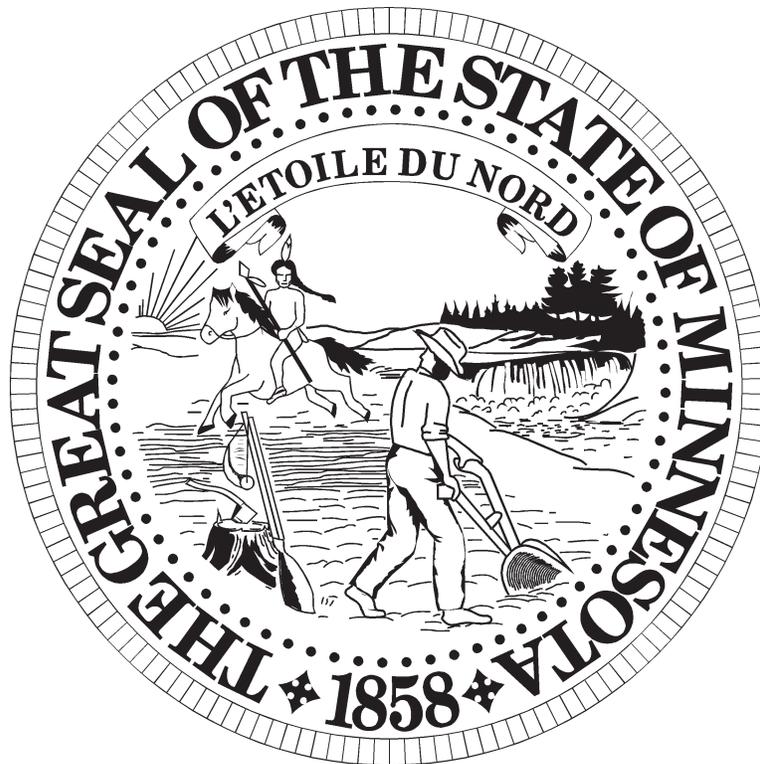


State of Minnesota

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 23 February 2009
Volume 33, Number 34
Pages 1435 - 1468**

State Register

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The *State Register* is the official publication of the State of Minnesota, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes* § 14.46. The *State Register* contains:

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Vetoed Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Commissioners' Orders
- Revenue Notices
- Official Notices
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Printing Schedule and Submission Deadlines

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
# 34	Monday 23 February	Noon Tuesday 17 February	Noon Wednesday 11 February
# 35	Monday 2 March	Noon Tuesday 24 February	Noon Wednesday 18 February
# 36	Monday 9 March	Noon Tuesday 3 March	Noon Wednesday 25 February
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USPS Publication Number: 326-630 (ISSN: 0146-7751)

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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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Adopted Rules

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

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

Department of Education Adopted Permanent Rules Relating to Graduation-Required Assessment for Diploma (GRAD)

The rules proposed and published at *State Register*, Volume 33, Number 3, pages 161-167, July 21, 2008 (33 SR 161), are adopted with the following modifications:

3501.1030 DEFINITIONS.

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

3501.1120 REQUIRED NOTIFICATION TO PARENTS AND STUDENTS.

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 the~~ the district receives the results of 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.

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

A. ~~“Pass-state level” or “PS”~~ “Pass” or “p” 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”~~ “Pass” or “p” must also 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. The records for students passing with an accommodation or a modification or who pass an alternate assessment must not differ from the records of students passing the test under standard conditions.

3501.1180 STUDENTS IN UNIQUE SITUATIONS.

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 if they have been enrolled in any Minnesota school for at least four consecutive years.~~ An ELL student who first enrolls in a Minnesota school 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. 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 will request test design documents from the other state for review.~~ As graduation examinations from other states are ~~submitted received~~, 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.

Adopted Rules

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 “pass” or “p” 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 “pass” or “p” 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).

Department of Health

Adopted Permanent Rules Relating to Radiation Control

The rules proposed and published at *State Register*, Volume 33, Number 21, pages 909-911, November 24, 2008 (33 SR 909), are adopted as proposed.

Exempt Rules

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

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

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

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

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

Minnesota Department of Natural Resources (DNR) Adopted Exempt Permanent Game and Fish Rules Relating to Designated Experimental and Special Management Waters

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through *Minnesota Statutes*, section 97A.045 and the process prescribed by *Minnesota Statutes*, sections 97C.001 and 97C.005.

Dated: January 12, 2009

Mark Holsten, Commissioner
Department of Natural Resources

6264.0300 DESIGNATED EXPERIMENTAL WATERS.

[For text of subps 1 to 74, see M.R.]

[For text of subp 75, see .. SR]

Subp. 76. Pearl Lake walleye and northern pike regulations. While a person is on or angling in the following waters, all walleye in possession must be 17 inches or greater in length. All walleye less than 17 inches in length must be immediately returned to the water. The daily and possession limit for walleye taken from the following waters is three. While a person is on or fishing in the following waters, all northern pike in possession must be less than 24 inches in length or greater than 36 inches in length. All northern pike that are 24 to 36 inches in length, inclusive, must be immediately returned to the water. A person's daily and possession limit may not include more than one northern pike over 36 inches in length.

Name	Location	County	End date
<u>Pearl Lake</u>	<u>T.122, R.29, S.2,3,10,11</u>	<u>Stearns</u>	<u>3/1/2019</u>

6264.0400 DESIGNATED SPECIAL MANAGEMENT WATERS.

[For text of subps 1 to 86, see M.R.]

[For text of subps 87 to 90, see .. SR]

Subp. 91. Coon Lake walleye regulations. While a person is on or angling in the following waters, all walleye in possession must be 17 inches or greater in length. All walleye less than 17 inches in length must be immediately returned to the water.

Name	Location	County
<u>Coon Lake</u>	<u>T.33, R.23, S. Various</u>	<u>Anoka</u>

EFFECTIVE DATE. The amendments to *Minnesota Rules*, parts 6264.0300 and 6264.0400, are effective March 1, 2009.

Exempt Rules

Department of Natural Resources (DNR)

Adopted Exempt Permanent Rules Relating to Fisheries

Game and Fish Rules Relating to Designated Experimental and Special Management Waters

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through *Minnesota Statutes*, section 97A.045 and the process prescribed by *Minnesota Statutes*, sections 97C.001 and 97C.005.

Dated: January 6, 2009

Mark Holsten, Commissioner
Department of Natural Resources

6262.0500 WATERS CLOSED TO TAKING FISH.

[For text of subps 1 and 2, see M.R.]

Subp. 2a. **Waters closed to possession of fish.** The following waters have restrictions on the possession of fish:

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

E. ~~Clitherall Lake in Otter Tail County: S.11-15,23, and 24, T.132N, R.40W; S.6,7, T.132N, R.39W, is closed to the possession of smallmouth bass until March 1, 2009.~~

F. ~~E. Crawford Lake in Wright County: S.20, T.119N, R.25W, is closed to the possession of largemouth bass. The daily and possession limit for sunfish is five, for crappie is five, for walleye is two, and for yellow perch is ten.~~

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

6264.0300 DESIGNATED EXPERIMENTAL WATERS.

[For text of subps 1 to 74, see M.R.]

