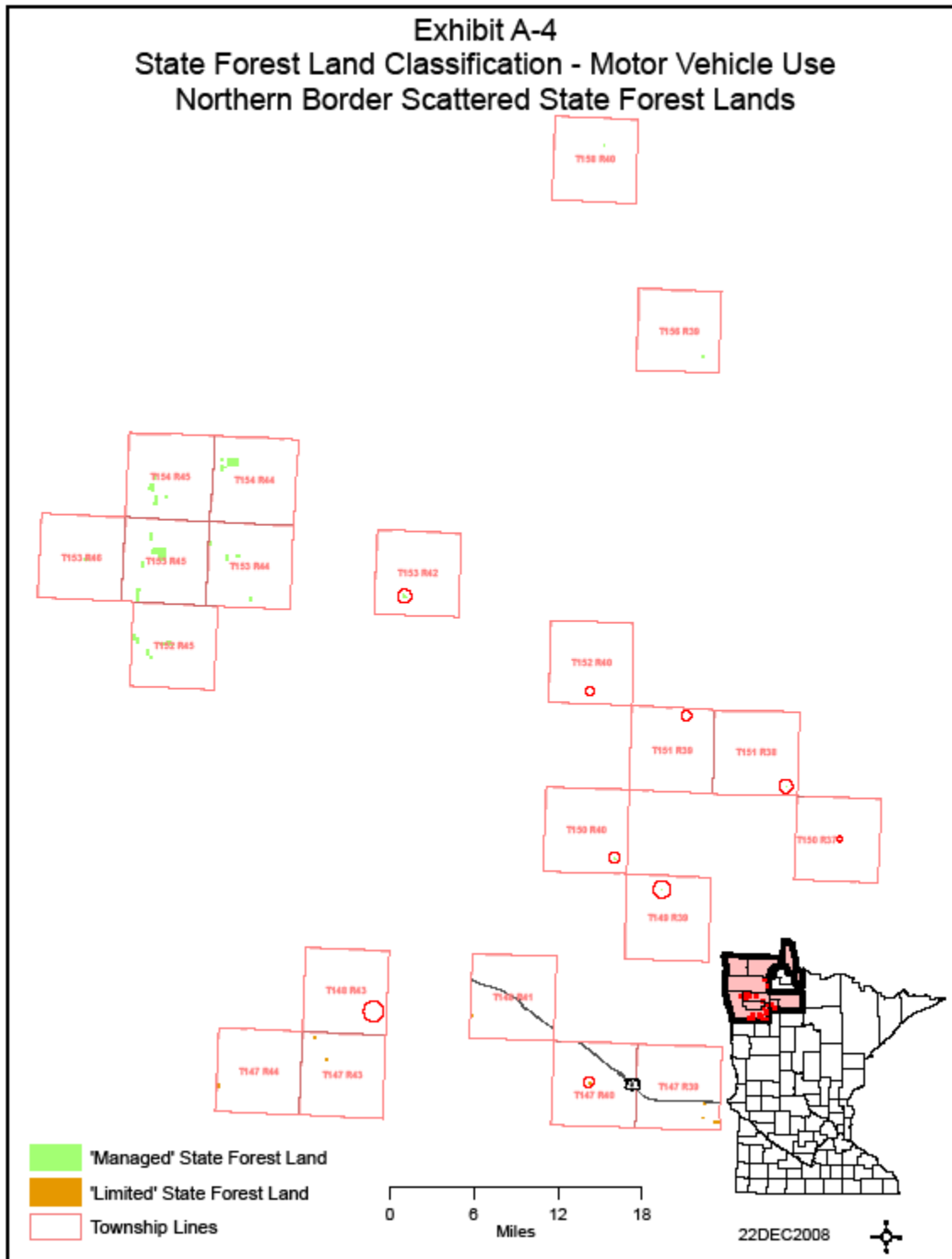


Commissioner's Orders





Commissioner's Orders



Commissioner's Orders

Minnesota Department of Natural Resources Designation and Undesignation of Forest Roads in Beltrami, Lake of the Woods, and Roseau Counties

NOTICE IS HEREBY GIVEN that the Commissioner of Natural Resources orders the designation of the forest roads identified in *Exhibits A-1, A-2, and A-3*.

The commissioner further orders the undesignation of the forest roads identified in *Exhibits B-1 and B-2*.

WHEREAS:

1. *Minnesota Statutes 2006*, section 89.71, subdivision 1 grants the commissioner authority to designate and undesignate forest roads by written order published in the *State Register*.
2. The agency published its proposed forest road and trail designations for state forest lands in the Northern Border planning area in a draft plan in July 2008. The agency held public meetings and solicited and received written comments and submissions regarding the public's use of forest lands, roads, and trails in the Northern Border area.
3. All notice and procedural requirements in *Minnesota Statutes* and other applicable laws and rules have been met.
4. The forest road designations and undesignations are both needed and reasonable.

NOW THEREFORE, IT IS ORDERED that the forest roads identified in *Exhibits A-1, A-2, and A-3*, attached hereto and incorporated herein, are hereby designated pursuant to authority vested in me by Minnesota law.

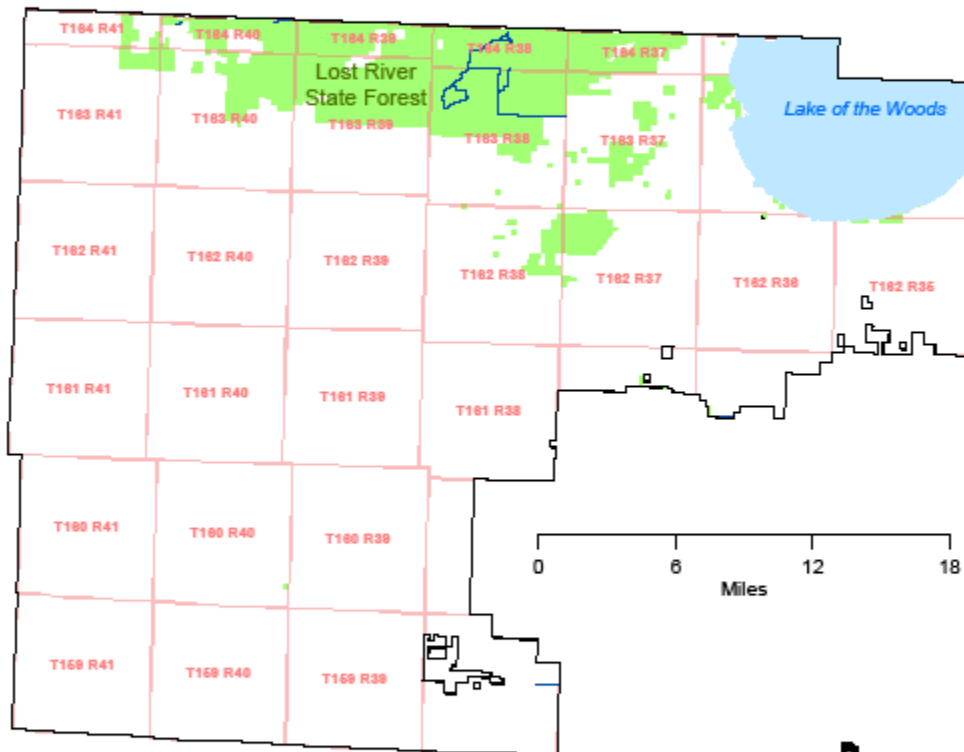
IT IS FURTHER ORDERED that the forest roads identified in *Exhibits B-1 and B-2*, attached hereto and incorporated herein, are undesignated and removed from the forest road system pursuant to authority vested in me by Minnesota law.

IT IS FURTHER ORDERED that the designation and undesignation of those forest roads identified in *Exhibits A-1, A-2, A-3, B-1, and B-2* shall become effective December 31, 2009.

