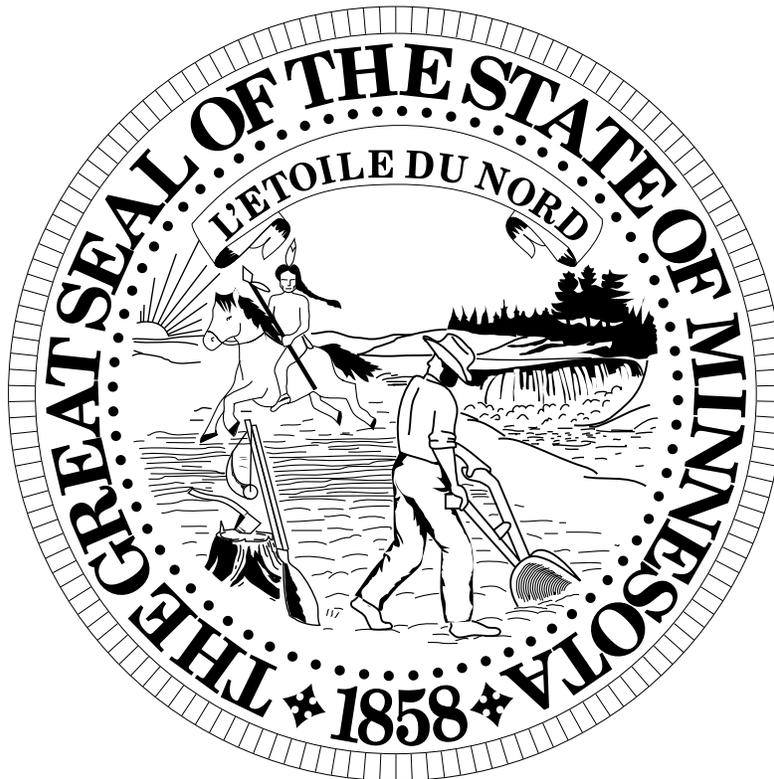


State of Minnesota

State Register

Rules and Official Notices Edition



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State Register

Judicial Notice Shall Be Taken of Material Published in the *State Register*

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

- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
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Printing Schedule and Submission Deadlines

Vol. 27 Issue Number	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 both Adopted and Proposed RULES
#24	Monday 9 December	Noon Tuesday 3 December	NOON TUESDAY 26 NOVEMBER
#25	Monday 16 December	Noon Tuesday 10 December	Noon Wednesday 6 December
#26	Monday 23 December	Noon Tuesday 17 December	Noon Wednesday 11 December
#27	Monday 30 December	Noon Tuesday 24 December	Noon Wednesday 18 December

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Minnesota Judicial Center, Room 135, 25 Constitution Ave., St. Paul, MN 55155
Website: www.courts.state.mn.us

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		Individual copies and subscriptions or the <i>State Register</i> and <i>Solicitation Announcements</i> are available through Minnesota's Bookstore, (651) 297-3000, or (800) 657-3757.

Minnesota Rules: Amendments and Additions

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

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

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

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

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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Proposed Rules

Comments on Planned Rules or Rule Amendments

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

Rules to be Adopted After a Hearing

After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

Rules to be Adopted Without a Hearing

Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Department of Natural Resources

Bureau of Information, Education and Licensing

Proposed Permanent Rules Relating to Boat and Water Safety

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

Proposed Amendments to Rules Governing Boat and Water Safety; Minnesota Rules, parts 6110.1100-6110.1500 and 6110.1900; and Proposed Repeal of Rules Governing Boat and Water Safety; Minnesota Rules, part 6110.1300

Introduction. The Minnesota Department of Natural Resources (DNR) intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request

Proposed Rules

for a hearing on the rules by 4:30 p.m. on January 8, 2003, a public hearing will be held on January 22, 2003, in the training room of the DNR Building, 500 Lafayette Road, St. Paul, Minnesota, starting at 1:30 p.m., and continuing until those present have been heard. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after January 8, and before January 22, 2003.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Kim Elverum at DNR, 500 Lafayette Road, St. Paul, MN 55155-4046, **phone:** (651) 296-0905, **fax:** (651) 296-0902, **email:** kim.elverum@state.mn.us . **TTY** users may call the DNR at 1-800-657-3929.

Subject of Rules and Statutory Authority. The proposed rule changes are primarily technical and include changes to rental boat requirements, life jacket labeling restrictions, boat capacity plate language, aids to navigation standards, and the minimum property damage amount for boat accident reports. The proposed rules also repeal *Minnesota Rules*, part 6110.1300. The statutory authority to adopt the rules is *Minnesota Statutes*, section 86B.211.

A copy of the proposed rules is published in the *State Register*, and attached to this copy as mailed. The rules may also be accessed at <http://www.comm.media.state.mn.us/bookstore/stateregister.asp> A free copy of the proposed rules is available upon request from the DNR contact person.

Comments. You have until 4:30 p.m. on January 8, 2003, to submit written comment in support or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on January 8, 2003. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

Modifications. The proposed rules may be modified, either as a result of public comment or a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for January 22, 2003, will be cancelled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person after January 8, 2003, 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 these rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.141 to 14.20. The hearing will be held on the date and at the time and place listed above. Judge George A. Beck can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, MN 55401-2138, **phone:** (612) 349-7601 and **fax:** (612) 349-2665.

Hearing Procedure. If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be

submitted during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

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

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

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

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

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

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

Dated: 25 November 2002

Allen Garber, Commissioner of Natural Resources

6110.1100 RENTAL OF WATERCRAFT.

Subpart 1. **Condition and equipment of rental watercraft.** Condition and equipment of rental watercraft:

A. No watercraft which is in a broken, rotten, or otherwise hazardous condition, including any accessory equipment, shall be rented or offered for rent. ~~No watercraft shall be rented or offered for rent unless all oars, oarlocks, and paddles rented or made available for use with the watercraft, are free of cracks, splits, and breaks.~~

B. ~~No watercraft shall be rented or offered for rent unless its rear transoms are strongly constructed and capable of standing the strains imposed by fully reversing the motors attached or to be attached.~~

~~C. No metal or fiberglass watercraft shall be rented or offered for rent unless it is equipped with air chambers or other buoyancy devices and is capable of sustaining complete buoyancy for capacity load in the event the craft is capsized meets the flotation requirements for its year of manufacture, found in *Code of Federal Regulations*, title 33, part 183, subparts F, G, and H.~~

~~D. C.~~ No watercraft shall be rented or offered for rent unless it is free of spilled gasoline and oil.

~~E. D.~~ No watercraft which has been rented shall be permitted to depart from the premises at which it was rented if it is loaded beyond its safe carrying capacity or powered beyond its safe power capacity.

~~F. E.~~ No other number, letter, design, or insignia shall be displayed on either side of any such watercraft which is closer than 24 inches to any part of the watercraft license number or validation decal.

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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Proposed Rules

G. ~~No watercraft shall be rented or offered for rent unless it is equipped with a pair of oars and oarlocks, or with a paddle, or with a pole, in serviceable condition.~~

~~H. F.~~ The owner of a business which rents, leases, or hires out watercraft shall provide for each person on board the watercraft ~~a~~ all lifesaving ~~device~~ devices required by law or these rules, as well as all other required safety equipment for each watercraft.

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

6110.1200 NAVIGATION OF WATERCRAFT ON THE WATERS OF THE STATE; SAFETY EQUIPMENT.

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

Subp. 3. **Personal flotation (lifesaving) devices.** Flotation devices:

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

D. All personal flotation devices required by this subpart shall be:

[For text of subitems (1) to (3), see M.R.]

(4) either readily accessible or worn with the following exceptions:

[For text of units (a) and (b), see M.R.]

(c) Type IV personal flotation devices must be immediately available.

“Readily accessible” means easily retrievable within a reasonable amount of time in an emergency. “Immediately available” means easily reached in time of emergency. Personal flotation devices located in locked containers, under heavy objects or left in shipping bags are not considered readily accessible or immediately available; and

(5) of the appropriate size for the intended wearer, if the device is designed to be worn, and in compliance with any use restrictions listed on the U.S. Coast Guard approval label.

[For text of subps 4 to 7, see M.R.]

~~6110.1400 CAPACITY PLATE INFORMATION REQUIREMENTS FOR WATERCRAFT CONSTRUCTED ON OR AFTER AUGUST 1, 1980.~~

Subpart 1. **Information required.** The manufacturer’s capacity plate required by law shall ~~contain the following information: comply with the U.S. Coast Guard safe loading and powering standards for the year of manufacture, as set forth in Code of Federal Regulations, title 33, part 183, subparts B, C, and D.~~

~~A. For outboard boats: maximum persons capacity in pounds or persons; maximum weight capacity (persons, motor, and gear) in pounds; maximum motor horsepower or maximum horsepower with and without remote steering.~~

~~B. For inboard, inboard/outdrive, and boats without mechanical propulsion: maximum persons capacity in pounds or persons; maximum weight capacity (persons and gear) in pounds.~~

Subp. 2. **Method to determine capacity information.** The method used for determining capacity information shall comply with the U.S. Coast Guard safe loading and powering standards for the year of manufacture, as set forth in *Code of Federal Regulations*, title 33, part 183, subparts C and D.

Subp. 3. **Definitions.** The terms “safe power capacity” and “safe carrying capacity” used in *Minnesota Statutes*, section 86B.311, subdivision 1, shall be that capacity displayed on the manufacturer’s capacity plate. If no such plate exists, the method referred to in ~~either part 6110.1300, items B and C, or 6110.1400, subpart 2~~ shall be used to determine the capacity.

6110.1500 WATERWAY MARKERS.

Subpart 1. **In general.** Except as hereinafter provided, or as otherwise provided by law, all waterway markers placed in or upon the waters of the state by public authority or under a permit issued by the sheriff of any county for the purposes hereinafter set forth shall have the form, size, lighting, reflectorization, and coloration prescribed therefor. When referring to lights on a waterway marker, “flashing” means not more than 30 flashes per minute and “quick-flashing” means at least 60 flashes per minute.

Subp. 2. **Channel marker buoys.** Channel marker buoys:

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

B. Where channel marker buoys are placed to indicate the location of a well defined boating channel, an all green buoy and an all red buoy shall be placed in opposition to each other to indicate the course of the channel is located between them. The red buoy or marker shall be situated on the right side of the channel when heading towards shore, or when heading upstream. A green flashing light shall be used in conjunction with a green buoy if it is to be lighted. When reflectorization is used with a green buoy, it shall be green in color and no less than a three-inch wide strip shall completely surround the buoy and shall be located at the top of the

buoy. Number designations shall be odd. A red flashing light shall be used in conjunction with a red buoy if it is to be lighted. When reflectorization is used with a red buoy, it shall be red in color and no less than a three-inch wide strip shall completely surround the buoy and shall be located at the top of the buoy. Number designations shall be even. Red buoys may have a conical (nun) shape to the top of the buoy. Daymarks (signs) may also be used in place of buoys. The colors, lighting, minimum height above water, and numbering for daymarks shall be the same as for buoys with the same designation. Red daymarks shall be triangular in shape and green daymarks shall be rectangular in shape.

Subp. 3. ~~Other navigational buoys~~ **Shoreward obstruction (point) buoy.** A buoy indicating that a watercraft should not pass between it and the nearest shore shall have a circular transverse cross-section measuring not less than nine inches in diameter and shall extend at least 36 inches above the surface of the water. Each such buoy shall be marked with alternating vertical ~~red black~~ and white stripes. White reflectorization may be used on a minimum of the upper ~~four three~~ inches of the white vertical stripe. ~~Red reflectorization may be used on a minimum of the upper four inches of the red vertical stripes.~~ A white quick-flashing light shall be used if the buoy is lighted.

Subp. 3a. **Mid-channel or safe water buoy.** A buoy indicating the center or midpoint of a channel shall have a circular transverse cross-section measuring not less than nine inches in diameter and shall extend at least 36 inches above the surface of the water. Each such buoy shall be marked with alternating vertical red and white stripes and may have a red spherical top mark approximately the same diameter as the diameter of the buoy. White reflectorization may be used on a minimum of the upper three inches of the white vertical stripes. Red reflectorization may be used on a minimum of the upper three inches of the red vertical stripes. A white flashing light shall be used if the buoy is lighted. A daymark (sign) may be used in place of a buoy and must extend out of the water a minimum of 36 inches. The daymark must be octagonal in shape with a white border, white on the left side and red on the right side of the sign as it faces the boater.

[For text of subp 4, see M.R.]

Subp. 5. **Regulatory and information signs and buoys.** Regulatory and information signs and buoys:

A. No regulatory or informational signs or buoys may be placed in or upon the waters of this state, except by public authority or under a permit issued by the sheriff of the county. All such signs and buoys shall be colored white except as hereinafter provided.

When a buoy is used as a regulatory or informational marker (except in private swimming areas), it shall have two orange-colored horizontal bands completely around the buoy's circumference, one such band at the top, and the other just above the waterline. The appropriate geometric shape(s) indicating the buoy's purpose and any lettering or numerals shall be placed between these horizontal bands. The buoy itself shall have a circular transverse cross section of at least nine inches and shall extend at least 36 inches above the surface of the water. Except for danger areas, a white flashing light shall be used on all buoys or signs in this subpart, if the buoy or sign is lighted. If lighted, buoys or signs that mark danger areas must display a white quick-flashing light.

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

I. Every waterway marker driven into the bottom of a lake or stream, or attached to a post so driven, shall extend at least ~~30~~ 36 inches above the surface of the water. The surface of the water shall be considered to be the normal high watermark during the local boating season.

J. Any sign may be reflectorized ~~or fluorescent~~, provided that the entire displayed surface is uniformly reflectorized ~~or fluorescent~~.

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

~~L. Whenever an emergency situation requires that immediate warning be given of any hazardous condition on any waters of the state, any available object or apparatus may be utilized as a temporary waterway marker to give such warning until the emergency ceases to exist or until a marker complying with these regulations can be substituted therefor.~~

[For text of subps 7 and 8, see M.R.]

6110.1900 REPORTS.

Subpart 1. **Accident reports.** Each county sheriff shall report to the commissioner of natural resources:

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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Proposed Rules

A. each watercraft accident involving either a fatality, personal injury requiring treatment beyond first aid, or property damage that ~~totals more than \$500~~ meets the U.S. Coast Guard reportability requirements found in *Code of Federal Regulations*, title 33, section 173.55; and

B. all drownings.

Reports shall be submitted on forms provided by the commissioner and forwarded within ten days of the accident.

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

REPEALER. *Minnesota Rules*, part 6110.1300, is repealed.

Pollution Control Agency

Policy and Planning Division

Proposed Permanent Rules Relating to Obsolete Rules

NOTICE OF INTENT TO REPEAL OBSOLETE RULES

Proposed Repeal of Rules Governing Requirements for Used Oil Transporters, *Minnesota Rules* 7045.0990, subp. 4A and D, and Rules Governing Lead Abatement in Soil, *Minnesota Rules* 4760.0015, subp. 6 and Part 4760.0035

Introduction: The Minnesota Pollution Control Agency (MPCA) intends to repeal obsolete rules following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, section 14.3895 (2001 Supplement).

MPCA Contact Person: Comments or questions on the repeal and written requests that the MPCA proceed to a public hearing on the repeal in accordance with *Minnesota Statutes*, sections 14.131 to 14.20 or proceed to repeal the rule without a public hearing in accordance with *Minnesota Statutes*, sections 14.22 to 14.28 must be submitted to: Matthew Herman, at the Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, Minnesota, 55155-4194; **phone:** (651) 296-6603; **fax:** (651) 297-8676; **email:** matthew.herman@pca.state.mn.us. TTY users may call the MPCA at TTY (651) 292-5332 or 1-800-657-3867.

Subject of Rules and Statutory Authority: The proposed repeal governs the following obsolete rules:

1. Parts 4760.0015, subp. 6 and 4760.0035 - *Minnesota Rules* ch. 4760 was originally adopted by the MPCA to regulate lead in soil at residential lead abatement sites. Authority for implementing the rules in Chapter 4760 was transferred by legislative mandate to the Minnesota Department of Health. At the time of the transfer (published in the *State Register* on September 13, 1993,) certain parts of Chapter 4760 were repealed and the main elements of the chapter were renumbered to *Minnesota Rules* ch. 4761 which governs Residential Lead Abatement. Parts 4760.0015, subp. 6 and 4760.0035 were neither renumbered nor repealed and were left in Chapter 4760 by mistake.
2. *Minnesota Rules* 7045.0990, subp. 4A and D - Requirements for used oil filter transporters. In 1993, Minnesota began requiring used oil filter transporters to become licensed and notify the MPCA by March 1 of every year the amounts of used oil filters transported in the previous calendar year. This program was implemented at the same time the MPCA began regulating used oil filters. The state needed to gather data on how many used oil filters were being generated each year. *Minnesota Laws* ch. 231, sec. 201 (1999) required the MPCA to analyze the technical feasibility of alternative methods for disposing of and recycling used oil motor filters, and then report to the legislature by January 15, 2001, on the MPCA's findings and recommendations. The title of this report is "Analysis of Disposal Methods for Do-It-Yourselfer Used Oil Filters" and is available on the MPCA's Web site at www.pca.state.mn.us/hot/legislature/reports/2001/index.html. Once a determination was made as to the quantities generated each year, the MPCA stopped requiring used oil filter transporters to submit this information. The MPCA will retain part 7045.0990, subpart 4B, C and E to ensure that proper management and record keeping is continued.