Subp. 75. **East and West Sylvia Lakes northern pike regulations.** While a person is on or fishing in the following waters, all northern pike in possession must be less than 24 inches in length or greater than 36 inches in length. All northern pike that are 24 to 36 inches in length, inclusive, must be immediately returned to the water. A person's daily and possession limit may not include more than one northern pike over 36 inches in length.

Name	Location	County	End Date
Sylvia, East	T.121, R.28, S.Various	Wright	3/1/2019
<u>Sylvia, West</u>	<u>T.121, R.28, S.Various</u>	<u>Wright</u>	<u>3/1/2019</u>

6264.0400 DESIGNATED SPECIAL MANAGEMENT WATERS.

[For text of subps 1 to 66, see M.R.]

Subp. 67. **Muskellunge 48-inch size limit.** While a person is on or angling in the following waters, all muskellunge in possession must be 48 inches or greater in length. All muskellunge less than 48 inches in length must be immediately returned to the water.

Name	Location	County
A. Andrusia	T.146, R.31, S.7,8,29,30	Beltrami
B. Big Wolf	T.145,146, R.32, S.1,2, 25,26,35,36	Beltrami
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K. Irving	T.146, R.33, S.8,16,17,21	Beltrami
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BB .AA. Unnamed stream, from Benedict Lake downstream to Leech Lake	T.142, R.32, S.1	Hubbard

Exempt Rules

CC : <u>BB</u> . Boy River, from Inguadona Lake downstream to Big Boy Lake	T.140-142, R.27,28, S.1, 2,6,7,11,12,22,34,35	Cass
DD. Inguadona	T.140,141, R.27, S.5-8,29,32	Cass
EE : <u>CC</u> . Little Boy	T.140, R.28, S.10,11,13-15,22,23	Cass
FF : <u>DD</u> . Woman	T.140,141, R.28, S.Various	Cass
GG : <u>EE</u> . Winnibigoshish	T.145-147, R.27-29, S.Various	Cass, Itasca
HH : <u>FF</u> . Blandin Reservoir	T.55, R.25,26, S.13,18-21	Itasca
H: <u>GG</u> . Third River Flowage	T.147, R.28,29, S.Various	Itasca
JJ : <u>HH</u> . Dixon Lake	T.148, R.28,29, S.Various	Itasca
KK : <u>II</u> . Egg Lake	T.146, R.26, S.3,10	Itasca
LL : <u>JJ</u> . First River Lake	T.146, R.26, S.5,6,7,8,9	Itasca
MM : <u>KK</u> . Pidgeon River (from the Pidgeon Dam Lake's dam to the confluence with Lake Winnibigoshish)	T.147, R.27, S.30	Itasca
NN : <u>LL</u> . Rabbits Lake	T.146, R.29, S.1,2,11,12	Itasca
OO : <u>MM</u> . Ravens Flowage	T.146, R.28,29, S.18,19,23,24	Itasca
PP : <u>NN</u> . Ravens Lake	T.146, R.29, S.10,11	Itasca
QQ : <u>OO</u> . Sugar	T.146, R.29, S.Various	Itasca
RR : <u>PP</u> . Pokegama	T.54,55, R.25,26, S.Various	Itasca
SS : <u>QQ</u> . Blackwater	T.55, R.26, S.7-9,15-18	Itasca
TT : <u>RR</u> . Jay Gould	T.55, R.26, S.9,10,15,16,22	Itasca
UU : <u>SS</u> . Little Jay Gould	T.55, R.26, S.14,15,23	Itasca
VV : <u>TT</u> . Cedar	T.46,47, R.27,28, S.Various	Aitkin
WW : <u>UU</u> . Deer	T.56,57, R.26,27, S.Various	Itasca
XX : <u>VV</u> . Island Reservoir	T.52,53, R.14,15, S.Various	St. Louis
YY : <u>WW</u> . Little Moose	T.57, R.26, S.20,21,28,29	Itasca
ZZ : <u>XX</u> . Little Winnibigoshish	T.145,146, R.26,27, S.6, 25,30,31,36	Itasca
AAA : <u>YY</u> . Cut Foot Sioux	T.146,147, R.27, S.Various	Itasca

Exempt Rules

BBB : <u>ZZ</u> . Little Cut Foot Sioux	T.146,147, R.26,27, S.5-8, 25,30,31,36	Itasca
CCC : <u>AAA</u> . Crane	T.67,68, R.16,17, S.1,7, 18,26,34	St. Louis
DDD : <u>BBB</u> . Little Fork River	T.62-70, R.17-26, S.Various	Koochiching
EEE : <u>CCC</u> . Big Fork River	T.61,62,70,148,150, R.25, 26, S.Various	Itasca, Koochiching
FFF : <u>DDD</u> . Miltona	T.129,130, R.37,38, S.3,4, 19-21,23-25,27-34,36	Douglas

[For text of subps 68 to 86, see M.R.]

Subp. 87. Mississippi River and associated tributaries smallmouth bass regulations. While a person is on or fishing in the Mississippi River or its associated tributaries listed in this subpart to the posted boundaries, the daily and possession limit for smallmouth bass is three. Daily and possession limit may not include more than one smallmouth bass over 20 inches in length. While on or angling in the following waters, all smallmouth bass in possession must be less than 12 inches in length or greater than 20 inches in length. All smallmouth bass that are 12 to 20 inches in length, inclusive, must be immediately returned to the water.

<u>Name</u>	<u>Location</u>	<u>County</u>
Mississippi River	from the St. Cloud Dam (T.124N, R.28W, S.13 and T.35N, R.31W, S.1) downstream to the mouth of the Crow River (T.121N, R.23W, S.36 and T.32N, R.26W, S.24) near Dayton	Sherburne, Wright, Stearns
Crow River	T.121, R.23, S.36	Hennepin, Wright
Elk River	T.32N, R.26, S.4,33	Sherburne
Otter Creek	T.121, R.25, S.3	Wright
Silver Creek	T.122, R.29, S.15	Wright
Fish Creek	T.122, R.26, S.7	Wright
Clearwater River	T.123, R.27, S.35	Wright, Stearns
Plum Creek	T.123, R.27, S.28	Stearns
<u>Johnson Creek</u>	<u>T.123, R.27, S.7</u>	<u>Stearns</u>

Subp. 88. Clitherall Lake smallmouth bass regulations. While a person is on or angling in the following waters, angling for smallmouth bass is limited to catch and release only, whereby any smallmouth bass caught must be immediately returned to the water.