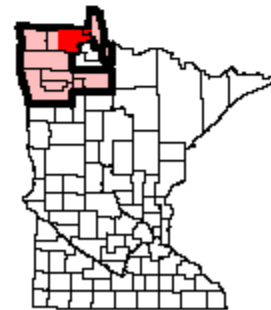
Dated: 23 December 2008

Mark Holsten, Commissioner
Minnesota Department of Natural Resources

Exhibit A-1
State Forest Road Designation
Lost River State Forest / Eastern Roseau County

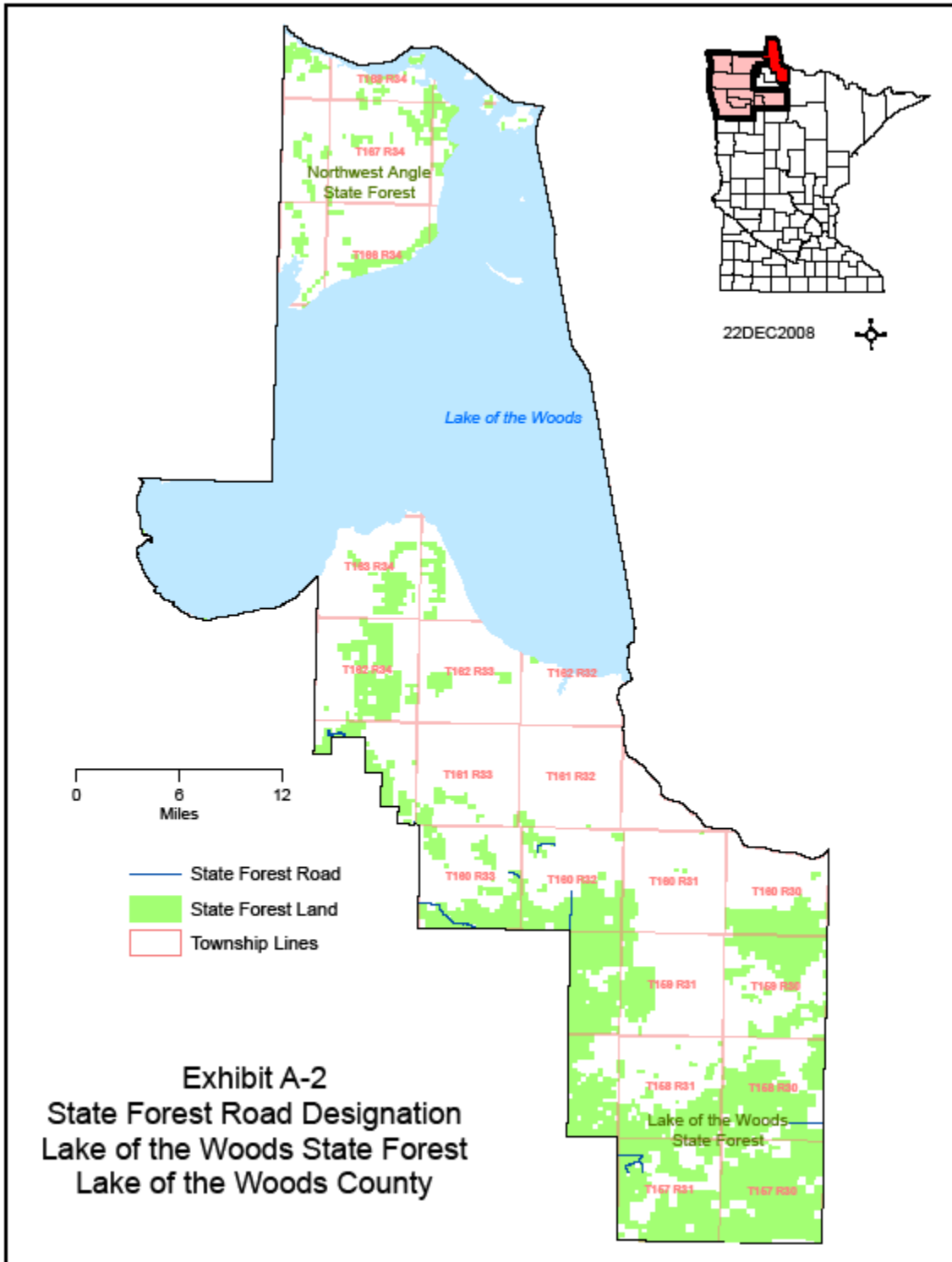


- State Forest Road
- State Forest Land
- Township Lines



22DEC2008





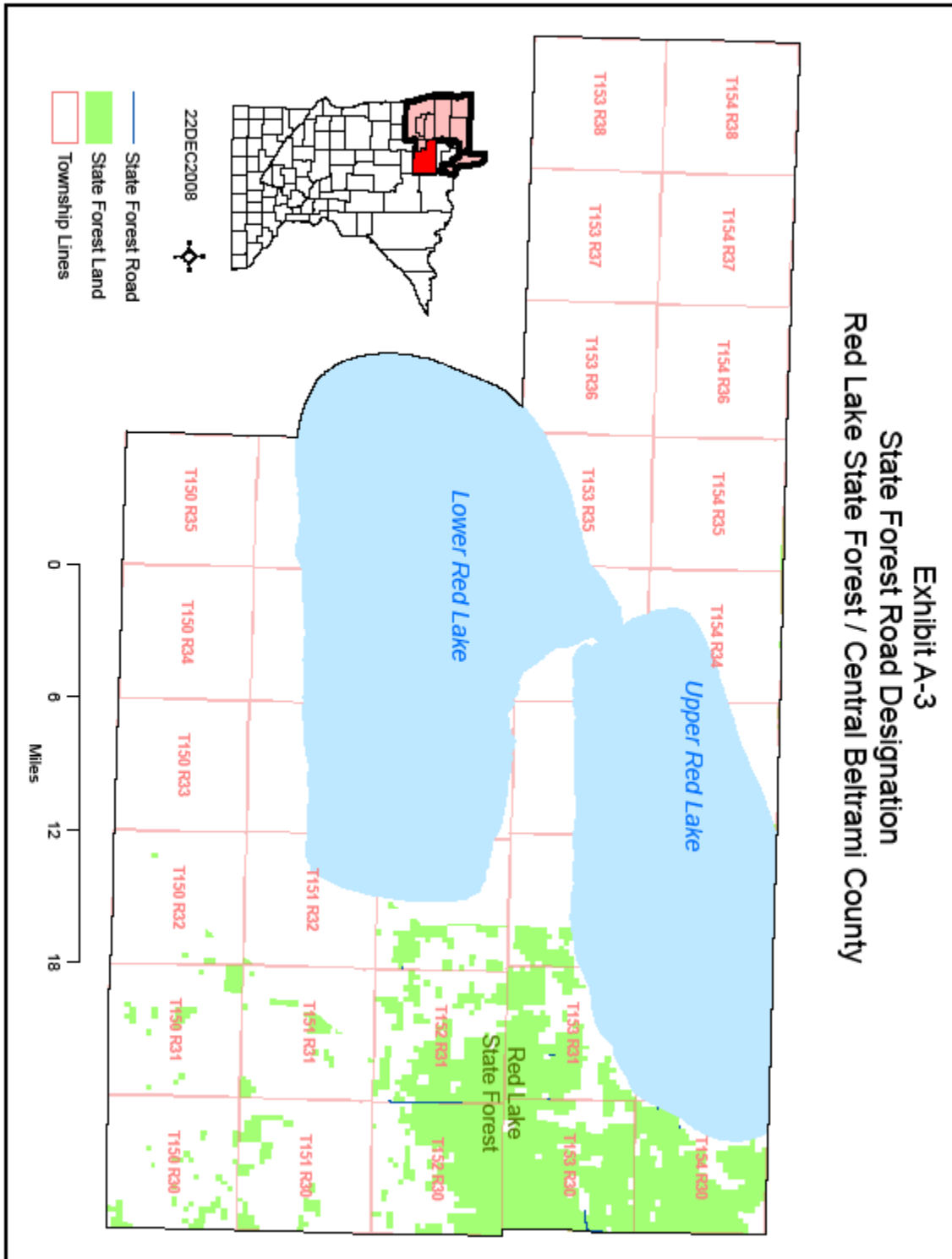
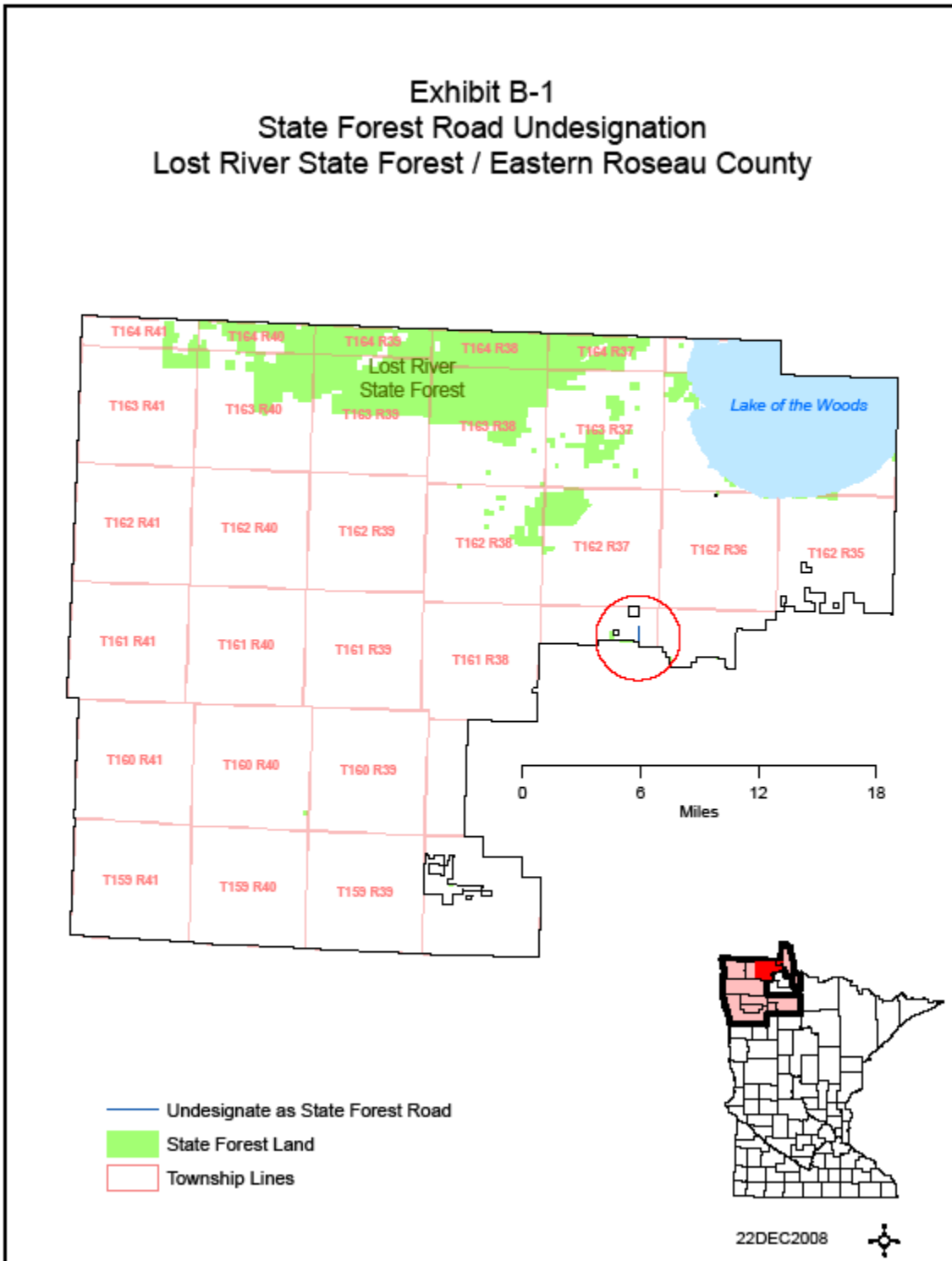
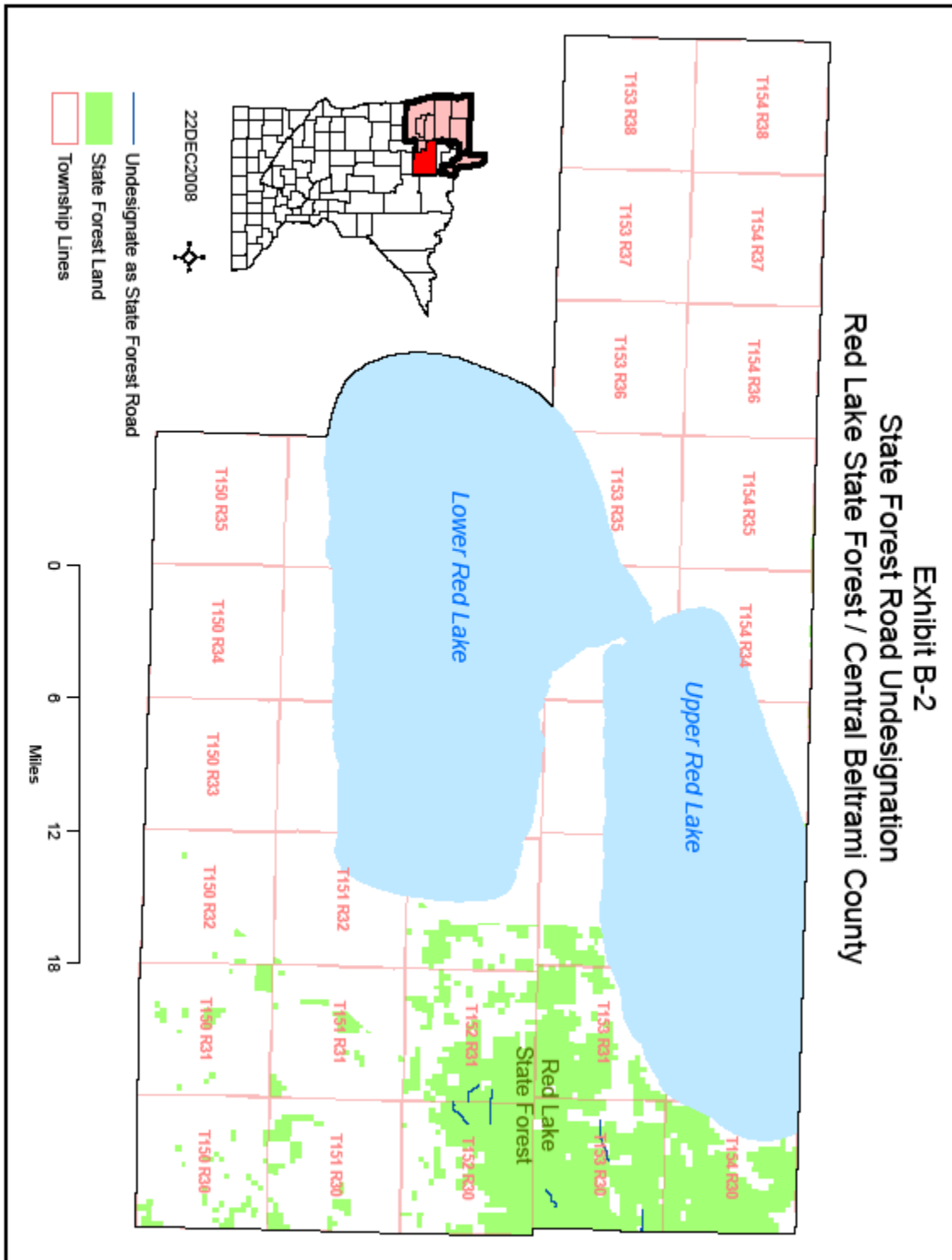


Exhibit B-1
State Forest Road Undesignation
Lost River State Forest / Eastern Roseau County





Minnesota Department of Natural Resources Designation of Forest Trails in Beltrami, Lake of the Woods, and Roseau Counties

NOTICE IS HEREBY GIVEN that pursuant to *Minnesota Statutes 2006*, section 89.19, subdivision 2, the forest trails described in this order are designated for specified recreational uses.

WHEREAS:

1. *Minnesota Statutes 2006*, section 89.19, subdivision 2 authorizes designation of forest trails by written order and requires public notice and public meetings prior to trail designation.
2. *Minnesota Laws 2003*, chapter 128, article 1, section 167 (as amended in 2005 and 2007) directs the Commissioner of Natural Resources to complete a review of the classification of state forests with respect to motor vehicle use and to designate roads and trails within state forests.
3. The Department of Natural Resources published its proposed motor vehicle use classification and forest road and trail designations for state forest lands in the Northern Border planning area in a draft plan in July 2008.
4. All public notice and public meeting requirements of *Minnesota Statutes 2006*, section 89.19, subdivision 2 and other applicable laws and rules have been met.