The statutory authority to repeal these rules is *Minnesota Statutes*, section 116.07. A copy of the proposed repeal is published in the *State Register* and attached to this notice as mailed.

Comments: You have until 4:30 p.m. on February 7, 2003, to submit written comment in support of or in opposition to the proposed repeal and any part or subpart of the repeal. Your comment must be in writing and received by the MPCA contact person by 4:30 p.m. on February 7, 2003. Comment is encouraged. Your comment should identify the portion of the proposed repeal and the reason for the comment. You are encouraged to propose that any part or subpart not be repealed. Any comments that you would like to make on the legality of the proposed repeal must also be made during the comment period.

Request for an Alternative Process: If 25 or more people submit a written request, the MPCA will have to meet the requirements of sections 14.131 to 14.20 for rules adopted after a public hearing or the requirements of section 14.22 to 14.28 for rules adopted without a public hearing, including preparation of a statement of need and reasonableness and the opportunity for a hearing. Your written request for an alternative process must include your name and address. You must identify the portion of the proposed rule which you feel should not be repealed or state that you oppose the entire repeal. Any request that does not comply with these requirements is not valid and cannot be counted by the MPCA for determining whether an alternate process is necessary. You are also encouraged to state the reason for the request.

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

Modifications: The proposed repeal may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the MPCA, but modifications can only alter which rules or parts are being repealed. If the proposed repeals affect you in any way, you are encouraged to participate in the repeal process.

Request to Have MPCA Board Make Decision on Proposed Repeal if No Hearing is Required: If a hearing is required, the MPCA Citizens' Board will make the final decision on whether to adopt the proposed repeal. However, even if no hearing is required, you may submit a request to the MPCA Commissioner or an MPCA Citizens' Board member to have the MPCA Citizens' Board make the decision on whether to adopt the proposed repeal. Your request must be in writing, must state to whom it is directed and must be received by the MPCA contact person by 4:30 p.m. on February 7, 2003. Under *Minnesota Statutes* § 116.02 where a hearing is not required, the MPCA Citizens' Board will only make the decision on the rule repeal if the MPCA Commissioner grants your request or if an MPCA Citizens' Board member makes a timely request that the decision be made by the MPCA Citizens' Board.

Adoption and Review of Rules: If no alternative process is required, the MPCA may repeal the rules after the end of the comment period. The repealed rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the repeal is submitted to the office. If you want to be so notified, or want to receive a copy of the repealer, or want to register with the MPCA to receive notice of future rule proceedings, submit your request to the MPCA contact person listed above.

Karen A. Studders
Commissioner

7045.0990 USED OIL FILTERS.

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

Subp. 4. Requirements for used oil filter transporters.

~~A. Any person who transports used oil filters from used oil filter generators, other than scrap metal collectors who receive incidental quantities of used oil filters with other scrap metal and persons handling used oil filters as hazardous waste, must be licensed as a used oil filter transporter by the commissioner. Used oil filter transporters must keep a copy of their license in each vehicle used to transport used oil filters and at sites used to store used oil filters. To obtain a license and remain licensed, the used oil filter transporter must submit the following information and meet the requirements of this subpart. All persons transporting used oil filters must submit the following information regarding the operations of their used oil filter transporting business in writing to the commissioner:~~

~~(1) the name, address, and telephone number of the transporter and all facilities the transporter uses for used oil filter transportation purposes;~~

~~(2) the name of a contact person for the transporter and all facilities the transporter uses for used oil filter transportation purposes;~~

~~(3) a list of the names, addresses, and telephone numbers of all used oil filter brokers, processors, and recyclers that will be used to recycle used oil filters handled by the transporter;~~

~~(4) an approximation of the service area of the transporter; and~~

~~(5) an approximation of the amount of used oil filters the transporter expects to collect on an annual basis.~~

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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~~The commissioner shall issue a used oil filter collector license to persons that submit the above information. The collector must notify the commissioner in writing immediately when any of the above information changes and provide the correct information. The commissioner shall suspend or revoke the license of any used oil transporter not in compliance with the requirements of this subpart.~~

~~B.~~ **A.** Storage and transportation:

(1) Used oil filter transporters must store and transport used oil filters in leakproof containers labeled with the words "Used Oil Filters." The containers must be closed or otherwise covered to prevent precipitation from entering the container and to prevent used oil filters and used oil from exiting the container during transport and storage.

(2) Used oil filter transporters may only send used oil filters to used oil filter recycling intermediaries or recyclers. Used oil filter transporters must send at least 75 percent of the used oil filters they take possession of each year for recycling.

~~C.~~ **B.** Recordkeeping and receipts:

(1) Used oil filter transporters must keep records of each volume of used oil filters they accept, including the name and address of the company offering the used oil filters, the date of shipment, and the quantity of the shipment. Used oil filter transporters must give a receipt to used oil filter generators containing the above information, the used oil filter transporter's name and used oil filter transporter license number, and a signed certification that the used oil filter transporter will ensure that the used oil filters they are accepting will be recycled.

(2) Used oil filter transporters must keep records of each volume of used oil filters they deliver to a used oil filter broker, processor, or recycler. These records must include the name and address of the facility receiving the used oil filters, the date of receipt, and the volume of used oil filters delivered.

~~D. By March 1 of every year beginning in 1997, used oil filter transporters must report to the commissioner in writing the amount of used oil filters in pounds transported by the transporter in the previous calendar year, and the amount of used oil filters in pounds the used oil filter transporter delivered to used oil filter brokers, processors, and recyclers in the previous calendar year. The reported amounts transported must distinguish between the amount of used oil filters transported from generators in Minnesota and the amount of used oil filters transported from generators outside of Minnesota. The report must also contain a signed certification from the used oil filter transporter certifying that the transporter sent used oil filters only to used oil filter recycling intermediaries or recyclers.~~

~~E.~~ **C.** Used oil filter transporters that generate used oil from their operations must comply with parts 7045.0805 and 7045.0855, as applicable.

[For text of subp 5, see M.R.]

REPEALER. *Minnesota Rules*, parts 4760.0015, subdivision 6; and 4760.0035, are repealed.

Department of Public Safety

Driver and Vehicle Services Division

Proposed Permanent Rules Relating to Vehicle Operator Testing by Third-Party Testers

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 a Hearing are Received

In the Matter of Proposed Permanent Rules Relating to Vehicle Operator Testing by Third-Party Testers, *Minnesota Rules* parts 7410.6000 to 7410.6540

Introduction. The Minnesota Department of Public Safety intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedures 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 January 8, 2003, a public hearing will be held in the training room of the Department of Transportation Minnesota Administrative Truck Center, 1110 Centre Pointe Curve, (Highway 110 and Lexington Avenue) Mendota Heights, Minnesota 55120 starting at 9:00 a.m. on Tuesday, January 21, 2003. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after January 8, 2003 and before January 21, 2003.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is Debra Carlson at the Minnesota Department of Public Safety, Driver and Vehicle Services Division, 445 Minnesota Street, Suite 195, St. Paul, Minnesota 55101-5196. **Phone:** (651) 296-9502, **fax:** (651) 296-5316. **TTY** users may call the Department of Public Safety at (651) 282-6555.

Subject of Rules and Statutory Authority. The proposed rules address the delegation of some driver examination testing to parties other than state examiners. Delegation is primarily for road tests for commercial trucks and buses requiring a class A, B or C license, and for motorcycle skills testing of persons age 18 and older. The knowledge and road test for class D passenger car or small truck licensure is not delegated. Proposed rule provisions specify the criteria for eligibility to be a third-party testing program and the qualifications to be an individual third party tester.

A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. A free copy of the rules are available from the agency contact person. This notice and the proposed rules are available through the department's WEB site at <http://www.dps.state.mn.us/DVS> and may also be accessed directly from the *State Register* at <http://www.comm.media.state.mn.us>

The proposed rules are authorized by *Minnesota Statutes*, sections 14.06; section 169.974, section 171.13, subdivisions 1 and 3; and section 299A.01, subdivision 7.

Comments. You have until 4:30 p.m. on January 8, 2003, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on January 8, 2003. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

Modifications. The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted by the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules, unless the procedure under *Minnesota Rules*, part 1400.2110 has been followed. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for January 21, 2003, will be cancelled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (651) 296-9502 after January 8, 2003 to find out whether the hearing will be held.

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

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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Proposed Rules

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

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

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

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

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

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

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

Dated: 31 October 2002

Charles R. Weaver, Jr. Commissioner
Minnesota Department of Public Safety

ROAD AND SKILLS TESTING BY THIRD-PARTY TESTERS

7410.6000 DEFINITIONS.

Subpart 1. Scope. The terms used in parts 7410.6000 to 7410.6540 have the meanings given them in this part.

Subp. 2. Applicant. "Applicant" means an entity applying for approval to be a third-party testing program.

Subp. 3. Commercial driver's license. "Commercial driver's license" means a license issued by the commissioner to operate a commercial motor vehicle.

Subp. 4. Entity. Unless otherwise expressly described or limited, "entity" includes an individual, natural person, and a legal or corporate person, however organized.

Subp. 5. Letter of approval. "Letter of approval" means the document issued by the commissioner to the third-party tester program authorizing the program to administer approved tests on behalf of the commissioner.

Subp. 6. Third-party tester. "Third-party tester" means an individual who is an employee of a third-party testing program who has qualified for a third-party tester certificate issued by the commissioner granting the individual authorization to conduct road tests or skills tests.

Subp. 7. Third-party tester certificate. "Third-party tester certificate" means a certificate issued by the commissioner to the third-party tester authorizing the third-party tester to administer road tests and skills tests on behalf of a specified third-party testing program.

Subp. 8. Third-party testing program. “Third-party testing program” means a program authorized by the commissioner to administer to an individual the road test or skills test as defined in part 7410.4100, subpart 11.

7410.6100 THIRD-PARTY TESTING PROGRAM ELIGIBILITY.

Subpart 1. Designation. To be designated by the commissioner as a third-party testing program, an entity must meet one of the program categories specified in this part.

Subp. 2. Motor carrier. A third-party testing program that is a motor carrier must:

- A. be registered as a business with the secretary of state;
- B. own or lease, and operate, its own commercial motor vehicles;
- C. administer commercial driver’s license road tests and any necessary endorsement tests to operate the commercial motor vehicles; and
- D. administer tests only to employees of the business.

Subp. 3. School bus company. A third-party testing program that is a school bus company must:

- A. be registered as a business with the secretary of state;
- B. own or lease, and operate, its own school buses;
- C. administer road tests and any necessary endorsement tests to operate the school buses; and
- D. administer tests only to employees of the company.

Subp. 4. Postsecondary school. A third-party testing program that is a postsecondary school must:

- A. be a public institution regulated by the North Central Association of Colleges and Schools under *Minnesota Statutes*, chapter 124D, or be a public institution regulated by the board of trustees of the Minnesota state colleges and universities;
- B. own or lease its own vehicles used for testing, or contract to operate government-owned vehicles;
- C. offer courses in operating commercial motor vehicles or motorcycles;
- D. administer commercial driver’s license road and endorsement tests or motorcycle endorsement skills tests; and
- E. administer tests only to students enrolled full time who complete courses offered by the institution.

Subp. 5. School district. A third-party testing program that is a school district must:

- A. own or lease, and operate, its own school buses;
- B. administer road tests and any necessary endorsement tests to operate a school bus; and
- C. unless a bilateral agreement has been approved by the commissioner under part 7410.6460, administer tests only to employees of the district.

Subp. 6. Motorcycle safety course. A third-party testing program that is a motorcycle safety course must:

- A. be licensed as a commercial driver’s education program under chapter 7411;
- B. be registered as a business with the secretary of state or have a tax identification number as a nonprofit organization;
- C. own or lease its own motorcycles used for testing, or contract to operate government-owned motorcycles;
- D. administer skills tests and any necessary endorsement tests to operate a motorcycle; and
- E. administer tests only to students 18 years of age and older who are enrolled full time in the program’s motorcycle course and who complete the course.

Subp. 7. Public transit authority. A third-party testing program that is a public transit authority must:

- A. own and operate its own commercial passenger buses;
- B. administer road tests and any necessary endorsement tests to operate a bus; and
- C. administer tests only to employees of the authority.

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” ADOPTED RULES SECTION — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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Proposed Rules

7410.6120 APPLICATION REQUIREMENTS GENERALLY.

Subpart 1. Commercial driver's license and motorcycle endorsement requirements. The applicant shall apply to the commissioner for approval to be a third-party testing program authorized to administer road tests for a commercial motor vehicle license or endorsement pursuant to *Code of Federal Regulations*, title 49, section 383.75, or to administer a skills test for a motorcycle endorsement.

Subp. 2. Application made to commissioner. Application to be a third-party testing program must be made to the commissioner and provide the information in part 7410.6280. Road tests and skills tests must not be conducted until the program is approved by the commissioner.

7410.6140 LOCATION REQUIREMENT.

To qualify as a third-party testing program, the applicant must be located in the state and must maintain an administrative office in at least one permanent, regularly occupied building with a permanent address.

7410.6160 EMPLOYMENT REQUIREMENT FOR BUSINESS APPLICANT.

A business applicant for commercial motor vehicle licensure or endorsements must employ at least 50 individuals, each of whom must hold a valid commercial driver's license issued by a United States state, including part-time and seasonal employees.

7410.6180 COMMERCIAL MOTOR VEHICLE TESTING PROGRAM.

A public, postsecondary educational institution or school as described in part 7410.6100 applying to be a third-party testing program for commercial motor vehicles shall offer a training course for commercial motor vehicle operation that consists of at least 180 hours of training.

7410.6200 MOTORCYCLE ENDORSEMENT TESTING PROGRAM.

Subpart 1. Licensed as commercial driving school. An entity applying to be a third-party testing program for a motorcycle endorsement must comply with chapter 7411 and *Minnesota Statutes*, sections 171.33 to 171.39 as a driver education program.

Subp. 2. Employment of certified tester. A third-party testing program for a motorcycle endorsement must employ at least one certified third-party tester who holds a valid driver's license with a motorcycle endorsement.

7410.6220 RELATIONSHIP TO BUSINESS OPERATION, OWNERSHIP, OR TRAINING.

A. The applicant must show proof of operation, ownership, or training related to commercial motor vehicles or motorcycles in the state for at least two years before the date of application.

B. If a business applicant has changed ownership, the new owner may use the previous owner's years of operation in the calculation of the two-year time period.

C. A new owner must reapply for approval as a third-party testing program.

D. No road tests or skills tests may be conducted until the new owner is approved by the commissioner.

7410.6240 SAFETY RATING.

If the applicant is subject to federal motor carrier safety regulations, the applicant must have a Minnesota Department of Transportation safety rating of at least "satisfactory."

7410.6260 EMPLOYMENT OF CERTIFIED TESTER.

The applicant must employ at least one certified third-party tester who meets the qualifications in part 7410.6120.

7410.6280 APPLICATION CONTENTS.

To apply for approval as a third-party testing program, an applicant must complete an application containing the information specified in this part:

A. business name; name of the school, college, or university; or name of the public authority;

B. business registration number if a business, or tax identification number if a not-for-profit entity;

C. address of the administrative office;

D. telephone number, fax number, and e-mail address;

E. name of an authorized official responsible for the program and application, and the official's title and telephone number;

F. description of type of entity;

G. number of years in operation;

H. number of commercial motor vehicles or motorcycles owned or operated;

I. for a business entity, the number of drivers employed as specified in part 7410.6160 or 7410.6200;

J. designation of the class of motor vehicle and endorsements to be administered for road tests or skills tests;

K. the addresses of all locations where examinations will be administered;

L. a description of the off-road facilities to be used for road tests and skills tests;

M. a map, drawing, or written description of the test route to be used for commercial vehicle road tests;

N. the name, birth date, home address, and driver's license number of all individuals the applicant wants to employ as a certified third-party tester;

O. attestation that the applicant carries the required insurance as described in *Minnesota Statutes*, chapter 65B, for all vehicles used for testing; and

P. attestation by the authorized official that the information submitted is true and accurate.

7410.6290 TEST SITE EVALUATION.

The commissioner shall evaluate the application submitted by the third-party testing program applicant and, if the application is satisfactory, schedule an on-site inspection of each testing site.