<u>Name</u>	<u>Location</u>	<u>County</u>
<u>Clitherall</u>	<u>T.132, R.39,40, S.Various</u>	<u>Otter Tail</u>

Subp. 89. Inguadona and Rice Lakes muskellunge, sunfish, and crappie regulations. While a person is on or angling in the following waters, all muskellunge in possession must be 48 inches or greater in length. All muskellunge less than 48 inches in length must be immediately returned to the water. The daily and possession limit for sunfish and crappie taken from the waters listed below is ten sunfish and five crappie.

<u>Name</u>	<u>Location</u>	<u>County</u>
Inguadona	T.140,141, R.27, S.5-8,29,32	Cass

Exempt Rules

Rice

T.140, R.28, S.1,2,11,12

Cass

Subp. 90. **Lake St. Croix and St. Croix River lake sturgeon regulations.** As described in part 6262.1000 and *Minnesota Statutes*, sections 97A.551 and 97C.087, a special fish management tag is required to harvest lake sturgeon. Notwithstanding part 6266.0500, subpart 3, the following seasons and possession limits apply to all waters of Lake St. Croix and the St. Croix River of the Minnesota-Wisconsin boundary waters between Prescott and Taylor's Falls Dam. Lake sturgeon may be harvested from the first Saturday in September to September 30. While a person is on or angling in these waters, all lake sturgeon in possession must be 60 inches or greater in length. All lake sturgeon less than 60 inches in length must be immediately returned to the water. A person may possess only one lake sturgeon per calendar year. From October 1 to October 15, angling for lake sturgeon is limited to catch and release only. During the catch and release season, all lake sturgeon caught must be immediately released.

6266.0500 TAKING OF FISH ON MINNESOTA-WISCONSIN BOUNDARY WATERS.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Species, seasons, and limits on Minnesota-Wisconsin boundary waters.** To the extent that chapter 6264 is inconsistent with this part, the provisions of chapter 6264 apply. Lake sturgeon are designated under part 6264.0400, subpart 90. Except as provided in chapter 6264, the following applies to the species, seasons, and limits for taking fish on Minnesota-Wisconsin boundary waters:

Species and Open Season	Daily and Possession Limits
A. Small and large mouth bass	
(1) St. Louis River. Saturday preceding Memorial Day to March 1.	5 in aggregate; 14-inch minimum size limit.
(2) St. Croix River upstream of the dam at Taylors Falls.	
Saturday preceding Memorial Day to the Sunday preceding the second Monday in September.	5 in aggregate; 14-inch minimum size limit.
Second Monday in September to March 1.	Limited to catch and release only. Any smallmouth or largemouth bass must be immediately returned to the water. It is unlawful for anyone to have in possession, regardless of where taken, any smallmouth or largemouth bass.
(3) St. Croix River downstream of the dam at Taylors Falls to its mouth (U.S. Highway 10 bridge at Prescott, Wisconsin). Saturday preceding Memorial Day to March 1.	5 in aggregate; 14-inch minimum size limit.
(4) Mississippi River and Lake Pepin. Continuous.	5 in aggregate; 14-inch minimum size limit.
B. Walleye and sauger	
(1) St. Louis River. Saturday two weeks prior to the Saturday of Memorial Day weekend to March 1.	2 in aggregate; 15-inch minimum size limit for walleye.
(2) St. Croix River. Saturday nearest May 1 to March 1.	6 in aggregate; 15-inch minimum size limit for walleye.
(3) Mississippi River and Lake Pepin. Continuous.	6 in aggregate; 15-inch minimum size limit for walleye.

Exempt Rules

- C. Northern pike 5, except St. Louis River 2 northern pike.
(1) St. Louis River. The Saturday two weeks prior to the Saturday of Memorial Day weekend through March 1.
(2) St. Croix River. Saturday nearest May 1 through March 1.
(3) Mississippi River and Lake Pepin. Continuous.
- D. Channel and flathead catfish. Continuous. 10 in aggregate
- E. Lake sturgeon
An angler must have a special fish management tag to harvest lake sturgeon.
(1) All waters below Prescott and above Taylors Falls Dam. Season is closed.
(2) ~~All waters between Prescott and Taylors Falls Dam. First Saturday in September through October 15.~~ 1 per season (minimum size limit - 50 inches.)
(3) (2) St. Louis River. Season is closed.
- F. Shovelnose sturgeon
(1) All waters below Red Wing Dam. Continuous. 10
(2) All waters above Red Wing Dam. Season is closed.
- G. Crappie. Continuous. 25
- H. Rock bass. Continuous. 25
- I. Sunfish and bluegill. Continuous. 25
- J. Perch. Continuous. 25
- K. Bullhead. Continuous. No limits
- L. Paddlefish (spoonbill catfish). No open season.
- M. Rough fish. Continuous. No limits
- N. Muskellunge. Minimum size limit - 40 inches. Saturday nearest Memorial Day through March 1. 1
- O. White (striped) and yellow bass. Continuous. 25
- P. All other species. Governed by inland regulations of state in which taken.

[For text of subps 4 to 10, see M.R.]

REPEALER. Minnesota Rules, part 6264.0300, subpart 62, is repealed.

EFFECTIVE DATE. The amendments to Minnesota Rules, parts 6262.0500, 6264.0300, 6264.0400, and 6266.0500 are effective March 1, 2009.

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

Modification of Revenue Notice # 06-08: Sales and Use Tax – Motor Vehicle Leases – Taxes and Fee

Background

Leases or rentals of most passenger automobiles, vans, and pickup trucks to customers in Minnesota for periods of no more than 28 days are subject to the 6.5 percent state sales tax and an additional 6.2 percent motor vehicle rental tax. The transaction may also be subject to a ~~3~~ 5 percent motor vehicle rental fee if the lessor does not meet a statutory exemption based upon sales activity in the previous calendar year. These leases may also be subject to a local sales tax if the vehicles are leased in a political subdivision with a local sales tax. This revenue notice sets forth the department's position on which amounts must be included in the tax base on which state and local sales taxes and the motor vehicle rental fee are computed.

Department Position

The taxes and fee on short-term vehicle leases and rentals are imposed upon the total amount of consideration paid by the customer to the lessor subject to any exclusions from the sales price as defined under *Minnesota Statutes*, section 297A.61, subdivision 7. When computing state and local sales taxes, the rental motor vehicle tax, and the ~~3~~ 5 percent motor vehicle rental fee, the lessor would compute the taxes and fees on the same base amount for each transaction that is subject to taxation.

The sales price includes any charges by the lessor for goods or services that are necessary to complete the transaction. Any mandatory charges are part of the sales price when computing the taxes and fee. However, damage waiver fees and optional personal accident liability insurance are not part of the sales price.

The sales price also includes any taxes, charges, fees, or assessments that are legally imposed upon the lessor but that are passed on to the lessee, even when separately stated on the invoice or bill to the lessee. Any fees or charges, such as a facility usage fee or a franchise fee, that are imposed upon the lessor are part of the lessor's cost of doing business and are therefore part of the sales price. Examples of charges that are imposed upon the lessor are the Concession Recovery Fee and the Rental Auto Facility Charge imposed by the Metropolitan Airports Commission. Any taxes imposed directly on the lessee are excluded from the sales price if they are separately stated on the billing or invoice to the lessee.