NOW THEREFORE, IT IS ORDERED that the forest trails described below are hereby designated pursuant to authority vested in me by Minnesota law:

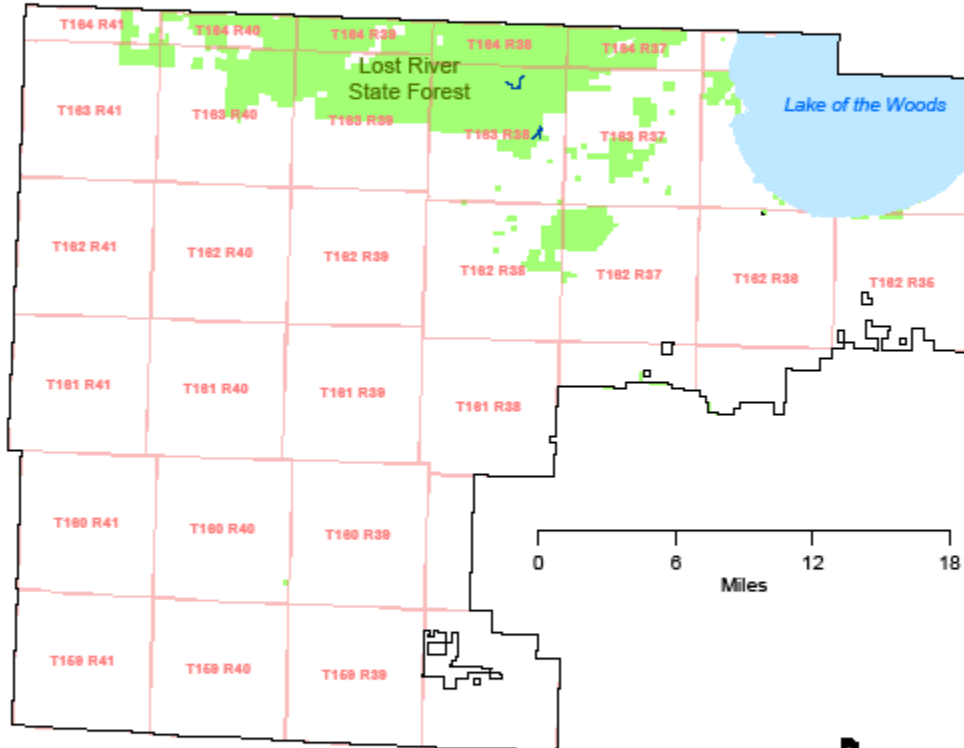
1. Hunter Walking Trails – The 34.9 miles of trails depicted on the maps in *Exhibits A-1, A-2, and A-3*, attached hereto and incorporated herein, are designated primarily for use as hunter walking trails.
2. All Terrain Vehicle (ATV) / Off-Highway Motorcycle (OHM) Trails – The 1.8 miles of trail depicted on the map in *Exhibit B-1*, attached hereto and incorporated herein, are designated primarily for use as ATV and OHM trails.

IT IS FURTHER ORDERED that these trail designations shall become effective December 31, 2009.

