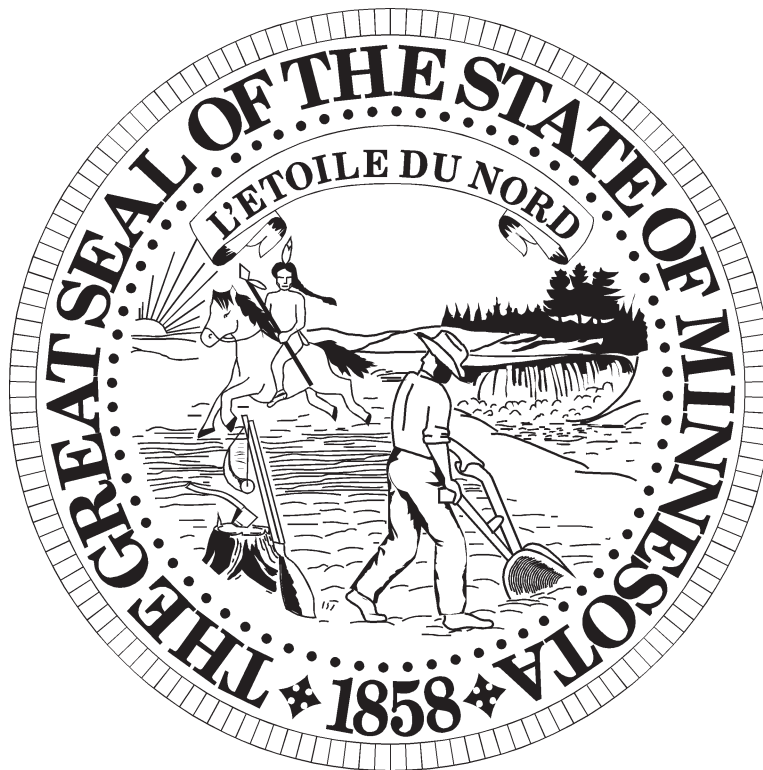


State of Minnesota

State Register



**Rules, Executive Orders, Appointments,
Commissioners' Orders, Revenue Notices, Official Notices, Grants,
State Contracts & Loans, Non-State Bids, Contracts & Grants**
Published every Monday (Tuesday when Monday is a holiday)

**Monday 21 July 2008
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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
- appointments
- official notices

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Vol. 33 Issue Number	PUBLISH DATE (BOLDFACE shows altered publish date)	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for Proposed, Adopted and Exempt RULES
# 3	Monday 21 July	Noon Tuesday 15 July	Noon Wednesday 9 July
# 4	Monday 28 July	Noon Tuesday 22 July	Noon Wednesday 16 July
# 5	Monday 4 August	Noon Tuesday 29 July	Noon Wednesday 23 July
# 6	Monday 11 August	Noon Tuesday 5 July	Noon Wednesday 30 July

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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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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 Education

Division of Assessments and Testing

Proposed Permanent Rules Relating to Graduation-Required Assessment for Diploma (GRAD)

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

Proposed Permanent Rules Relating to Graduation-Required Assessment for Diploma, *Minnesota Rules*, 3501.1000 to 3501.1190

Introduction. The Department of Education intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on August 20, 2008, the Department will hold a public hearing in Conference Center B, Room 16, 1500 Highway 36 West, Roseville, Minnesota 55113, starting at 10:00 a.m. on Wednesday, September 3, 2008. To find out whether the Department will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after August 20, 2008 and before September 3, 2008.

Proposed Rules

Agency Contact Person. Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Sage Van Voorhis at MDE, 1500 Highway 36 West, Roseville, Minnesota, 55113, **phone:** (651) 582-8571, **Fax:** (651) 582-8248 and **e-mail:** sage.vanvoorhis@state.mn.us. TTY users may call the Department of Education at (651) 582-8201.

Subject of Rules and Statutory Authority. The proposed rules are about graduation requirements for students who wish to earn a diploma from a Minnesota public school. In the 2006 and 2007 legislative sessions, the state legislature revised the exam requirements for students graduating from a Minnesota public high school. In 2006, the Basic Skills Test (BST) was eliminated and replaced with the Minnesota Comprehensive Assessments (MCA). In 2007, the statute was further clarified and revised to establish the Graduation-Required Assessment for Diploma (GRAD) as a retest option to satisfy graduation requirements. In this legislation, the Department also was granted rulemaking authority to establish passing requirements for students in special circumstances. Therefore, the Department is proposing revisions to Minnesota's graduation exam rules to fulfill these statutory responsibilities.

The statutory authority to adopt the rules is 2007 *Minnesota Laws*, chapter 146, article 2, section 36. 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 Wednesday, August 20, 2008, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. You must also make any comments about the legality of the proposed rules during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Department hold a hearing on the rules. You must make your request for a public hearing in writing and must be received by the agency contact person by 4:30 p.m. on Wednesday, August 20, 2008. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

Alternative Format/Accommodation. Upon request, the Department can make this Notice available in an alternative format. 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 Department may modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Department follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Department encourages you to participate in the rulemaking process.

Cancellation of Hearing. The Department will cancel the hearing scheduled for September 3, 2008, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (651) 582-8571 after August 20, 2008, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the Department will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Department will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Kathleen D. Sheehy is assigned to conduct the hearing. Judge Sheehy can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **phone:** (651) 361-7848, and **Fax:** (651) 361-7936.

Proposed Rules

Hearing Procedure. If the Department holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. 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 that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when 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. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

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.

Statement of Need and Reasonableness. The statement of need and reasonableness 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 now available from the agency contact person. You may review or obtain copies at the cost of reproduction by contacting the agency contact person.

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

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

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

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

Dated: July 8, 2008

Chas Anderson, Deputy Commissioner
Department of Education

3501.1000 PURPOSE.

The purpose of parts 3501.1000 to 3501.1190 is to establish statewide graduation test standards and rules for administration and implementation of the graduation-required assessment for diploma (GRAD).

3501.1020 SCOPE.

Parts 3501.1000 to 3501.1190 govern the graduation standards that Minnesota public schools must require for a high school diploma for all students enrolled in grade 8 in the 2005-2006 school year and later.

3501.1030 DEFINITIONS.

Subpart 1. Scope. The terms used in parts 3501.1000 to 3501.1190 have the meanings given them in this part.

Subp. 2. Accommodation. "Accommodation" means an adjustment in a testing condition, such as the setting for or scheduling of the test, or a change in the method of administering a test. An accommodation does not compromise the security or the confidentiality of the test, does not alter the meaning of the score, or render the student's score incomparable to the scores of those students who took the test

Proposed Rules

under standard conditions.

Subp. 3. **Department.** “Department” means the Department of Education.

Subp. 4. **District.** “District” means a school district.

Subp. 5. **Graduation-required assessment for diploma (GRAD).** “Graduation-required assessment for diploma” or “GRAD” means the assessment that measures the reading, writing, and mathematics proficiency of high school students.

Subp. 6. **Individualized education program or IEP.** “Individualized education program” or “IEP” means a written statement developed for a student eligible for special education and services pursuant to *Minnesota Statutes*, sections 125A.03 to 125A.24, and the Individuals with Disabilities Education Act, as amended in 2004, Public Law 108-446.

Subp. 7. **Modification.** “Modification” means an adjustment of a test that results in changing the standard for a particular student.

Subp. 8. **Parent.** “Parent” means, for a student under age 18, the mother, father, guardian, person acting as the parent of the student, conservator, or surrogate parent who has been appointed according to parts 3525.2435 to 3525.2455. For a student age 18 or over, parent also includes the student unless a guardian or conservator has been appointed, in which case it means the guardian or conservator. When the parents are separated or divorced, it means the parent who has the legal right, by court decree or agreement, to determine the student’s education, even though the student may be living with the other parent.

Subp. 9. **Public schools.** “Public schools” means all public schools as defined in *Minnesota Statutes*, section 120A.05, and includes, but is not limited to, public school districts, charter schools, the state academies for the deaf and the blind, and the Center for Arts Education.

Subp. 10. **Section 504 accommodation plan.** “Section 504 accommodation plan” means the defined appropriate accommodations or modifications that must be made in the school environment to address the needs of an individual student with disabilities. This section of the federal Rehabilitation Act of 1973, Public Law 91-230, as amended in Public Law 101-476, extends protection to a much broader student population than just those students with IEPs.

Subp. 11. **Statewide graduation standards.** “Statewide graduation standards” means statements of what a student should know and be able to do as described by *Minnesota Statutes*, sections 120B.02 and 120B.021.