Examples

A car rental firm leases a vehicle to a customer at its Minneapolis location. The lease is for a period of four days at the rate of \$30 per day. The total lease payment of \$120 would be subject to the 6.5 percent state sales tax, the 6.2 percent motor vehicle rental tax, the .15 percent Hennepin County tax, the .25 percent transit improvement tax, the ~~3~~ 5 percent motor vehicle rental fee and the 0.5 percent Minneapolis city sales tax.

A car rental firm leases a vehicle to a customer at the Mpls.St.Paul airport for a day. The oneday rental rate is \$30. In addition to the daily rental charge there is a \$2 per day facility usage fee or Rental Auto Facility Charge and a Concession Recovery Fee of 9.5 percent which equals \$2.85. The total rental charge to the customer of \$34.85 is subject to the 6.5 percent state sales tax, the 6.2 percent motor vehicle rental tax, the .15 percent Hennepin County tax, the .25 percent transit improvement tax and the ~~3~~ 5 percent motor vehicle rental fee.

Note should be made that the motor vehicle rental fee was increased from 3 to 5 percent effective July 1, 2008 and as of July 1, 2009, the 6.5 percent state sales tax rate will be increased to 6.875 percent.

Publication Date: July 31, 2008

John H. Mansun, Assistant Commissioner
for Tax Policy and External Relations

Publication Date: February 23, 2009

ELIZABETH KADOUN, Assistant Commissioner
for Tax Policy and External Relations

Department of Revenue

Revenue Notice # 09-01: MinnesotaCare - Amendment of Revenue Notices # 98-10, # 02-20, and # 06-12

This Revenue Notice corrects obsolete statutory references cited in previously issued Revenue Notices.

NOTICE CITATION IN ORIGINAL NOTICE

CURRENT CITATION

1998-10 *Minnesota Statutes* § 295.53, subd. 1(a)(6)
[as corrected by Revenue Notice
02-20]

Minnesota Statutes § 295.53, subd. 1(a)(5)

2006-12 *Minnesota Statutes* § 155A.03, subd. 2

Minnesota Statutes § 154.42, subd. 3

2006-12 *Minnesota Statutes* § 155A.08, subd. 1

Minnesota Statutes § 154.47

2006-12 *Minnesota Statutes* § 155A.14

Minnesota Statutes § 154.52

This Revenue Notice also amends Revenue Notice # 02-20: Technical Corrections of Prior Revenue Notices by replacing the obsolete “Current Citation” to Revenue Notice # 98-10 with the most current citation as follows:

NOTICE CITATION IN ORIGINAL NOTICE

CURRENT CITATION

1998-10 *Minnesota Statutes* § 295.53, subd. 1(6)

Minnesota Statutes § 295.53, subd. 1(a)(5)

Publication Date: February 23, 2009

ELIZABETH KADOUN, Assistant Commissioner
for Tax Policy and External Relations

Department of Revenue

Revenue Notice # 09-02: Sales and Use Tax – Revocation of Revenue Notices # 05-06 and # 05-13

Revenue Notice # 05-06: “Sales and Use Tax - Sales Price - Discounts,” is hereby revoked since the provisions relating to when and what discounts are included in sales price were codified in *Minnesota Statutes*, section 297A.61, subdivision 7 (c).

Revenue Notice # 05-13: “Sales and Use Tax – Sales Price – Allocation of Delivery Charges” is hereby revoked since the provisions relating to the allocation of delivery charges were codified in *Minnesota Statutes*, section 297A.61, subdivision 7 (a)(4).

Publication Date: February 23, 2009

ELIZABETH KADOUN, 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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Emergency Medical Services Regulatory Board (EMSRB) Notice of Completed Application in the Matter of the License Application of the Arlington Area Ambulance, Arlington, Minnesota

PLEASE TAKE NOTICE that the Emergency Medical Services Regulatory Board (hereinafter EMSRB) has received a completed application from **Arlington Area Ambulance, Arlington, Minnesota**, for a new license, part-time advanced ambulance.

NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes*, Section 144E.11, subd. 3, each municipality, county, community health board, governing body of a regional emergency medical services system, ambulance service and other person wishing to make recommendations concerning the disposition of the application, shall make written recommendations or comments opposing the application to the EMSRB within 30 days or by March 25, 2009, 4:30 p.m.

Written recommendations or comments opposing the application should be sent to:

Katherine Burke Moore, Executive Director
EMSRB
2829 University Avenue S.E., Suite 310
Minneapolis, Minnesota 55414-3222

If fewer than six comments opposing the application are received during the comment period, and the EMSRB approves the application, the applicant will be exempt from a contested case hearing, pursuant to *Minnesota Statutes*, Section 144E.11, subd. 4. If six or more comments in opposition to the application are received during the comment period or the EMSRB denies the application, the applicant may immediately request a contested case hearing, or may try to resolve the objections of the public and/or the EMSRB within 30 days, pursuant to *Minnesota Statutes*, Section 144E.11, sub. 5(a), (b). If the applicant is unable to resolve the objections within 30 days, or if the applicant initially requests a contested case hearing one will be scheduled and notice of the hearing given pursuant to *Minnesota Statutes*, Section 144E.11, subd. 5(c), (e).

Dated: 10 February 2009

Katherine Burke Moore, Executive Director
Emergency Medical Services Regulatory Board

Department of Human Services**Health Care Administration****Public Notice Regarding Proposed Payment Rate Changes For Hospitals, Nursing Facilities and Intermediate Care Facilities for Persons with Mental Retardation (ICFs/MR) Participating in the Medical Assistance Program**

NOTICE IS HEREBY GIVEN to recipients, providers of services under the Medical Assistance Program, and to the public, of proposed payment rate changes for hospitals, nursing facilities and intermediate care facilities for persons with mental retardation (ICFs/MR) participating in the Medical Assistance Program.

This notice is published pursuant to 42 *United States Code* §1396a(a)(13)(A) (§1902(a)(13)(A) of the Social Security Act), which requires the Department to publish proposed facility payment rates, the methodologies underlying the establishment of such rates, and the justification for such rates. It is also published pursuant to *Code of Federal Regulations*, title 42, part 447, section 205 (42 CFR §447.205), which requires publication of a notice when there is a proposed rate change in the methods and standards for setting payment rates for Medical Assistance services.

The Department is notifying interested parties that the Governor's supplemental budget for State Fiscal Year 2010 contains the following proposed changes to inpatient hospital, nursing facilities and intermediate care facilities for persons with mental retardation (ICFs/MR) payment rates.

Effective July 1, 2009, Hennepin County Medical Center would report annually instead of quarterly the payments that may qualify for disproportionate share payments. The reporting requirements under *Minnesota Statutes* §256B.199, made by Regions Hospital, and Fairview University Medical Center would be eliminated.