7410.6300 COMMISSIONER'S LETTER OF APPROVAL.

A. Upon approval, the commissioner shall issue a letter of approval to designate a third-party testing program.

B. The letter of approval must specify the state law and rules and federal regulations authorizing the third-party testing program to administer tests.

C. The letter of approval must specify the road tests and skills tests the program is authorized to administer.

D. The letter of approval constitutes an agreement between the state and the third-party testing program administering road tests for a commercial driver's license or a motorcycle endorsement.

7410.6320 INDEMNIFICATION.

An applicant shall agree to indemnify and hold harmless the state and all state officers, employees, and agents of the state from and against all claims, losses, damages, costs, and other proceedings made, sustained, brought, or prosecuted in any manner based on or occasioned by or attributive to any injury, infringement, or damage rising from any act or omission of the third-party testing program or the program's employees in the performance of testing duties.

7410.6340 AUDITS.

Subpart 1. **Random examinations, inspections, and audits.** An applicant shall agree to allow representatives of the Federal Highway Administration and the commissioner, on behalf of the state, to conduct random examinations, inspections, and audits of the testing operation without prior notice.

Subp. 2. **On-site inspections.** An applicant shall permit on-site inspections by agents of the commissioner as necessary to determine compliance with parts 7410.6000 to 7410.6540.

Subp. 3. **Examination of test administration.** On at least an annual basis, agents of the commissioner who are state employees must be permitted to:

A. take the tests actually administered by the third-party testing program as if the state employees were test applicants;

B. test a sample of drivers who were examined by the third-party testing program to compare pass/fail results; or

C. conduct a road test or skills test simultaneously with the third-party tester to compare test results.

Subp. 4. **Notice of test schedule.** Upon request, no less than 48 hours in advance, the third-party testing program shall provide the commissioner with the schedule times and dates that skill tests and road tests are to be given.

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Proposed Rules

7410.6360 USE OF CERTIFIED THIRD-PARTY TESTERS.

The third-party testing program shall allow only individuals who have been certified by the commissioner as third-party testers under part 7410.6440 to administer road tests or skills tests to persons to operate commercial motor vehicles or motorcycles. The program shall maintain, on file in the program's administrative office, a copy of the valid certificate of each third-party tester employed by the program.

7410.6380 TEST PROOF.

The third-party testing program shall provide a record of examination, on a format obtained from or approved by the commissioner, to an individual who has passed a road test or skills test for a commercial motor vehicle license or endorsement, or motorcycle endorsement. The record of examination, which must be presented at the time of application for a commercial driver's license or endorsement or for a motorcycle endorsement, must specify that the individual has passed the required test or tests administered by the third-party testing program.

7410.6400 EXISTING THIRD-PARTY TESTING PROGRAMS AND CERTIFIED TESTERS.

Subpart 1. Existing third-party testing programs. A third-party testing program approved before January 1, 2002, may continue as a third-party testing program if the program continues to meet the requirements in parts 7410.6000 to 7410.6540.

Subp. 2. Existing certified third-party testers. Third-party testers certified before January 1, 2002, may continue as a certified third-party tester if the examiner continues to meet the qualifications in parts 7410.6000 to 7410.6540.

7410.6420 THIRD-PARTY TESTER QUALIFICATIONS.

Subpart 1. Generally. To be certified as a third-party tester, an individual must make application to, and be approved by, the commissioner as specified in this part. The individual must:

A. possess a valid driver's license;

B. be at least age 21;

C. be a licensed driver in a United States state for the past three years;

D. within one year before application, have had no driver's license suspensions, revocations, cancellations, or disqualifications;

E. successfully pass a prequalifying tester examination;

F. be an employee of a third-party testing program;

G. successfully complete the test administration training required of state-employed examiners; and

H. have the class of driver's license and endorsements to operate the type of vehicles for which the road tests and skills tests are administered.

Subp. 2. State employee. A certified third-party tester may not be an employee of the Minnesota Department of Public Safety.

Subp. 3. Driver education instructor. Except for an instructor in a licensed or approved motorcycle driver education program, a third-party tester may not simultaneously be an instructor in a licensed or approved driver education program.

Subp. 4. Motorcycle tester qualifications. All third-party testers employed by a third-party testing program for a motorcycle endorsement must be currently certified as Motorcycle Safety Foundation instructors. An instructor must meet the certification standards specified for a rider coach in the Motorcycle Safety Foundation Basic Rider Course Curriculum Manual, 2001. The manual is incorporated by reference, is not subject to frequent change, and is available for viewing through the interlibrary loan system. A copy of this manual may be obtained from the Motorcycle Safety Foundation, 2 Jenner Street, Suite 150, Irvine, CA 92618-3806.

Subp. 5. Employment. A certified third-party tester must have a certificate for each third-party testing program that employs the tester. The tester must reapply and be approved for a new certificate to conduct tests on behalf of a new third-party testing program. The tester may be simultaneously employed by more than one program.

Subp. 6. Maintaining certification. To maintain certification as a third-party tester, an individual must:

A. conduct at least 12 road tests or skills tests annually over each 24-month period from the date of initial issuance of a third-party tester certificate;

B. be evaluated at least annually on the administration of tests and record keeping;

C. attend annual in-service training, workshops, or seminars provided by the commissioner;

D. submit monthly testing reports in a format specified by the commissioner;

E. account for all record of examinations issued by the commissioner to a third-party tester and submit the record of examination immediately to the commissioner after completing a road test or skills test; and

F. provide proof that all tests administered were to employees of the third-party testing program or to students enrolled full time in a commercial truck driver training course or motorcycle training course.

7410.6440 CERTIFICATES AND LETTER OF APPROVAL.

Subpart 1. Letter of approval; agreement. The commissioner shall issue a letter of approval indicating agreement that the third-party testing program may administer road tests or skills tests.

Subp. 2. Tester certificates. The commissioner shall issue a certificate to each commissioner-approved third-party tester of a third-party testing program.

A. A copy of the certificate of each third-party tester employed by a third-party testing program must be on file in the office of the third-party testing program.

B. A third-party tester's certificate is effective on the date of issuance by the commissioner and expires four years after issuance.

C. A third-party tester may not conduct road tests or skills tests without a valid third-party tester certificate.

Subp. 3. Not transferable. A letter of approval to operate a third-party testing program and any tester certificate is not transferable.

Subp. 4. Certificate renewal time frame. An application for renewal of a third-party tester's certificate must be submitted to the commissioner no less than 30 days before the date the previously issued certificate expires.

7410.6460 TEST ADMINISTRATION.

Subpart 1. Generally. Road tests and skills tests conducted by a third-party tester must meet the requirements in parts 7410.4000 to 7410.5600.

Subp. 2. Third-party tester restrictions. A third-party tester shall not:

A. test a driver who does not possess a valid Minnesota driver's license;

B. delegate any portion of testing to another individual;

C. test an individual who is not a bona fide employee of a third-party testing program, or test an individual who is not enrolled as a full-time student of the third-party testing program;

D. test a person related to the tester by blood, marriage, or adoption;

E. test any person for a fee;

F. test anyone with a physical disability who may need an individualized restriction added to the person's driver's license; or

G. test anyone who has not completed all course work and exercises before administering a road test or skills test.

Subp. 3. Repeat test limit.

A. A third-party testing program may administer a second skills or road test to a student who has failed the initial skills or road test only if the student:

(1) completes four more hours of training, including a skills test, beyond that normally provided by the licensed driver education program; and

(2) for motorcycle course students, completes a practice time of no less than one week after the failed test.

B. A student who completes a third-party testing program's driver's education course and twice fails the skills or road test administered by the program, may only take subsequent skills or road tests administered by state examiners.

Subp. 4. Bilateral agreements. Subpart 2, item C notwithstanding, a third-party testing program that is a school district that owns or operates school buses may enter into an agreement with other school districts to test the other district's school bus driver employees.

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Proposed Rules

A. The agreement must be submitted to the commissioner with the application for approval to be a third-party testing program.

B. Certified third-party testers must be employed by the school district providing the test services.

Subp. 5. Testing contingencies. A third-party testing program must inform each test applicant that:

A. test results and test passage are contingent upon:

(1) remaining employed with the third-party testing program for three months following the test administration date; or

(2) completing the approved or licensed truck driver training or motorcycle driver education program; and

B. state examiners may retest a student or employee if:

(1) required by a state or federal audit; or

(2) there is reason to believe the test was not appropriately administered under this chapter.

7410.6480 RECORD KEEPING.

Subpart 1. Records of administered tests. An approved third-party testing program shall maintain at the program's administrative offices, for a minimum of three years, the tester's copy of the record of examination of any driver for whom the third-party testing program conducts a test, whether or not the driver passes or fails the test. Each record of examination must include:

A. the full name of the driver;

B. the date the driver took the test; and

C. the name and certificate number of the third-party tester conducting the test.

Subp. 2. Records of third-party testers. The third-party testing program shall maintain, at the program's administrative offices, a record of each third-party tester in the employ of the third-party testing program at that location. Each record must include:

A. a valid and complete tester certificate indicating the third-party tester has met all qualifications;

B. a copy of the third-party tester's current driving record, which must be updated annually;

C. evidence that the third-party tester is an employee of the third-party testing program; and

D. verification that tests were only administered to employees of the third-party testing program, or to students enrolled full-time in a truck driver training or motorcycle driver education program.

Subp. 3. Record retention. The third-party testing program shall retain all third-party tester records for three years after a third-party tester leaves the employ of the third-party testing program.

7410.6500 NOTIFICATION REQUIREMENTS.

Subpart 1. In general. The third-party testing program shall ensure that the commissioner is notified in writing or by electronic means:

A. 30 days before any change in the third-party testing program's name or address;

B. ten days before any change in the third-party tester employed by the third-party testing program;

C. within ten days of a change in a third-party tester's driving status;

D. within ten days of the third-party testing program ceasing business operations in Minnesota; or

E. within ten days of a third-party tester:

(1) receiving notice from any state that the tester's driving privileges have been withdrawn; or

(2) failing to comply with the third-party testing program or third-party tester requirements in parts 7410.6000 through 7410.6520 and test administration requirements in parts 7410.4000 through 7410.5600.

Subp. 2. Test route change. Before changing a test route, a third-party testing program must submit a written request and obtain written approval from the commissioner for any proposed change in the road test route. The request may be submitted by facsimile or electronic mail.

Subp. 3. Tester change. A third-party tester shall notify the commissioner within ten days of leaving the employ of a third-party testing program.

7410.6510 REPORTING REQUIREMENTS.

The third-party testing program shall report the number of skills tests administered annually by all third-party testers employed by the program. The report must be in writing or in an electronic format approved by the commissioner and must be received by the commissioner within 45 days of the end of each calendar year.

7410.6520 DENIAL, CANCELLATION, OR SUSPENSION OF PROGRAM OR TESTER CERTIFICATE.

Subpart 1. Denial. The commissioner may deny an application for a third-party testing program or tester certificate if the applicant does not qualify for approval or certification under parts 7410.6000 to 7410.6500. In addition, a misstatement or misrepresentation is grounds for denying a letter of approval or tester certificate.

Subp. 2. Cancellation or suspension. The commissioner reserves the right to cancel the third-party testing program in its entirety and may cancel the approval of a third-party testing program or third-party tester or may suspend a program or tester for:

- A. failure to comply with or satisfy any provision of parts 7410.6000 to 7410.6520;
- B. falsification of any records or information relating to the third-party testing program;
- C. performance in a manner that compromises the integrity of the third-party testing program; or
- D. the withdrawal of a third-party tester's driving privileges.

Subp. 3. Commissioner's discretion. The existence of grounds for cancellation or suspension under subpart 2 is determined at the sole discretion of the commissioner. If the commissioner determines that grounds for cancellation or suspension exist for failure to comply with or satisfy any requirement in parts 7410.6000 to 7410.6520, the commissioner may immediately cancel or suspend the third-party testing program or third-party tester from administering any further tests.

Subp. 4. Correction order. The commissioner may issue a correction order to a third-party tester or program for 30 days to correct a deficiency before it becomes subject to suspension or cancellation. The third-party testing program or third-party tester is permitted 30 days to correct the deficiency without having to reapply.

Subp. 5. Cancellation of program approval. The commissioner may cancel the approval of the third-party testing program at anytime with or without cause.

7410.6540 VARIANCE.

Except for part 7410.6460, subpart 5, item A, subitem (1), parts 7410.6000 to 7410.6520 are not subject to variance. When considering a variance to part 7410.6460, subpart 5, item A, subitem (1), the procedures in *Minnesota Statutes*, section 14.056, apply and the commissioner shall consider the hardship placed on the employee and circumstances presented that are beyond the employee's control.

INCORPORATION BY REFERENCE: Part 7410.6420, subpart 4: 2001 edition of the Motorcycle Safety Foundation Basic Rider Course Curriculum Manual, is available through the interlibrary loan system.

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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* 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 from the date of publication of the rule in the *State Register*. Rules adopted, amended or repealed under clause (3) or (4) are effective upon publication in the *State Register*.

The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

Department of Natural Resources

Division of Fisheries

Adopted Exempt Permanent Rules Relating to Game and Fish; Trout Streams and Lakes

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

Dated: 22 November 2002

Allen Garber
Commissioner of Natural Resources

6264.0050 RESTRICTIONS ON DESIGNATED TROUT LAKES AND STREAMS.

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

Subp. 2. **Listing of designated trout lakes.** The following described lakes are designated as trout lakes:

Name	Section	Township	Range
[For text of items A to L, see M.R.]			
M. Lake county:	[For text of subitems (1) to (8) see M.R.]		
(9) <u>Cross Cut Lake</u>	<u>7, 18</u>	<u>59</u>	<u>7W</u>
(10) Divide (Towhey) Lake	7, 8	59	11W
(11) Dan Lake	17	63	10W
(11) East Lake	1, 2	59	6W
(12) Echo Lake	14, 15, 22, 23	59	6W
(13) Eikela Lake	22	60	10W
(14) Ennis Lake	33	64	9W
(15)			

Exempt Rules

<u>(16)</u>	Found Lake	10, 15	64	9W
(16)				
<u>(17)</u>	Glacier Pond No. 1	11	63	10W
(17)				
<u>(18)</u>	Glacier Pond No. 2	11	63	10W
(18)				
<u>(19)</u>	Goldeneye (Duck) Lake	15	59	6W
(19)				
<u>(20)</u>	Gypsy Lake	6, 7	60	10W
(20)				
<u>(21)</u>	Hogback (Twin) Lake	31	60	6W
(21)				
<u>(22)</u>	Indian Lake	35	60	8W
(22)				
<u>(23)</u>	Jouppi Lake	14, 22, 23	59	8W
(23)				
<u>(24)</u>	Judd Lake	4, 5, 32, 33	63, 64	9W
(24)				
<u>(25)</u>	Neglige Lake	1, 2, 11, 12	64	8W
(25)				
<u>(26)</u>	Norway Lake	3	61	10W
(26)				
<u>(27)</u>	Peanut Lake	5	60	10W
(27)				
<u>(28)</u>	Scarp (Cliff) Lake	31, 32	60	6W
(28)				
<u>(29)</u>	Section 8 Lake	8	59	7W
(29)				
<u>(30)</u>	Shoo-fly Lake	1, 36	59, 60	8W
(30)				
<u>(31)</u>	Skull Lake	14	64	9W
(31)				
<u>(32)</u>	Sonju Lake	27, 28	58	7W
(32)				
<u>(33)</u>	Steamhaul Lake	32	60	9W
(33)				
<u>(34)</u>	Steer Lake	32	60	6W
(34)				
<u>(35)</u>	Tofte Lake	2, 3, 10, 11	63	10W
		35	64	10W
(35)				
<u>(36)</u>	Trappers Lake	27, 34	60	8W
(36)				
<u>(37)</u>	Unnamed (Pear) Lake	4	60	11W
N.	Otter Tail county:			
	Bass Lake	10, 11	135	42W
O.	St. Louis county:			

[For text of subitems (1) to (25), see M.R.]