Subp. 12. **Student.** “Student” means a person admitted to a public school as defined in *Minnesota Statutes*, section 120A.05, in accordance with *Minnesota Statutes*, section 120A.20.

Subp. 13. **Test specifications.** “Test specifications” means statements of the requirements that tests must include and how tests are designed. The specifications define the required content, format, level of difficulty, types of items, and length of the tests.

3501.1040 GRAD REQUIREMENTS.

The GRAD requirements for reading, mathematics, and writing are established in this chapter.

To qualify for a high school diploma, a student must demonstrate competency in the statewide standards for reading, mathematics, and writing by fulfilling the graduation test requirements established by *Minnesota Statutes*, sections 120B.02 and 120B.30.

3501.1050 TESTING FOR STATEWIDE GRAD STANDARDS.

Subpart 1. **District testing.** A district must test for proficiency in statewide graduation standards by using the graduation-required assessment for diploma.

Subp. 2. **Offering GRAD.** A district must not offer the GRAD before the grade of its first census administration. Once the test has first been offered to a group of students, the district must continue to offer the GRAD to that group of students at least once a year.

3501.1110 OPPORTUNITIES TO LEARN AND REMEDIATION.

A district’s curriculum must include opportunities for all students to learn the GRAD requirements and subject matter. The district must develop a plan for remediation for a student who, after two retest opportunities, has not passed a specific GRAD.

3501.1120 REQUIRED NOTIFICATION TO PARENTS AND STUDENTS.

Subpart 1. **Written notice.** A district must establish and maintain a system to provide written notice to parents and students about graduation requirements.

Subp. 2. **Notice of graduation requirements.** Beginning in the 2008-2009 school year and each subsequent year the district must provide to parents and students written notice of:

A. the graduation requirements; and

B. the grade in which the student will have the first opportunity to take a GRAD.

Subp. 3. **Notice of test results and remediation opportunities.** The district must provide written notice to parents and the student of GRAD results no later than 60 days after a student takes a GRAD. After the date of receiving test results, students must have a minimum of six weeks for remediation before the next testing opportunity.

3501.1130 STUDENT RECORD KEEPING.

Subpart 1. **Test results.** The district must keep a record on each student that includes:

- A. the GRAD taken; and
- B. the results of the most recent GRAD given.

Subp. 2. **Student progress.** Individual student progress must be reported on a student record as described in items A and B.

A. "Pass-state level" or "PS" must be noted on the record of a student who passes a GRAD under standard conditions or with an accommodation. The records for students passing with an accommodation must not differ from the records of students passing the test under standard conditions.

B. "Pass-individual level" or "PI" must be noted on the record of a student who passes a GRAD with a modification established in the IEP or section 504 accommodation plan in accordance with part 3501.1190. This notation is also used as a GRAD notation for any other modified or alternate assessment used for accountability purposes for students with disabilities.

3501.1140 TEST ADMINISTRATION.

The district must administer the GRAD under standard testing conditions defined by the developer of the particular test. The district must use the directions provided with the test. Test administration with accommodations or modifications to standard testing conditions must occur only in accordance with part 3501.1190.

3501.1150 TEST SECURITY.

Subpart 1. **Security requirements.** When administering GRAD, the district must observe the following test security measures:

- A. all test materials must be secured, either physically or electronically, before and after the test administration;
- B. all testing materials are nonpublic data under Minnesota Statutes, section 13.34;
- C. a student is required to present a valid photo ID before being admitted to the testing site if:
 - (1) the student is not enrolled in the testing district; or
 - (2) the student is unknown to the test proctor when testing in the enrolled district; and
- D. districts must report any known violations of test security to the department. The department must accept reports of violations of test security from anyone with knowledge of such an incident.

Subp. 2. **Security violations.** The department must investigate any reported incidents of breaches in test security. The consequences of a violation in test security may include:

- A. the invalidation of test scores if a violation is found to justify serious questions about the integrity of the results of the test administration; or
- B. other reasonable sanctions that are necessary to preserve the security and confidentiality of future tests and test administrations.

3501.1160 REQUIRED DOCUMENTATION FOR PROGRAM AUDIT.

The district must maintain records necessary for program audits conducted by the department. The records must include documentation that:

- A. remediation plans for students are developed consistent with part 3501.1110;
- B. the district's curriculum and instruction provides appropriate learning opportunities in the state graduation requirements in compliance with part 3501.1110;
- C. notifications to parents and students meet the requirements of part 3501.1120;
- D. student records meet the requirements of part 3501.1130;
- E. the GRAD administration plan complies with part 3501.1140;
- F. test security procedures comply with part 3501.1150;
- G. the district's process for testing considerations for LEP students complies with part 3501.1180;
- H. the documentation for students granted accommodations for testing complies with part 3501.1190; and
- I. the assessments and documentation of performance for students granted modifications of statewide standards comply with part 3501.1190.

3501.1170 PASSING SCORES FOR GRAD.

Subpart 1. **Passing scores.** Passing scores for purposes of this part reflect an achievement level equivalent to or greater than the level determined through a standard setting process.

Subp. 2. **Reading and mathematics.** The passing scores for the GRAD in reading and mathematics are as provided by Minnesota Statutes, section 120B.30, subdivision 1, for students enrolled in grade 8 in the 2005-2006 school year and later.

Subp. 3. **Writing.** The passing score for the GRAD in writing is as provided by Minnesota Statutes, section 120B.30, subdivision 2, for students enrolled in grade 8 in the 2005-2006 school year and later.

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3501.1180 STUDENTS IN UNIQUE SITUATIONS.

Subpart 1. **Dual enrolled students.** Dual enrolled students are public school students. To graduate from a Minnesota public high school, a dual enrolled student must fulfill the graduation test requirements in reading, mathematics, and writing established by Minnesota Statutes, sections 120B.02 and 120B.30.

Subp. 2. **English language learners (ELL).** English language learners (ELL) who are public school students and are designated in the Minnesota Automated Reporting Student System (MARSS) as Limited English Proficiency (LEP) are not required to pass the GRAD for up to four years from their date of enrollment in any school in which the primary language of instruction is English. An ELL student who enrolls in grade 9 or above at or after the start of the academic year and who completes the course work and any other state and district requirements to graduate within a four-year period is not required to pass the GRAD.

Subp. 3. **Foreign exchange students.** To graduate from a Minnesota public high school, a foreign exchange student must fulfill the graduation test requirements in reading, mathematics, and writing established by Minnesota Statutes, sections 120B.02 and 120B.30. If a foreign exchange student will not receive a diploma from a Minnesota public high school, the student is not required to fulfill the graduation test requirements.

Subp. 4. **Home school students.** Home school students are not public school students and passing the GRAD is not required. To graduate from a Minnesota public high school, a home school student must fulfill the graduation test requirements in reading, mathematics, and writing established by Minnesota Statutes, sections 120B.02 and 120B.30.

Subp. 5. **Open enrollment students.** Open enrollment students are public school students. To graduate from a Minnesota public high school, an open enrollment student must fulfill the graduation test requirements in reading, mathematics, and writing established by *Minnesota Statutes*, sections 120B.02 and 120B.30.

Subp. 6. **Postsecondary enrollment option (PSEO) students.** Postsecondary enrollment option (PSEO) students are public school students. To graduate from a Minnesota public high school, a PSEO student must fulfill the graduation test requirements in reading, mathematics, and writing established by *Minnesota Statutes*, sections 120B.02 and 120B.30.

A PSEO student who is present on the day of testing should participate in the current series Minnesota Comprehensive Assessments (MCA). A PSEO student who is not present for the current series MCA must take the GRAD at a later date.

Subp. 7. **Shared-time students.** Shared-time students are private school students attending a public school class; these students are not public school students and passing the GRAD is not required. To graduate from a Minnesota public high school, a shared-time student must fulfill the graduation test requirements in reading, mathematics, and writing established by *Minnesota Statutes*, sections 120B.02 and 120B.30.

Subp. 8. **Transfer students who passed a graduation examination in another state.** A district may submit a passing score report for a transfer student and a copy of the test specifications to the department for review. As graduation examinations from other states are submitted, the department will maintain a list of states with acceptable substitute graduation examinations. The department will seek reciprocity for the GRAD in other states when it accepts their assessments.

Subp. 9. **District-placed students and students attending school under a tuition agreement.** District-placed students and students attending school under a tuition agreement are public school students. To graduate from a Minnesota public high school, district-placed students and students attending school under a tuition agreement must fulfill the graduation test requirements in reading, mathematics, and writing established by *Minnesota Statutes*, sections 120B.02 and 120B.30.