Payments made by governmental entities under *Minnesota Statutes* §256B.195, would be annual instead of monthly.

Effective July 1, 2009, quarterly payment adjustments of 13, 10 and 4 percent which are based on hospitals' Medicaid inpatient utilization rates and the 4 percent offsetting reduction under *Minnesota Statutes* §256.969 subdivision 27, would be repealed.

Effective July 1, 2009, inpatient hospital rates would not be rebased to more current cost and utilization data for the first three months of the rebasing period beginning January 1, 2011. Rates would be rebased effective April 1, 2011.

Payments for inpatient hospital services that would otherwise be made in June 2010 would be delayed and made in July 2010 and payments that would otherwise be made in June 2011 would be delayed and made in July 2011.

Effective July 1, 2009, payments for inpatient hospital services would be reduced three percent and payments for inpatient mental health services would be reduced an additional 5.2 percent.

Effective July 1, 2009, the inpatient hospital payment increase for 16 diagnostic groups to the greater of a hospital's rate or 90% of the seven county metro average rate under *Minnesota Statutes* §256.969, subdivision 26, would be eliminated.

The net effect of the proposed payment inpatient hospital rate changes would be a decrease in state Medical Assistance inpatient expenditures of \$46,530,000 for State Fiscal Year 2010 and \$45,516,000 for State Fiscal Year 2011.

Information on the proposed inpatient hospital rate changes is available from Paul Olson, Department of Human Services, Health Care Administration, Post Office Box 64984, St. Paul, Minnesota, 55164-0984; **phone:** (651) 431-2532 or **email:** paul.olson@state.mn.us

Effective October 1, 2009, the rebasing of nursing facility rates would be eliminated. The first year of the rebasing phase-in occurred on October 1, 2008 and the phase-in was scheduled to take place over eight years. This proposal would not affect the first year rate adjustment that has already been granted; however, no further rebasing rate adjustments would occur in future years.

Effective July 1, 2009, the rates for intermediate care facilities serving people with developmental disabilities (ICF/MR) would be reduced by 3%.

Official Notices

Effective July 1, 2009, Minnesota statute would no longer require a physician to deem that a person needs a nursing facility single-bed room as a medical necessity in order for Medical Assistance to provide a higher payment for the single-bed room. However, the rate increase the state would pay to a nursing facility for a single-bed room over that paid for a shared room would be decreased from 15% to 10%.

Effective July 1, 2009, nursing facility planned closure rate adjustments would no longer be negotiated and would instead be a fixed payment adjustment of \$2,080 for each bed closed.

Effective May 1, 2009, one-time annual payment adjustments to county-owned nursing facilities would be eliminated. An intergovernmental transfer provision from certain counties would also be eliminated.

The net effect of the proposed nursing facility rate changes would be a decrease in state Medical Assistance expenditures for nursing facility services. The state general fund cost decrease is projected to be \$22,620,000 in State Fiscal Year 2010 and \$25,484,000 in State Fiscal Year 2011.

The net effect of the proposed ICF/MR rate changes would be a decrease in state Medical Assistance expenditures for ICF/MR services. The state general fund cost decrease is projected to be \$1,856,000 in State Fiscal Year 2010 and \$2,021,000 in State Fiscal Year 2011.

Information on the proposed nursing facility and ICF/MR changes is available from Kari Irber, Department of Human Services, Continuing Care Administration, Post Office Box 64974, St. Paul, Minnesota, 55164-0974; **phone:** (651) 431-3491 or **email:** kari.irber@state.mn.us

The public is invited to attend the legislative hearings where these proposals will be discussed. Information on Senate hearings is available from the Senate Information Office at:

(651) 296-0504 (voice) or (651) 296-0250 (TTY);
for Greater Minnesota call 1-888-234-1112 (voice),
or 1-888-234-1216 (TTY).
Hearing schedules are posted at: <http://www.senate.mn.schedule>

Information on House of Representatives hearings is available from the House of Representatives Public Information Office at: (651) 296-2146 (voice) or (651) 296-9896 (TTY); for Greater Minnesota call 1-800-657-3550 or 1-800-627-3529 (TTY). Hearing schedules are posted at: <http://www.house.mn/hinfo/hinfosched.asp>

Notice of final rate changes enacted by the 2009 legislature will be published in the *State Register* prior to the effective date of the changes.

Department of Human Services

Health Care Purchasing and Delivery System 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 March 1, 2009.

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 March 1, 2009.

DRUGS

Added Drug

Drug Name	Dosage Form	Strengths
BENZAACLIN	all	1%-5%
TAZORAC	Gel and Cream	0.10%, 0.05%
RETIN-A MICRO PUMP	Gel	0.10%, 0.04%
CLOBETASOL PROPIONATE	Foam	0.05%
CLOBETASOL PROPIONATE/EMOLL	Foam	0.05%-0.05%
BENZOYL PEROXIDE/ALOE VERA	gel	2.75%, 4%, 5.25%, 7%, 8%
BENZOYL PEROXIDE/SULFUR	gel	6%-3%
BENZOYL PEROXIDE MICROSPHERES	cream	3.5%, 5.5%, 8.5%, 10%
BENZOYL PEROXIDE/ALOE VERA	topical suspension	5.25%
BENZOYL PEROXIDE MICROSPHERES	cream in packet	3.5%, 5.5%, 8.5%
BENZOYL PEROXIDE/UREA	cream	4.5%-10%, 6.5%-10%, 8.5%-10%
BENZOYL PEROXIDE	medicated shaving cream	5%, 10%
BENZOYL PEROXIDE	cleanser	2.5%, 3%, 4%, 6%, 8%
BENZOYL PEROXIDE	cleanser mL	5.75%, 10%
BENZOYL PEROXIDE/UREA	cleanser mL	4.5%-10%, 6.5%-10%
BENZOYL PEROXIDE/UREA	liquid	5.75%-10%
BENZOYL PEROXIDE	lotion	4%, 8%, 10%
BENZOYL PEROXIDE&SKIN CLEANSR5	kit	4%, 8%
BENZOYL PEROXIDE/BLEMISH CNCLR	combo pack each	4.75%
BENZOYL PEROXIDE	combo pack	4%-5%, 8%-5%
BENZOYL PEROXIDE/HYALURONT SOD	combo pack	8%-0.2%, 4%-0.2%

These newly added non preferred drugs will require Authorization for services provided on or after May 1, 2009.

DRUGS

Added Drug

Synagis (palivizumab)

Official Notices

Department of Labor and Industry (DOLI)

Labor Standards Unit

Notice of Correction to Commercial Prevailing Wage Rates for Labor Code 102, Laborer, Skilled in Various Counties

Corrections have been made to the Commercial Prevailing Wage Rates certified 01/20/2009, for **Labor Code 102**, Laborer, Skilled in Aitkin, Cass, Crow Wing, Douglas, Hubbard, Kandiyohi, Morrison, Pope, and Todd Counties.