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Exempt Rules

(26)	St. James Mine Pit	3, 4	58	15W
(27)	Spring Hole Lake	14	55	14W
(28)				
<u>(27)</u>	Trygg (Twigg) Lake	31	68	14W
		36	68	15W
(29)				
<u>(28)</u>	Twin Lake	28, 33	50	14W

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

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

	Name	Location		
		Township	Range	Section
[For text of items A to D, see M.R.]				
E.	Blue Earth county:			
(1)	Unnamed Creek	108	28	1, 2
(2)	Unnamed Creek	108	28	5
		109	28	32
(3)	Unnamed Creek	108	28	6
		109	29	25, 36
[For text of item F, see M.R.]				
G.	Carlton county:			
[For text of subitems (1) to (8), see M.R.]				
(9)	<u>Fond du Lac Creek (Squaw)</u>	<u>49</u>	<u>17</u>	<u>9, 16, 17, 18, 19,</u> <u>20, 21</u>
<u>(10)</u>	Gill Creek	48	16	2
(10)				
<u>(11)</u>	Hasty Brook (St. Louis)	49	19	18
		49	20	4, 5, 9, 10, 13, 14, 15, 23
(11)				
<u>(12)</u>	Hay Creek (St. Louis)	49	16	3, 4, 9, 10, 15
(12)				
<u>(13)</u>	Hunter Creek	46	18	2, 11, 12, 13
		47	18	34, 35
(13)				
<u>(14)</u>	King Creek	47	18	18, 19
		47	19	1, 12, 13
(14)				
<u>(15)</u>	Midway River (St. Louis)	49	16	1, 12, 13, 14, 15, 21, 22
(15)				
<u>(16)</u>	Mission Creek (St. Louis)	49	16	25, 26, 36
(16)				
<u>(17)</u>	Moosehorn River	48	18	3, 9, 10, 14, 15, 16, 23, 26, 34, 35
(17)				
<u>(18)</u>	Mud Creek	47	15	18
		47	16	5, 6, 8, 9, 10, 11, 13, 14, 15, 16

Exempt Rules

(18)				
<u>(19)</u>	Nemadji Creek	46	17	7, 8, 9, 18
		46	18	13, 14, 15, 16, 22
(19)				
<u>(20)</u>	Nemadji River, N. Fork	46	17	1, 2, 3, 8, 9, 10, 17, 18, 19, 31, 32, 33
		46	18	24, 25, 36
		47	15	19, 30
		47	16	23, 24, 25, 26, 27, 28, 29, 31, 32
		47	17	35, 36
(20)				
<u>(21)</u>	Nemadji River, S. Fork	46	16	4, 5, 6, 7
		46	17	1, 11, 12
		47	15	30
		47	16	25, 33, 34, 35, 36
(21)				
<u>(22)</u>	Net River (Pine)	46	16	3, 4, 8, 9, 17, 20, 21, 29, 31, 32, 33
		47	16	34
(22)				
<u>(23)</u>	Net River, Little	46	16	3, 10, 15, 22, 26, 27, 34
(23)				
<u>(24)</u>	Otter Creek, Big	48	16	7
		48	17	3, 4 , 10, 11, 12, 19, 20, 26, 27, 28, 29, 30, 32, 33, 34, 35
		49	17	
		49	18	25, 26
(24)				
<u>(25)</u>	Otter Creek, Little	48	17	7, 10, 15, 16, 17, 18
		48	18	11, 12, 13, 14
(25)				
<u>(26)</u>	Red River	48	15	30
		48	16	25, 26
(26)				
<u>(27)</u>	Rock Creek	47	16	7, 17, 18, 20, 21 22, 23, 24
		47	17	12
(27)				
<u>(28)</u>	Scanlon Creek	49	17	25
		49	16	30
(28)				
<u>(29)</u>	Section 36 Creek	46	16	1, 2, 11, 12, 13
		47	16	36

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(29)				
<u>(30)</u>	Silver Creek, Big	46	17	14, 23, 24, 25, 36
(30)				
<u>(31)</u>	Silver Creek	48	16	15, 16, 17, 21, 28, 29
(31)				
<u>(32)</u>	Skunk Creek	46	17	4, 5, 6
		47	17	31, 33, 34, 35, 36
		47	18	36
(32)				
<u>(33)</u>	Spring Creek	46	17	3, 4, 5, 6
(33)	Squaw Creek	49	17	9, 16, 17, 18, 19, 20, 21
				[For text of subitems (34) to (38), see M.R.]
H.	Carver county:			
	Assumption Creek	115	23	2
		116	23	34, 35
I.	Cass county:			
(1)	Bungo Creek	137	30	6
		137	31	1, 11, 12, 14, 21, 22, 23
		138	30	31
(2)	Cedar Lake Creek	138	31	14, 23, 26, 27, 28
(3)	Corey Brook	135	30	9, 15, 16, 21, 22, 27
(4)	Dabill Brook	137	31	1, 2, 9, 10, 11, 16
		138	31	35, 36
(5)	Farnham Creek	135	32	5, 6, 7
		136	32	2, 3, 9, 10, 16, 19, 20, 21, 29, 30, 31, 32
(6)	Hay Creek	135	31	8, 9, 16, 17
(7)	Hoblin Creek	137	30	17, 18, 19
(8)	Michaud Brook	140	25	7, 17, 18
(9)	Olson Brook	136	30	12, 13, 14
(10)	Peterson Creek	134	30	29, 33 <u>32</u>
(11)	<u>Pine River, South Fork</u>	<u>138</u>	<u>31</u>	<u>14, 23</u>
<u>(12)</u>	Poplar Brook	135	32	5, 6
		136	32	22, 27, 28, 32, 33
(12)				
<u>(13)</u>	Rogers Brook	134	30	29, 32
(13)				
<u>(14)</u>	Spring Brook	139	26	3, 10, 11, 14
(14)				
<u>(15)</u>	Stoney Brook	135	29	5, 8, 9
		136	29	30, 31, 32
		136	30	20, 21, 22, 25, 26, 27, 29, 30
		136	31	24, 25, 26

Exempt Rules

(15)				
<u>(16)</u>	Unnamed Creek	137	31	4, 5
(16)				
<u>(17)</u>	Unnamed Creek	139	26	3, 10
J.	Chippewa county:			
	Cottonwood Creek (Swift)	119	41	4
K.	Chisago county:			
(1)	Beaver Creek	35	20	7, 8, 17
		35	21	3, 4, 10, 12, 13, 14, 15
		36	21	33, 34
(2)	Lawrence Creek	33	19	2, 3, 10
<u>(3)</u>	<u>Unnamed Creek</u>	<u>33</u>	<u>19</u>	<u>16, 21, 22</u>
<u>(4)</u>	<u>Unnamed Creek</u>	<u>33</u>	<u>19</u>	<u>31, 32</u>
				[For text of items L and M, see M.R.]
N.	Cook county:			
				[For text of subitems (1) and (2), see M.R.]
(3)	Barker Creek	60	3W	5, 6, 7, 8
		60	4W	2 , 3, 9, 10, 11, 12
		61	4W	34, 35
				[For text of subitems (4) to (25), see M.R.]
(26)	Flute Reed River	62	3E	1, 2, 3, 10, 11, 12, 13, 14, 15
		62	4E	17, 18, 19 , 20
		63	3E	26, 34, 35, 36
(27)	Fox Farm Creek	62	1E	19, 30
(28)	Fry Creek	62	2W	25
		62	1W	29 , 30, 31
				[For text of subitems (29) to (45), see M.R.]
(46)	Mistletoe Creek	60	3W	3, 4
		61	2W	7, 18, 19
		61	3W	11, 13, 14, 15, 23, 24, 25, 26, 34, 35
				[For text of subitems (47) to (84), see M.R.]
				[For text of items O and P, see M.R.]
Q.	Dakota county:			
				[For text of subitems (1) to (6), see M.R.]
(7)	Vermillion River	113	20	1, 2, 3, 4, 9
		<u>114</u>	<u>18</u>	<u>20, 21</u>
		<u>114</u>	<u>19</u>	<u>21, 22, 23, 24,</u> <u>28, 29, 30, 31</u>
		114	20	33, 34, 35, 36

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R.	Douglas county:			
	Spruce Creek (Otter Tail)	130	36	3, 4, 9, 10
S.	Fillmore county:			
			[For text of subitems (1) to (3), see M.R.]	
(4)	<u>Chickentown Creek</u> <u>(M-9-10-10-2)</u>	<u>102</u>	<u>8</u>	<u>32, 33</u>
(5)	Crystal Creek	102	11	35, 36
(5)				
(6)	Diamond Creek	103	8	18, 19
		103	9	10, 11, 13, 14, 24
(6)				
(7)	Duschee Creek	102	10	1
		103	10	23, 24, 25, 26, 36
(7)				
(8)	Etna Creek	102	13	25, 36
(8)	Forestville Creek, N.Br.	102	12	13, 14, 15
(9)	Forestville Creek, S.Br.	102	12	24, 25
(10)	Frego Creek	101	9	14, 15, 22, 23
(11)				
(10)	Gribben Creek	103	9	9, 16, 21, 27, 28
(12)				
(11)	<u>Hallum Creek (Houston)</u>	<u>103</u>	<u>8</u>	<u>36</u>
(12)	Hamilton Creek (Mower)	103	13	6
(13)	Jordan Creek, Little	104	12	21, 22, 26, 27, 28
(14)	Kedron Creek	104	13	36
(15)	Lanesboro Park Pond	103	10	13
(16)	Lost Creek	104	11	18
		104	12	<u>8, 9, 10, 15, 16</u>
			[For text of subitems (17) to (22), see M.R.]	
(23)	<u>North Branch Creek</u> <u>(Forestville Cr)</u>	<u>102</u>	<u>12</u>	<u>13, 14, 15</u>
(24)	Partridge Creek	102	10	33
		101	10	4
(24)				
(25)	Pine Creek (Winona)	104	9	2, 3, 4
(25)				
(26)	Rice Creek	103	11	3, 4, 5, 7, 8, 9
		104	11	14, 23, <u>28</u> , 33
(26)				
(27)	Riceford Creek (Houston)	101	7	6, 7, 18, 19
		101	8	1, 12, 13, 24
(28)	<u>Root River, Md.Br.</u>	<u>103</u>	<u>12</u>	<u>8, 9</u>
(27)				
(29)	Root River, S.Br.	102	10	5, 6
		102	11	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 18
		102	12	13, 21, 22, 23, 24, 26, 27
		103	9	7, 18
		103	10	13, 14, 15, 16, 21, 22, 23, 24, 28, 29, 32, 33
		103	11	36

Exempt Rules

(28)				
<u>(30)</u>	Root River, S.Fk.	102	8	2, 3, 4, 8, 9, 10, 11, 17, 18, 19
		102	9	24, 25, 26
(29)				
<u>(31)</u>	Rush Creek (Winona)	104	8	2, 3, 4, 10, 11, 13, 14
(30)				
<u>(32)</u>	Schueler Creek	104	8	1, 2, 3
(31)				
<u>(33)</u>	Shady Creek	104	11	19, 30
(32)				
<u>(34)</u>	Spring Valley Creek	103	12	8, 17, 18, 19, 20, 30
		103	13	23, 24, 25, 26, 27, 28, 29, 32, 33, 34
<u>(35)</u>	<u>South Branch Creek</u> <u>(Canfield Creek)</u>	<u>102</u>	<u>12</u>	<u>24, 25</u>
(33)				
<u>(36)</u>	Torkelson Creek	104	10	25, 36
(34)				
<u>(37)</u>	Trout Run Creek (Winona)	104	10	4, 5, 8, 9, 16, 17, 20, 21
(35)				
<u>(38)</u>	Unnamed Creek (M-9-10-5-3) (Houston)	101	8	1, 2
(36)				
<u>(39)</u>	Unnamed Creek (M-9-10-5-4)	101	8	12, 13
(37)	Unnamed Creek (M-9-10-5)	102	8	32, 33
(38)	Unnamed Creek (M-9-10-6)	103	8	36
(39)				
<u>(40)</u>	Unnamed Creek	104	8	19, 30
(40)				
<u>(41)</u>	Vesta Creek	102	8	10, 11, 14, 15, 23
(41)				
<u>(42)</u>	Watson Creek	103	10	19, 20, 21, 29, 30
		103	11	22, 23, 24, 25, 26, 27, 28, 29, 30
(42)				
<u>(43)</u>	Willow Creek	101	11	1, 12
		102	11	1, 12, 13, 24, 25, 36
(43)				
<u>(44)</u>	Wisel Creek	101	8	5, 6, 8
		102	8	19, 20, 29, 30, 31, 32
T.	Goodhue county:			

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[For text of subitems (1) to (10), see M.R.]

(11)	Unnamed Creek (Wells Cr. Trib #9)	111	47 <u>14</u>	8, 17
U.	Houston county:			
(1)	Badger Creek	103	6	<u>9</u> , 16, 21, 22, 27, 28, 34
(2)	Ballpark Creek	102	4W	19, 30
		102	5W	24
(3)	Beaver Creek	102	6	5, 18, 19, 29, 30
		103	6	<u>18, 19, 29, 30</u> , 31, 32

[For text of subitems (4) to (14), see M.R.]

(15)	Indian Springs Creek (Dexter)	103	5	12, 13, 14, 15, <u>21, 22, 28</u>
(16)	Eitzen Creek	101	5	22, 23
(17)				
<u>(16)</u>	Ferndale Creek	104	7	29, 30, 31
(18)				
<u>(17)</u>	Girl Scout Camp Creek	103	7	29, 30
<u>(18)</u>	Hallum Creek (Fillmore)	<u>103</u>	<u>7</u>	<u>31</u>
(19)	New York Hollow Creek <u>New Yorker Hollow Creek</u>	101	5	25, 26
(20)	Riceford Creek (Fillmore)	101	7	6
		102	7	29, 30, 31, 32
(21)	Silver Creek (Winona)	104	6	1, 2, 11, 12, 14
(22)	Storer Creek	104	5	17, 18, 19, 30
(23)	Sullivan Creek	103	5	12, 13, 14, 23, 24, 25, 26
(24)	Swede Bottom Creek	103	6	10
(25)	Thompson Creek	103	4	5, 6, 7
		103	5	<u>12, 13, 14, 15,</u> <u>21, 22, 28</u>
		104	4	32
(26)	Unnamed Creek	101	4	21
(27)	Unnamed Creek (M-9-10-5-3) (Fillmore)	101	7	6
(28)	Unnamed Creek	102	4	18, 19, 20, 29, 30
(29)	Unnamed Creek	103	7	31
(30)	Wildcat Creek	103	4	26, 27, 28, 29, 32, 33, 34, 35
(31)				
<u>(30)</u>	Winnebago Creek	101	4	28, 29, 30
		101	5	7, 8, 14, 15, 16, 17, 22, 23, 24, 25
		101	6	12

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

W.	Itasca county:			
(1)	Bruce Creek	53	22	6, 7
		53	23	25 , 26
		54	22	18, 19, 30, 31
		54	23	25, 26
(2)	Harrigan Creek	62	23	10
(3)	Matuska's Creek	54	26	35, 36

Exempt Rules

(4)	Morrison Brook (Aitkin)	53	26	7, 8, 18, 19, 29, 30, 32, 33
(5)	Pancake Creek	54	22	20, 28, 29, 32 , 33
[For text of subitems (6) to (23), see M.R.]				
[For text of item X, see M.R.]				
Y.	Lake county:			
[For text of subitems (1) to (11), see M.R.]				
(12)	Camp Creek	60	8	3, 4, 5, 7, 8 , 9, 10, 16, 17, 20 , 21, 29
(13)	<u>Camp Creek, West</u>	61 <u>60</u>	8 <u>8</u>	<u>27, 28, 33, 34</u> <u>4, 5, 7, 8, 16,</u> <u>17, 20, 21</u>
(14)	Camp <u>E</u> Creek, East	<u>61</u> 60 60	<u>8</u> 9 10	<u>33</u> 7, 18 11, 12, 14
(14)				
<u>(15)</u>	Caribou River (Cook)	58	6	1, 2, 11, 13, 14, 15, 22, 23, 24, 25, 26, 36
		59	6	23, 24, 25, 26, 35, 36
(15)				
<u>(16)</u>	Castle Danger Creek (Campers)	54	9	30, 31, 32
(16)				
<u>(17)</u>	Cedar Creek	56	8	13, 14, 23, 24, 26
(17)				
<u>(18)</u>	Cloudy Spring Creek	57 57	9 10	5, 6, 7, 18 12, 13, 24
(18)				
<u>(19)</u>	Cross River (Cook)	60	6	13, 24, 25, 36
(19)				
<u>(20)</u>	Crow Creek	53 54	10 10	1, 2 15, 22, 23, 26, 35
(20)				
<u>(21)</u>	Crown Creek	57	8	2, 3, 4, 5, 9, 10, 11
		58	8	5, 6, 7, 18, 19, 20, 29, 30, 31, 32, 33
		58	9	1, 12, 13, 14, 24, 36
		59	8	32
(21)				
<u>(22)</u>	Dago Creek	54 54 55	9 10 10	18, 19 2, 11, 12, 13 27, 34, 35