Subp. 10. **Care and treatment; correctional facility students.** To graduate from a Minnesota public high school, a student placed for care and treatment or a student in a correctional facility must fulfill the graduation test requirements in reading, mathematics, and writing established by *Minnesota Statutes*, sections 120B.02 and 120B.30, unless the student has an IEP or a section 504 accommodation plan, in which case part 3501.1190 applies.

3501.1190 STUDENTS WITH IEP PLANS OR SECTION 504 ACCOMMODATION PLANS.

Subpart 1. **Considerations for students with IEPs or section 504 accommodation plans.** The individualized education program or section 504 accommodation plan for a student with a disability must identify one of the following decisions for each subject area of the GRAD:

A. the student is expected to achieve the statewide standard with or without testing accommodations, resulting in a PS notation on the record when achieving a passing score; or

B. the student is expected to achieve the statewide standard at an individually modified level of difficulty, resulting in a PI notation on the record when achieving the modified level. A Minnesota alternate assessment must be used when an IEP team chooses to replace the GRAD. Adoption of modifications for a student must occur concurrently with the adoption of transition goals and objectives as required by *Minnesota Statutes*, section 125A.08, paragraph (a), clause (1).

Subp. 2. **Testing students with IEPs or section 504 accommodation plans.** All students must be tested under standard conditions as specified by the developer of the test except those students whose IEPs or section 504 accommodation plans specify other decisions consistent with subpart 1.

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A. Decisions regarding appropriate testing conditions, including a decision to provide accommodations for a student, must be made by the IEP team or through the section 504 accommodation plan process and must be reviewed annually.

B. Where subpart 1, item B, applies, the student's IEP or section 504 accommodation plan must define an appropriate assessment of the statewide standard at a modified level of difficulty. Achievement of the individually modified standard shall be certified only through documented student performance of the defined assessment.

Withdrawn Rules

An agency may choose to withdraw rules it has proposed, thus canceling any time-sensitive schedule for public comment, hearing, or further movement toward the rules' adoption. These rules will be listed as withdrawn by their individual rule numbers in the *State Register's* index to rulemaking activity, *Minnesota Rules: Amendments and Additions*. An agency that so chooses to withdraw proposed rules, may reintroduce those same rules at a later date.

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 Education

Division of Compliance and Assistance

Notice of Withdrawal of Administrative Rule on Special Education: Proposed Amendment to *Minnesota Rules*, Chapter 3525; Repeal of Rules 3525.2435 and 3525.2710

NOTICE IS HEREBY GIVEN that the proposed amendment to Chapter 3525, as published in *State Register*, Volume 32, Number 16, Pages 697-723, October 15, 2007, is hereby withdrawn from consideration for adoption by the Department of Education, but for the proposed amendment to *Minnesota Rules* 3525.1341, as published on Pages 708-710.

Dated: July 9, 2008

Chas Anderson, Deputy Commissioner
Department of Education

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 Rule: Disease Management Repeal

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of the rule is *Minnesota Statutes*, sections 97A.045 subd. 11

The emergency condition that does not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, is that efforts to reduce deer populations in the area affected by bovine tuberculosis were largely successful through late winter and early spring. Allowing continued landowner shooting during nighttime hours and with artificial lights, as authorized by 6232.0350, subpart 1 and item 7 would not result in a significant deer population reduction during the summer, when the animals are dispersed and able to feed on a variety of natural foods. Moreover, allowing continued nighttime shooting with artificial lights throughout the summer would cause undue disturbance to nearby residents. The loss of bovine tuberculosis-free accreditation by the U.S. Department of Agriculture continues to be an economic crisis for the Northwestern Minnesota livestock industry. In addition to concurrent regulatory changes in state livestock disease management, regaining bovine tuberculosis-free accreditation from the U.S. Department of Agriculture will require continued deer reduction efforts next fall and winter.

Dated: June 23, 2008

Mark Holsten, Commissioner
Department of Natural Resources

6232.0350 DISEASE MANAGEMENT.

Subpart 1. **Private land open season.** An owner or tenant of land or an agent designated in writing by an owner or tenant of land in the landowner/tenant shooting zone, as defined in part 6232.4700, subpart 1a, may take deer on their land by archery, firearms, or muzzle loader at any time from one-half hour before sunrise to one-half hour after sunset in the landowner/tenant shooting zone.

Subp. 2. **Restrictions.** Deer taken in the landowner/tenant shooting zone must be harvested according to rules and statutes that apply during the regular firearms, archery, and muzzle loader seasons with the following exceptions.

A. deer of any age or sex may be taken without limit or license;

B. a tag with the following information must be attached to the deer prior to transport from the landowner's or tenant's property: landowner's or tenant's name, the township, range, and section where the deer was killed, and the date of the kill;

C. deer must be field dressed at the time of the kill. Carcasses must be presented to the Wannaska Forestry Office, Grygla Forestry Office, or Thief Lake Wildlife Office within 48 hours after taking or as otherwise approved by the commissioner;

D. deer carcasses may not be transported outside the landowner/tenant shooting zone before being presented according to item C, except to be presented at the Wannaska Forestry Office or the Thief Lake Wildlife Office. A possession permit is required to possess deer or parts of deer under this part after presentation at one of the offices listed in item C;

E. wearing blaze orange is not required, except during any open deer hunting season when anyone taking deer must wear blaze orange one-half hour before sunrise to one-half hour after sunset;

F. shooting from stationary motor vehicles is allowed, except from a public roadway; and

G. artificial lights are allowed the antlers from any antlered deer taken by owners or tenants of land or their agents must be turned over to the Thief Lake area wildlife manager to be retained by the state.

EFFECTIVE PERIOD. The expedited emergency amendments to *Minnesota Rules*, part 6232.0350, are effective August 1, 2008, to August 31, 2008.

Revenue Notices

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

KEY: Underlining indicates additions to existing language. ~~Strikeouts~~ indicate deletions from existing language.

Department of Revenue

Revenue Notice # 08-07: Sales and Use Tax – Lawn and Tree Services – Revocation of Revenue Notice # 04-05

The application of sales and use tax to lawn, garden, and arborist services is governed by *Minnesota Statutes*, section 297A.61, subdivisions 3(g)(6)(vi) and (4)(f). Under *Minnesota Statutes*, section 297A.67, subdivision 25, lawn care services used in the maintenance of cemetery grounds are exempt.

Lawn Care

Under *Minnesota Statutes*, section 297A.61, subdivision 3(g)(6)(vi), lawn care services are subject to tax. For purposes of this provision the following definitions apply:

“Lawn” is a tended area of ground covered with grass or other ground cover, and can include, for example, yards, parks and golf courses. However, ditches and medians along roads, freeways, and railroad right-of-ways are not considered lawns.

“Lawn care service” means any business service related to the maintenance of lawns. Lawn care services include services such as: mowing; raking; trimming; watering; fertilizing; killing weeds; insects, rodents, pests, or fungi; spraying; sprigging; and diagnosing the condition of lawns by physical examination of the lawn or of other physical evidence.

Improvement of Real Property

Under *Minnesota Statutes*, section 297A.61, subdivisions 3(g)(6)(vi) and 4(f), the installation of shrubbery, plants, sod, trees, bushes, and similar items is not taxable because it is considered an improvement to real property. In these situations, the contractor must pay sales or use tax on the cost of all plants, trees, bushes, shrubs, sod, and other materials, supplies, and equipment used to complete the contract.

Maintenance or Removal of Trees, Bushes and Shrubs

Pruning, bracing, spraying, surgery, or removal of trees, bushes or shrubs (including stumps) are generally subject to sales tax except:

- 1) removal of trees, bushes, or shrubs for construction or maintenance of roads, trails, or firebreaks when purchased by an agency or political subdivision of Minnesota (*Minnesota Statutes*, section 297A.70, subdivision 3); or
- 2) the removal of trees, bushes and shrubs that are purchased by a contractor or subcontractor to develop an undeveloped site for new construction (*Minnesota Statutes*, section 297A.68, subdivision 40).

Tree, bush or shrub removal purchased by a contractor for a site with an existing building which will remain after the development of the site is subject to sales tax (*Minnesota Statutes*, section 297A.68, subdivision 40). For example tree removal by a tree service for the construction of a detached garage is a taxable service.

