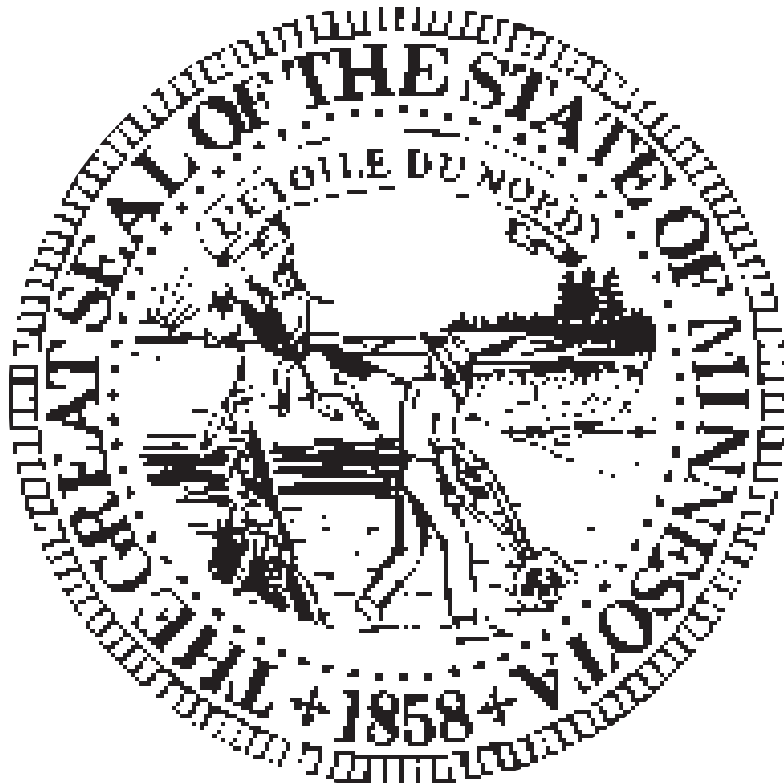


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Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

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Vol. 23 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	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
#12	Monday 21 September	Noon Wednesday 9 September	Noon Tuesday 15 September
#13	Monday 28 September	Noon Wednesday 16 September	Noon Tuesday 22 September
#14	Monday 5 October	Noon Wednesday 23 September	Noon Tuesday 29 September
#15	Monday 12 October	Noon Wednesday 30 September	Noon Tuesday 6 October

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Contact: House Information Office (651) 296-2146
Room 175 State Office Building, St. Paul, MN 55155

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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 1997 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 (651) 297-3000, or toll-free 1-800-657-3757.

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.0130 s.2; .0140; .0145; .0150; .0160; .0170; .0180; .0190;		4626.0010-.1870; 4658.0650; .3500; 4717.7000; 1547.0110;	
.0195; .0200 s. 2, 4; .0205; .0210; .0220; .0225; .0230; .0250;		1550.1255; .1450; .1490; .3200; 2910.3500; 2930.5300;	
.0270; .0285 s.2, 3, 9, 11, 12; .0300 s.3; .0310 s. 3, 4, 5, 6, 7		2935.4100; 2945.3400; 2950.0900 (adopted)	514
(proposed repealer)	326	9505.0500; .0510; .0520 s.4, 5, 6, 9a, 12, 13, 14; .0521; .0522;	
		.0540 s.1, 2, 6 (repealed)	298
Transportation Department		9505.0501; .0505; .0515; .0520; .0530; .0540; .0545 (adopted)	298
8805.0050; .0100; .0200; .0300; .0400; .0500 (proposed)	514	9575.0350; .0400; .0410; .0420; .0470; .1360; .1410; .1500; .1580	
8820.0100; .0800; .1400; .1500; .1800; .2300; .2500; .2800; .2900;		(adopted)	82
.9920; .9926; .9936; .9946; .9956; .9961; .9981; .9986; .9990;		9575.1350; .1370; .1390; .1400; .1510 (repealed)	82
.9995 (proposed)	497		

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 Health

Proposed Permanent Rules Relating to Lead Poisoning Prevention

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

Proposed Amendment to Rules Governing Lead Abatement and Lead Hazard Reduction Methods; Setting Standards for Lead in Paint, Dust, Bare Soil, and Drinking Water; and Setting Criteria for Licensure and Certification of Lead Inspectors, Risk Assessors, Workers, Supervisors, and Project Designers, *Minnesota Rules*, Chapter 4761; Proposed Amendments to Rules Governing Variances, *Minnesota Rules*, Chapter 4717; and Opportunity for a Hearing on the Department's Intent to Seek Final Authorization by the U.S. EPA to Administer and Enforce the Regulations Established Under the Toxic Substances Control Act.

Introduction. The Department of Health 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 for a hearing on the rules within 30 days or by 4:30 p.m. on October 21, 1998, a public hearing will be held in Room LL56, in the Lower Level of the Metro Square Building, 121 East Seventh Place, St. Paul, Minnesota, starting at 9:00 a.m. on Wednesday, November 4, 1998. 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 October 21, 1998, and before November 4, 1998.

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:

Mr. Doug Benson
Minnesota Department of Health
Division of Environmental Health
121 East Seventh Place, Suite 360
P.O. Box 64975
St. Paul, Minnesota 55164-0975
Phone: (651) 215-0881
FAX: (651) 215-0975

TTY users may call the Minnesota Department of Health at (651) 623-5522.

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.