Copies with the corrected certified wage rate for this Region or these Counties may be Obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road North, St. Paul, Minnesota 55155-4306, or by calling (651) 284-5091, or accessing our web site at www.doli.state.mn.us. Charges for the cost of copying and mailing are \$.25 per page for the first 100 pages, \$.65 per page after that. Make check or money order payable to the State of Minnesota.

Steve Sviggum, Commissioner
Department of Labor and Industry

Minnesota Department of Natural Resources (DNR)

Notice of Hearing on Sale of State Land in Wabasha County

NOTICE IS HEREBY GIVEN, that pursuant to *Minnesota Statutes*, section 97A.135, subd. 2a, a hearing will be held by the Department of Natural Resources, in the conference room at the DNR Area Office, 2300 Silver Creek Rd. NE, Rochester, Minnesota, on March 13, 2009 at 11:00a. m.

The purpose of the hearing is for public input regarding the sale of state land situated in the County of Wabasha, and described as:

The southerly 300 feet of the westerly 350 feet of the Northwest Quarter of the Northwest Quarter of Section 10, Township 109 North, Range 14 West; together with the southerly 300 feet of the easterly 150 feet of the Northeast Quarter of the Northeast Quarter of Section 9, Township 109 North, Range 14 West; excepting therefrom the right-of-way of existing highway; containing 3.23 acres more or less.

Minnesota Statutes, section 97A.135, subd. 2a, requires that a public hearing be held before lands within a Wildlife Management Area can be disposed of through sale or exchange. The parcel is designated as part of Mazeppa Wildlife Management Area.

It is proposed that this parcel of land be offered for sale by the Department of Natural Resources in a private sale to Mazeppa Township for the future Mazeppa Town Hall. This parcel is no longer needed for resource management purposes. If, after public hearing, the disposal of the land is in the public interest, the Commissioner of Natural Resources may vacate the parcel from Wildlife Management Area designation.

Questions regarding this proposal can be directed to Jodi Dehn at (651) 259-5391 or Jodi.Dehn@dnr.state.mn.us.

Dated: 30 January 2009

Kathy A. Lewis, Assistant Director
Division of Lands and Minerals

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.

Applying for Grants

Have you checked up on all the “active” state grants? Only for *State Register* subscribers is a “Contracts & Grants” section 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
- Updates to Index to Vol. 31
- Early delivery, on Friday
- LINKS, LINKS, LINKS
- “Contracts & Grants” Open for Bid
- E-mailed to you . . . its so easy
- Easy Access to *State Register* Archives
- 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 Health (MDH)

Notice of Availability of Contract for OpenELIS-Panflu Project

The Minnesota Department of Health is requesting proposals for the purpose of obtaining a Systems Analyst contract resource for performing tasks necessary to meet grant requirements for the Electronic Data Exchange to Support Pandemic Influenza Surveillance and Laboratory Testing Surge Capacity Grant.

Work is proposed to start after 3/13/2009.

A Request for Proposals will be available by mail from this office through 3/06/2009. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After 3/06/2009, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Christina Tamondong
Minnesota Department of Health
Public Health Laboratory
601 N. Robert Street
St. Paul, MN 55155
Fax: (651) 201-5514

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 3/11/2009, 2:30pm. **Late proposals will NOT be considered.** Faxed or emailed 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.

State Grants & Loans

Minnesota Department of Human Services (DHS)

HIV/AIDS Unit

Notice of Request for Proposals to Qualified Applicants to Provide HIV Medical Case Management for Persons Living in the State of Minnesota

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services (hereafter STATE, Disabilities Services Division, HIV/AIDS Unit) is soliciting grant proposals from agencies to provide HIV Medical Case Management services to Minnesotans living with Human Immunodeficiency Virus (HIV). HIV Medical Case Management.

Work is proposed to start July 1, 2009. For more information, or to obtain a copy of the Request for Proposal, contact:

Michelle D. Sims
Department of Human Services
HIV/AIDS Unit
P.O. Box 64972
444 Lafayette Road North
St. Paul, MN 55155
Phone: (651) 431-2406
Fax: (651) 431-7414
E-mail: *michelle.sims@state.mn.us*

This is the only person designated to answer questions by potential responders regarding this request.

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Time, March 30, 2009. 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.

State Contracts

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

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

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

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

Get the Most from State Contracts

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

- **Word Search Capability**
- **LINKS, LINKS, LINKS**
- **Easy Access to *State Register* Archives**
- **Updates to Index to Vol. 31**
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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 Colleges and Universities (MnSCU)

Bemidji State University

Notice of Request for Qualification for Public Art Sattgast Hall Addition/Renovation

NOTICE IS HEREBY GIVEN Bemidji State University, Bemidji, MN is seeking proposals for a contract to provide art design and commissioning. The public art project will be the creation and installation of an original exterior work that tells the story of the various science disciplines housed in Sattgast Hall.

The complete RFQ is available on-line by going to: http://www.bemidjistate.edu/about/rfps_bids/

Any additional information required can be obtained by calling Dr. Patrick Guilfoile at (218) 755-2800, or by e-mailing to: pguilfoile@bemidjistate.edu

Sealed proposals must be received by **2:00 p.m. CST, Thursday, March 12, 2009**. Proposals shall be sent to:

Attn: Dr. Patrick Guilfoile
Bemidji State University #23
1500 Birchmont Drive NE
Bemidji, MN 56601-2699

Faxed or e-mailed proposals will NOT be considered. Late responses will NOT be considered. Bemidji State University reserves the right to reject any or all proposals and to waive any irregularities in proposals received.

A deposit of **\$25.00** is required for each set.

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

Minnesota State Colleges and Universities (MnSCU) Dakota County Technical College Seeking Bids for a Sub Micron Particle Size Analyzer

NOTICE IS HEREBY GIVEN that Dakota County Technical College will receive bids for a Sub Micron Particle Size Analyzer. Bid specifications will be available February 9, 2009 from the Purchasing Department at Dakota County Technical College. Phone: (651) 423-8236.

Sealed bids must be received by Pat Adams at Dakota County Technical College, 1300 - 145th St. E, Rosemount, MN 55068 by 2:00 pm, Tuesday, Feb 24, 2009.

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 Minneapolis Community & Technical College Sealed Bids Sought for *Summer 2009 Class Schedule*, and *Catalog 09-10* (No Mailing)

NOTICE OF INTENT to solicit two separate bids: printing and mailing of *Summer 2009 Class Schedule*, and *Catalog 09-10* (no mailing).

Specifications: *Summer schedule* will be approximately 16 pages. Bid requested for quantities of 60,000, 70,000 & 80,000 copies. Tabloid-size 10 3/4" x 17" saddle-stitched and trimmed. Refold to 10 3/4" x 8 1/2". Image area approximately 9 3/4" x 15 7/8" w/no bleeds. 35# white groundwood offset 80B (if different must specify) self-cover. Cover is black and 2 PMS. Text is black and 1 PMS. The PMS color numbers will be provided later. Request printer with onsite mailing capabilities. Approximately 45,000 schedules to be mailed using provided mailing lists.