Examples of Taxable Services

- Garden tilling and soil preparation;
- Killing lawn or garden weeds, insects, rodents, or fungi;
- Aerating;
- Seeding or planting of garden vegetables or flowers that are not part of a construction contract;
- Dethatching;
- Stump grinding for home or business;
- Picking up pet droppings;
- Reseeding lawns.

Revenue Notices

Examples of Non-Taxable Services

- Moving trees or shrubs from one location to another location;
- Cleaning of an outdoor pond;
- Snow shoveling or plowing;
- Applying ice-melt or sand to driveways, sidewalks, or parking lots;
- Initial seeding of lawns.

The following Revenue Notice is hereby revoked:

- Revenue Notice # 04-05: Sales and Use Tax – Lawn Care.

Publication Date: July 21, 2008

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

Department of Revenue

Revenue Notice # 08-08: Individual Income and Corporate Franchise Tax – Credits and Additions to Federal Taxable Income – Net Income Taxes Paid to Another State

Introduction

Minnesota Statutes, section 290.06, subdivision 22, provides a credit for “taxes based on net income” paid to another state by resident individuals, estates, and trusts.

For individuals, estates, and trusts, *Minnesota Statutes*, section 290.01, subdivision 19a(4), requires an addition to federal taxable income for “taxes based on net income” paid to another state or any province or territory of Canada.

For corporations, *Minnesota Statutes*, section 290.01, subdivision 19c(1), requires an addition to federal taxable income for “taxes based on net income” paid by a corporation to another state, a political subdivision of another state, the District of Columbia, or any foreign country or possession of the United States. This revenue notice does not address what constitutes “related minimum taxes” pursuant to section 290.01, subdivision 19c(1).

Regarding “taxes based on net income,” taxes paid to another state that are not based on net income do not qualify for the credit under *Minnesota Statutes*, section 290.06, subdivision 22, nor the addition to federal taxable income under either *Minnesota Statutes*, section 290.01, subdivision 19a(4) or subdivision 19c(1).

Department Position

The department’s positions below regarding the Ohio Commercial Activity Tax (CAT), Texas business margin tax, and Wisconsin recycling surcharge, were determined as of the date of this Revenue Notice. If the Ohio, Texas, or Wisconsin laws are modified, the department’s positions may change.

1. Ohio Commercial Activity Tax

Under *Ohio Revised Code*, chapter 5751, the CAT is imposed on business gross receipts, including receipts from the sale or rental of property or realized by the performance of services. It is the department’s position that the Ohio CAT is not a tax based on net income.

2. Texas Business Margin Tax

Under *Texas Tax Code*, section 171.101, starting in 2007 Texas imposed a “business margin tax” on the lesser of 70 percent of business gross receipts or business gross receipts less deductions. Although the latter calculation provides some deductions for compensation and cost-of-goods-sold, it does not provide other deductions such as interest, depreciation, and most other business expenses generally associated with a computation of net income. It is the department’s position that the Texas business margin tax is not a tax based on net income.

3. Wisconsin Recycling Surcharge

Under *Wisconsin Statutes*, chapter 77, subchapter VII, Wisconsin imposes a recycling surcharge on all taxpayers engaged in a trade or business that have gross receipts for the taxable year exceeding a specified amount. The surcharge is calculated as the greater of either \$25 or a percentage of “gross tax liability,” “net income,” or “net business income,” depending on the type of entity engaged in the trade or business. “Gross tax liability,” “net income,” and “net business income,” are calculated as gross income less deductions under the *Internal Revenue Code*, which is a calculation based on net income, with specified additions and subtractions.

When the amount of tax paid is \$25, it is the department’s position that the Wisconsin recycling surcharge is not a tax based on net income.

When the amount of tax paid is greater than \$25, it is the department’s position that the Wisconsin recycling surcharge is a tax based on net income. For shareholders of an S corporation, because the Wisconsin recycling surcharge is paid at the entity level, the value of the credit under *Minnesota Statutes*, section 290.06, subdivision 22, and the additions under *Minnesota Statutes*, section 290.01, subdivisions 19a(4) and 19c(1), are based on the shareholder’s pro-rata share of the Wisconsin recycling surcharge paid by the S corporation.

Publication Date: July 21, 2008

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

Official Notices

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

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

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Official Notices

Minnesota Comprehensive Health Association Notice of Meeting of the Enrollee Appeal Committee on July 28, 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 Monday, July 28, 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 Minnesota Statutes 62E.10, subd. 4.

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

Department of Employment and Economic Development Business and Community Development Division Notice of Public Hearing on Criteria for Awarding Business Subsidies Through the Minnesota Minerals 21st Century Fund

NOTICE IS HEREBY GIVEN that the Department of Employment and Economic Development will conduct a public hearing required by *Minnesota Statutes* 116J.994, Subdivision 5.

This hearing will provide interested parties and organizations with an opportunity to comment on the criteria as it pertains to the financial assistance for Magnetation, Inc. from the Minnesota Minerals 21st Century Fund. The hearing will be conducted on August 4, 2008, beginning at 11:00 am in Suite 200E on the 2nd floor of the 1st National Bank Building, 332 Minnesota Street, St. Paul, Minnesota. Information about the business subsidy, including a summary of the terms, is available at the Department of Employment and Economic Development.

For more information contact:

Jeffrey M. Nelson
Economic Development Representative
Department of Employment and Economic Development
1st National Bank Building, Suite E200
332 Minnesota Street
St. Paul, Minnesota 55101-1351
Phone: (651) 259-7523
E-mail: Jeff.M.Nelson@state.mn.us

Department of Human Services Health Care Purchasing and Delivery Systems Division Health Care Administration Authorization List of All Drugs That Have Been Added Requiring Authorization as a Condition of Minnesota Health Care Programs (MHCP) Payment

The following is a listing of added drugs to the current authorization list. The newly added drug codes will require authorization on or after August 1, 2008.

As authorized by *Minnesota Statutes*, section 256B.0625, subd 25, the following list includes all drugs that have been added requiring authorization as a condition of MHCP payment. The criteria used to develop this list are as follows:

- A. The health service could be considered, under some circumstances, to be of questionable medical necessity.
- B. Use of the health service needs monitoring to control the expenditure of program funds.
- C. Less costly, appropriate alternatives to the health service are generally available.
- D. The health service is investigative.
- E. The health service is newly developed or modified.
- F. The health service is of a continuing nature and requires monitoring to prevent its continuation when it ceases to be beneficial.
- G. The health service is comparable to a service provided in a skilled nursing facility or hospital but is provided in a recipient's home.
- H. The health service could be considered cosmetic.

These newly added non preferred drugs will require Authorization for services provided on or after August 1, 2008.

DRUGS

Added Drugs:

Selzentry
Epogen

Minnesota Department of Natural Resources

Notice of Proposed Classification of State Forest Lands and Forest Road/Trail Designations in Anoka, Aitkin, Chisago, Crow Wing, Isanti, Kanabec, Pine, Southern Cass, and Washington Counties with Respect to Motor Vehicle Use

NOTICE IS HEREBY GIVEN that the Commissioner of the Minnesota Department of Natural Resources proposes to classify state forest lands in Anoka, Aitkin, Chisago, Crow Wing, Isanti, Kanabec, Pine, Southern Cass, and Washington Counties with respect to the operation of motor vehicles. The proposal is to classify state forest lands, under the authority of the Commissioner, that are located in Anoka, Aitkin, Chisago, Crow Wing, Isanti, Kanabec, Pine, Southern Cass, and Washington Counties as either:

1. "Limited" in which forest roads are open to motor vehicle use unless posted closed, and forest trails are closed to motor vehicle use unless posted open, or
2. "Closed" in which forest roads are open to motor vehicles licensed for highway use, but no Off-Highway Vehicles (OHVs) are permitted, except that OHVs may operate on frozen public waters.

Minnesota Laws 2003, Chap. 128, Article 1, Sect. 167 (as amended) and *Minnesota Rules* Part 6100.1950 govern the classification of state forests with respect to motor vehicle use.

This proposal covers the Land O'Lakes State Forest located in Cass and Crow Wing Counties; the Hill River, Savanna, and Waukenabo State Forests in Aitkin County; the Snake River State Forest located in Kanabec County; and the DAR State Forest in Pine County. Scattered forest lands located *outside* of State Forest boundaries in Anoka, Aitkin, Chisago, Isanti, Kanabec, Pine, Southern Cass, and Washington Counties are similarly reclassified. In total, just over 362,000 acres of state forest land, and about 1,000 miles of roads, trails, and non-designated routes were evaluated with respect to motor vehicle use.