Proposed Rules

Subject of Rules and Statutory Authority. The proposed rules regulate methods for lead abatement and lead hazard reduction, set standards for lead in paint, dust, bare soil, and drinking water, and set criteria for licensing and certifying persons who perform regulated lead work. The statutory authority to adopt the rules is found in *Minnesota Statutes*, sections 144.9505 to 144.9508. Many of the rules are being amended to conform with federal regulations promulgated by the U.S. Environmental Protection Agency. These can be found at 40 *Code of Federal Regulations*, Part 745, Subpart L - Lead-Based Paint Activities, and Subpart Q - State and Indian Tribal Programs, as published in the *Federal Register* on August 29, 1996.

A copy of the proposed rules is published in the *State Register*. A free copy of the rules is available upon request from the agency contact person listed above.

The amendments to the rules will affect persons who perform regulated lead work, as well as those who provide training in this area. The amended rules will indirectly affect people who have lead hazard reduction or abatement performed, as the amendments will ensure adequate training and licensure of lead abatement professionals, set lead exposure standards that minimize or eliminate the risk of lead poisoning, and ensure that regulated lead work is performed in a safe manner.

The primary purpose of the rules is to minimize or eliminate sources of lead that may increase blood lead levels in children and pregnant women. Examples of the issues addressed by the proposed rules include:

- Licensing standards for various categories of persons who perform regulated lead work, including licensing fees.
- Issuance of permits for training courses on regulated lead work, including permit fees.
- Standards for lead in various media that may contribute to increased blood lead levels in children and pregnant women, including paint, dust, bare soil, and drinking water.
- Acceptable methodologies for conducting the various types of regulated lead work.

Comments. You have until 4:30 p.m. on Wednesday, October 21, 1998, 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 October 21, 1998. 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 for 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 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 as 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 November 4, 1998, will be canceled 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) 215-0881 after October 21, 1998 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit 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 Jon L. Lunde is assigned to conduct the hearing. Judge Lunde can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 341-7645, 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 response 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 response 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 reproduction from either the agency or the Office of Administrative Hearings.

Federal Notification Requirement. As required by the *Code of Federal Regulations*, Title 40, Part 745, Subpart Q, the Commissioner hereby provides notice that the Department intends to seek final authorization by the U.S. Environmental Protection Agency for the Department to administer and enforce the standards, regulations, and other requirements established under the Toxic Substances Control Act. (U.S. Public Law Number 102-550, "Title 4 of the Toxic Substances Control Act, 15 U.S.C. §§ 2681 to 2692," enacted in 1992.)

The Department will seek this authorization within the geographic area of Minnesota, excluding the reservations of federally-recognized Indian tribes, based on the adoption of the proposed amendments to *Minnesota Rules*, chapter 4761, and on supporting documentation.

A public hearing may be requested on the Department's intent to seek authorization. If at least 25 persons request a hearing on this issue, a hearing will be scheduled. If you object to the Department's intent to seek authorization, please follow the procedures listed above under "Request for a Hearing" and specify your objection. Please note that this issue will be considered separately from the content of the rules themselves. A statement of opposition to the entire set of rules will not be considered a request for a hearing on the issue of intent to seek federal authorization.

If at least 25 persons request a hearing on the Department's intent to seek authorization, the hearing will be held immediately following the hearing on the content of the rules, at the location and date listed above. If the hearing on the content of the rules is canceled, the hearing regarding the Department's intent to seek authorization will be held at the location and date listed above, starting at 9:00 a.m.

The hearing on the Department's intent to seek authorization, scheduled for November 4, 1998, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on this issue. If you requested a public hearing on this issue, 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) 215-0881 after October 21, 1998 to find out whether the hearing on the Department's intent to seek authorization will be held.

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: First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 296-5148 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the agency may adopt the rules after the end of the comment period. The 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. 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.

<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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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: 4 September 1998

Anne M. Barry
Commissioner of Health

4717.7000 VARIANCE REQUEST.

Subpart 1. **Request.** A party may ask the commissioner of health to grant a variance from the following rules:

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

- Q. explorers and exploratory borings, parts 4727.0100 to 4727.1300; ~~and~~
- R. ionizing radiation, parts 4730.0100 to 4730.3610, except parts 4730.0400 and 4730.0600; and
- S. lead poisoning prevention, parts 4761.1000 to 4761.1200, except part 4761.1100.

[For text of subps 2 and 3, see M.R.]

LEAD POISONING PREVENTION

4761.1000 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4761.1000 to 4761.1230 have the meanings given them in this part and in Minnesota Statutes, section 144.9501.

Subp. 2. **Abrasive blasting.** "Abrasive blasting" has the meaning given in part 7025.0020, subpart 2.

Subp. 3. **Affected property.** "Affected property" means:

- A. a residence;
- B. a school;
- C. a child-occupied facility; or
- D. a playground.

Subp. 4. **Building component.** "Building component" means a specific design or structural element or fixture that is distinguished from other elements or fixtures by form, function, and location.

Subp. 5. **Certified firm.** "Certified firm" means a person who employs individuals to perform regulated lead work and who submits an application for certification to the commissioner that meets the requirements of part 4761.1040.

Subp. 6. **Child-occupied facility.** "Child-occupied facility" means a building, or portion of a building, constructed before 1978 that:

- A. is visited by the same child for at least three hours on each of at least two different days within a week;
- B. the combined weekly visits of the child last at least six hours; and
- C. the combined visits of the child within a 90-day period last at least 60 hours.