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(22)				
(23)	Dragon Creek	57	6	8, 9, 16, 17, 21
(23)				
(24)	<u>Dumbbell River</u>	<u>60</u>	<u>7</u>	<u>3, 4, 5, 7, 8, 9,</u> <u>10, 16, 18, 19,</u> <u>20, 28, 29, 31,</u> <u>32</u>
		<u>61</u>	<u>7</u>	<u>34</u>
(25)	Egge Creek	57	7	2, 3, 4, 11
(24)				
(26)	Encampment River	53	10	3, 10, 11
		54	10	8, 16, 17, 21, 27, 28, 34
(25)				
(27)	<u>Folly Creek</u>	<u>60</u>	<u>7</u>	<u>2, 3, 10, 11, 14,</u> <u>15, 22, 23, 24,</u> <u>27</u>
(28)	Gooseberry River	54	9	18, 19, 20, 21, 22, 27
		54	10	4, 5, 6, 8, 9, 10, 11, 12, 13
		55	10	4, 9, 16, 17, 20, 29, 30, 31, 32
		56	10	33
(26)				
(29)	Gooseberry River, Little	54	10	6
		55	10	31
		55	11	34, 35, 36
(27)				
(30)	Harris Lake Creek	60	10	6
		61	10	19, 30, 31
(28)				
(31)	Hockamin Creek	57	7	17, 18, 19
		57	8	13, 16, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33
(29)				
(32)	Hill Creek	60	8	19, 30
		60	9	24, 25
(30)				
(33)	Houghtaling Creek	59	6	2, 3, 4, 5, 6
		60	6	25, 32, 33, 35, 36
(31)				
(34)	Inga Creek	60	9	2, 3
		61	9	11, 12, 14, 22, 23, 27, 34, 35
(32)				
(35)	Isabella River, Little	59	8	3, 4, 5, 6, 9, 10, 15, 16, 22
		60	8	31, 32
		60	9	5, 6, 8, 9, 10, 15, 16, 22, 25, 26, 27, 36
		61	9	3, 4, 9, 10, 16, 17, 20, 21, 22 , 29, 32
		62	9	34

Exempt Rules

(33)				
<u>(36)</u>	Jack Pine Creek	60	8	5, 6, 7, 8, 18
		61	8	19, 20, 29, 30, 31, 32
(34)				
<u>(37)</u>	Kinney Creek	57	10	15, 21, 22, 28, 33
(35)				
<u>(38)</u>	Knife River (St. Louis)	52	11	4, 5, 8, 9, 17, 18, 19, 31
		53	11	4, 5, 7, 8, 17, 18, 20, 29, 32, 33
		54	11	20, 29, 30, 32
(36)				
<u>(39)</u>	Knife River, W.Br. (St. Louis)	52	11	5, 6, 8
(37)				
<u>(40)</u>	Knife River, Lit., E.Br.	53	11	17, 20, 21, 22, 27, 33, 34
(38)				
<u>(41)</u>	Knife River, Lit., W.Br. (St. Louis)	52	11	5, 6
		53	11	31
(39)	Leppanen Creek			
<u>(42)</u>	<u>Leskinen Creek</u>	57	7	15, 21, 22, 28
(40)				
<u>(43)</u>	Lindstrom Creek	56	7	4
		57	7	19, 30, 31, 32, 33
		57	8	25
(41)				
<u>(44)</u>	Manitou River	57	6	3, 4, 10, 11
		58	6	4, 5, 6, 7, 8, 16, 17, 18, 20, 21, 28, 29, 32, 33, 34
(42)				
<u>(45)</u>	Manitou River, N.Br.	58	6	6
		58	7	1, 2
		59	6	31
		59	7	15, 16, 18, 19, 20, 21, 22, 25, 26, 27, 28, 33, 34, 35, 36
		59	8	1, 2, 12, 13, 24, 25, 26
(43)				
<u>(46)</u>	Manitou River, S.Br.	58	6	6
		58	7	1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 16, 17, 18
		59	7	29, 30, 31, 32, 33
		58	8	1

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(44)				
(47)	Manitou River, Little	57	6	2
		58	6	34, 35
(45)				
(48)	Marais River, Little	57	6	5, 8, 16, 17, 21
(46)				
(49)	Mary Ann Creek	58	10	16, 21
(47)				
(50)	Martin Creek	58	6	2, 3, 11
(48)				
(51)	McCarthy Creek (St. Louis)	53	11	18
(49)				
(52)	Mike Kelly Creek	60	11	14, 15, 23
(50)				
(53)	Mile Post Forty-three Cr.	56	8	2, 3, 10, 11, 13, 14, 15
(51)				
(54)	Mink Creek	54	9	4, 5, 9
		55	9	30, 31, 32
		55	10	25, 26, 36
(52)				
(55)	Mitawan Creek	60	9	1, 12
		61	8	5, 6, 7, 18, 19, 31
		61	9	1, 2, 12, 13, 24, 25, 36
		62	9	35
(53)				
(56)	Moose Creek	59	6	31, 32, 33, 34
(54)				
(57)	Mud Creek, Little	57	11	11, 12, 14, 22, 23
(55)				
(58)	Murphy Creek	56	11	4, 5, 8, 17, 18, 19
		57	10	4, 7, 8, 9, 18
		57	11	13, 21, 22, 23, 24, 26, 27, 28, 33, 34
(56)				
(59)	Nicadool Creek	56	7	7
		56	8	1, 12
		57	8	27, 35, 36
(57)				
(60)	Nine Mile Creek	58	6	3, 4, 9, 16, 17
		59	6	27, 28, 33, 34
(58)				
(61)	Nip Creek	59	11	3, 4
		60	11	21, 22, 27, 28, 34
(59)				
(62)	Nira Creek	61	11	22, 23, 27
(60)				
(63)	Oliver Creek (Silver)	57	7	5, 6
		57	8	1
		58	7	31, 32
(61)				
(64)	Palisade Creek	56	7	16, 17, 18, 19, 20, 21, 22
		56	8	24

Exempt Rules

(62)				
<u>(65)</u>	Rock Cut Creek	58	6	18, 19, 20
		58	7	13
(63)				
<u>(66)</u>	Sawmill Creek	57	6	18
		57	7	12, 13, 22, 23, 24, 26, 27, 34
(64)				
<u>(67)</u>	Schoolhouse Creek	58	7	35, 36
(65)				
<u>(68)</u>	Scott Creek	59	7	4
		60	7	9, 10, 15, 16, 21, 22, 27, 33, 34, 35
(66)				
<u>(69)</u>	Section 30 Creek (St. Louis)	63	11	30
(67)				
<u>(70)</u>	Silver Creek	53	10	6, 7, 16, 17, 18, 21
		53	11	1
		54	10	18, 19, 30
		54	11	11, 12, 13, 25, 36
(68)				
<u>(71)</u>	Silver Creek, E.Br.	53	10	5, 8, 9, 16, 21
(69)				
<u>(72)</u>	Skunk Creek	54	9	4, 9, 16, 17, 20
		55	9	19, 29, 30, 32, 33
		55	10	13, 14, 24
(70)				
<u>(73)</u>	Snake Creek	60	10	1
		61	9	19, 30, 31
		61	10	24, 25, 36
(71)				
<u>(74)</u>	Snake River	60	10	3
		61	9	7, 18, 19
		61	10	12, 23, 24, 26, 27, 34
(72)				
<u>(75)</u>	Sphagnum Creek	60	9	4
		61	9	28, 29, 33
(73)				
<u>(76)</u>	Split Rock River	54	8	6, 7
		54	9	1, 2, 12
		55	9	26, 28, 34, 35, 36
(74)				
<u>(77)</u>	Split Rock River, E.Br.	55	9	4, 5, 6, 9, 10, 14, 15, 22, 23, 24, 25, 26
		56	9	30, 31, 32
		56	10	1, 11, 12, 13, 14, 24, 25

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Exempt Rules

(75)				
<u>(78)</u>	Split Rock River, W.Br.	55	9	6, 7, 8, 16, 17, 21, 22, 26, 27, 28
		55	10	1
		56	10	22, 26, 27, 33, 34, 35, 36
(76)				
<u>(79)</u>	Stanley Creek (St. Louis)	52	11	18, 19
(77)				
<u>(80)</u>	Stewart River	53	10	18, 19, 20, 29
		53	11	2, 3, 10, 11, 13, 14, 15
		54	11	3, 4, 10, 15, 22, 26, 27, 34, 35
(78)				
<u>(81)</u>	Stewart River, Little	53	10	19, 20, 29
		53	11	9, 15, 16, 22, 23, 24
(79)				
<u>(82)</u>	Stewart R. (St. Louis)	55	11	7
(80)				
<u>(83)</u>	Stoney Creek (Rock)	55	9	30
		55	10	20, 23, 24, 25, 27
(81)				
<u>(84)</u>	Stream Number 30	54	8	5, 6
		55	8	19, 30, 31
(82)				
<u>(85)</u>	Sullivan Creek	56	11	1, 2, 10, 11, 15
		57	10	19, 30
		57	11	24, 25, 36
(83)				
<u>(86)</u>	Thirty-nine Cr., Big	56	8	19, 30, 31
		56	9	1, 2, 3, 11, 12, 13, 14, 15, 22, 23, 24, 25
		57	9	22, 26, 27, 35, 36
(84)				
<u>(87)</u>	Thirty-nine Cr., Little	56	8	6, 7, 8, 17, 18, 19, 20, 29, 30
		56	9	1, 12
(85)				
<u>(88)</u>	Tikkanen Creek	57	7	5, 6, 8, 16, 17
(86)				
<u>(89)</u>	Tomlinson Creek	60	7	18, 19, 31
		60	8	24, 25, 36
(87)				
<u>(90)</u>	Tower Creek	57	7	9
(88)				
<u>(91)</u>	Trappers Creek	56	11	2, 3, 9, 10, 16, 17, 19, 20
		57	11	35
(89)				
<u>(92)</u>	Twin Points Creek	54	9	10, 11, 13, 14
(90)				
<u>(93)</u>	Two Island River (Cook)	59	6	11, 12

Exempt Rules

(91)				
<u>(94)</u>	Unnamed Creek	55	8	20, 21, 29, 32, 33
(92)				
<u>(95)</u>	Unnamed Creek (S-17-6)	53	11	30, 31, 32
(93)				
<u>(96)</u>	Unnamed Creek (S-17-9)	53	11	5
		54	11	20, 29, 30, 32
(94)				
<u>(97)</u>	Victor Creek	60	9	12, 13
(95)				
<u>(98)</u>	Wanless Creek	60	6	27, 33, 34, 35, 36
(96)				
<u>(99)</u>	Weiss Creek	59	9	2, 3, 11
		60	9	27, 34
(97)				
<u>(100)</u>	Wenho Creek	58	10	17, 20, 21, 27, 28, 34
(98)				
<u>(101)</u>	Whyte Creek	57	10	1, 2, 11, 14, 23, 26, 27, 34

[For text of items Z to DD, see M.R.]

EE.	Morrison county:			
(1)	Camp Ripley Brook	132	29	13, 24 <u>18, 19</u>
		132	30	<u>12, 13, 24</u>
(2)	Nelson Hay Creek	130	31	1, 2
(3)	Rock Creek, Little (Benton)	39	30	17, 18, 20, 21, 22
		39	31	13, 14, 22, 23, 27, 33, 34

[For text of items FF to HH, see M.R.]

II.	Otter Tail county:			
(1)	Brandberg Creek	133	38	20, 21, 28, 29, 30
(2)	Finn Creek	135	37	27, 34
(3)	Holmstad Creek	136	37	7
		136	30	12, 13, 14
			<u>38</u>	

[For text of subitems (4) to (8), see M.R.]

JJ.	Pine county:			
(11)	Larson Creek	44	17	4, 5
		45	17	29, 32

[For text of subitems (12) to (16), see M.R.]

(17)	Sand River	43	18	4, 5, 7, 8, 18, 19, 24
		<u>43</u>	<u>19</u>	<u>24</u>
		44	18	33, 34

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Exempt Rules

(18)	Spring Brook	41	20	16, 17, 18, 21
(19)	<u>Unnamed Creek</u>	<u>43</u>	<u>18</u>	<u>2, 3</u>
		<u>44</u>	<u>18</u>	<u>35</u>
(20)	Wilbur Brook	41	17	29, 30
		41	18	23, 25, 26
(20)				
(21)	Wolf Creek	42	18	4, 9, 16
		43	18	32, 33
		[For text of items KK to NN, see M.R.]		
OO.	Roseau county:			
	Bemis Hill Creek	161	37	17, 19 , 20, 29, 30
		[For text of items PP to WW, see M.R.]		
XX.	Washington county:			
(1)	Brown's Creek	30	20	12, 13 , 18, 19, 20, 21
		<u>30</u>	<u>21</u>	<u>12, 13</u>
		[For text of subitems (2) to (6), see M.R.]		
		[For text of item (YY), see M.R.]		
ZZ.	Winona county:			
		[For text of subitems (1) to (21), see M.R.]		
(22)	Pine Creek	105	5	18, 19, 20, 29, 30, 31, 32
	<u>(New Hartford Cr.)</u>	105	6	13, 36
		[For text of subitems (23) to (44), see M.R.]		
AAA.	Yellow Medicine county:			
	Canby Creek	114	45	17, 18
		114	46	13, 14, 21, 22, 23

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.

Department of Labor and Industry Labor Standards Unit

Notice of Correction to Highway/Heavy Prevailing Wage Rates

A **correction** has been made to the Highway/Heavy Prevailing Wage Rates certified 10/14/02, for Trucks in Groups **1, 2 and 3 in Region 09**.

Copies of the corrected certification may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306, or by calling (651) 284-5091, or by accessing our **website** at: www.doli.state.mn.us. Charges for the cost of copying and mailing are \$.65 per page. Make check or money order payable to the State of Minnesota.

Shirley I. Chase
Commissioner

Department of Natural Resources Division of Enforcement

Request for Comments on Rule Amendments and Repeal of Existing Rules Governing Snowmobile Registration and Operation *Minnesota Rules*, parts **6100.5000 - 6100.6000**

Subject of Rule. The Minnesota Department of Natural Resources requests comments on its planned rule amendments and repeal of existing rules governing snowmobile registration and operation. The department is considering rule amendments and repealing certain rules to:

1. update snowmobile registration display specifications;
2. update the registration of all snowmobiles currently in use;
3. clarify and standardize speed limits for snowmobiles;
4. update accident reporting requirements;
5. remove specific dollar amount for participation in the department's Snowmobile Safety Training Program in favor of fee language in statute;
6. update requirements for sleds, trailers, towed devices, and operational equipment and lights;
7. provide for a "point of sale" electronic registration or reporting by changing rule language to allow for a paperless system;
8. eliminate diagrams and specifications for traffic or regulatory signs in the rules in favor of a reference to the same information contained in a department reference manual; and
9. update rule language to improve the reader's understanding of what is regulated and how they are impacted.

Persons Affected. The rules may affect persons using snowmobiles, law enforcement agencies, dealers, manufacturers and individuals or businesses that paint (customize) registration numbers on snowmobiles.

Statutory Authority. The adoption of the proposed rules is authorized by *Minnesota Statutes*, section 84.86.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing, by email, or orally until 4:30 p.m. on February 7, 2003. The Department does not contemplate appointing an advisory committee to comment on the possible rules. Direct communication with interested and affected parties, public news releases, and communication via the DNR website will be used to provide input for the possible rules. Also, input on these rules was received from affected parties in 1995 when the department last worked on proposals to amend the rules.

Rules Drafts. The department has prepared a draft of the possible rule amendments.

Official Notices

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

Michael S. Letourneau
Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, Minnesota 55155-4047
Phone: (651) 296-4677 or 1-888-MINNDNR
Fax: (651) 297-3727
Email: mike.letourneau@dnr.state.mn.us
DNR Web Site: www.dnr.state.mn.us
TTY users may call the Department of Natural Resources at 1-800-657-3929.

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

Dated: 25 November 2002

Allen Garber, Commissioner
Department of Natural Resources

Board of Nursing

Notice of Meetings of the Minnesota Board of Nursing

NOTICE IS HEREBY GIVEN that the 2003 meetings of the Minnesota Board of Nursing have been scheduled at 9:00 a.m., at 2829 University Avenue SE, 4th Floor, Conference Rooms A & B, Minneapolis, Minnesota on the following dates:

February 6-7, 2003
April 3-4, 2003
June 5-6, 2003
July 31 - August 1, 2003
October 2-3, 2003
December 4-5, 2003

A portion of each meeting is review of disciplinary cases and is closed to the public.

For details about time of the open meeting, the agenda or other information, please call (612) 617-2297.

Public Employees Retirement Association

Notice of Meeting of the Board of Trustees

A meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) will be held on Thursday, December 12, 2002, at 9:30 a.m., in the PERA offices, 60 Empire Drive, Room 117, St. Paul, Minnesota.

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.