Catalog will be about 368 text pages plus a 4-page cover section. Page image area approximately 7 3/4" W x 10 1/4" H w/bleeds on the front cover and the spine. Catalog-size trim size 8 1/4" W x 10 3/4" H. Text section 50# vellum offset, cover section 80# gloss cover weight. Text section black ink only on all pages (tabs bleed), cover section blk + 1 pms color/blk (non-bleed). Perfect bind. Provide prices for 8,500. For bids include cost for additional pages in 4 page increments for each bid. Creatives will be provided in .pdf or InDesign format unless specified.

Print schedule: Summer schedule to printer tentatively 3/18/09
Catalog to printer tentatively 5/8/09

Deliver schedule and catalog within seven working days of final approved proofs and files.

State Contracts

Deadline for Bids: 12:00 p.m. – Wednesday, March 11, 2009

Questions, get bid form (required) and submit bids: E-mail David Tajima: *David.Tajima@minneapolis.edu*

Minnesota State Colleges and Universities (MnSCU) Minneapolis Community & Technical College Notice of Intent to Request Proposals for a Facilities Cleaning Assessment Program and Services

Specifications: Provide a system to assist various MnSCU institutions in auditing and maintaining physical plant facilities state-wide.

Deadline: Monday March 9, 2009 at 2:00 pm

Contact: Michael Noble-Olson
Minneapolis Community and Technical College
1501 Hennepin Avenue
Minneapolis, MN 55403
E-mail: *michael.noble-olson@minneapolis.edu*

Minnesota Office of Higher Education Notice of Availability of Contract for Financial Auditing Services to the Office of Higher Education

The Minnesota Office of Higher Education is requesting proposals for financial auditing services related to the financial statements, transactions, and processes of the Agency's General Fund, Special Revenue Fund, Federal Fund, and Loan Capital Fund (enterprise fund), and to meet the requirements of Management.

Work is proposed to start on or after May 1, 2009.

A Request for Proposal will be available by mail from this office through March 12, 2009. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After March 12, 2009 the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Timothy M. Geraghty, Chief Financial Officer
Minnesota Office of Higher Education
1450 Energy Park Drive, Suite 350
Saint Paul, MN 55108-5227
Fax: (651) 642-0675

Proposals submitted in response to the Request for Proposal in this advertisement must be received at the address above no later than 4:00 PM CDT on March 30, 2009. **Late proposals will NOT be considered.** Faxed or e-mailed proposals will **NOT** be considered.

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

Department of Natural Resources (DNR)

Notice of Availability of Contract for: Wetland Delineation Services

CERTIFICATION # 17923

The State of Minnesota, Department of Natural Resources (State), requests proposals from firms and individuals (Responder) to identify wetland boundaries, delineation and identification of wetland types and plant communities, and identification of any wetlands or wetland features of special significance under *Minnesota Rules* 8420.0548

The goal of this Request for Proposals is to provide the Department of Natural Resources a pool of consultants within each of the four DNR Regions from which to hire wetland delineation services for those projects administered by the various divisions of the Department. Most work orders will be for less than \$2,500.00 but some work orders may be much larger in cost. Because there are over 180 DNR office sites in Minnesota, contracts will be established to cover all regions of the state. For each project, the DNR will identify specific tasks and duties to be provided, select a Consultant(s) from those under Master Contract, and prepare and issue a Work Order identifying specific tasks, duties and timelines needed by the Department.

Based upon the size of a project, the State may issue project-specific Work Order RFP's to one or more Consultants on the Master Contract list and make a final selection of the Consultant(s) based on qualifications, specific approach, and overall proposed cost.

It is anticipated that contracts will be fully executed by April 2, 2009.

The Request for Proposal can be obtained from:

Julie Johansen, Contract Office
Department of Natural Resources
500 Lafayette Road, Box 16
St. Paul, Minnesota 55155-4016
Fax: (651) 297-5818
E-mail: julie.johansen@dnr.state.mn.us

All proposals must be received not later than 3:00 p.m. Central Daylight Time, March 19, 2009.

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.

State Contracts

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT's Consultant Services web site, indicated below, to see which highway related professional/technical services are available for application. Applications are accepted on a continual basis. All expenses are incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

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

Send completed application material to:

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

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

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

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

Department of Transportation (Mn/DOT) Engineering Services Division, Office of Bridges Request for Proposals (RFP) for Statewide Bridge Inspection

The State of Minnesota through its Department of Transportation requests proposals to provide: Statewide routine and fracture critical inspections with documentation as detailed in the RFP and its accompanying attachments.

Responses to this advertisement become public information under the Minnesota Government Data Practices Act. This request does not obligate Mn/DOT to complete the work contemplated in this notice, and Mn/DOT reserves the right to cancel this RFP. All expenses incurred in responding to this notice will be borne by the responder.

The full RFP can be viewed on the Consultant Services Web Page at: www.dot.state.mn.us/consult/index.html under the P/T Notices Section.

If you have any questions regarding this advertisement, or are having problems viewing the RFP on the Consultant Services Web Page, you may contact:

Victor E. Crabbe, Contract Administrator
Telephone: (651) 366-4451
E-mail: victor.crabbe@dot.state.mn.us

Note: RESPONSES WILL BE DUE ON **MARCH 26, 2009 AT 2:00 PM CENTRAL DAYLIGHT TIME.**

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

Notice of Request for Proposals (RFP) for Project Management Software and Vendor Services

Contract Number 09P010

The Metropolitan Council is soliciting proposals to provide an industry-specific hosted software application and consulting services to support the project and contract management responsibilities of the Central Corridor Project Office for the Central Corridor Light Rail Transit project. The *anticipated* schedule for this procurement is as follows:

<i>Issue Request for Proposals</i>	February 17, 2009
<i>Questions Due</i>	March 3, 2009
<i>Proposals Due</i>	March 19, 2009
<i>Award Contract</i>	May 2009

The RFP documents are available for download for a non-refundable cost of \$10.00 at www.metrocouncil.org (see Doing Business with the Council) or www.questcdn.com. Input *QuestCDN eBidDoc*™ Number 808902 on the website's Project Search page. Contact *QuestCDN.com* at (952) 233-1632 or info@questcdn.com for assistance in downloading and working with the digital documents.

Questions concerning the content of the RFP documents may be directed to:

Auburn Dees
RFP Administrator
Metropolitan Council
390 North Robert Street
St. Paul, MN 55101
Phone: (651) 602-1346
E-mail: auburn.dees@metc.state.mn.us

Metropolitan Council

Notice of Invitation for Bids (IFB) for Nitrate Salts and Odor Control Related Services

Reference Number 09P028

The Metropolitan Council is requesting bids for the furnishing and delivery of Nitrate Salts and Odor Control Related Services for the period May 1, 2009 to April 30, 2011. The *anticipated* schedule for this procurement is as follows:

<i>Issue Invitation for Bids</i>	February 23, 2009
<i>Bids Due</i>	March 24, 2009 @ 2:00 pm local time
<i>Contract Award</i>	May 1, 2009

Bidding documents are available for download for a non-refundable cost of \$10.00 at www.metrocouncil.org (see Doing Business with the Council) or www.questcdn.com. Input *QuestCDN eBidDoc*™ Number 816707 on the website's Project Search page. Contact

Non-State Bids, Contracts & Grants

QuestCDN.com at (952) 233-1632 or: info@questcdn.com for assistance in downloading and working with the digital documents.