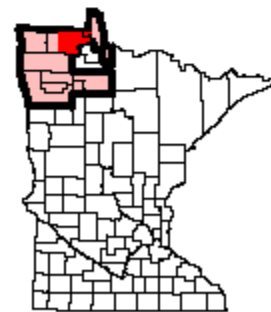
Dated: 23 Decembr 2008

Mark Holsten, Commissioner
Minnesota Department of Natural Resources

**Exhibit A-1
Hunter Walking Trails
Lost River State Forest / Eastern Roseau County**

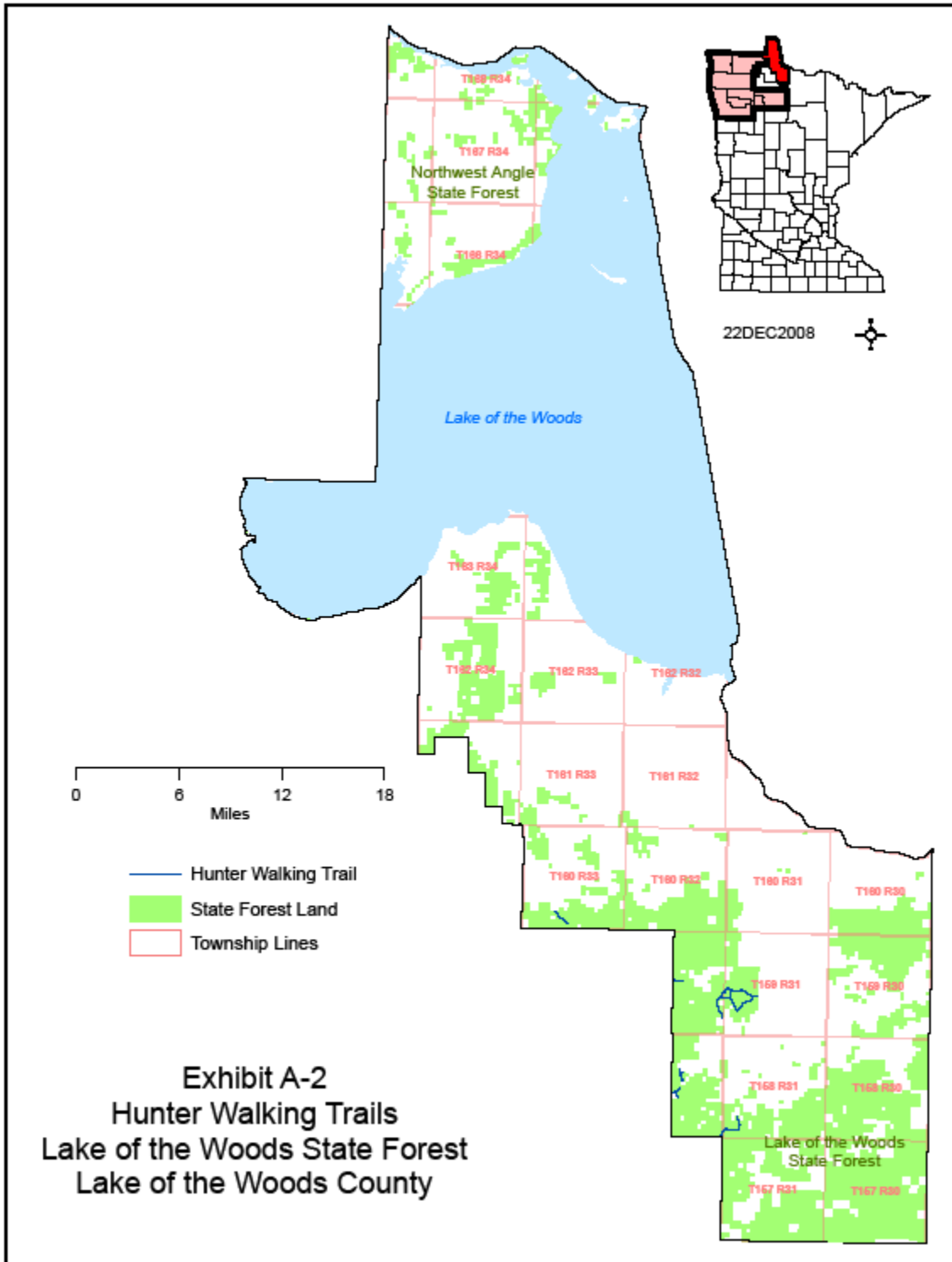


- Hunter Walking Trail
- State Forest Land
- Township Lines



22DEC2008





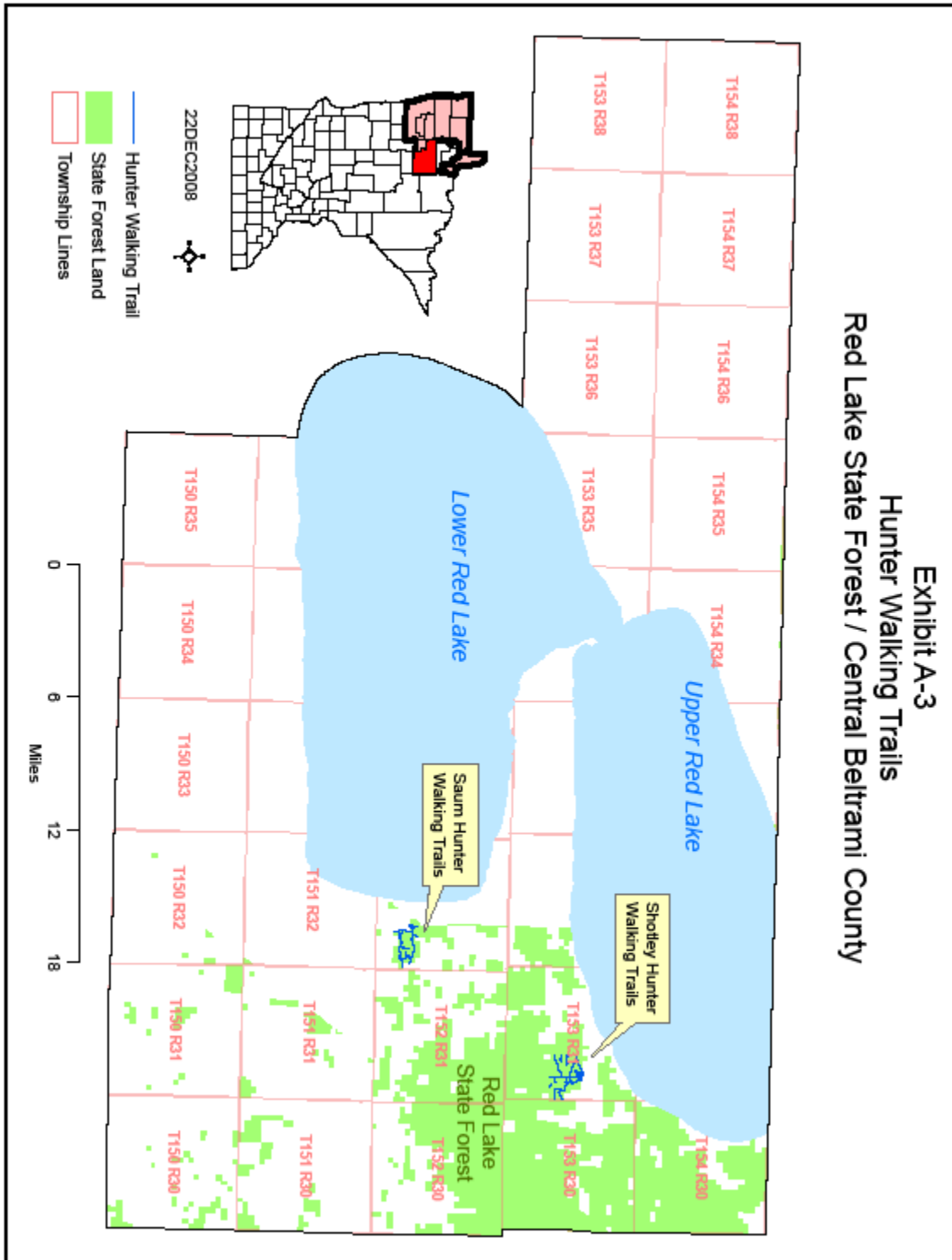
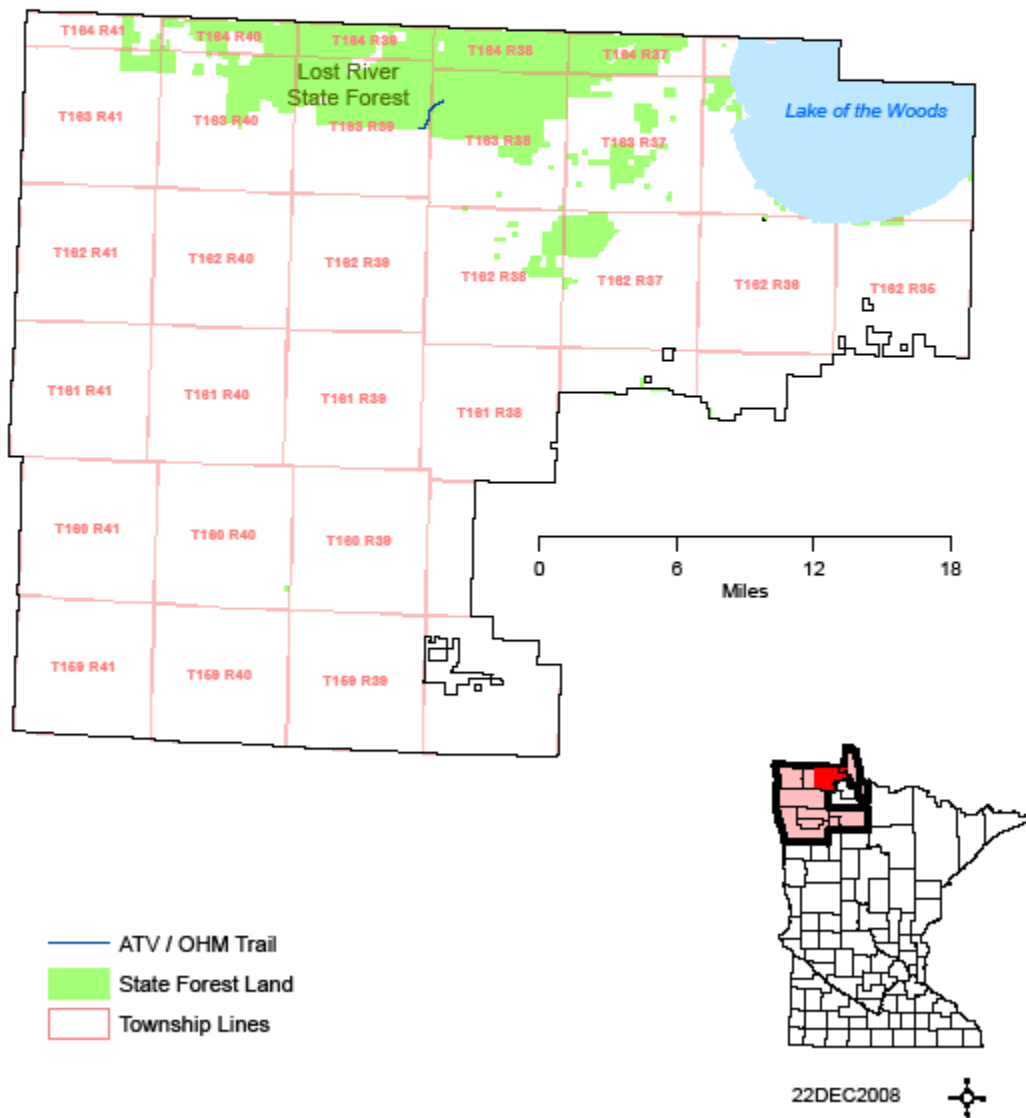


Exhibit B-1
All Terrain Vehicle (ATV) & Off Highway Motorcycle (OHM) Trails
Lost River State Forest / Eastern Roseau County



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.

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Department of Administration Materials Management Division Minnesota Joint Availability and Disparity Study Notice of Disparity Study Public Hearing January 27, 2009

NOTICE IS HEREBY GIVEN that the Minnesota Department of Administration, Minnesota Department of Transportation, Metropolitan Council, Metropolitan Airports Commission, Metropolitan Mosquito Control District, and Metropolitan Sports Facilities Commission (Governmental Units) will hold a public hearing to receive testimony regarding business owners' experiences and incidents by vendors, contractors, or members of these Governmental Units in the Minnesota area.

The public hearing will be held as follows:

Date: Tuesday, January 27, 2009
Time: 6:00 p.m. – 9:00 p.m.
Location: Metropolitan Mosquito Control District
Board Room
2099 University Avenue West
St. Paul, MN 55104

The purpose of this hearing is to learn about business owners' experiences with selling to or contracting or subcontracting with, or attempting to do so, any of the entities and, relatedly, their experiences with these entities. Thus, if you have tried to sell to or contract with any member of the Governmental Units, vendors, or contractors working under an agreement with a member of the Governmental Units, the Governmental Units would like to know about your experiences.

The information the Governmental Units will be seeking includes, but is not limited to: whether or not firms face difficulties or barriers when bidding as prime contractors, subcontractors, or vendors; whether or not business owners believe they have been treated fairly or unfairly based on their race, ethnicity or gender; whether or not prime contractors solicit, or fail to solicit, bids or price quotes from Targeted Group Small Businesses on non-goal projects; and whether or not there is a level playing field for firms in access to capital, bonding and insurance. Personal testimony will be limited to five minutes.

Additional information is available on the Materials Management Division website at: <http://www.mmd.admin.state.mn.us>.

The Minnesota Joint Availability and Disparity Study includes the Minnesota Department of Administration, the Minnesota Department of Transportation, the Metropolitan Council, the Metropolitan Airports Commission, the Metropolitan Sports Facilities Commission, and the Metropolitan Mosquito Control District.

Minnesota State Agricultural Society - MINNESOTA STATE FAIR State Fair's Annual Meeting Scheduled for January 16 -18, 2009

MINNESOTA STATE FAIRGROUNDS - The 150th annual meeting of the Minnesota State Agricultural Society, governing body of the Minnesota State Fair, will be held Jan. 16, 17 and 18 at the Sheraton Bloomington Hotel. The society's general business session is scheduled for 8:00 a.m. Sunday, Jan. 18, followed by a meeting of the society's board of managers. A complete schedule of meetings and events will be available at the hotel.

The 2009 Minnesota State Fair runs Aug. 27 - Labor Day, Sept. 7.

Department of Human Services Health Care Purchasing and Delivery Systems Division Health Care Administration Public Notice of Maximum Allowable Costs of Medical Assistance Outpatient Prescribed Drugs

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

At least once each calendar year, the United States Department of Health and Human Services, Centers for Medicare & Medicaid Services, publishes a federal upper limit (FUL) payment schedule for many commonly prescribed multiple-source drugs. The federal upper limit is set at a rate equal to 150 percent of the published price for the least costly therapeutic equivalent that can be purchased by pharmacists. This FUL payment schedule constitutes the federal MAC list. For many multiple-source drugs that are not on the federal MAC list, the Department establishes a state MAC list. Additionally, the Department imposes a state MAC for many multiple-source drugs that are on the federal MAC list, as long as the savings are at least as much as the savings would be using the federal MAC list.