In conjunction with the proposed reclassification, the DNR has developed a road and trail designation proposal that identifies: 1) Routes on state forest lands that will be designated open to motorized vehicle use; 2) Routes to be designated as non-motorized recreational trails; and 3) Areas with limitations on off-trail and non-designated trail use.

The DNR will hold three public meetings on this proposal. The first will be held Sept. 23rd at the Aitkin High School, 306 Second Street Northwest, in Aitkin, MN. The second meeting will be Sept. 24th at the Mora High School, 400 East Maple Avenue, Mora, MN. The final meeting will take place Sept. 25th at the Pine River/Backus High School, 801 First Street North, Pine River, MN 56474. All three meetings will run from 6:00 - 8:30 P.M. The first hour of each meeting will allow people to informally review the plan, maps, and other summary materials. The DNR interdisciplinary team and county officials will also be on-hand to answer questions and to discuss the proposal. During the remainder of the meeting, the DNR planning Team will present its proposal, respond to questions, and accept both oral and

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written comments.

Comment will also be accepted for routes proposed on Aitkin County-administered tax-forfeit forest lands inside state forest boundaries, and on routes planned for Cass County-administered forest lands both inside and outside state forest statutory boundaries.

The forest land classification proposal, draft road and trail designation plan, and related maps are available on the DNR website at www.mndnr.gov or at www.findthetrails.com. Copies of the plan and maps can also be obtained from:

Brian McCann, Planner
Minnesota Department of Natural Resources
500 Lafayette Road, Box 52
St. Paul, MN 55155-4052
Phone: (651) 259-5627
E-mail: brian.mccann@dnr.state.mn.us

Written comments on the proposal may be submitted to the above address until 4:30 p.m. on Friday, October 3, 2008.

Dated: July 21, 2008

Forrest Boe, Director
Division of Trails and Waterways
Minnesota Department of Natural Resources

Minnesota Board of Pharmacy

REQUEST FOR COMMENTS on Possible Amendment to Rules Governing Pharmacy Practice and Drug Wholesaling

The Rules Include: Definitions, Applications for Pharmacy Licenses, Pharmacy License Categories, Transfers of Pharmacy Ownership, Pharmacy Counseling Areas, Supervision of Pharmacy Areas, Automated Counting Devices, Closing a Pharmacy, Applications for Pharmacist Licensure, Drug Manufacturer and Wholesaler Licensure, Registration of Pharmacy Technicians, Training and Educational Requirements for Pharmacy Technicians, Pharmacy Work Conditions, Unprofessional Conduct, Continuous Quality Improvement Programs, Answering Machines and Electronic Voice Recording Devices, Compounding, Prospective Drug Reviews, Patient Profiles, Transfer of Prescriptions between Pharmacies, Prepackaging and Labeling, Radiopharmaceutical Labeling, Veterinary Prescription Drug Labels, Interns and Preceptors, Consulting Services to Licensed Nursing Homes, Emergency Kits, Pharmaceutical Services Policies, Variances, and Medical Gas Distributor Registrations, *Minnesota Rules*, 6800.0100 et. seq.

Subject of Rules. The Minnesota Board of Pharmacy requests comments on its possible amendment to rules governing pharmacy practice and drug wholesaling. The Board is considering rule amendments that address Definitions, Applications for Pharmacy Licenses, Pharmacy License Categories, Transfers of Pharmacy Ownership, Pharmacy Counseling Areas, Supervision of Pharmacy Areas, Automated Counting Devices, Closing a Pharmacy, Applications for Pharmacist Licensure, Drug Manufacturer and Wholesaler Licensure, Registration of Pharmacy Technicians, Training and Educational Requirements for Pharmacy Technicians, Pharmacy Work Conditions, Unprofessional Conduct, Continuous Quality Improvement Programs, Answering Machines and Electronic Voice Recording Devices, Compounding, Prospective Drug Reviews, Patient Profiles, Transfer of Prescriptions between Pharmacies, Prepackaging and Labeling, Radiopharmaceutical Labeling, Veterinary Prescription Drug Labels, Interns and Preceptors, Consulting Services to Licensed Nursing Homes, Emergency Kits, Pharmaceutical Services Policies, Variances, and Medical Gas Distributor Registrations.

Persons Affected. The amendment to the rules would likely directly affect pharmacists, pharmacist-interns, pharmacy technicians and other individuals employed in pharmacies or by drug wholesalers. It would likely also indirectly affect members of the public who receive prescription drugs and related services from pharmacies.

Statutory Authority. *Minnesota Statutes*, section 151.06 Subd. 1 (c), authorizes the Board to adopt rules for carrying out the provisions of *Minnesota Statutes*, Chapter 151.

Public Comment. Interested persons or groups may submit comments or information on these possible rules, in writing, until further notice is published in the *State Register* that the Board intends to adopt or to withdraw the rules. The Board does contemplate appointing advisory committees to comment on the possible rules.

Rules Drafts. The Board has prepared a draft of the possible rule amendments which is available for review on the Board's website (www.phcybrd.state.mn.us).

Agency Contact Person. Written comments, questions, requests to receive a draft of the rules, and requests for more information on these possible rule amendments should be directed to: Cody Wiberg, Executive Director - by mail at Minnesota Board of Pharmacy, 2829 University Avenue SE #530, Minneapolis, MN 55414; by **telephone** at (651) 201-2825; by **fax** at (651) 201-2837; or by **e-mail** at cody.wiberg@state.mn.us. TTY users may call the Board 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: July 10, 2008

Cody Wiberg, Executive Director
Minnesota Board of Pharmacy

Minnesota Board of Pharmacy

Request for Information for a Controlled Substances Prescription Electronic Reporting System

The Minnesota Board of Pharmacy (MN BOP) is investigating solutions for implementation of a Controlled Substances Prescription Electronic Reporting System (CSPERS). The purpose of this request for information (RFI) is to gather information to assist MN BOP in determining requirements for the proposed CSPERS and to identify vendors with an interest in responding to a Request for Proposal (RFP) for the implementation of the CSPERS.

In 2007, the Minnesota Legislature passed a law requiring the MN BOP to establish a CSPERS for schedule II and III controlled substance prescriptions dispensed in Minnesota. The CSPERS will be an essential tool for addressing the problem of prescription drug diversion. As preliminarily envisioned, the CSPERS will utilize an electronic monitoring system to facilitate the transmission of data concerning Schedule II and III controlled substance prescriptions from approximately 1700 dispensers to a central database maintained by the Board (or a third party). The CSPERS will collect data from all outpatient pharmacies that provide these drugs to patients in Minnesota, including pharmacies located within the state and those nonresidential pharmacies that regularly ship into the state and are licensed by the Board.

The primary focus of this RFI is to identify qualified vendors with an interest in responding to a RFP for the implementation of the CSPERS. However, a secondary purpose of this RFI is to gather information about controlled substances prescription electronic reporting systems which have already been implemented so that the RFP issued for the implementation of the CSPERS benefits from these experiences to the greatest extent possible.

Vendors with experience in developing controlled substances prescription electronic reporting systems (or closely related products or solutions) are invited to respond to this RFI.

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To request a complete copy of the Board of Pharmacy's CSPERS RFI, please visit the MN BOP web site at:

<http://www.phcybrd.state.mn.us/> - click on "What's New"

and look for the MN BOP CSPERS RFI.

In the event that you are not able to print the copy of the RFI from the web site, you may email the Board office at pharmacy.board@state.mn.us to request a complete copy of the MN BOP CSPERS RFI. *All emails regarding this RFI must include "MN BOP CSPERS" in the subject line.*

Deadline for responses to the RFI is Friday, August 15, 2008, at 4:00 P.M. CST.

Minnesota Pollution Control Agency Regional Division

Notice of Availability of Draft Fecal Coliform TMDL Assessment for Rush River and High Island Creek and Request for Comment

Public Comment Period Begins: July 31, 2008

Public Comment Period Ends: August 20, 2008

The Minnesota Pollution Control Agency (MPCA) is requesting comments on the Fecal Coliform Total Maximum Daily Load (TMDL) Assessment for the Rush River and High Island Creek watersheds. The aquatic recreation use of the Rush River and High Island Creek watersheds is impaired because it does not meet state water quality standards for fecal coliform. The draft TMDL Report is available for review at: <http://www.pca.state.mn.us/water/tmdl/project/index.html>

Written comments on the draft TMDL Report must be sent to the MPCA contact person listed below by August 20, 2008, by 4:30 pm. The MPCA will prepare responses to comments received, make any necessary revisions of the draft TMDL Report and submit it to the U.S. Environmental Protection Agency (EPA) for approval.