Child-occupied facility includes the indoor and outdoor spaces that are used to provide a child care program, as defined in part 9503.0005. The term includes the exterior structure and ground surfaces.

Subp. 7. **Documented methodologies.** "Documented methodologies" means methodologies described in:

A. United States Environmental Protection Agency, Residential Sampling for Lead: Protocols for Dust and Soil Sampling (EPA 747-R-95-001) (March 1995);

B. Soil Testing and Research Analytical Laboratories, Department of Soil Science/Agricultural Experiment Station, University of Minnesota, Determination of Lead in Soil (July 1990);

C. American Society for Testing and Materials, Standard Practice for Field Collection of Settled Dust Samples Using Wipe Sampling Methods for Lead Determination by Atomic Spectrometry Techniques (E 1728 - 95) (October 1995);

D. American Society for Testing and Materials, Standard Specification for Wipe Sampling Materials for Lead in Surface Dust (E 1792 - 96a) (November 1996); or

E. American Society for Testing and Materials, Standard Practice for Collection of Floor Dust for Chemical Analysis (D 5438 - 94) (August 1994).

The publications listed in items A to E are incorporated by reference. The publications are not subject to frequent change and are available through the Minitex interlibrary loan system.

Subp. 8. **High efficiency particulate air filter.** “High efficiency particulate air filter” means a filter capable of trapping and retaining at least 99.97 percent of all monodispersed particles 0.3 microns in diameter or larger.

Subp. 9. **Modified-wet abrasive blasting.** “Modified-wet abrasive blasting” has the meaning given in part 7025.0020, subpart 8.

Subp. 10. **Person.** “Person” has the meaning given in *Minnesota Statutes*, section 326.71, subdivision 8.

Subp. 11. **Playground.** “Playground” means an open area, including a vacant lot, used for outdoor games, recreation, and amusement that may contain a swing, seesaw, slide, or other means for children’s recreation and play.

Subp. 12. **Regulated lead work.** “Regulated lead work” means a lead hazard screen, a lead inspection, a lead risk assessment, lead hazard reduction including abatement, swab team services, or a lead project design performed on or for affected property, whether required by law or undertaken voluntarily.

Subp. 13. **Residence.** “Residence” means:

A. a structure used or intended for use as single family habitation, including exterior structure and ground surfaces, and every other structure located within the same lot; or

B. a dwelling unit within a structure used or intended for use as multifamily habitation, including common areas located within the same lot, exterior structure, and ground surfaces, but not including other dwelling units.

Subp. 14. **School.** “School” means either a public school as defined in *Minnesota Statutes*, section 120.05, subdivision 2, clause (1), or a nonpublic school as defined in *Minnesota Statutes*, section 120.101, subdivision 4, that ordinarily enrolls pupils in prekindergarten through grade 6, or any portion thereof. The term includes the exterior structure and ground surfaces.

Subp. 15. **Vacuum blasting.** “Vacuum blasting” has the meaning given in part 7025.0020, subpart 14.

Subp. 16. **Water blasting.** “Water blasting” means the use of pressurized water to remove a surface coating.

Subp. 17. **Window sill.** “Window sill” means the interior horizontal ledge at the base of a window opening. Window sill is also known as the window stool.

Subp. 18. **Window well.** “Window well” means the horizontal surface on which the sash of a window sits when the window is closed. Window well is also known as the window trough.

Subp. 19. **X-ray fluorescence analyzer.** “X-ray fluorescence analyzer” means a device that uses gamma ray-induced fluorescence of lead atoms to measure the lead content of material.

Subp. 20. **Zero-bedroom residence.** “Zero-bedroom residence” means a dwelling unit that does not have a room used for sleeping that is separated from the other living areas within the dwelling unit by floor-to-ceiling walls with access through an entryway that may or may not have a closeable door.

4761.1010 APPLICABILITY.

Subpart 1. **Persons affected.** Parts 4761.1000 to 4761.1220 apply to persons, including assessing agencies, who do regulated lead work in or for affected property.

Subp. 2. **Exceptions.** Parts 4761.1000 to 4761.1220 do not apply to:

A. work that is performed for any purpose other than the express purpose of regulated lead work;

B. an emergency shelter home or emergency shelter service;

C. housing for the elderly or persons with disabilities unless at least one child, who is less than 72 months of age, resides or is expected to reside in the housing;

D. a zero-bedroom residence, unless occupied by a child with an elevated blood lead level for which a lead risk assessment is required;

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E. a foster home occupied by a child for no more than 90 days if the foster care is provided by an individual who is related, as defined in *Minnesota Statutes*, section 245A.02, subdivision 13;

F. a foster home occupied by a child for no more than 30 days if the foster care is not provided by an individual who is related, as defined in *Minnesota Statutes*, section 245A.02, subdivision 13;

G. a structure that is totally vacated within 30 days of the issuance of lead orders and that remains unoccupied until the structure is totally demolished, which must be completed within two years of the date of the orders; or

H. chemical testing with a kit for the on-site, qualitative detection of lead.

4761.1020 GENERAL REQUIREMENTS.

Subpart 1. **License required.** Except as provided under this part, an individual must obtain the appropriate license under part 4761.1040 before doing regulated lead work. An individual who is required by parts 4761.1000 to 4761.1220 to have a license and who is doing regulated lead work must have the required license in personal possession and, on request, must show it to a representative of the commissioner or of the assessing agency with jurisdiction at the lead work site.