Department of Human Services

Aging Initiative

Notice of Request for Proposals to Expand Home- and Community-Based Services For Older Adults

The Minnesota Department of Human Services, Aging Initiative, is soliciting proposals from qualified applicants to expand home- and community-based services for older adults as directed by *Minnesota Statutes 256.9754*, *Minnesota Statutes 256.0917* subd. 13, *Minnesota Statutes 256B.0917* subd.6 and *Minnesota Statutes 256.973*. The goal of the Community Service/Community Services Development, Caregiver Support and Respite and Home-Sharing grants awarded under this Request for Proposals (RFP) is to help communities rebalance their long-term care service system for persons age 65 years and older by reducing reliance on nursing facility care, increasing the supply of home- and community-based services including services and housing options, expand the respite care network and support caregivers for older adults, and provide low- and moderate- income elderly, persons with physical or developmental disabilities, or single parent families grants for home-sharing. DHS will give preference to proposals from communities that have had or will have a voluntary nursing facility closure.

DHS is seeking proposals that will 1.) Increase home- and community-based services in target communities; 2.) Increase the numbers of older Minnesotans using home- and community-based services in target communities; 3.) Increase the use of informal and quasi-formal care systems; 4.) Increase caregiver respite and support; 5.) Provide for home sharing; and, 6.) Coordinate with existing services funded by State, Federal, and other sources.

Eligible applicants for the Community Service Grants, Community Services Development Grants, and Caregiver Respite and Support Grants are non-profit agencies and units of government. For-profit entities, including nursing facilities, housing owners and service providers, are eligible applicants for Community Services Development Grants. Home Share Grants are open to any organization including housing authorities and local units of government.

DHS encourages coordination and collaborations among applicants.

Applicant Conferences are scheduled for:

- | | |
|-------------------------|---|
| January 14, 2003 | 1:00-3:00 p.m.
Arrowhead Regional Development Commission
221 West 1st Street
Duluth, MN |
| January 15 | 9:00-11:00 a.m.
Bertrami Electric Coop Community Room
4111 Technology Drive NW
Bemidji, MN |
| January 16 | 9:00-11:00 a.m.
University of Minnesota
Sahlstrom Conference Center, Conference Rooms A & B
2900 University Ave.
Crookston, MN |
| January 17 | 9:00-11:00 a.m.
Hennepin County Library at Ridgedale, Conference Room
12601 Ridgedale Dr.
Minnetonka, MN |
| January 21 | 9:30-11:30 a.m.
St. Cloud Federal Credit Union
3030 First St. S.
St. Cloud, MN (Downstairs, park in back) |

State Grants & Loans

- January 21** **2:30-4:30 p.m.**
Ottertail Power Co. Community Room
216 South Cascade
Fergus Falls, MN (use side entrance by M & H)
- January 22** **10:00-Noon**
Dakota County Public Library
1340 Westcott Rd. (E. of Pilot Knob on Westcott Rd)
Eagan, MN (lower level)
- January 24** **9:00- 11:00 a.m.**
DHS Central Office, Room 5F
444 Lafayette Rd. N.
St. Paul, MN
- January 28** **2:00-4:00 p.m.**
Olmsted County Public Health, Cascade/Whitewater Room
2100 Campus Drive SE
Rochester MN 55904
- January 29** **9:30- 11:30 a.m.**
Nichols Office Center
410 Jackson St.
Mankato, MN
- January 30** **9:00- 11:00 a.m.**
Lyon County Government Center, Rooms 4 & 5
607 W. Main Street
Marshall, MN

The full text of the RFP, which includes requirements that must be met in order to submit a proposal and proposal evaluation criteria, is available on the Internet at:

<http://www.dhs.state.mn.us/agingint/policy/cmtysrvs.htm>

or upon request by contacting:

Rolf Hage, Community Capacity Consultant
Aging Initiative
444 Lafayette Rd. S.
St. Paul, MN. 55155-3843
Email: Rolf.hage@state.mn.us
Phone: 1- 800-882-6262
TTY: 1-800-627-3529

State Contracts

Informal Solicitations: Effective March 1, 2002, 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) website. Interested vendors are encouraged to monitor the P/T Contract section of the MMD website 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.

Department of Administration

Notice of Request for Proposals for Pharmaceutical and Related Products

The Minnesota Department of Administration, on behalf of the Minnesota Multistate Contracting Alliance for Pharmacy (MMCAP), is requesting proposals for pharmaceuticals and related products. MMCAP is a voluntary group purchasing organization administered by the State of Minnesota and made up of governmental entities. MMCAP has 40 participating state members (plus the City of Chicago). Approximately 3,000 facilities within member states purchase over \$650 million per year of products from 135 companies currently under contract with MMCAP. Products are purchased through one of two MMCAP authorized distributors.

MMCAP will make the Request for Proposals (RFP) available either electronically or by hard copy (electronic transmission is the preferred method). Interested companies should contact Dorothy Johnson by **email** at: Dorothy.Johnson@state.mn.us or by **phone**: at: (651) 215-1186 to request a copy of the RFP.

Proposals in response to this solicitation must be received at the address and in the manner specified in the RFP no later than **2:00 p.m., Central Standard Time, on Wednesday, January 15, 2003. Late proposals will not be considered.**

MMCAP reserves the right to cancel this solicitation at any time prior to executing any contracts. All expenses incurred by responders to this RFP are the sole responsibility of the responders.

Department of Administration

State Designer Selection Board

Request for Proposals for Designer Selection for Nicholson Hall Rehabilitation, University of Minnesota, East Bank Campus (Project 02-23)

To Minnesota Registered Design Professionals:

The State of Minnesota (State) through its State Designer Selection Board has been requested to select a design team for the above project. Proposals from interested firms must be received by, 11:00 a.m. Monday, December 23, 2002 to:

Terry Lewko, Executive Secretary
State Designer Selection Board
Department of Administration
c/o Materials Management Division
50 Sherburne Avenue, Room 112
St. Paul, Minnesota 55155
Phone: (651) 297-1545

PROPOSALS RECEIVED AFTER THE SUBMISSION DEADLINE WILL NOT BE CONSIDERED.

Questions concerning procedures, or schedule are to be referred to the Executive Secretary at (651) 297-1545. Questions relating to the project are to be referred to the project contact(s) in Item 1.i.

1. PROJECT 02-23

- a. PROJECT DESCRIPTION:** The University of Minnesota intends to enter into a contract with a consultant to provide complete design and construction administration services for the rehabilitation of Nicholson Hall, a 110-year-old building

State Contracts

located in the Historic Knoll District of the Minneapolis Campus. Portions of the building constructed in 1925 and 1946 will be demolished, and the remainder will be completely renovated, including reconstruction of the foundation and floor structure, replacement of the roof and windows, replacement of mechanical and electrical systems, and reconfiguration of the building's interior.

The renovated facility is programmed to provide space for two academic units of the College of Liberal Arts, technology-rich classrooms, a writing center, advising services, and student study space. The existing building contains approximately 88,000 gross square feet, of which 17,000 square feet will be demolished and 71,000 square feet will be renovated.

A detailed predesign study for the project was completed in July 2002 and amended in October 2002.

- b. REQUIRED CONSULTANT SERVICES:** The scope of the project includes full architectural/engineering services for the project including mechanical, electrical, structural, civil, architectural, landscape architectural, interior design, scheduling, cost estimating, and construction administration services. The predesign for the project is complete; and the information contained within that predesign will be used as a starting point for the selected consultant.
- c. PROJECT BUDGET/FEES:** The current construction budget is estimated to be approximately \$14,100,000. The total project costs, including all fees, permits, and other non-construction costs, have been fixed at a maximum of \$24,027,000. The maximum designer fees available for the project, including basic services, programming, interior design, FF&E design, voice/data design, and construction phase services is 8.5% of the estimated construction costs including reimbursable expenses. Final total fees shall be negotiated with the selected consultant.
- d. SPECIAL CONSIDERATIONS:** The scope of the work is primarily the full renovation of a historically significant building. The designer shall have applicable prior experience in the design and construction of similar projects, preferably in a University setting. Experience with historical rehabilitation will be essential. The firm shall have proven experience in working with and directing the efforts of a University building advisory committee. The firm shall demonstrate their use of life cycle costing during the design process. Life cycle items important to the University include, but are not limited to energy efficiency, sustainability, and the maintainability of design, materials and equipment.

The firm shall have experience working with CM (Construction Manager) at Risk contracts, as the University may choose this project delivery method.

A history of constructability, meeting schedule deadlines, accurate cost estimating, and designing within a project budget are critical criteria for selection of a designer. Quality control and complete contract documents are important elements of the selected team's services. A change order history of recent past projects and how the team addresses this issue should be provided as part of the submittal.

The consultant shall provide examples of recently completed projects for review by the selection committee. The consultant shall provide a list of clients for similar projects worked on within the last five years along with the names, phone numbers, e-mail addresses, and street addresses of contact persons.

e. PROJECT SCHEDULE:

<i>Designer Selection</i>	November 2002 - December 2002
<i>Schematic design</i>	January 2003 - March 2003
<i>Regents' Approval of S.D.</i>	April 2003
<i>Construction Documents</i>	August 2003 - December 2003
<i>Bidding / Award</i>	January 2004 - February 2004
<i>Construction</i>	March 2004 - June 2005
<i>Completion</i>	June 2005

- f. PROJECT PRE-DESIGN INFORMATION:** Copies of the pre-design study are available to interested parties at www.facm.umn.edu/facm/rfp.htm.
- g. PROJECT INFORMATIONAL MEETING (S) /SITE VISIT (S):** There shall be a mandatory site visit/informational meeting for firms short-listed for interviews by the State Designer Selection Board. The meeting shall be held at Nicholson Hall on the University of Minnesota, East Bank Campus prior to the required interview date. Short-listed firms shall be contacted directly by the University with confirmed building tour starting location, date, and time information.

h. STATE DESIGNER SELECTION BOARD SCHEDULE:

Project Information Meeting and/or Site Visit:	None
Project Proposals Due:	Monday, December 23, 2002, by 11:00 a.m.
Project Shortlist:	Tuesday, January 14, 2003
Project Information Meeting for Shortlisted firms:	To be Set by user agency
Project Interviews and Award:	Tuesday, January 28, 2003

i. PROJECT CONTACT (S):

Paul Oelze
Facilities Management
University of Minnesota
19 Scott Hall
72 Pleasant Street S.E.
Minneapolis, MN 55455
Phone: (612) 625-0588
Fax: (612) 624-8239
Email: oelzep@facm.umn.edu

j. SAMPLE CONTRACT (if DSBC project) NOT REQUIRED FOR THIS PROJECT

The successful responder will be required to execute the State's Basic Services Agreement which contains the State's standard contract terms and conditions, include insurance requirements and compliance with Designer Procedures Manual, Design Guidelines and Computer Aided Drafting (CAD) Guidelines. A copy is available on **Website:** <http://www.dsbc.admin.st.mn.us>.

NOTE TO RESPONDERS: CHANGES MAY HAVE BEEN MADE IN THE FOLLOWING AS OF 11 JUNE 2002.

2. PROPOSAL REQUIREMENTS

- a. 12 copies
- b. 8-1/2 x 11, soft bound, portrait format
- c. Maximum 20 faces (excluding front and back covers, blank dividers, affidavit of non-collusion, and affirmative action data page)
- d. All pages numbered

3. PROPOSAL CONTENTS**a. COVER**

- Project name and number
- Prime firm name, address, telephone number, fax number
- Contact person, telephone number, fax number, and email address

b. COVER LETTER

Single face letter with original signature (on at least one copy) of principal of prime firm, including:

- Brief overview of proposal
- Statement that proposal contents are accurate to the best knowledge of signatory

c. INFORMATION ON FIRM (S)

For prime firm and each consultant firm provide brief description including:

- Name and location
- Year established
- Legal status
- Ownership
- Staffing by discipline
- For firms with multiple offices briefly summarize for each office

State Contracts

d. PROJECT TEAM

- Brief statement of team's past or present working relationships

For each team member provide:

- Name and position in firm, include name of firm
- Home base (if in multi-office firm)
- Responsibility on this project
- Years of experience
- Relevant recent experience (if in another firm, so note)
- Registration (including specialty if engineer)

e. TEAM ORGANIZATION

If planning or design consultants are a part of the team explain how they will be utilized (e.g. major role during design, absent during construction, etc). Matrix or chart *may* be used.

f. PROJECT EXPERIENCE

For architectural, planning, and/or landscape architecture firms, provide examples of relevant projects recently completed or in progress including:

- Photographs, sketches and/or plans
- Name and location
- Brief description (e.g. size, cost, relevance)
- Firm of record
- Involvement of proposed project team members (*may* be separate matrix; if in another firm so note)
- Completion date or current status

For engineering or technical firms provide examples of relevant projects recently completed or in progress including the above except that photographs, sketches and/or plans are to be for only that portion of the work for which firm was responsible.

g. APPROACH/METHODOLOGY

Describe your understanding of the project, significant issues to be addressed and your *specific* approach to the planning, design and construction process for *this* project.

h. UNIQUE QUALIFICATIONS

Briefly summarize your team's unique qualifications for this project.

i. OTHER REQUIREMENTS

- A statement of commitment to enter into the work promptly, if selected, by engaging the consultants and assigning the persons named in the proposal along with adequate staff to meet requirements of the work.
- A statement indicating that consultants listed have been contacted and have agreed to be a part of the team.
- A complete Affidavit of Non-collusion. (Not counted as part of the 20 faces)
- If appropriate, provide a list of all entities that create a conflict of interest (see 5.b.)
- A completed Affirmative Action Data Page regarding compliance with Minnesota Human Rights Requirements. A copy of the form is available on **Website:** <http://www.dsbcc.admin.state.mn.us>, click on forms. (Not counted as part of the 20 faces)
- A list of all State and University of Minnesota current and past projects and studies awarded to the prime firm(s) responding to this request for proposal during the four years immediately preceding the date of this request for proposal. Projects and studies shall mean those projects and studies (1) funded by the state legislature, by state/user agencies or University of Minnesota operating funds, or by funding raised from the private sector or individuals by state/user agencies or the University of Minnesota; (2) awarded as a result of the State Designer Selection Board process or awarded directly by state/user agencies or the University of Minnesota without employing the State Designer Selection Board process; or (3) related to design-bid-build or design/build project delivery systems.

The prime firm(s) shall list and total all gross fees associated with the above projects and studies, whether the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid, or are anticipated to be paid, to engineering or other specialty consultants employed, or anticipated to be employed, on the projects and studies listed pursuant to the above. The prime firm(s) shall subtract consultant fees from gross fees to determine total net fees using the format below.

PROJECT	(A) GROSS FEES	(B) SUBDESIGNERS PORTION	(C) NET TOTAL PROJECT FEE
TOTAL			

(The total shown in column (A) shall equal the sum of those shown in columns (B) and (C).)

4. SELECTION CRITERIA

Criteria for selection shall be as stated in the project description. Technical and aesthetic experience and capabilities are paramount. In addition, the Board seeks equitable distribution of fees among qualified firms and gives consideration to geographical location of firms with respect to project site.

5. CONTRACT REQUIREMENTS

a. AFFIDAVIT OF NONCOLLUSION

Each responder must attach a completed Affidavit of Noncollusion. A copy of the form is available on **Website:** <http://www.dsbc.admin.state.mn.us>, click on forms.

b. CONFLICTS OF INTEREST

Responder must provide a list of all entities with which it has relationships that create, or appear to create, a conflict of interest with the work that is contemplated in this request for proposals. The list should indicate the name of the entity, the relationship, and a discussion of the conflict.

c. DISPOSITION OF RESPONSES

All materials submitted in response to this RFP will become property of the State and will become public record in accordance with *Minnesota Statutes* 13.591 after the evaluation process is completed. If the responder submits information in response to this RFP that it believes to be trade secret materials, as defined by the Minnesota Government Data Practices Act, *Minnesota Statutes* § 13.37, the responder must:

- clearly mark all trade secret materials in its response at the time the response is submitted,
- include a statement with its response justifying the trade secret designation for each item, and
- defend any action seeking release of the materials it believes to be trade secret, and indemnify and hold harmless the State, its agents and employees, from any judgments or damages awarded against the State in favor of the party requesting the materials, and any and all costs connected with that defense. This indemnification survives the State's award of a contract. In submitting a response to this RFP, the responder agrees that this indemnification survives as long as the trade secret materials are in possession of the State.

The State will not consider the prices submitted by the responder to be proprietary or trade secret materials.