In 2002, the MPCA determined reaches of the Rush River and High Island Creek were impaired for fecal coliform. In 2006 and 2008, the MPCA listed additional reaches of the Rush River and High Island Creek as impaired for fecal coliform. Thus, the report provides TMDL assessments for five High Island and two Rush River fecal coliform impaired reaches.

Monitoring data indicates fecal coliform levels in the Rush River and High Island Creek exceeded water quality standards during the months of April through September (not every reach exceeded water quality standards each month). To meet water quality standards, fecal coliform levels in the impaired reaches will need to be decreased from 7 to 95 percent during the months exhibiting water quality standard exceedances. The highest levels were found during and after storm runoff. Concentrations of fecal coliform bacteria were an average of ten times higher during storm runoff than during dry periods.

There has been a strong local component including local, state, and federal agency representation involved with completing this TMDL. These local efforts will proceed with determining further implementation strategies and obtaining public input. The draft TMDL report outlines possible strategies.

Agency Contact Person: Written comments and requests for more information should be directed to:

Scott MacLean
Minnesota Pollution Control Agency
Mankato Place
12 Civic Center Plaza Suite 2165
Mankato, MN 56002
Mankato, Minnesota 56001-8704
Phone: (507) 389-5977
Minn. Toll Free: 1-800-657-3864

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Fax: (507) 389-5422

E-mail: Scott.MacLean@pca.state.mn.us

TTY users may call the MPCA teletypewriter at (651) 282-5332 or 1-800-657-3864.

Preliminary Determination on the draft TMDL Report: The MPCA Commissioner has made a preliminary determination to submit this TMDL Report to the EPA for final approval. A draft TMDL Report and fact sheet are available for review at the MPCA office at the address listed below and at the MPCA Website: <http://www.pca.state.mn.us/water/tmdl/project-???.html> Suggested changes will be considered before the final TMDL Report is sent to the EPA for approval.

Written Comments: You may submit written comments on the conditions of the draft TMDL Report or on the Commissioner's preliminary determination.

Written comments must include the following:

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

Petition for Public Informational Meeting: You also may request that the MPCA Commissioner hold a public informational meeting. A public informational meeting is an informal meeting that the MPCA may hold to solicit public comment and statements on matters before the MPCA, and to help clarify and resolve issues.

A petition requesting a public informational meeting must include the following information:

1. A statement identifying the matter of concern;
2. The information required under items 1 through 3 of "Written Comments," identified above;
3. A statement of the reasons the MPCA should hold a public informational meeting; and
4. The issues that you would like the MPCA to address at the public informational meeting.

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

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

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

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

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

MPCA Decision: You may submit a petition to the Commissioner requesting that the MPCA Citizens' Board consider the TMDL Report approval. To be considered timely, the petition must be received by the MPCA by 4:30 p.m. on the date the public comment period ends, identified on page 1 of this notice. Under the provisions of *Minnesota Statutes* § 116.02, subd 6(4), the decision whether to submit the TMDL Report and, if so, under what terms will be presented to the Board for decision if: (1) the Commissioner grants the petition

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requesting the matter be presented to the Board; (2) one or more Board members request to hear the matter before the time the Commissioner makes a final decision on the TMDL Report; or (3) a timely request for a contested case hearing is pending. You may participate in the activities of the MPCA Board as provided in *Minnesota Rules* 7000.0650.

The written comments, requests, and petitions submitted on or before the last day of the public comment period will be considered in the final decision on this TMDL Report. If the MPCA does not receive written comments, requests, or petitions during the public comment period, MPCA staff as authorized by the Board, will make the final decision on the draft TMDL Report.

Department of Public Safety

Bureau of Criminal Apprehension

Notice of National Information Exchange Model (NIEM) Training for Developers and Staff Who Implement Information-sharing Initiatives in Public Safety and Justice Organizations

The Bureau of Criminal Apprehension (through the CriMNet Program Office and Criminal Justice Information Services units) is sponsoring National Information Exchange Model (NIEM) training for developers and staff who implement information-sharing initiatives in state- and local-level public safety and justice organizations. The three-day class will be held from Sept. 16 to 18, 2008 at the BCA's St. Paul Headquarters, and the cost is free. **Space is limited and pre-registration is required. The BCA cannot guarantee spots for all interested participants.** For more information or to register, contact the CriMNet Program at (651) 793-2726 or crimnet.support@state.mn.us.

Department of Public Safety

Bureau of Criminal Apprehension

Notice of Information Meeting

The Minnesota Bureau of Criminal Apprehension will hold a meeting from 9 a.m. to 12 noon on Thursday, July 31, 2008 to discuss progress on several BCA (CJIS and CriMNet) initiatives regarding criminal justice information sharing in the state of Minnesota. Specific project updates will be provided, in addition to general updates regarding upcoming efforts. The meeting will take place at the Bureau of Criminal Apprehension offices at 1430 Maryland Ave. E. in St. Paul. In addition, up to 30 locations may participate via webconference. (To make arrangements to participate remotely, please contact Michelle Fure at the information listed below.)

Vendors, particularly those working with local agencies to manage records, and agency information technology staff are encouraged to attend this meeting. Please RSVP. For more information or to RSVP, contact Michelle Fure, Information Officer, at (651) 201-7572 or michelle.fure@state.mn.us.

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.

Grant Applicants

Have you checked up on all the “active” state grants? For *State Register* subscribers a “Contracts & Grants” section is available that lists all grants and contracts open for bid. Open the *State Register* and click on Bookmarks in the upper left corner. You will see a list of ALL the current rules, with an INDEX, and previous years’ indices, as well as a list of all contracts and grants open for bid. Subscribe and receive LINKS to the *State Register*. You also receive 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

Department of Employment and Economic Development Workforce Development Division Announcement of availability of “First” Grants

NOTICE IS HEREBY GIVEN that the Minnesota Department of Employment and Economic Development (DEED) is soliciting a second round of proposals for “Framework for Integrated Regional Strategies” (FIRST) grants. The purpose of FIRST grants is to support new or existing collaborative networks of economic development, workforce development, education, and private business leaders who set and achieve strategies that grow the region’s economy. DEED will award up to four grants of up to \$50,000 each to eligible recipients for a time period of up to 18 months from the grant start date of October 1, 2008.

Any public, private, or non-profit entity engaged in workforce development, economic development, or education is eligible, including but not limited to workforce investment boards, MnSCU or private colleges, K-12 school districts or consortiums, chambers of commerce, foundations, and private and non-profit organizations. Organizations who were recipients of the first round of FIRST grants are not eligible for this award (see www.deed.state.mn.us/workforce/first/index.htm for a complete list of previous FIRST grant awards and a map outlining the FIRST regions).

Detailed information with all requirements can be found on the web at: www.deed.state.mn.us/workforce/first/.

Applicants must submit an electronic copy of their application no later than 4:00 p.m. Central Standard Time on August 27, 2008. Applicants must also submit one hard copy with original signature(s) either postmarked by August 27 or hand-delivered by the 4:00 p.m. deadline. Both electronic and hard copies should be submitted to:

Shelley Landgraf
Minnesota Department of Employment and Economic Development
332 Minnesota Street, Suite E200
St. Paul, MN 55101
E-mail: Shelley.landgraf@state.mn.us

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

How to Work with Contracts

A summarized "Contracts & Grants" section of all contracts and grants open for bid is available only to subscribers. Obtain MORE and FASTER information with a SUBSCRIPTION to the *State Register*. You also receive LINKS to the *State Register*. Open the *State Register* and click on Bookmarks in the upper left corner. You will see a list of the contents of the current issue, with an INDEX, and previous years' indices. You also receive "Contracts & Grants." Here's what you receive via e-mail:

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Subscriptions cost \$180 a year (an \$80 savings). 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

Minnesota State Department of Administration

State Designer Selection Board

Notice of Availability of Request for Proposal (RFP) for Designer Selection for: Armed Forces Reserve Center at the Arden Hills Army Training Site (AHATS) in Arden Hills, Minnesota (State Designer Selection Board Project No. 08-10)

The State of Minnesota, Department of Administration 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 National Guard's website: <http://www.MinnesotaNationalGuard.org/rfp>.

A copy of the pre-design is available for review at <http://www.MinnesotaNationalGuard.org/rfp>.