Subp. 2. **Training permit.** A training course provider must obtain a permit for a training course under part 4761.1050 before representing the course as qualifying trainees for licensure under part 4761.1040.

Subp. 3. **Owner exemption.** An individual who is the owner of property on which regulated lead work is to be performed or an adult individual who is related to the property owner, as defined in *Minnesota Statutes*, section 245A.02, subdivision 13, is exempt from the requirements to obtain a license according to items A and B.

A. The individuals are exempt from obtaining a license to collect a sample of paint, dust, bare soil, or drinking water from the property for analysis at a laboratory.

B. The individuals are exempt from obtaining a license to perform lead hazard reduction in property that is occupied only by the property owner or by individuals who are related to the property owner, but the lead hazard reduction must be performed according to the methods in parts 4761.1170 to 4761.1190.

4761.1030 TRANSITION.

Subpart 1. **Expiration; applicability.**

A. This part expires 12 months after the effective date of parts 4761.1000 to 4761.1230.

B. To qualify for the provisions of this part, an individual must have a valid license or certificate as of the effective date of parts 4761.1000 to 4761.1220 or must have successfully completed an approved initial training course and have submitted an application demonstrating compliance with this part within 30 days after the effective date of parts 4761.1000 to 4761.1220.

C. A person must submit an application to become a certified firm as required under part 4761.1040 within 30 days after the effective date of parts 4761.1000 to 4761.1220.

D. If the conditions of items B and C are not met, then no transition provisions apply and a person must meet the requirements of part 4761.1040 to obtain a license or certificate.

Subp. 2. **Prior license valid.** An individual who has a license or certificate that was issued by the commissioner before the effective date of parts 4761.1000 to 4761.1220 for lead inspector, lead contractor, or lead worker remains licensed or certified until the annual expiration date, but must meet the requirements of this subpart to remain licensed thereafter.

A. An individual who has a valid lead inspector license on the effective date of parts 4761.1000 to 4761.1220 must apply, before the license expires, for either a lead inspector license or a lead risk assessor license and must meet the requirements of part 4761.1040 to obtain a license without taking another initial training course.

B. An individual who has a valid lead contractor license on the effective date of parts 4761.1000 to 4761.1220 must apply, before the license expires, for either a lead supervisor license or a lead project designer license and must meet the requirements of part 4761.1040 to obtain a license without taking another initial training course.

C. Within 12 months after the effective date of parts 4761.1000 to 4761.1220, the individual must have passed the appropriate examination conducted by an independent testing organization as described in part 4761.1040, subpart 2, item B, subitem (2), and must have submitted an application demonstrating compliance with this subpart.

Subp. 3. **Prior training valid.** An individual who does not have a license or certificate that is valid on the effective date of parts 4761.1000 to 4761.1220, but who successfully completed an initial training course before the effective date of parts 4761.1000 to 4761.1220, must meet the requirements of this subpart to obtain a license without taking another initial training course.

A. The individual must have successfully completed:

(1) an initial training course from a member of the United States Environmental Protection Agency's lead training consortia within 24 months before the effective date of parts 4761.1000 to 4761.1220;

(2) an initial training course that uses the training curricula used by the United States Environmental Protection Agency's lead training consortia within 24 months before the effective date of parts 4761.1000 to 4761.1220; or

(3) an initial training course approved by the commissioner of health.

B. Within 12 months after the effective date of parts 4761.1000 to 4761.1220, the individual must have passed the appropriate examination conducted by an independent testing organization as described in part 4761.1040, subpart 2, item B, subitem (2), and must have submitted an application demonstrating compliance with this subpart.

Subp. 4. **Existing training courses valid.** A training course that was approved under *Minnesota Rules* 1997, parts 4761.0100 to 4761.0800, is valid until its original expiration date or until one year from the effective date of parts 4761.1000 to 4761.1230, whichever is sooner.

Subp. 5. **New training courses valid.** To qualify for an exception from the permit requirement in part 4761.1050, subpart 1, and to advertise or present a lead training course that was not submitted for approval under *Minnesota Rules* 1997, parts 4761.0100 to 4761.0800, and that is intended to qualify trainees for licensure under part 4761.1040, the provider of a training course must meet the requirements of this subpart. The exception is valid for 12 months after the effective date of parts 4761.1000 to 4761.1230.

A. As of the effective date of parts 4761.1000 to 4761.1220, the training course provider must have a valid approval for an initial or refresher lead inspector training course to advertise or present an initial or refresher lead inspector training course or initial or refresher lead risk assessor training course.

B. As of the effective date of parts 4761.1000 to 4761.1220, the training course provider must have a valid approval for an initial or refresher lead contractor training course to advertise or present an initial or refresher lead supervisor training course or initial or refresher lead project designer training course.

C. The provider must meet the other requirements of parts 4761.1050, 4761.1060, and 4761.1070, as applicable to each training course.

D. The training course provider must submit a permit application demonstrating compliance with this subpart for each training course within 12 months after the effective date of parts 4761.1000 to 4761.1220.

4761.1040 LICENSURE; CERTIFICATION.

Subpart 1. **General requirements.** The requirements of this subpart apply to an applicant for licensure as a lead inspector, lead risk assessor, lead worker, lead supervisor, or lead project designer and to an applicant for certification as a certified firm.

A. A person must obtain the appropriate license or certificate before performing regulated lead work.

B. A lead inspector must perform regulated lead work under the supervision of a lead risk assessor. A lead worker must perform regulated lead work under the supervision of a lead supervisor.