Responses to this RFP will not be open for public review until the State decides to pursue a contract and that contract is awarded.

d. CONTINGENCY FEES PROHIBITED

Pursuant to *Minnesota Statutes* Section 10A.06, no person may act as or employ a lobbyist for compensation that is dependent upon the result or outcome of any legislation or administrative action.

e. ORGANIZATIONAL CONFLICTS OF INTEREST

The responder warrants that, to the best of its knowledge and belief, and except as otherwise disclosed, there are no relevant facts or circumstances that could give rise to organizational conflicts of interest. An organizational conflict of interest exists when, because of existing or planned activities or because of relationships with other persons, the responder is unable or potentially unable to render impartial assistance or advice to the State, or the responder's objectivity in performing the

State Contracts

contract work is or might be otherwise impaired, or the responder has an unfair competitive advantage. The responder agrees that, if after award, an organizational conflict of interest is discovered, an immediate and full disclosure in writing must be made to the Assistant Director of the Department of Administration's Materials Management Division, 112 Administration Building, 50 Sherburne Avenue, St. Paul, MN 55155, which must include a description of the action which the contractor has taken or proposes to take to avoid or mitigate such conflicts. If an organization conflict of interest is determined to exist, the State may, at its discretion, cancel the contract. In the event the responder was aware of an organizational conflict of interest prior to the award of the contract and did not disclose the conflict to the contracting officer, the State may terminate the contract for default. The provisions of this clause must be included in all subcontracts for work to be performed similar to the service provided by the prime contractor (consultant), and the terms "contract," "contractor (consultant)," and "contracting officer" modified appropriately to preserve the State's rights.

f. STATE EMPLOYEES

In compliance with *Minnesota Statutes* § 16C.07, the availability of this work is being offered to State employees. The State will evaluate the responses of any State employee, along with other responses to this Request for Proposals.

g. PREFERENCE TO TARGETED GROUP AND ECONOMICALLY DISADVANTAGED BUSINESS AND INDIVIDUALS

In accordance with *Minnesota Rules* 1230.1810, subpart B and *Minnesota Rules* 1230.1830, certified Targeted Group Businesses or individuals and certified Economically Disadvantaged Businesses or individuals submitting proposals as prime contractors (consultants) will receive up to six percent preference in the evaluation of their proposals. For information regarding certification, contact the Department of Administration, Materials Management Helpline **phone** at: (651) 296-2600, **TTY**: (651) 282-5799.

h. HUMAN RIGHTS REQUIREMENTS

For all contracts estimated to be in excess of \$100,000, responders are required to complete the attached Affirmative Action Data page and return it with the response. As required by *Minnesota Rules* 5000.3600, "It is hereby agreed between the parties that *Minnesota Statutes* § 363.073 and *Minnesota Rules* 5000.3400 - 5000.3600 are incorporated into any contract between these parties based upon this specification or any modification of it". A copy of *Minnesota Statutes* § 363.073 and *Minnesota Rules* 5000.3400 - 5000.3600 are available on **Website**: <http://www.dsb.admin.state.mn.us>

- i. Any changes in team members for the project requires approval by the State.
- j. All costs incurred in responding to this RFP will be borne by the responder. This RFP does not obligate the State to award a contract or complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

Department of Administration State Designer Selection Board

Request for Proposals for Designer Selection for Teaching and Technology Center, University of Minnesota, Minneapolis Campus (Project 02-24)

To Minnesota Registered Design Professionals:

The State of Minnesota (State) through its State Designer Selection Board has been requested to select a design team for the above project. Proposals from interested firms must be received by, 11:00 a.m. Monday, December 23, 2002 to:

Terry Lewko, Executive Secretary
State Designer Selection Board
Department of Administration
c/o Materials Management Division
50 Sherburne Avenue, Room 112
St. Paul, Minnesota 55155
Phone: (651) 297-1545

PROPOSALS RECEIVED AFTER THE SUBMISSION DEADLINE WILL NOT BE CONSIDERED.

Questions concerning procedures, or schedule are to be referred to the Executive Secretary at (651) 297-1545. Questions relating to the project are to be referred to the project contact(s) in Item 1.h.

1. PROJECT 02-24

- a. PROJECT DESCRIPTION:** The University of Minnesota is developing a plan to improve the research and instructional facilities for several departments of the Institute of Technology, including Biomedical Engineering, the Characterization Facility, Geology & Geophysics, Computer Science & Engineering, and Physics & Astronomy. The plan will define the improvements needed and establish the sequence and timing of several capital projects. Analysis of space needs and programmatic requirements of each department is currently in progress and a preliminary space program will be completed by late December 2002.

The first project to be implemented will be the Teaching and Technology Center. Funds for its design and construction will be requested from the state in 2004. This new facility will provide additional research, instructional, and office space for the Department of Biomedical Engineering and for the Characterization Facility, both currently located in Shepherd Laboratories, allowing that building to be renovated for Geology & Geophysics (a 2006 capital request). It will also house contemporary classrooms of sufficient number and size to replace existing classroom needs in the Tate Laboratory of Physics so that it can be renovated (in two phases; in 2006 and 2008 capital requests).

Creating a new home for Geology & Geophysics in Shepherd Laboratories will allow Pillsbury Hall, the current home of that department, to be renovated for English and Composition, moving those departments out of the Institute of Technology District and into the Humanities District. This move will in turn allow the future renovation of Lind Hall to accommodate growth of Computer Science & Engineering.

The Teaching & Technology Center will consist of auditorium-style classrooms with attached preparation rooms, research labs, instrumentation labs, and offices. The size of the building will be determined by the predesign process, but based on preliminary program analysis, it is expected to contain approximately 120,000 to 150,000 assignable square feet.

The primary programs that will occupy the Teaching & Technology Center are described as follows:

Biomedical Engineering is a discipline in which engineering science and technology are applied to problems in biology and medicine. Commonly known accomplishments of biomedical research include instrumentation and devices used for diagnosis and therapy, such as the cardiac pacemaker, the artificial heart and heart valves, automatic blood analyzers, patient monitoring systems, and computer-assisted imaging systems (X-ray, radio-nuclide, ultra-sound, and magnetic resonance). The Department of Biomedical Engineering (BME) also applies basic scientific principles to the quantitative modeling and simulation of physiological systems. All areas of activity benefit from the recent and rapid growth of engineering technology, in particular micro-miniature devices and computers. BME has established interests in cardiovascular and neural engineering and seeks to focus growth and excellence in these research areas. (More detailed information about the Department of Biomedical Engineering is available at www1.umn.edu/bme.)

The Characterization Facility (CharFac) provides centrally-accessible materials characterization instruments for University researchers and for external research organizations. In addition to operating scientific instruments, CharFac develops the knowledge and skills required for the optimal operation of the instruments and teaches University researchers to apply the instrumentation, knowledge and skills most effectively in their research. CharFac provides instrumentation and training services in the areas of electron microscopy, infrared spectroscopy, ion beam analysis, proximal probes, nuclear magnetic resonance, neutron scattering, and X-ray scattering. (More detailed information about the Characterization Facility is available at www.charfac.umn.edu.)

- b. REQUIRED CONSULTANT SERVICES: A consultant is needed immediately to:**

1. Evaluate the physical characteristics of Shepherd Laboratories, Tate Lab of Physics, and Pillsbury Hall to confirm that each facility can effectively accommodate the proposed future programmatic use.
2. Prepare a detailed facility program and predesign study for the Teaching & Technology Center in accordance with the University of Minnesota's predesign outline (available at www.budget.umn.edu under the heading "Instructions for FY2003 All-Funds Capital Budget".)

If the University is successful in obtaining a capital appropriation for the project from the state (design funds to be requested in 2003 and construction funds in 2004), the University may direct the selected consultant to proceed with design, preparation of contract drawings, and construction administration services. The University will reserve the right to make a new designer selection prior to proceeding with Schematic Design work.

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c. **PROJECT BUDGET/FEES:** The construction budget for the Teaching & Technology Center will be determined by the predesign process, but is anticipated to be in the \$30,000,000 to \$35,000,000 range. The maximum designer fee available for the predesign is 0.5% of the estimated construction costs plus reimbursable expenses. Actual fees will be negotiated with the selected consultant.

d. **SPECIAL CONSIDERATIONS:** The designer shall have applicable prior experience in the design and construction of similar projects, preferably in a University setting. Experience with highly sophisticated scientific research laboratories, both wet and dry, and with technology-rich instructional environments will be essential. The firm shall have proven experience in working with and directing the efforts of a University building advisory committee.

The consultant shall provide examples of recently completed projects for review by the selection committee. The consultant shall provide a list of clients for similar projects worked on within the last five years along with the names, phone numbers and addresses of contact persons.

e. **PROJECT SCHEDULE:** A draft of the predesign report, establishing the facility program and budget for the project, must be completed by April 15, 2003. The final predesign report must be completed by June 15, 2003.

f. **PROJECT INFORMATIONAL MEETING (S) /SITE VISIT (S):** There shall be a mandatory site visit/informational meeting for firms short-listed for interviews by the State Designer Selection Board. The meeting shall be held on the University of Minnesota, Minneapolis Campus prior to the required interview date. Short-listed firms shall be contacted directly by the University with confirmed building tour starting location, date, and time information.

g. **STATE DESIGNER SELECTION BOARD SCHEDULE:**

<i>Project Information Meeting and/or Site Visit:</i>	None
<i>Project Proposals Due:</i>	Monday, December 23, 2002, by 11:00 a.m.
<i>Project Shortlist:</i>	Tuesday, January 14, 2003
<i>Project Information Meeting for Shortlisted firms:</i>	To be Set by user agency
<i>Project Interviews and Award:</i>	Tuesday, January 28, 2003

h. **PROJECT CONTACT (S):**

Orlyn Miller, Assistant Director for University Planning

Phone: (612) 624-7501

Email: om@umn.edu

i. **SAMPLE CONTRACT (if DSBC project) NOT REQUIRED FOR THIS PROJECT**

The successful responder will be required to execute the State's Basic Services Agreement which contains the State's standard contract terms and conditions, include insurance requirements and compliance with Designer Procedures Manual, Design Guidelines and Computer Aided Drafting (CAD) Guidelines. A copy is available on **Website:** <http://www.dsbc.admin.st.mn.us>

NOTE TO RESPONDERS: CHANGES MAY HAVE BEEN MADE IN THE FOLLOWING AS OF 11 JUNE 2002.

2. PROPOSAL REQUIREMENTS

- a. 12 copies
- b. 8-1/2 x 11, soft bound, portrait format
- c. Maximum 20 faces (excluding front and back covers, blank dividers, affidavit of non-collusion, and affirmative action data page)
- d. All pages numbered

3. PROPOSAL CONTENTS

a. COVER

- Project name and number
- Prime firm name, address, telephone number, fax number
- Contact person, telephone number, fax number, and email address

b. COVER LETTER

Single face letter with original signature (on at least one copy) of principal of prime firm, including:

- Brief overview of proposal
- Statement that proposal contents are accurate to the best knowledge of signatory

c. INFORMATION ON FIRM (S)

For prime firm and each consultant firm provide brief description including:

- Name and location
- Year established
- Legal status
- Ownership
- Staffing by discipline
- For firms with multiple offices briefly summarize for each office

d. PROJECT TEAM

- Brief statement of team's past or present working relationships

For each team member provide:

- Name and position in firm, include name of firm
- Home base (if in multi-office firm)
- Responsibility on this project
- Years of experience
- Relevant recent experience (if in another firm, so note)
- Registration (including specialty if engineer)

e. TEAM ORGANIZATION

If planning or design consultants are a part of the team explain how they will be utilized (e.g. major role during design, absent during construction, etc). Matrix or chart *may* be used.

f. PROJECT EXPERIENCE

For architectural, planning, and/or landscape architecture firms, provide examples of relevant projects recently completed or in progress including:

- Photographs, sketches and/or plans
- Name and location
- Brief description (e.g. size, cost, relevance)
- Firm of record
- Involvement of proposed project team members (*may* be separate matrix; if in another firm so note)
- Completion date or current status

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g. APPROACH/METHODOLOGY

Describe your understanding of the project, significant issues to be addressed and your *specific* approach to the planning, design and construction process for *this* project.

h. UNIQUE QUALIFICATIONS

Briefly summarize your team's unique qualifications for this project.

State Contracts

i. OTHER REQUIREMENTS

- statement of commitment to enter into the work promptly, if selected, by engaging the consultants and assigning the persons named in the proposal along with adequate staff to meet requirements of the work.
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- A completed Affirmative Action Data Page regarding compliance with Minnesota Human Rights Requirements. A copy of the form is available on **Website:** <http://www.dsb.admin.state.mn.us>, click on forms. (Not counted as part of the 20 faces)
- A list of all State and University of Minnesota current and past projects and studies awarded to the prime firm(s) responding to this request for proposal during the four years immediately preceding the date of this request for proposal.

Projects and studies shall mean those projects and studies (1) funded by the state legislature, by state/user agencies or University of Minnesota operating funds, or by funding raised from the private sector or individuals by state/user agencies or the University of Minnesota; (2) awarded as a result of the State Designer Selection Board process or awarded directly by state/user agencies or the University of Minnesota without employing the State Designer Selection Board process; or (3) related to design-bid-build or design/build project delivery systems.

The prime firm(s) shall list and total all gross fees associated with the above projects and studies, whether the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid, or are anticipated to be paid, to engineering or other specialty consultants employed, or anticipated to be employed, on the projects and studies listed pursuant to the above. The prime firm(s) shall subtract consultant fees from gross fees to determine total net fees using the format below.

PROJECT	(A) GROSS FEES	(B) SUBDESIGNERS PORTION	(C) NET TOTAL PROJECT FEE
TOTAL			

(The total shown in column (A) shall equal the sum of those shown in columns (B) and (C).

4. SELECTION CRITERIA

Criteria for selection shall be as stated in the project description. Technical and aesthetic experience and capabilities are paramount. In addition, the Board seeks equitable distribution of fees among qualified firms and gives consideration to geographical location of firms with respect to project site.

5. CONTRACT REQUIREMENTS

a. AFFIDAVIT OF NONCOLLUSION

Each responder must attach a completed Affidavit of Noncollusion. A copy of the form is available on **Website:** <http://www.dsb.admin.state.mn.us>, click on forms.

b. CONFLICTS OF INTEREST

Responder must provide a list of all entities with which it has relationships that create, or appear to create, a conflict of interest with the work that is contemplated in this request for proposals. The list should indicate the name of the entity, the relationship, and a discussion of the conflict.

c. DISPOSITION OF RESPONSES

All materials submitted in response to this RFP will become property of the State and will become public record in accordance with *Minnesota Statutes* 13.591 after the evaluation process is completed. If the responder submits information in response to this RFP that it believes to be trade secret materials, as defined by the Minnesota Government Data Practices Act, *Minnesota Statutes* § 13.37, the responder must:

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- a statement with its response justifying the trade secret designation for each item, and
- defend any action seeking release of the materials it believes to be trade secret, and indemnify and hold harmless the State, its agents and employees, from any judgments or damages awarded against the State in favor of the party requesting the materials, and any and all costs connected with that defense. This indemnification survives the State's award of a contract. In submitting a response to this RFP, the responder agrees that this indemnification survives as long as the trade secret materials are in possession of the State.

The State will not consider the prices submitted by the responder to be proprietary or trade secret materials.

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d. CONTINGENCY FEES PROHIBITED

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e. ORGANIZATIONAL CONFLICTS OF INTEREST

The responder warrants that, to the best of its knowledge and belief, and except as otherwise disclosed, there are no relevant facts or circumstances that could give rise to organizational conflicts of interest. An organizational conflict of interest exists when, because of existing or planned activities or because of relationships with other persons, the responder is unable or potentially unable to render impartial assistance or advice to the State, or the responder's objectivity in performing the contract work is or might be otherwise impaired, or the responder has an unfair competitive advantage. The responder agrees that, if after award, an organizational conflict of interest is discovered, an immediate and full disclosure in writing must be made to the Assistant Director of the Department of Administration's Materials Management Division, 112 Administration Building, 50 Sherburne Avenue, St. Paul, MN 55155, which must include a description of the action which the contractor has taken or proposes to take to avoid or mitigate such conflicts. If an organization conflict of interest is determined to exist, the State may, at its discretion, cancel the contract. In the event the responder was aware of an organizational conflict of interest prior to the award of the contract and did not disclose the conflict to the contracting officer, the State may terminate the contract for default. The provisions of this clause must be included in all subcontracts for work to be performed similar to the service provided by the prime contractor (consultant), and the terms "contract," "contractor (consultant)," and "contracting officer" modified appropriately to preserve the State's rights.

f. STATE EMPLOYEES

In compliance with *Minnesota Statutes* § 16C.07, the availability of this work is being offered to State employees. The State will evaluate the responses of any State employee, along with other responses to this Request for Proposals.

g. PREFERENCE TO TARGETED GROUP AND ECONOMICALLY DISADVANTAGED BUSINESS AND INDIVIDUALS

In accordance with *Minnesota Rules* 1230.1810, subpart B and *Minnesota Rules* 1230.1830, certified Targeted Group Businesses or individuals and certified Economically Disadvantaged Businesses or individuals submitting proposals as prime contractors (consultants) will receive up to six percent preference in the evaluation of their proposals. For information regarding certification, contact the Department of Administration, Materials Management Helpline **phone** at: (651) 296-2600, **TTY**: (651) 282-5799.

h. HUMAN RIGHTS REQUIREMENTS

For all contracts estimated to be in excess of \$100,000, responders are required to complete the attached Affirmative Action Data page and return it with the response. As required by *Minnesota Rules* 5000.3600, "It is hereby agreed between the parties that *Minnesota Statutes* § 363.073 and *Minnesota Rules* 5000.3400 - 5000.3600 are incorporated into any contract between these parties based upon this specification or any modification of it". A copy of *Minnesota Statutes* § 363.073 and *Minnesota Rules* 5000.3400 - 5000.3600 are available on **Website**: <http://www.dsbcc.admin.state.mn.us>

- i. Any changes in team members for the project requires approval by the State.
- j. All costs incurred in responding to this RFP will be borne by the responder. This RFP does not obligate the State to award a contract or complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

State Contracts

Minnesota Historical Society

Request for Bids for Construction of a Storage Shed and Site Monument Sign at North West Company Fur Post, Pine City, Minnesota

The Minnesota Historical Society seeks bids for construction of a storage shed and site monument sign at the North West Company Fur Post.