A mandatory informational meeting is scheduled for 10:00 a.m. CDT on Tuesday, July 29th at the Arden Hills City Hall lower level meeting room, 1245 Highway 96 West, Arden Hills, Minnesota 55112. All firms should contact Tom Vesely at (320) 616-2614 or tom.vesely@mn.ngb.army.mil to sign up to attend the meeting. Project questions will also be taken by this individual.

Proposals must be delivered to Alisha Cowell, Executive Secretary, State Designer Selection Board, Administration Building in the Commissioner's Office, Room 200, 50 Sherburne Ave., St. Paul, MN 55155, **phone:** (651) 201-2627 **not later than 4:00 P.M. CDT on August 4, 2008.** Late responses will not be considered.

The State of Minnesota 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.

Department of Administration State Designer Selection Board University of Minnesota/Minnesota State Colleges and Universities Notice of Availability of Request for Proposal (RFP) for Designer Selection for: Trades Addition and Library Design State Designer Selection Board Project No. 08-06

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of Minnesota State Community and Technical College - Moorhead, 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 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>. An informational meeting is scheduled for 2:00 PM, Wednesday, July 23, 2008 in the auditorium of the MSCTC Moorhead campus, 1900 28th Ave. South, Moorhead, MN 56560. All firms interested in this meeting should contact Tom Koehnlein , at (218) 347- 6211 or tom.koehnlein@minnesota.edu to sign up to attend the meeting. Project questions will also be taken by this individual.

Proposals must be delivered to Alisha Cowell, Executive Secretary, State Designer Selection Board, 200 Administration Building in the Commissioner's Office, 50 Sherburne Ave., St. Paul, MN 55155 (651.201.2627) not later than 4:00 P.M., July 28, 2008. 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) Anoka Technical College Request for Bid on Chiller and Cooling Tower Replacement

NOTICE IS HEREBY GIVEN that Anoka Technical College will receive bids for the replacement of two (2) existing chiller and cooling towers. The work includes mechanical, electrical, and structural improvement and roofing modifications as required. A mandatory pre-bid meeting will be held at the Anoka Technical College Main Campus, 1355 West Hwy 10, Anoka, MN 55303 in Auditorium A on August 5, 2008 at 2:30 pm CST.

ATTENDANCE AT THIS MANDATORY PRE-BID MEETING IS A PREREQUISITE TO SUBMITTING A BID.

TO RECEIVE A COMPLETE COPY OF THE BID SPECS & CONTRACT DOCUMENTS, PLEASE CONTACT Hallberg Engineering Inc. at 1750 Commerce Court, White Bear Lake, MN 55110, **Phone:** (651) 748-1100, **Fax:** (651) 748-9370 between 8:00am and 4:00pm CST. Please telephone all requests for documents.

Bids must be sealed with a notation on the outside of the envelope that states: CHILLER/COOLING TOWER RFB – DELIVER IMMEDIATELY.

State Contracts

Mail or deliver (faxes will not be accepted) sealed bids by TUESDAY, AUGUST 12, 2008, NO LATER THAN 2 PM CST to:

Attn. Pamela Mogensen
Purchasing Office, Room 190,
Anoka Technical College
1355 West Highway 10
Anoka, Minnesota 55303
Phone: (763) 576-4785

BIDDING CLOSE DATE IS TUESDAY, AUGUST 12, 2008 – 2 PM CST

Minnesota State Colleges and Universities (MnSCU)

Office of the Chancellor

Request for Bid for Printing Translated Language Brochure Series “Make College a Part of Your Future”

The Office of the Chancellor is requesting bids from qualified vendors for the 4-color printing of “Make College a Part of Your Future” brochure series, which will be printed in nine languages.

Print specifications are available by visiting the website: www.mnscu.edu/makecollegerfb. Sealed bids must be received by FRIDAY, JULY 25, 2008, 2:00 pm CST.

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

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

Minnesota State Colleges and Universities (MnSCU)

Dakota County Technical College

Request for Proposals for Production of College Recruitment Videos and Virtual Viewbook

NOTICE IS HEREBY GIVEN that Dakota County Technical College will receive proposals for the Production of College Recruitment Videos and Virtual Viewbook. Proposal specifications are available on DCTC’s web site, www.dctc.edu/go/rfp.

Sealed proposals must be received by Renee Johnson at Dakota County Technical College, 1300 - 145th St East, Rosemount, Mn 55068 by 2:00 pm August 4, 2008.

Dakota County Technical College reserves the right to reject any or all bids or portions thereof, or to waive any irregularities or informalities in bids received.

**Minnesota State Colleges and Universities (MnSCU)
Dakota County Technical College
Request for Proposals for Snow Plowing Services**

NOTICE IS HEREBY GIVEN that Dakota County Technical College will receive proposals for Snow Plowing Services for the 2008-2009 fiscal year. on our campus. Bid documents are available by calling (651) 423-8236.

Sealed proposals must be received by Paul Demuth, Dakota County Technical College, 1300 - 145th ST. East, Rosemount, MN 55068 by 2:00 p.m. July 28, 2008.

Dakota County Technical College reserves the right to reject any or all proposals or portions thereof, or to waive any irregularities in proposals received.

**Minnesota State Colleges and Universities (MnSCU)
St. Cloud Technical College
Call for Bids for 2008/09 House Project Building Materials and Cantius V House
Project Building Materials**

NOTICE IS HEREBY GIVEN that sealed bids will be received by the St. Cloud Technical College, St. Cloud, Minnesota, until 2:00 P.M. Central Daylight Time, Monday, August 18, 2008, for the purchase of 2008/09 HOUSE PROJECT BUILDING MATERIALS & CANTIUS HOUSE PROJECT #5 BUILDING MATERIALS according to specifications on file in the Business Office, Room 1-401, St. Cloud Technical College, 1540 Northway Drive, St. Cloud, Minnesota. Each project must be bid separately and marked accordingly. St. Cloud Technical College reserves the right to reject any or all bids, or portions thereof, or to waive any irregularities or informalities, in bid received.

Bids containing any alteration or erasure will be rejected unless initialed as required by law. Bids made in pencil will be rejected. Bids must be signed and dated.

It is understood that this is NOT a Purchase Order but a request for bid.

Specifications may be obtained from the St. Cloud Technical College Business Office, Room 1-401, Susan Meyer, 1540 Northway Drive, St. Cloud, MN (320) 308-5973.

The complete Request for Bid will be available on Monday, July 28, 2008, on the website <http://www.sctc.edu/rfp>.

**Minnesota State Colleges and Universities (MnSCU)
St. Cloud Technical College
Formal Request for Bid for EDM Sinker Machine for Machine Tool Technology Lab**

RESPONSE DUE DATE AND TIME: Monday, July 28 at 2:00 pm

TITLE OF PROJECT: EDM Sinker Machine for Machine Tool Technology Lab

The complete Request for Proposal will be available on Monday, July 14, 2008, on the website: <http://www.sctc.edu/rfp>.

GEOGRAPHIC LOCATION REQUIREMENTS: St. Cloud Technical College, 1540 Northway Drive, St Cloud, MN 56303

State Contracts

RESPONSES MUST BE RECEIVED AT THE LOCATION LISTED BELOW:

St. Cloud Technical College
Attn: Susan Meyer
1540 Northway Drive
St Cloud, MN 56303

Contact Name:	Susan Meyer, Purchasing Agent	Bruce Peterson, Academic Dean
Phone:	(320) 308-5973	(320) 308-0978
Fax:	(320) 308-5027	(320) 308-5905
E-mail:	<i>smeyer@sctc.edu</i>	<i>bpeterson@sctc.edu</i>

Your response to this Request for Bid (RFB) must be returned sealed. Sealed responses must be received no later than the due date and time specified above, at which time the names of the vendors responding to this RFB will be read. **Late responses** cannot be considered and the responses will be rejected.

The laws of Minnesota and MnSCU Board of Trustees policies and procedures apply to this RFB.

All attached General RFB Terms and Conditions, Specifications and Special Terms and Conditions are part of this RFB and will be incorporated into any contract(s) entered into as a result of this RFB.

All responses to this RFB must be prepared as stated herein and properly signed. **Address all correspondence and inquiries regarding this RFB to the Contact person named above. This is a request for responses to an RFB and is not a purchase order.**

Minnesota State Colleges and Universities (MnSCU)

Winona State Univeristy

Request for Proposals for Developing a Series of Publications for the Recruitment of New Students

NOTICE IS HEREBY GIVEN that Winona State University is seeking proposals to assist in developing a series of 2009-2010 publications for the recruitment of new students.