C. A person who employs individuals to perform regulated lead work outside of the person's property must obtain certification as a certified firm.

D. An individual who performs regulated lead work must be employed by a certified firm unless:

(1) the individual is a sole proprietor and does not employ any other individual who performs regulated lead work; or

(2) the individual is employed by a person that does not perform regulated lead work outside of the person's property.

E. A swab team worker must obtain licensure as a lead worker.

F. An individual may not be licensed as both a lead worker and a lead supervisor. An individual may not be licensed as both a lead inspector and a lead risk assessor.

G. An individual or firm that is licensed or certified under this chapter and that employs a subcontractor to perform regulated lead work must ensure that the subcontractor is licensed or certified under this chapter.

Subp. 2. **Qualifications; application.**

A. An individual must complete a training course permitted by the commissioner to qualify for licensure as a lead inspector, lead risk assessor, lead worker, lead supervisor, or lead project designer, according to subparts 5 to 9.

B. A license application must be submitted on a form provided by the commissioner. A license application must include:

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(1) a photocopy of a diploma issued to the applicant and signed by an authorized representative for an appropriate training course that has been permitted by the commissioner;

(2) documentation that the applicant passed an examination, within six months of the end of the initial training course, that was administered by an independent testing organization permitted or administered by the commissioner; and

(3) verifiable documentation that the applicant has the additional education or experience required in subpart 6, item B, 8, item B, or 9, item B.

C. An applicant for certification as a certified firm must submit an application on a form provided by the commissioner. The applicant must affirm that only licensed individuals will be hired to perform regulated lead work.

D. The commissioner shall review and approve an application or notify the applicant of any deficiencies. The commissioner shall reject a deficient application after 60 days unless the applicant corrects the application.

Subp. 3. Expiration and renewal.

A. A license is valid for 12 months from the last day of the initial training course required to obtain the license. A license that is renewed is valid for 12 months after the expiration date of the initial license.

B. An application for renewal must be postmarked no later than 12 months after the expiration date of the initial license. To renew a license, an individual must complete a refresher training course before the expiration date of the license. An individual has an additional 12 months after the expiration date to renew the license based on a refresher course but must not perform regulated lead work until the license is renewed. A refresher training course may only be used to renew a license for one renewal period. An individual does not have to take an independent examination permitted by the commissioner to renew a license. A refresher training course may be taken no sooner than six months before the expiration date of the license to be renewed.

C. An individual who fails to renew a license within 12 months after the expiration date of the license may not renew the license but must successfully complete an initial training course and pass an independent examination designated by the commissioner in order to qualify for a new license. The new license is valid for 12 months after the last day of the initial training course required to obtain the license.

D. A certified firm must renew certification each year within 60 days before the expiration date of the certificate.

Subp. 4. Fees.

A. A fee of \$50 is required with an application for a license for lead worker, lead supervisor, or lead inspector.

B. A fee of \$100 is required with an application for a license for lead risk assessor or lead project designer.

C. A fee of \$100 is required with an application for certification as a certified firm.

D. Fees are not refundable after review of the application has begun.

Subp. 5. **Lead inspector.** An applicant for licensure as a lead inspector must successfully complete a training course for lead inspector.

Subp. 6. Lead risk assessor.

A. An applicant for licensure as a lead risk assessor must successfully complete the training courses for both lead inspector and lead risk assessor.

B. In addition to successful completion of training courses, an applicant must have at least one of the following qualifications to obtain a license as a lead risk assessor:

(1) a bachelor's degree and one year of experience in regulated lead work, asbestos abatement, or other environmental remediation or in regulating lead work;

(2) an associate's degree and two years of experience in regulated lead work, asbestos abatement, or other environmental remediation or in the childhood lead poisoning prevention program of a governmental agency;

(3) designation as a certified industrial hygienist, professional engineer, registered architect, certified safety professional, or registered public health sanitarian; or

(4) a high school diploma and at least three years of experience in regulated lead work, asbestos abatement, or other environmental remediation or in the childhood lead poisoning prevention program of a governmental agency.

Subp. 7. **Lead worker.** An applicant for licensure as a lead worker must successfully complete a training course for lead worker.

Subp. 8. Lead supervisor.

A. An applicant for licensure as a lead supervisor must successfully complete training courses for both lead worker and lead supervisor.

B. In addition to successful completion of training courses, an applicant must have at least one of the following qualifications to obtain a license as a lead supervisor:

- (1) at least one year of experience as a licensed lead worker;
- (2) at least one year of experience in the childhood lead poisoning prevention program of a governmental agency; or
- (3) at least two years of experience in other environmental remediation.

Subp. 9. Lead project designer.

A. An applicant for licensure as a lead project designer must successfully complete training courses for both lead supervisor and lead project designer.

B. In addition to successful completion of training courses, an applicant must have at least one of the following qualifications to obtain a license as a lead project designer:

- (1) a bachelor's degree in engineering or architecture and one year of experience in building construction or design; or
- (2) four years of experience in building construction or design.

Subp. 10. Training courses; other jurisdictions. An applicant must successfully complete either a training course permitted under part 4761.1050 or a training course presented in another state or the jurisdiction of a federally recognized Indian tribe with whom the commissioner has a written agreement to accept the training courses.

4761.1050 PERMITS FOR TRAINING COURSES.

Subpart 1. General requirement. The requirements of this part apply to all training courses that are intended to qualify trainees for licensure under part 4761.1040. A training course provider must obtain a permit under this part before advertising or presenting a lead training course as qualifying trainees for licensure under part 4761.1040.