Questions concerning the content of the IFB documents may be directed to:

Richard Halsted
IFB Administrator
Metropolitan Council
390 North Robert Street
St. Paul, MN 55101
Phone: (651) 602-1038
E-mail: richard.halsted@metc.state.mn.us

Metropolitan Council

Notice of Request for Proposals (RFP) for Business Intelligence (SAP BusinessObjects XI 3.0) and Integrated Data Environment Assistance Contract Number 09P009

The Metropolitan Council is soliciting proposals for consultant services to install and configure SAP BusinessObjects XI 3.0 Suite and modify the Council's current data environment to utilize BusinessObjects to deliver a variety of business intelligence tools. The **anticipated** schedule for this procurement is as follows:

<i>Issue Request for Proposals</i>	February 23, 2009
<i>Questions Due</i>	March 10, 2009
<i>Proposals Due</i>	March 24, 2009
<i>Award Contract</i>	April 2009

The RFP document is available to view and download for a non-refundable cost of \$10.00 at www.metrocouncil.org (see Doing Business with the Council) or www.questcdn.com. Input QuestCDN eBidDoc™ Number 812887 on the website's Project Search page. Contact QuestCDN.com at (952) 233-1632 or info@questcdn.com for assistance in downloading and working with the digital documents.

Questions concerning the content of the RFP documents may be directed to:

Auburn Dees
RFP Administrator
Metropolitan Council
390 North Robert Street
St. Paul, MN 55101
Phone: (651) 602-1346
E-mail: auburn.dees@metc.state.mn.us

Metropolitan Council - Metro Transit

Request for Proposals Metro Mobility Software Demonstration Project Procurement Number 8029

The Metropolitan Council, in cooperation with the Minnesota Department of Transportation (MnDOT) and the Minnesota Department of Human Services (MnDHS), is soliciting proposals for a web-based paratransit scheduling and routing system with an integrated Mobile Data Terminal (MDT) for the purposes of a demonstration pilot project.

The RFP will be issued on Friday 02/20/09.

Non-State Bids, Contracts & Grants

A Pre-Proposal Conference will be held at 10:00 AM on Tuesday, March 10, 2009 in the Lower Level A Conference Room, Metropolitan Council Regional Administration Office located at 390 Robert Street North, St. Paul, Minnesota 55101.

Proposers are encouraged to attend and participate in the Pre-Proposal Conference.

Proposals are due by 2:00 p.m. on March 24, 2009.

Firms interested in receiving the Request for Proposals document should contact:

Attn: Candace Osiecki
Metropolitan Council
Metro Transit Purchasing Department
515 N. Cleveland Avenue
St. Paul, MN 55114
Phone: (612) 349-5070
Fax: (612) 349-5069
E-mail: candace.osiecki@metc.state.mn.us

Metropolitan Council - Metro Transit Request for Proposals for Construction Observation, Independent Testing Services and Inspection Services for Three Construction Projects Reference #8058

Metro Transit, a division of the Metropolitan Council, is seeking the services of a qualified firm for Construction Observation, Independent Testing Services and Inspection Services for three construction projects: Hiawatha Light Rail Transit Platform Extensions, American Boulevard Station, and Grade Crossing Control Upgrades.

A Disadvantaged Business Enterprise participation goal of 15 percent has been established for this project.

Proposals are due no later than 2:00 p.m. on March 6, 2009.

To view and obtain the Request for Proposals document, go to the Metropolitan Council's website at www.metrocouncil.org, and then Doing Business with the Council. Under Contracting Opportunities, view the information related to this procurement, where you will find instructions for viewing and downloading the Request for Proposals.

Metropolitan Council - Metro Transit Notice of Invitation for Bids (IFB) for In-Ground Hoist Cylinder Replacement Procurement Number 8044

NOTICE IS HEREBY GIVEN that on March 12, 2009 at 2:00 PM, Metro Transit a division of the Metropolitan Council will receive and publicly open separate sealed bids for Metro Transit's Procurement Number 8044 at 515 North Cleveland Avenue, Saint Paul, Minnesota 55114-1878. Sealed bids should be delivered to the second floor Purchasing Department.

Metro Transit is requesting bids for In-Ground Hoist Cylinder Replacement at the Overhaul Base Facility located at 515 North Cleveland Ave. St. Paul, MN.

A Pre-Bid Meeting will be held 10:00 AM, March 4, 2009 at Metro Transit, Overhaul Base located at 515 North Cleveland Avenue, Saint Paul, Minnesota 55114 in the 2nd floor conference room. Interested Bidders are encouraged to attend and participate.

Non-State Bids, Contracts & Grants

Bidding Documents may be obtained from:

Attn: Candace Osiecki
Metro Transit, Purchasing Department
515 North Cleveland Avenue
St. Paul, MN 55114-1878
Phone: (612) 349-5070,
Fax: (612) 349-5069,
E-mail: candace.osiecki@metc.state.mn.us

Dated this 18th day of February, 2009

Center for Transportation Studies, University of Minnesota Requests for Information (RFI) for Professional Services

The Center for Transportation Studies at the University of Minnesota is seeking qualified vendors to provide the following professional service:

Photography Services: RFI 1021

The purpose of the RFI is to gather information about the qualifications of contractors who perform this professional service, since CTS or the programs it administers may need to purchase these services in the future.

This RFI is NOT a request for a proposal, bid, or quotation. The RFI does not obligate the University of Minnesota to any particular vendor or dollar amount. Rather, the RFI is simply intended to gather information regarding the services available in order to create a pool of potential contractors.

RFIs are posted on the CTS Web site at <http://www.cts.umn.edu/About/RFI/>.

For administrative information, please contact:

Penny Harris
Center for Transportation Studies
200 Transportation and Safety Building
511 Washington Ave. S.E.
Minneapolis, MN 55455
Phone: (612) 625-9246
E-mail: harri163@cts.umn.edu

Initial submission deadline for proposals is 4:00 p.m. March 23rd, 2009.

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.

Minnesota's Bookstore

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Central and Northwest Minnesota, \$29.95
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- **Butterfly Gardening,** \$4.00
- **OSHA Part 1926 Construction,** \$39.98
- **OSHA Part 1910 General,** \$49.95
- **Trail Planning Guide -** Stock Number 323, \$19.95
- **Fish Cleaning Made Easy -** DVD on Fish Cleaning - Learn to clean 9 species of fish,
Stock Number 226, \$14.99

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