Proposal specifications will be available Monday, July 21, 2008 by contacting the Purchasing Department at PO Box 5838, 205 Somsen Hall, Winona, MN 55987, e-mail: *sschmitt@winona.edu* or by calling (507) 457-5067.

There will be an interested vendor meeting on Thursday, July 31, 2008 from 2-4:00 PM on the Winona State campus in Stark Hall, Room 105 or by calling (507) 457-5592.

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 on Thursday, August 14, 2008.

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

Department of Education

Notice of Availability of Contract for Minnesota School-wide Positive Behavioral Interventions & Supports Evaluation (SW-PBIS)

The Minnesota Department of Education is requesting proposals for the purpose of evaluating the implementation of the SW-PBIS across Minnesota, including local capacity to measure the fidelity of implementation.

Work is proposed to start October 6, 2008

The Request for Proposal can be obtained from:

Faye Lovell
Minnesota Department of Education
1500 Highway 36 West,
Roseville, MN 55113-4266
E-mail: faye.lovell@state.mn.us

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., Central Daylight Time, on August 19, 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 Department of Human Services

Performance Measurement and Quality Improvement Division

Notice of Request for Proposals to Conduct the 2008 Managed Care External Quality Review

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services (DHS) is interested in contracting for professional and technical consulting services with a qualified External Quality Review Organization (EQRO) to meet federal Medicaid requirements. EQRO professional and technical consulting services will assist in the design, implementation and management of an annual "External Quality Review of Managed Care Organizations" and reporting for calendar year 2008. The contractor will research, design, develop, conduct and report on an external quality review activities based upon the analysis and evaluation of aggregated information on quality, timeliness and access to health care services that managed care organizations (MCO) furnish to Minnesota's publicly funded managed care enrollees. The contracted external quality review activities may require periodic focused clinical and non-clinical studies that include the review of medical records, validation of encounter and performance measures, satisfaction surveys and MCO technical assistance to assess compliance with state and federal managed care regulations.

The term of any resulting contract is anticipated to be approximately twelve months, from October 31, 2008 through October 30, 2009, with the option to extend the contract up to an additional four one-year periods.

Responders will be responsible for all costs and expenses incurred in responding to the RFP. DHS reserves the right to proceed in whatever manner it perceives to be in its best interest, and may cancel this RFP at any time and/or choose not to purchase any services or solutions from outside sources.

A copy of the complete Request for Proposals and attached documents can be obtained from the DHS website at www.dhs.state.mn.us (Grants and RFP section).

Proposals must be received (not postmarked) at the following address no later than **1:00 p.m. CST on September 09, 2008**. Please send proposals to:

(Cite 33 SR 185)

State Register, Monday 21 July 2008

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State Contracts

Request for Proposal Response
Attention: Robert Lloyd
Performance Measurement and Quality Improvement Division
Minnesota Department of Human Services
444 Lafayette Road North
St. Paul, MN 55155

Department of Natural Resources

Notice of Availability of Contract for Gathering High-resolution Elevation Data that Meets FEMA Criteria for Floodplain Mapping for the Study Area Using Light Detection and Ranging (LiDAR) Technology

Estimate of proposed contract: \$615,000

CERTIFICATION #16035

The Minnesota Department of Natural Resources, on behalf of the 2007 Minnesota Recovers Task Force and its local, state, and federal partners are seeking proposals from qualified responders to collect high-resolution digital elevation data across the seven counties identified as federal disaster areas after the August 2007 floods. These counties include Dodge, Fillmore, Houston, Olmsted, Steele, Wabasha, and Winona. The area of the proposed collection area is approximately 4,146 square miles. In addition, there is considerable interest from the project partners to include Mower County, and portions of the non-Minnesota side of the Mississippi River in this project area that would increase the project size to approximately 5,000 square miles (Appendix A).

Work is proposed to start after August 1, 2008.

The Request for Proposal can be obtained from:

Department of Natural Resources
Tim Loesch, Project Coordinator
500 Lafayette Road, Box 16
St. Paul, MN 55155-4016
Fax: (651) 297-5818
E-mail: tim.loesch@dnr.state.mn.us

Request for Proposals must be received by July 23, 2008

All proposals must be received not later than 2:30 p.m., Central Daylight Time, Friday, July 25th, 2008, as indicated by a notation made by the Receptionist, 4th Floor, 500 Lafayette Road, St. Paul, MN.

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 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.

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.

State Contracts

Minnesota Department of Veterans Affairs

Notice of Availability of Contract for State-Wide, Community Based Casework Services for Veterans

The Minnesota Department of Veterans Affairs is requesting proposals from agencies/organizations with the ability to develop and implement a community-based, state-wide Case Management Program to provide services directly to veterans and their families. MDVA is seeking an organization that can provide services tailored for veterans and their families which includes individual and family counseling, financial counseling, debt management, addiction counseling (chemical, gambling), and disability services. The service provider must have an established community-based, state-wide network and be able to provide in-home counseling.

Work is proposed to start after **September 1, 2008**

A Request for Proposals will be available by direct mail or e-mail from this office. **A written request (by direct mail, e-mail or fax) is required to receive the Request for Proposal.**

The Request for Proposal can be obtained from:

Brianna Werket
Minnesota Department of Veterans Affairs
Veterans Service Building, 2nd Floor
20 West 12th Street
St. Paul, Minnesota 55155
Phone: (651) 757-1531
Fax: (651) 757-1537
E-mail: *Brianna.werket@state.mn.us*

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than **Tuesday August 12, 2008, 2:30 PM Central Daylight Time.**

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.

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.

Metropolitan Council - Metro Transit Pest Control Services for Facilities and Vehicles

The Metropolitan Council is soliciting sealed bids for Pest Control Services for Facilities and Vehicles. Bids are due at 2:00 PM on August 12, 2008. Bids must be submitted in accordance with the Invitation for Bids document available from:

Metropolitan Council
Metro Transit Purchasing Department
Candace Osiecki
515 N. Cleveland Avenue
St. Paul, MN 55114
Phone: (612) 349-5070

Minnehaha Creek Watershed District Bids Sought for Culvert Construction, Bituminous Road Reconstruction, Grading and Riprap

NOTICE IS HEREBY GIVEN that the Minnehaha Creek Watershed District (MCWD) is soliciting bids for culvert construction, bituminous road reconstruction, grading and riprap. The project is located on Painters Creek Road in the City of Minnetrista. Work shall begin within five (5) days of receipt of the Notice to Proceed and the Work shall thereafter be substantially completed including final site restoration by no later than September 12, 2008.

Sealed Bid Proposals for the furnishing of all labor, materials and all other items necessary to complete the work will be received by Minnehaha Creek Watershed District at its office, 18202 Minnetonka Boulevard, Deephaven, MN until 2:00 PM, July 28, 2008. Bid submittals must be clearly labeled "MCWD PAINTER CREEK FISH BARRIER" on the outside of the submittal package.

All communications relative to this project should be addressed to the Project Manager prior to opening of the Bid. Minnehaha Creek Watershed District: Attention Renae Clark, **e-mail:** rclark@minnehahacreek.org or phone (952) 471-0590.

Contractors desiring a copy of the bid package, plans, specifications and proposal forms may obtain them from the office of Minnehaha Creek Watershed District upon the payment of a \$65.00 non-refundable fee for each bid package. Bid packages are also available for examination at the Minnehaha Creek Watershed District office.

A pre-bid meeting will be held at the Minnehaha Creek Watershed District office at 9:00 AM on July 21, 2008.

Each bid proposal shall be submitted on forms furnished for that purpose. Each bid proposal shall be accompanied by a "Bid Security" in the form of a certified or cashier's check made payable to Minnehaha Creek Watershed District ("owner") in an amount not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the Owner, with a surety company duly authorized to do business in the state of Minnesota, such Bid Security to be a guarantee that the bidder, if awarded a contract, will enter into a contract with Minnehaha Creek Watershed District; and the amount of the certified check will be retained or the bond enforced by the Owner in case the bidder fails to do so. The Owner will retain the deposits for the three lowest bidders until the contract has been awarded and executed but

Non-State Bids, Contracts & Grants

not longer than sixty (60) days. No bid may be withdrawn for a period of sixty (60) days following the bid opening.

The bid of the lowest responsible bidder is intended to be accepted on or before the expiration of sixty (60) days after the date of the opening of bids. The Owner, however, reserves the right to reject any or all bids and to waive any minor irregularities, informalities or discrepancies, and further reserves the right to award the contract in the best interest of Minnehaha Creek Watershed District.

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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