Subp. 2. Application; initial and refresher courses.

A. An application for a permit must be submitted on a form provided by the commissioner for a training course intended to qualify or renew qualifications for individuals to be licensed as lead supervisors, lead workers, lead risk assessors, lead inspectors, or lead project designers.

B. An application must be submitted at least 120 days before the course is scheduled to be presented. Permits shall not apply to courses that were presented before the date of the permit, except as provided under part 4761.1030 to provide for a transition from the rules in effect before the effective date of parts 4761.1000 to 4761.1220.

C. An applicant must provide one copy of videotapes or audiotapes and three copies of all other instructional materials to be used, including:

- (1) the instructor manual;
- (2) the trainee manual;
- (3) paper prints of transparencies or slides;
- (4) a sample diploma;
- (5) a sample sign in sheet;
- (6) materials to be provided to the trainee;
- (7) the course agenda;
- (8) all questions that might be used in the course test with the correct answers identified and the proportion of course test questions devoted to each major topic in the course;
- (9) a description of the hands-on evaluation of trainees' ability to do work practices for courses that include hands-on training; and
- (10) a description of the instructor's qualifications.

D. An applicant must identify the facilities in which the course will be presented.

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E. The commissioner shall review and approve an application or notify the applicant of any deficiencies. The commissioner shall reject a deficient application after 60 days unless the applicant corrects the deficiencies.

Subp. 3. Expiration. A permit is valid for two years.

Subp. 4. Fees.

A. An applicant for a training course permit must include payment of a fee as follows:

- (1) \$500 for a permit for an initial training course;
- (2) \$250 for renewal of a permit for an initial training course;
- (3) \$250 for a permit for a refresher training course; and
- (4) \$125 for renewal of a permit for a refresher training course.

B. Fees are not refundable after review of the application has begun.

Subp. 5. Required personnel.

A. An applicant must provide verifiable documentation that the training program employs a training manager who has:

- (1) at least two years of experience, education, or training in teaching adults;
- (2) a bachelor's or graduate degree in building construction technology, engineering, industrial hygiene, safety, public health, education, business administration, program management, or a related field;
- (3) at least two years of experience in managing a training program in environmental hazards; and
- (4) experience, education, or training in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

B. An applicant must provide verifiable documentation that the training program employs a principal instructor for each training course who has:

- (1) experience, education, or training in teaching adults;
- (2) successfully completed a training course that has been permitted under this part:
 - (a) for lead supervisor, if instructing courses for lead worker, lead supervisor, or lead project designer; or
 - (b) for lead risk assessor, if instructing courses for lead inspector or lead risk assessor; and
- (3) experience, education, or training in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

Subp. 6. Duties.

A. A training manager is responsible for ensuring that:

- (1) each course is presented in the manner described in the application for which a permit was granted;
- (2) each trainee is in attendance for the full duration of the course;
- (3) the course test and hands-on skills evaluation accurately reflect a trainee's understanding of the course material;
- (4) a quality control plan is developed and implemented for each course to maintain and improve the quality of the course by revising materials to reflect technical innovations and amendments to statutes or rules and to annually review the principal instructor's competency;
- (5) the performance and effectiveness of principal instructors are reviewed annually;
- (6) notice is provided to the commissioner at least 14 days before the presentation of a course and at least three working days before amendment of a notice or cancellation of a course; and
- (7) properly identified department of health staff are allowed to audit the course, including testing and evaluation of trainees, without charge.

B. The principal instructor for each course must be present during all instruction and is responsible for supervising all other instructors.

C. The training course provider must notify the commissioner at least five working days before presenting a training course if either the training manager or the principal instructor is replaced and must provide the information required in subpart 5 for the new training manager or principal instructor.

Subp. 7. Recordkeeping; reporting.

A. A training course provider must retain and, on request, make available at no charge to the commissioner:

(1) all documents that demonstrate the qualifications of the training manager and all instructors, including annual performance evaluations;

(2) current curriculum and course materials and documents reflecting changes made to the materials;

(3) all questions that might be used in the course test with the correct answers identified and the proportion of course test questions devoted to each major topic in the course;

(4) information regarding how the hands-on assessment is conducted including:

(a) who conducts the assessment;

(b) how the skills are graded;

(c) what facilities are used; and

(d) the pass or fail rate;

(5) the quality control plan required under subpart 6, item A, subitem (4);

(6) results of each trainee's hands-on skills assessments and course tests and a record of each trainee's attendance as recorded on sign in forms and course completion diploma, which must have a unique identification number; and

(7) any other material that was submitted as part of the application for a permit.

B. A training course provider must retain the records under item A at the address specified on the permit application for at least three years and six months.

C. A training course provider must notify the commissioner in writing within 30 days of changing the address specified on its application or transferring records from that address. Before a training course provider ceases operations, the provider must deposit its training records with an individual who will maintain the records for the required time and must provide the name and address of the individual to the commissioner.

D. A training course provider must report to the commissioner for each course:

(1) each trainee's name and current address;

(2) the name of the course completed;

(3) the date of the course; and

(4) the location at which the course was presented.

Subp. 8. **Other jurisdictions.** Training course providers located in other states, or in the jurisdiction of a federally recognized Indian tribe, must satisfy the requirements of item A or B to qualify trainees for licensure in Minnesota:

A. a permit must be obtained under this part to present a course in Minnesota; or

B. a permit or the equivalent approval must be obtained from the state or Indian tribe in whose jurisdiction the course will be presented and with whom the commissioner has a written agreement to accept training courses.