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

No earlier than January 6, 2008 the Department may add the following outpatient prescribed drugs to the state MAC list:

Drug Name

- GALANTAMINE

These additions are made to bring Medical Assistance reimbursement to pharmacists more closely in line with the actual acquisition cost of the drugs listed above. The Department estimates that there will be a state savings of \$10,000.00 for State Fiscal Year 2008 (July 1, 2008 through June 30, 2009).

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

Written comments and requests for information may be sent to Pharmacy Program Manager, Health Care Purchasing and Delivery Systems Division, Health Care Administration, Minnesota Department of Human Services, P.O. Box 64984, St. Paul, Minnesota 55164-0984; **phone:** (651) 431-2504.

Official Notices

Department of Natural Resources (DNR)

Planned Expansion of the Iron Range Off-Highway Vehicle Recreation Area - Public Review Opportunity

Project Proposal: Expansion of Off-Highway Vehicle Recreation Area - 2,500-Acre Virginia Site

Project Sponsor: Minnesota Department of Natural Resources, Parks & Trails Division, St. Paul, MN 55155-4052. Project funding will come from a mix of State and Federal Trail project funding sources, including Minnesota's dedicated off-highway vehicle funding accounts.

Project Description: This proposal entails developing off-highway vehicle trails, access roads, and associated infrastructure at the 2,500-acre Virginia Addition to the Iron Range Off-Highway Vehicle Recreation Area (OHVRA). This new site will be connected by trail to the OHVRA located at Gilbert which has been in operation since Fall 2002.

Project Location: (*See Project Map*). Generally, the Virginia Addition to the OHVRA is located east of the City of Virginia and north of the City of Gilbert on the land adjacent to the north, east and south boundaries of the St. Louis County Landfill. This includes land in T58N R17W, Sections 2, 3, 11, 14, 15, 16 and 23.

Need and Justification: This 2,500-acre addition to the Iron Range OHV Recreation Area was legislatively authorized in 1999 (*MN Session Laws, 1999, Chapter 231, Sect. 99, Subdiv. 4*). That portion of the OHVRA at Gilbert has been operating since 2002. The Virginia Addition, as yet undeveloped, will greatly add to the over all experience of recreation area visitors. The Iron Range OHVRA was always intended to include both components, since neither site provides sufficient recreational opportunity all by itself.

Site Design: All proposed development will take place within the statutory boundaries of the IROHVRA. The Virginia Addition will be developed for OHV trail riding with little need for new infrastructure beyond culverts, access roads, trail bridges and property boundary fencing. No buildings will be constructed at this site. A bridge will be constructed to facilitate vehicle crossing of the Pike River Flowage at the sites' main entrance at Gilbert. A culvert under State Highway 135 will also be developed to provide a safe off-road trail connection between Gilbert and Virginia portions of the combined facility. Coordination between MNDOT, DNR and the City of Gilbert will be essential in connecting the two sites by trail. This crossing will provide for off-highway vehicle traffic under the highway, as well as for maintenance and management vehicle access.

Trail Design: The OHV trails on the Virginia site will be designed using the DNR's recently published "*Trail Planning, Design & Development Guidelines*" for sustainable trail development. Site-specific trail construction will also be influenced by the terrain, geographic features and soil types, as well as by surface water features, wetlands, rock outcrops, old road beds, old mining roads and former railroad rights-of-way located on the site.

Wetland Impacts: Wetlands located in and around the Virginia Site have been identified and mapped during the planning process. Wetland impacts will be avoided and minimized during project planning and development, and any unavoidable impacts will be mitigated as required by state and federal law. Wetland delineation and permitting will precede any planned construction in or adjacent to identified wetland areas.

Surface Water Crossings: The Pike River headwater is located immediately adjacent to the Virginia Site. Crossing of the Pike River flowage will require use of an existing river crossing along an old County Road that once crossed the river. This bridge will need to be replaced. The final bridge design is not yet known. Consultation with permitting agencies will determine the type of bridge. The site also features varying terrain with many small flowages. Culvert placement will also be determined on a 'as-needed' basis site as trail development proceeds.

Vegetative Cover: The major cover types found throughout the site include aspen, black spruce, paper birch, sugar maple, red pine and small amounts of white pine and understory brush. Vegetative impacts will be limited to the areas of road or trail development. Trail corridors will be kept narrow in order to minimize stormwater runoff, and to preserve the existing forest canopy. Narrow trail corridors will also enhance aesthetics and add to the rider's recreational experience.

Soils: Soils within the project area can be described as either relatively undisturbed or altered by mining activity. Soils have been mapped and are available from the project sponsor. The majority of the undisturbed soils consist of 8 to 14" of loamy surface material

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(loam or silt loam textures) over a clay subsoil. The predominant soil drainage of this area ranges from moderately well to somewhat poor. A small portion of the area consists of coarse loamy surface material (loamy sand or sandy loam) over sand and/or gravel. Deep wet peat and wet organic mineral soils are also present.

Operation & Maintenance: The site will be operated and maintained by DNR's Parks & Trails Division out of the existing Gilbert OHVRA. Management methods and maintenance schedules will be similar to those employed at the Gilbert Site over the past six years.

Next Steps: A Citizen's Advisory Committee Meeting is planned for 6:00 PM on Friday, February 6, 2009 at the Mountain Iron Community Center, 8586 Enterprise Drive South, just south of Highway 169 between Mineral Avenue and Mud Lake Road to hear public comment on the draft site design proposal. The public is invited to attend. Following the close of the public review period on February 13, 2009, the OHVRA Facility Master Plan (*dated 12/31/98*) will be amended to reflect plans for the Virginia Addition, and preparation of an Environmental Assessment Worksheet (*per MR Ch. 4410.4300*) will begin. Project permitting and construction will move forward upon completion of project environmental review.

For More Information: See www.mndnr.gov for downloadable maps, committee rosters, a planning timeline and supporting technical data for the planned Virginia Addition to the Iron Range OHV Recreation Area. Hard copies of this and additional background materials is also available upon request from the address below.

Copies of the Iron Range OHVRA Master Plan (*dated 12/31/98*) are available for inspection at both the Gilbert and Virginia Public Libraries, and at the State Legislative Reference Library in St. Paul, Minnesota.

Submit Written Comments to:

Brian McCann, Planner
MN DNR, Div. of Parks & Trails
Box 52, 500 Lafayette Road
St. Paul, Minnesota 55155-4052
Phone: (651) 259-5627 (direct) or Toll Free 1-888-MINNDNR (646-6367)
Fax: (651) 297-5475
E-mail: brian.mccann@dnr.state.mn.us

Comment Deadline: 4:30 PM on Friday, February 13, 2009

Ombudsman for Mental Health and Developmental Disabilities Notice of Advisory Committee Meeting January 15, 2009

The Ombudsman for MHDD Advisory Committee will hold a meeting from 9:00 a.m. to 12:00 p.m. on Jan. 15, 2009. The meeting will be held in Suite 420 Metro Square Bldg., 121 - 7th Place E., St. Paul. Please RSVP to Paula at: (651) 757-1800 or 1-800-657-3506.

Minnesota Racing Commission Request for Comments on Possible Amendment to Rules Governing Horse Racing, **Minnesota Rules, 7869 Definitions; 7870 Licensure; 7873 Pari-mutuel Rules; 7876 Stabling; 7877 Class C Licenses; 7883 Horse Races; 7884 Harness Races; 7890 Horse Medication; 7892 Medical Testing; 7897 Prohibited Acts; 7899 Variances**

Subject of Rules. The Minnesota Racing Commission requests comments on its possible amendment to rules governing horse racing. The Commission is considering rule amendments that maintain adequate medical personnel while reducing the expense of having an ambulance on site; reduce the number of betting interests for Superfecta wagering; revise language to reflect protected class status under Minnesota statute; include "microchip" as a form of horse identification; add reporting of alteration of the sex of a horse to trainer
(Cite 33 SR 1225)

Official Notices

responsibilities; add to or redefine duties and responsibilities of veterinarians, Claims Clerk, and Outriders; redefine who may claim a horse; prohibit or restrict the use of toe grabs or like equipment; redefine criteria to deny entry of a horse; define “biological product”; amend procedures for the taking of test samples; add to the Chapter on prohibited acts the removal of a horse from the stabling area that is entered in a race, and possession or use of a drug, substance, medication, biological product, or venom; revise disciplinary and appeal procedures; and revise the Chapter on variances with respect to part 7870.0500.