A **MANDATORY** pre-bid meeting will be held Tuesday, December 17, 2002 at 11:00 p.m. at the North West Company Fur Post. Copies of the bidding documents may be obtained from the Collaborative Design Group, Inc., 1501 Washington Avenue South, Suite 300, Minneapolis, Minnesota 55454.

The deadline for receipt of bids is **Thursday, January 9, 2003 at 2:00 p.m. Late bids will not be accepted.** Bids should be sent or delivered to: Chris M. Bonnell, Contracting Officer, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, Minnesota 55102.

Dated: 9 December 2002

Minnesota Historical Society

Request for Bids for Construction of Trails, Road/Parking Lot Surfacing, and Boat Dock at North West Company Fur Post, Pine City, Minnesota

The Minnesota Historical Society seeks bids for widening and bituminous surfacing of the access road to the site, construction and bituminous surfacing of an overflow parking lot, and construction of site trails and a boat dock which are all on the grounds of the North West Company Fur Post.

A **MANDATORY** pre-bid meeting will be held Tuesday, December 17, 2002 at 1:00 p.m. at the North West Company Fur Post. Copies of the bidding documents may be obtained from the Collaborative Design Group, Inc., 1501 Washington Avenue South, Suite 300, Minneapolis, Minnesota 55454.

The deadline for receipt of bids is **Thursday, January 9, 2003 at 2:30 p.m. Late bids will not be accepted.** Bids should be sent or delivered to: Chris M. Bonnell, Contracting Officer, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, Minnesota 55102.

Dated: 9 December 2002

Minnesota Historical Society

Request for Bids for Re-Roofing Building #30 at Historic Fort Snelling, Minneapolis, Minnesota

The Minnesota Historical Society seeks bids for re-roofing Building #30 at Historic Fort Snelling. The project includes complete tear-off of slate roofing and slate wall cladding and re-roofing and re-cladding with simulated slate. Additional items include selective structural reinforcement of rafters, replacement of deteriorated roof sheathing, and repair/replacement of deteriorated soffit, rafter tails, trim and fascia.

A **MANDATORY** pre-bid meeting will be held Thursday, December 19, 2002 at 1:00 p.m. at Historic Fort Snelling. Copies of the bidding documents may be obtained from MacDonald & Mack Architects, Suite 712, Grain Exchange Building, 400 South Fourth Street, Minneapolis, Minnesota, 55415.

The deadline for receipt of bids is **Tuesday, January 7, 2003, 2:30 p.m. Late bids will not be accepted.** Bids should be sent or delivered to: Chris M. Bonnell, Contracting Officer, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, Minnesota 55102. Clearly mark the project name "Historic Fort Snelling Building #30 Re-roof" on the outside of the package.

Dated: 9 December 2002

Minnesota Historical Society

Request for Bids for Stabilization and Repair of Meighen Residence Frame Addition at Historic Forestville Preston, Minnesota

The Minnesota Historical Society seeks bids for stabilization and repair work on the Meighen Residence Frame Addition at Historic Forestville in Preston, Minnesota. Work includes sill replacement; joist repair/replacement; excavation of crawlspace; foundation stabilization; restoration of siding to original pattern; restoration/repair of wood frame and sash windows; repair/restoration/replacement of wooden storm windows; sanding/priming/painting exterior; re-installation of existing wood tongue and groove flooring; lathe and plaster repair; draining and filling cistern; and realignment/installation of gutter system. Also included are miscellaneous repairs on attached brick structures including painting windows and tuck-pointing. All work must conform to the Secretary of the Interior's Standards for Historic Preservation.

A **MANDATORY** pre-bid meeting will be held Wednesday, December 18, 2002, at 11:00 a.m. at Historic Forestville. Copies of the bidding documents may be obtained from Collaborative Design Group, inc., 1501 Washington Avenue South, Suite 300, Minneapolis, Minnesota, 55454.

The deadline for receipt of bids is **Tuesday, January 7, 2003, 2:00 p.m. Late bids will not be accepted.** Bids should be sent or delivered to: Chris M. Bonnell, Contracting Officer, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, Minnesota 55102. Clearly mark the project name "Meighen Residence Frame Addition, Historic Forestville" on the outside of the package.

Dated: 9 December 2002

Minnesota Pollution Control Agency

Notice of Availability of Contract for Assessment of Impact of Regional Haze Rules on the Taconite Industry

The Minnesota Pollution Control Agency (MPCA) is requesting proposals for the purpose of surveying and reporting on the potential impacts of the federal regional haze rule on the taconite industry in Minnesota. This rule requires certain sources to conduct an initial analysis which may lead to a more detailed assessment and installation of emissions controls that conform to Best Available Retrofit Technology (BART) requirements. The taconite industry has been identified by the MPCA as one of the industries for which a BART analysis is required. This project will provide a general analysis for the industry as a whole that can be used by both the MPCA and the taconite industry itself as a basis for planning purposes and for any facility-specific detailed assessments that will follow.

Work is proposed to start after February 1, 2003.

Call or write for a copy of the full Request for Proposal document, which will be sent free of charge to interested vendors. The full Request for Proposal can be obtained from:

Stuart Arkley, Project Manager
Policy and Planning Division
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155-4194
Email: stuart.arkley@pca.state.mn.us
Phone: (651) 296-7774
Fax: (651) 296-8676

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 Time on January 6, 2003. Late 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

Minnesota Pollution Control Agency

Notice of Availability of Contract to Survey and Recommend Options Regarding Regulation of Odorous Emissions

The Minnesota Pollution Control Agency (MPCA) is requesting proposals for the purpose of producing a report and recommendations on odor measurement methods and regulatory tools to address nuisance odors. The successful applicant will conduct an investigation of regulatory strategies used in other states and countries and will evaluate the state of the art in odor measurement. The report will discuss the researched options and present recommendations that the MPCA could reasonably implement.

Work is proposed to start after January 6, 2003, and must be completed by June 30, 2003.

Call or write for a copy of the full Request for Proposal document, which will be sent free of charge to interested vendors. The full Request for Proposal can be obtained from:

Stuart Arkley, Project Manager
Policy and Planning Division
Minnesota Pollution Control Agency
520 Lafayette Road, St. Paul, MN 55155
Email: stuart.arkley@pca.state.mn.us
Phone: (651) 296-7774
Fax: (651) 296-8676

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 Time on January 6, 2003. Late proposals will not be considered.** Fax or emailed proposals will not be considered except under unusual circumstances as described in the Request for Proposal.

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

Program Support Group

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.

Non-State Contracts & Grants

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

Metropolitan Council

Notice of Request for Proposals for Roof Replacement for Three Transit Garages

RFP Number 02P135

NOTICE IS HEREBY GIVEN that the Metropolitan Council is soliciting proposals from vendors to provide design and construction support services for roof replacement on three Transit garages. The Metropolitan Council through its Metro Transit division provides mass transit bus services to the Twin Cities of Minneapolis/St. Paul and outlying areas.

Each of the three roofs to be replaced has an area of about 150,000 to 200,000 feet squared. The basis for the specification shall be Transit's standard specification.

All proposals must be submitted in accordance with the RFP. The tentative schedule for this procurement process is:

RFP Release Date
Proposals Due

December 4, 2002
January 7, 2003

There is a Disadvantaged Business Enterprise subcontracting goal of 12% assigned to this contract.

All firms interested in this project should submit a written request for a copy of the solicitation through:

Amanda Houston, Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council
Mears Park Centre, 230 East Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1585
Fax: (651) 602-1138
Email: amanda.houston@metc.state.mn.us

Minnesota Statutes, Sections 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Proposal or any modifications to it. If a contract for the project is awarded in excess of \$100,000, the requirements of *Minnesota Rules* 5000.3530 will be applicable.

University of Minnesota

Notice of Bid Information Service (BIS) Available for All Potential Vendors

The University of Minnesota offers 24 hour/day, 7 day/week access to all Request for Bids/Proposals through its web based Bid Information Services (BIS). Subscriptions to BIS are \$75/year. Visit our web site at bidinfo.umn.edu or call the BIS Coordinator at (612) 625-5534.

Requests for Bids/Proposals are available to the public at no charge each business day from 8:00 a.m. to 4:30 p.m. in Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls., MN 55454.

University of Minnesota

Request for Proposal for Construction Management Services

I. NOTICE OF REQUEST FOR PROPOSAL

The University of Minnesota is interested in Construction Management Services for improvements to the Southeast Heating Plant Facility 600 Main Street MPLS MN. The intent of this Request for Proposal (RFP) is to procure specifically, "Construction Management at Risk Services"

Project Summary

The University's objective is to determine what is necessary to maintain and rehabilitate the Southeast Steam Plant main building, its additions, and site for their continued function as a steam and co-generation plant, and to maintain its status on the National Register of Historic Places.

The University has developed a plan to rehabilitate the main building, additional structures, and site following the Secretary of Interior's Standards for Rehabilitation. Rehabilitation acknowledges the need to add to or alter a building to accommodate necessary changes relative to present-day function while maintaining and retaining the historic value and character of the property. Rehabilitation begins with protecting and stabilizing, specifically including the restoration and possible replacement of building materials, windows and doors, walls, roof, and structure. Any changes made to the main building or surrounding structures and site require complete documentation as outlined by the Secretary of the Interior's Standards for Rehabilitation, including an archeological review of the site consisting of a literature search, site testing and a report on the potential of archeological resources.

Non-State Contracts & Grants

Rehabilitation of the Southeast Steam Plant is necessary to repair failing building systems, such as crumbling masonry, a failing retaining wall and other unsafe conditions.

This Phase 1 project consists of six of the seven immediate priority projects identified in the Predesign:

- (A) All improvements to the Main Plant Building- Predesign Project #5 (repair and replace exterior brick walls, interior wall changes, exterior windows and louver replacement, roof replacement, penthouse improvements, and interior heat/humidity control).
- (B) All improvements to the Mid- Level Site- Predesign Project #1 (remove trestle west of access drive, remove below level storage facilities, provide new retaining wall, and provide new access parking and delivery area).
- (C) All Improvements to the North Grounds- Predesign Project #3 (including site drainage, repairs to the northwest retaining wall, removal and repair of the northeast retaining wall, resurfacing, and reconstructing the Dozer Shed).
- (D) All improvements to the West Building Additions- Predesign Project #7 (including removal of the gas house, replacing west vestibule with a new landing, removal and rebuilding of the stair enclosure, and modifications to the Filtration building).
- (E) Selected improvements to the shops buildings- Predesign Project #6 (including removal of the upper shops, exterior improvements, interior welding area improvements, but eliminating the office improvements and other ventilation improvements).
- (F) All Site Signage improvements - Predesign Project #2

All of the above priority projects are described in considerable detail in the Predesign document.

The exterior improvements (walls and windows) will be executed to comply with applicable historic preservation standards. The concrete retaining wall and replacing the Trestle in project #1 will be compatible in design with the Steam Plant building and in compliance with River Corridor Critical Area Plan recommendations previously done for this site. Additional information can be found in the Pre-Design study.

The code and safety implications of not proceeding with all of the changes proposed for the Shops Additions will need to be identified and the means and cost for addressing them developed as the project proceeds. Corrections addressing them would be a first priority in fine-tuning the scope of the scope of work listed above. Selected items from the deferred work need to be identified and designed as add alternatives to the project's scope in the event that the funds budgeted appear, near the time of bidding, to be short of what it needed to complete the Phase 1 work.

3. Environmental Issues:

A Phase 1 and Phase 2 Environmental Assessment has been completed. The Phase 2 Environmental Assessment included soil sampling at the locations where site improvement projects have been identified. The Phase 2 assessment confirmed the location of suspected contaminants and verified that the budget for dealing with hazardous material on the site appears to be adequate. All hazardous material impacted by the Phase 1 project will be appropriately abated as a part of this Phase 1 project. For information regarding the Pre-Design study and Phase I & II environmental assessment studies please see the following web address: <http://www.facm.umn.edu/facm/rfp.htm>

Hazardous material, which may be impacted by subsequent projects, will not be abated as a part of this project.

4. Design Guidelines Response:

The response to the design guidelines will be addressed when the schematic plans for the project are presented to the board of Regents for review/action.

Email or call your request for the full RFP, which will be sent free of charge to interested vendors.

II. CONTACT FOR RFP INQUIRIES:

Refer questions to:

PURCHASING SERVICES:

Chip Foster
Facilities Management
400 Donhowe Building
319 15th Ave. SE
Minneapolis, MN 55455-1082
Phone: (612) 626-8757
Fax: (612) 624-5796
Email: fosterc@facm.umn.edu

III. TENTATIVE SCHEDULE OF EVENTS

Be advised that these dates are subject to change, as University officials deem necessary.

<i>RFP Document Issued</i>	Monday, December 9, 2002
<i>Mandatory Pre-Proposal Meeting/Site visit at 2pm (on site)</i>	Wednesday, December 18, 2002
<i>All Questions/Inquiries deadline at noon CST</i>	Thursday, January 2, 2003
<i>RFP Response Due at 3 p.m. CST</i>	Wednesday, January 8, 2003
<i>Tentative Evaluation and Selection of Short-listed Finalists</i>	January 14, 2003
<i>Tentative Interview/Presentations date</i>	January 23, 2003
<i>Tentative Award Decision/Notification to Proposers</i>	January 24, 2003
<i>Project Completion Date</i>	October 31, 2004

The University reserves the right, in its sole discretion, to reject any and all proposals, accept any proposal, waive informalities in proposals submitted, and waive minor discrepancies between a proposal and these proposal instructions, as it deems to be in its best interest. Any waiver of the University with respect to the requirements of these proposal instructions shall apply only to the particular instance for which it was made or given, and no such waiver shall constitute a permanent or future waiver of such requirements.

University of Minnesota

Request for Proposal for Installation of a Dewatering Well at the Civil Engineering Building University of Minnesota

I. NOTICE OF REQUEST FOR PROPOSAL

The University of Minnesota is issuing a Request for Proposal (RFP) for installation of a 16-inch diameter dewatering well at the Civil Engineering Building, 500 Pillsbury Drive, Minneapolis, Minnesota. The well will be located on the northeast side of the site outside the footprint of the building. The well location site is in a high vehicle traffic area. The well will be constructed in the St. Peter Sandstone formation at a depth of 170-feet below ground surface. The well must be completed using dual rotary or dual wall (i.e. reverse circulation) drilling technologies. The project scope also includes installing a temporary test pump and drop pipe within the well for conducting a pumping test. Well construction methods and project time constraints must be compliant with the conditions specified in the RFP.

Email or call with your request for the full copy of the Request for Proposal, which will be sent free of charge to interested vendors.

II. CONTACT FOR RFP INQUIRIES:

Refer questions to:

PURCHASING SERVICES:

Chip Foster
Facilities Management
400 Donhowe Building
319 15th Ave. SE
Minneapolis, MN 55455-1082
Phone: (612) 626-8757
Fax: (612) 624-5796
Email: fosterc@facm.umn.edu

III. TENTATIVE SCHEDULE OF EVENTS

Be advised that these dates are subject to change, as University officials deem necessary.

<i>RFP Issued</i>	Monday, December 9, 2002
<i>Mandatory Pre-proposal Meeting/Site Visit @ 2 p.m.CST</i>	Thursday, December 19,2002
<i>All Questions/Inquiries deadline at noon CST</i>	Thursday, January 2, 2003
<i>Proposals due @ 3 p.m. CST</i>	Thursday, January 9, 2003
<i>Anticipated date of Award</i>	Thursday, January 16, 2003

The University reserves the right, in its sole discretion, to reject any and all Pre-Qualification packets, accept any Pre-Qualification packets, waive informalities in Pre-Qualification packets submitted, and waive minor discrepancies between a Pre-Qualification packets and these Pre-Qualification packet instructions, as it deems to be in its best interest. Any waiver of the University with respect to the requirements of these Pre-Qualification packets instructions shall apply only to the particular instance for which it was made or given, and no such waiver shall constitute a permanent or future waiver of such requirements.