4761.1060 CONTENT OF INITIAL TRAINING COURSES.

Subpart 1. **General requirements.** The requirements in this subpart apply to the training courses described in subparts 2 to 6.

A. A training hour equals 50 minutes of instruction.

B. Time allocated for meals or breaks does not contribute to the time required for a course.

C. A course must be completed within 30 calendar days.

D. "Hands-on instruction" means that a trainee spends a portion of the course personally using tools or equipment appropriate to the course being presented.

E. At least one instructor must present hands-on training for every eight trainees.

F. Without applying for a new or amended permit, the training course provider:

(1) must update the course as needed to include amendments to relevant law or to other governmental documents used in the course; and

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(2) may update the course to include advances in technology that affect lead measurement or lead hazard reduction.

G. A course test must be administered to each trainee after an initial or refresher training course.

Subp. 2. Lead inspector.

A. An initial training course for a lead inspector must last a total of at least 24 training hours, including at least eight training hours of hands-on instruction.

B. The course must cover:

(1) the role and responsibilities of a lead inspector;

(2) background information on the uses of lead in consumer products and on the adverse health effects of lead;

(3) background information on federal regulations, state rules, and local ordinances that govern regulated lead work, including the requirements in part 4730.0400 for registration of x-ray fluorescence analyzers;

(4) inspection methods for lead-based paint, including selection of rooms and components for sampling or testing;

(5) sampling methods for paint, dust, bare soil, and drinking water and random sampling techniques;

(6) standards and clearance inspections;

(7) report writing; and

(8) recordkeeping.

C. Hands-on instruction must be provided for item B, subitems (4) to (7).

Subp. 3. Lead risk assessor.

A. An initial training course for a lead risk assessor must last a total of at least 16 training hours, including at least eight training hours of hands-on instruction.

B. The course must cover:

(1) the role and responsibilities of a lead risk assessor;

(2) background information on doing a risk assessment;

(3) sources of environmental lead contamination, including paint, dust, bare soil, drinking water, air, packaging, and food;

(4) lead hazard screening protocol, including certification of housing as lead-safe under part 4761.1230;

(5) visual methods for identifying potential sources of lead, including lead-based paint;

(6) sampling methods for paint, dust, bare soil, drinking water, and other potential sources of lead exposure;

(7) interpretation of sampling results, including application of standards and clearance inspections;

(8) development of hazard control options, including lead hazard reduction, and operations and maintenance activities that reduce lead hazards; and

(9) report writing.

C. Hands-on instruction must be provided for item B, subitems (5) to (9).

Subp. 4. Lead worker.

A. An initial training course for a lead worker must last a total of at least 16 training hours, including at least eight training hours of hands-on instruction.

B. The course must cover:

(1) the role and responsibilities of a lead worker;

(2) background information on the uses of lead in consumer products and on the adverse health effects of lead;

(3) background information on federal regulations, state rules, and local ordinances that govern regulated lead work, including the requirements of *Code of Federal Regulations*, title 29, section 1926.62, for the use of personal protective clothing and respiratory protection;

(4) recognition and control of lead hazards;

(5) methods of lead hazard reduction, including abatement and in-place management, and restricted methods for interior and exterior paint, interior and exterior dust, bare soil, and drinking water;

(6) daily and final cleanup methods; and

(7) clearance inspections.

C. Hands-on instruction must be provided for item B, subitems (4) to (6).

Subp. 5. Lead supervisor.

A. An initial training course for a lead supervisor must last a total of at least 32 training hours, including at least eight training hours of hands-on instruction.

B. The course must cover:

- (1) the role and responsibilities of a lead supervisor;
- (2) background information on the uses of lead in consumer products and on the adverse health effects of lead;
- (3) background information on federal regulations, state rules, and local ordinances that govern regulated lead work, including the requirements of Code of Federal Regulations, title 29, section 1926.62, for the use of personal protective clothing and respiratory protection;
- (4) liability and insurance issues related to lead hazard reduction;
- (5) development and implementation of an occupant protection plan;
- (6) interpretation of risk assessment and inspection reports;
- (7) recognition and control of lead hazards;
- (8) methods of lead hazard reduction, including abatement and in-place management, and restricted methods for interior and exterior paint, interior and exterior dust, bare soil, and drinking water;
- (9) daily and final cleanup methods;
- (10) clearance inspections;
- (11) waste disposal; and
- (12) recordkeeping.

C. Hands-on instruction must be provided for item B, subitems (6) to (8).

Subp. 6. Lead project designer.

A. An initial training course for a lead project designer must last a total of at least eight training hours.

B. The course must cover:

- (1) the role and responsibilities of a lead project designer;
- (2) development and implementation of an occupant protection plan;
- (3) methods of lead hazard reduction, including abatement and in-place management, and restricted methods for interior and exterior paint, interior and exterior dust, bare soil, and drinking water;
- (4) clearance inspections; and
- (5) integration of regulated lead work with modernization and rehabilitation projects.

4761.1070 CONTENT OF REFRESHER TRAINING COURSES.

Subpart 1. General requirements. The requirements of this subpart apply to all refresher training courses.