Persons Affected. The amendment to the rules would likely affect Class A & B Licensees, Class C licensees, including employees of Class A & B Licensees, horse owners, breeders, trainers, and drivers.

Statutory Authority. *Minnesota Statutes*, sections 240.08, 240.13, 240.23, 240.24, authorize the Racing Commission to amend rules which affect the integrity of racing or the public health, welfare, or safety.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing or orally until further notice is published in the *State Register* that the Commission intends to adopt or to withdraw the rules. The Commission does not contemplate appointing an advisory committee to comment on the possible rules.

Rules Drafts. The Commission has prepared a draft of the possible rules amendments.

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

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

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

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge 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: January 6, 2009

Richard G. Krueger
Minnesota Racing Commission

Minnesota Board of Teaching Request for Comments on Possible Rules Governing Credentialing for Paraprofessionals, *Minnesota Rules*, Part 8710

Subject of Rules. The Minnesota Board of Teaching requests comments on its proposed rules governing the credentialing of paraprofessionals. The Board is considering rules that would establish a voluntary statewide credential for education paraprofessionals who assist a licensed teacher in providing student instruction.

Persons Affected. The rules would likely affect current and future education paraprofessionals, school districts, and charter schools.

Statutory Authority. *Minnesota Statutes*, section 122A.09, subdivision 4, grants authority to the Board of Teaching to adopt rules regarding teacher licensure and renewal. *2007 Minnesota Session Laws*, Chapter 146, Article 2, Section 34 required the Board of

Teaching to adopt rules relating to credentialing paraprofessionals.

Sec. 34. RULEMAKING REQUIRED.

(a) Notwithstanding the time limit in *Minnesota Statutes*, section 14.125, the Board of Teaching must adopt the rules it was mandated to adopt under *Laws 2003*, chapter 129, article 1, section 10. The board must publish a notice of intent to adopt rules or a notice of hearing for rules subject to this section before January 1, 2008.

(b) The Board of Teaching may charge fees to issue new credentials and to renew credentials for para-professionals issued credentials under the rules adopted under this section.

EFFECTIVE DATE. This section is effective the day following final enactment.

Public Comment. Interested persons or groups may submit comments or information on the proposed rules in writing until 4:30 p.m. on Friday, February 20, 2009.

Rule Drafts. The Board has prepared a draft of the proposed rule. It is available for viewing on the Board of Teaching website at: http://education.state.mn.us/mdeprod/idcplg?IdcService=GET_FILE&dDocName=035526&RevisionSelectionMethod=latest&Rendition=primary

Agency Contact Person. Written comments, questions, and requests for more information about the proposed rules should be addressed to:

Karen Balmer, Executive Director
Minnesota Board of Teaching
1500 Highway 36 West
Roseville, Minnesota 55113
Phone: (651) 582-8888
Fax: (651) 582-8872
E-mail: karen.balmer@state.mn.us
TTY: (651) 582-8201

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 in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The Board is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: January 5, 2009

Karen Balmer, Executive Director
Minnesota Board of Teaching

State Contracts

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

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

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

Get the Most from this Contracts Section

A summarized "Contracts & Grants" section lists **all contracts and grants** currently open for bid. It is available **only to subscribers** to the *State Register*. Subscribers also receive LINKS to the *State Register*, as well as Bookmarks. Subscribers also receive a growing INDEX to each volume, including the current issue, as well as indices to previous volumes. Here's what you receive via e-mail:

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Department of Administration (Admin)

State Designer Selection Board Project No. 08-26

Minnesota State Colleges and Universities (MnSCU)

Notice of Availability of Request for Proposal (RFP) for Designer Selection for: Workforce Center Co-location Addition

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of Rochester Community and Technical College, through the State Designer Selection Board, is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposals is available on the Minnesota State Colleges and Universities website:

<http://www.finance.mnscu.edu/facilities/index.html>, click on "Announcements."

A copy of the pre-design is available for review at <http://www.finance.mnscu.edu/facilities/index.html>.

A mandatory informational meeting is scheduled for 1:00 P.M., Thursday, January 15, 2009 in Room HA 104, on the Rochester Community and Technical College campus, Heintz Center Building, 1926 Collegeview Drive S.E., Rochester, MN 5904. All firms interested in this meeting should contact June Meitzner, at june.meitzner@roch.edu to sign up to attend the meeting. Project questions will also be taken by this individual.

Proposals must be delivered to Bev Kroiss, Executive Secretary, State Designer Selection Board, Administration Building, Room 309, Real Estate and Construction Services Office, 50 Sherburne Ave., St. Paul, MN 55155; phone: (651) 201-2550 not later than 12:00 Noon, CDT, January 26, 2009. Late responses will not be considered.

Minnesota State Colleges and Universities is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

Minnesota State Colleges and Universities (MnSCU) Lake Superior College Advertisement for Bids for Window Replacement

Sealed Bids for: 2008 Window Replacement
Lake Superior College
Duluth, Minnesota

will be received by: Gary Adams, Physical Plant Director
Room W2580
Lake Superior College
2101 Trinity Road
Duluth, Minnesota 55811

Until 2 PM, local time, **Thursday, January 29, 2009** at which time the bids will be opened and publicly read aloud.

Project Scope: Remove and replace 28 windows and brick veneer on a 100' section on the north elevation of the original building.
Alternate #1 - Wood Shop Loading Dock Repairs Alternate #2 - Selective Sealant Replacement Alternate #3 - Selective tuck pointing

A **MANDATORY** Pre-Bid Meeting will be held at **11:00 am, Thursday, January 15, 2009**, in **Room W2580, Lake Superior College in Duluth, Minnesota**. The Architect/Engineer and/or College/University Representatives will review the bidding procedures, Bidding Documents and other conditions with interested Bidders and answer questions.

Bidding Documents as prepared by the Project Architect/Engineer:
Judd Allen Group
8000 W. 78th Street, Suite 180
Edina, MN 55439

are on file at the offices of the:

- 1) above named Project Architect/Engineer.
- 2) following Builders' Exchanges: **Duluth, Minnesota plus St. Paul and Minneapolis, MMD website**
- 3) McGraw Hill Construction Plan Room
- 4) Reed Construction Data Plan Room
- 5) MEDA Minority Contractors Plan Room
- 6) National Association of Minority Contractors of Upper Midwest

Complete sets only of Bidding Documents for use by Bidders in submitting a bid may be obtained at the following address:

Judd Allen Group
8000 W. 78th Street
Suite 180
Edina, MN 55439
A deposit of **\$50.00** is required for each set.

Prospective Bidders requesting that **Bidding Documents** (complete sets only) be mailed to them, may send a separate non-refundable payment (check made out to the Architect) for **\$10.00** per set for shipping & handling (in addition to the **\$50.00** deposit) to the Architect. Such deposits and payments may be sent prior to **January 22, 2009**. Documents will be sent to street addresses only (P.O. Boxes not acceptable).

State Contracts

This project is covered by Minnesota prevailing wage statutes. Contractor and Subcontractor(s) shall be subject to payment of prevailing wage rates for commercial construction as determined for the Project by Minnesota Department of Labor and Industry.

A copy of the applicable Prevailing Wage Rate Determination Schedule, as published by Minnesota Department of Labor and Industry, is attached as an appendix to Section 00 73 46 of the Specifications.

Contractor shall post and maintain at least one copy of the Prevailing Wage Rate Determination Schedule in a conspicuous location on the Project site until substantial completion of the Project.

Each bid which totals over \$15,000.00 shall be accompanied by a certified check, payable to **Minnesota State Colleges and Universities**, in the sum of not less than 5% of the total base bid; or a corporate surety bond of a surety company duly authorized to do business in the state of Minnesota in the same amount; which is submitted as bid security, conditioned upon the Bidder entering into a contract with Minnesota State Colleges and Universities in accordance with the terms of the bid.

Minnesota State Colleges and Universities (MnSCU) Minnesota West Community and Technical College Minnesota West Community and Technical College is Accepting Sealed Bids for 12 Micrologix 1300 PLC Training Systems for the Canby Campus

Details regarding the 12 Micrologix 1300 PLC Training Systems including specifications can be obtained from Gary Olsen, Minnesota West Community and Technical College, 1011 First Street West, Canby, MN 56220 or at (507) 223-7252 ext 121 or via email at: gary.olsen@mnwest.edu.

Deadline for submitting sealed bids is 1:00 pm on Friday, January 23, 2009. Late proposals will not be accepted. Minnesota West Community and Technical College reserves the right to reject all bids.

Minnesota West Community and Technical College is a member of the Minnesota State Colleges and Universities System.

Department of Natural Resources (DNR) Request for Information (RFI) from Potential Vendors Interested in Operating a Fueling Facility on Lake Vermilion, St. Louis County

1. INTRODUCTION

The purpose of the Request for Information (RFI) is for the Department of Natural Resources (DNR) to obtain information from potential vendors who may be interested in installing and operating a retail fueling facility at the Moccasin Point Public Water Access on Lake Vermilion, St. Louis County through a lease agreement.

2. OBJECTIVE

The DNR's objective is to solicit information and interest from potential vendors in providing fueling services similar to the existing operation prior to state acquisition. The State's expectation for the vendor is to provide a quality fueling service. The potential lease agreement would provide exclusive rights to operate a retail fuel facility for a term of 10 years. The State would receive compensation for the use of the land. A lease fee is charged based on either a fee schedule or a percent of the appraised value of the land. There is an additional lease fee if any of the existing buildings at the site are used.

3. TECHNICAL CONSIDERATIONS

The previous fueling facilities were removed from the site as a requirement of the State's acquisition. The State will not provide fueling facilities or funding for any capital improvements. According to the previous resort owner, approximately 150,000 to 200,000 gallons of fuel was sold per year; this amount has not been verified.

The MN State Fire Code requires an attendant to be on site during marine fuel sales. Section 2210.3.2 states “marine motor fuel-dispensing facilities shall have an attendant or supervisor who is fully aware of the operation, mechanics and hazards inherent to fueling of boats on duty whenever the facility is open for business. The attendant’s primary function shall be to supervise, observe and control the dispensing of Class I, II or IIIA liquids or flammable gases.”

The installation of above ground fuel storage tanks (AST) including piping and all associated equipment shall comply with the Minnesota State Fire Code (MSFC) Chapters 22 and 34, applicable NFPA standards, Environmental Protection Agency, MN Pollution Control Agency, and MN DNR Division of Waters rules and regulations.

The potential lessee will be responsible for all site work costs including but not limited to: permits, soil testing, engineering and construction, erosion control, plantings, utilities, security, and signage.

4. INFORMATION BEING REQUESTED

Please describe your interest, vision and plan to provide a retail fueling facility and other services at the Moccasin Point Public Water Access.

- **Vendor Qualifications**
 - ♦ Provide a general description of you or your company’s qualifications, structure, size, area of expertise and years in business.
 - ♦ What characteristics do you or your company have that differentiate you from others in the industry?
 - ♦ Describe your knowledge of Lake Vermilion, including the general atmosphere, resorts, similar businesses and experience with outdoor recreation in the area.
 - ♦ Do you have any experience working with governmental entities? Please explain.

- **Fueling Facility**
 - ♦ Please describe the size and type of the above ground fueling facility that you would propose installing and provide an itemized estimate of costs.
 - ♦ Please outline your proposed hours, days and seasons of operation.
 - ♦ Describe the area of land that is needed (in square feet) to install and operate the desired facility? Including land for fuel tanks, parking, attendant station, etc.
 - ♦ Provide a realistic timeline, starting from the lease award up to a fully operational facility.

- **Other Services**
 - ♦ Are you interested in providing convenience items, food or other services at the site?
 - ♦ Are you interested in using any of the buildings existing on site? If so, for what purpose?
 - § Former Lodge /Bar-Restaurant (will require extensive repairs and updates, including accessibility, in order to be open to the public).
 - § Marine Maintenance Building
 - § Cabin
 - ♦ Please list and describe any other structures needed with your plan.

5. RFI RESPONSES:

Response should be submitted to the address shown below no later than 4:00 PM Central Time, January 30, 2009. Questions may be addressed to Stan Linnell at (651) 259-5626 or by e-mail at: stan.linnell@dnr.state.mn.us

Stan Linnell, Planning, Acquisition and Development Manager
Minnesota Department of Natural Resources
500 Lafayette Road, Box 52
St. Paul, MN 55155-4044

RFI responses will be used to determine interest and gather information on the services vendors would propose, the scope of the fueling facility and hours of operation. Information provided may be used to develop a competitive Request for Proposals (RFP). RFI information will be kept confidential to the extent permitted by law.

State Contracts

Minnesota Racing Commission

Notice of Contractual Positions for Associate Judges

NOTICE IS HEREBY GIVEN that the Minnesota Racing Commission is accepting applications for two contractual positions of Associate Judge in conjunction with live racing at Running Aces Harness Park in Columbus, Minnesota. The contract will be for 2009, with the option of extending for up to four additional years.

North Metro Harness Initiative dba Running Aces Harness Park will be running a 51 day harness race meet, Tuesday, Friday, Saturday and Sunday, and holidays, from May 15 to August 9, 2009. The contractor will need to be available to work full-time from late April through late August.

Consideration will be given to qualified providers who have served in a regulatory official capacity in previous years. All candidates must have received accreditation as a Judge from the United States Trotting Association (USTA). In addition, candidates must provide documentation of an optical exam evidencing 20/20 vision.

For further information or to obtain a copy of the complete Notice of Contractual Position, free of charge, please contact:

Mary Manney, Deputy Director
Minnesota Racing Commission
15201 Zurich Street
Columbus MN 55379
Phone: (651) 925-3954

The deadline for submitting applications is 3:30 PM central standard time, Monday, February 9, 2009.

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

Department of Transportation (Mn/DOT) Engineering Services Division Notice Concerning Professional/Technical Contract Opportunities and Taxpayers' Transportation Accountability Act Notices

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

New Public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice. Mn/DOT is also posting notices as required by the Taxpayers' Transportation Accountability Act on the above referenced website.

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.

Dakota County Community Services Notice of Request for Proposal (RFP) for Employment Programs to Fulfill the Requirements of the Workforce Investment Act and *Minnesota Statute 116L.17*

NOTICE IS HEREBY GIVEN that Dakota County Employment and Economic Assistance – Workforce Services Department and Dakota County Workforce Investment Board (WIB) are seeking qualified providers for services to workers dislocated from employment lay-offs of fewer than 50 individuals from a single workplace as well as to unemployed or underemployed adults who are eligible to receive core, intensive and training services under Title I of the Workforce Investment Act. These services are funded by an allocation formula which apportions federal and state monies to Workforce Service Area (WSA).

Non-State Bids, Contracts & Grants

Contracts may or may not arise as a result of submitting a Request for Proposal. Any contractual agreements are subject to approval by the Dakota County Workforce Investment Board and the Dakota County Board of Commissioners and to funding availability.

A complete copy of the RFP is available through the Dakota County Internet website at: www.co.dakota.mn.us. Click on E-Government and select RFP on the menu.

Contact: Yende Anderson, Program Developer
Dakota County Workforce Services
1 Mendota Road West, Suite 500
West St. Paul, MN 55118-4773
Phone: (651) 554-5972
Fax: (651) 554-6565
E-mail: yende.anderson@co.dakota.mn.us

Proposer's Conference is scheduled from 9:00 –11:00 a.m. CDT on Friday, January 16, 2009 at the **Dakota County Northern Service Center in West St. Paul. See proposal for details.**

Deadline for proposals is 4:00 p.m. CDT on Monday, February 16, 2009. Late or incomplete proposals will not be considered.

Hennepin County Designer Selection Committee (DSC) Advertisement for Architectural/Engineering 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 Men's Section Kitchen Expansion & Remodeling
- New Walker Library

To obtain a Request for Proposal, please access the Hennepin County internet site at 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 Adam Sobiech, Hennepin County Property Services, at (612) 348-3172.

Metropolitan Council Notice of Request for Proposals (RFP) for a Vendor-hosted, Web-based Learning Management System Contract Number 08P147

The Metropolitan Council is soliciting proposals to provide a vendor-hosted, web-based Learning Management System. The *anticipated* schedule for this procurement is as follows:

Issue Request for Proposals	January 12, 2009
Questions Due	January 27, 2009
Proposals Due	February 10, 2009
Award Contract	March 2009

All firms interested in supplying these services should provide a contact name, company name, address, telephone number, and fax number when requesting a copy of the RFP from:

Non-State Bids, Contracts & Grants

Miriam Lopez-Rieth
Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council
390 North Robert Street
St. Paul, MN 55101
Fax: (651) 602-1083
E-mail: miriam.lopez-rieth@metc.state.mn.us

Metropolitan Council - Metro Transit Connect Brochure Printing

Metro Transit a service of the Metropolitan Council is soliciting sealed bids for Connect Brochure Printing for a period of two years. Bids are due 2:00 PM, January 21, 2009. 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

University of Minnesota (U of M) Subscribe to Bid Information Service (BIS)

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

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

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