A. A training hour equals 50 minutes of instruction.

B. Time allocated for meals or breaks does not contribute to the time required for a course.

C. A course must be completed within 30 calendar days.

D. Without applying for a new or amended permit, the training course provider:

- (1) must update the course as needed to include amendments to relevant law or to other governmental documents used in the course; and
- (2) may update the course to include advances in technology that affect lead measurement or lead hazard reduction.

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Subp. 2. Length; content.

A. A refresher course must last at least eight training hours for lead inspectors, lead risk assessors, lead workers, and lead supervisors. A refresher course for lead project designers must last at least four training hours.

B. A refresher course must review the topics of the corresponding initial training course and cover current safety practices, current federal regulations and state rules on regulated lead work, and current technologies for regulated lead work.

4761.1080 INDEPENDENT TESTING ORGANIZATIONS; PERMITS.

Subpart 1. **Applicability.** This part applies to a person who seeks a permit to administer an examination that is independent of a training course as required under part 4761.1040, subpart 2, item B, subitem (2), and that is intended to qualify individuals to be licensed as lead inspectors, lead risk assessors, lead workers, lead supervisors, or lead project designers.

Subp. 2. **Application.** A permit application must be submitted on a form provided by the commissioner and must comply with items A to C.

A. Three copies of an application must be submitted at least 120 days before the scheduled administration of an examination.

B. An application must include all of the questions that may be used on the examination with the correct answer indicated for each question and with possible answers for multiple choice questions. The questions must address the topics listed in part 4761.1060, subparts 2 to 6. The application must indicate the proportion of questions that will address each topic.

C. Except for an examination that was developed by or for the United States Environmental Protection Agency, an application must document that the examination meets the validity standards for educational and psychological testing specified in *American Psychological Association, Standards for Educational and Psychological Testing (1985)*. The standards are incorporated by reference, are not subject to frequent change, and are available through the Minitex interlibrary loan system.

Subp. 3. **Security.** An applicant must describe how the security of the examination questions will be maintained.

Subp. 4. **Review.** The commissioner shall review and approve an application or notify the applicant of any deficiencies. The commissioner shall reject a deficient application after 60 days unless the applicant corrects the application.

Subp. 5. **Permit period.** A permit issued under this part is valid for two years from the date of issuance.

4761.1090 INDEPENDENT TESTING ORGANIZATIONS; REQUIREMENTS.

Subpart 1. **Examination administration.** An independent testing organization permitted under part 4761.1080 must:

A. notify the commissioner of the time and location of a scheduled examination at least 14 days before administering the examination;

B. allow access to the commissioner to monitor an examination; and

C. verify the identity of each individual taking an examination by requiring a picture identification at the time the individual takes the examination.

Subp. 2. **Recordkeeping; reporting.** An independent testing organization permitted under part 4761.1080 must report to the commissioner and maintain for at least three years the following information:

A. the name and current address of each individual who completes an examination;

B. the name of the examination completed and the score received by each individual;

C. the date of the examination; and

D. the location where the examination was administered.

4761.1100 STANDARDS FOR LEAD IN PAINT, DUST, BARE SOIL, AND DRINKING WATER.

Subpart 1. **Paint.** Paint is lead-based if the paint:

A. contains lead in a concentration of at least one-half of one percent (5,000 parts per million) or more by dry weight as measured by atomic absorption spectrophotometry or by quantitative chemical analysis; or

B. registers at least one milligram of lead per square centimeter or more as measured by an x-ray fluorescence analyzer, unless atomic absorption spectrophotometry or quantitative chemical analysis shows that the lead content is less than one-half of one percent by dry weight.

Subp. 2. **Dust.** Dust is lead-contaminated if atomic absorption spectrophotometry or quantitative chemical analysis determines that the dust contains at least:

A. 50 micrograms of lead per square foot on an interior hard-surfaced floor or carpet;

B. 250 micrograms of lead per square foot on a window sill; or

C. 800 micrograms of lead per square foot on a window well.

Subp. 3. **Bare soil.** Bare soil on residential property or on a playground is lead-contaminated if it contains lead in a concentration of at least 1/100 of one percent (100 parts per million) by weight.

Subp. 4. **Drinking water.** Drinking water is lead-contaminated if it contains at least 15 micrograms of lead per liter of water.

Subp. 5. **Clearance inspection.** Lead hazard reduction, including abatement and swab team services, is successfully completed when a clearance inspection is performed according to parts 4761.1110 and 4761.1120 and demonstrates that no deteriorated lead-based paint is present and that no lead-contaminated dust or bare soil is present that exceeds the standards in subparts 2 and 3, respectively. If the initial lead risk assessment failed to identify a source of lead exposure from the paint, dust, or bare soil, the clearance inspection must confirm that drinking water is available that does not exceed the standard in subpart 4.

4761.1110 LEAD HAZARD SCREENS, LEAD INSPECTIONS, LEAD RISK ASSESSMENTS, AND CLEARANCE INSPECTIONS.

Subpart 1. General requirements; notices.

A. An assessing agency must conduct a lead risk assessment of affected property that is accessible to a child or pregnant woman with the blood lead levels for which a lead risk assessment is required under *Minnesota Statutes*, section 144.9504, subdivision 2.

B. As required by *Minnesota Statutes*, section 144.99, subdivision 2, a person must allow the commissioner to have access to the work site while the person performs regulated lead work.

C. An individual conducting a lead hazard screen, lead inspection, lead risk assessment, or clearance inspection must be licensed as required by part 4761.1040 and must use the methods described in this part, regardless of whether the work is required by *Minnesota Statutes*, section 144.9504, or is undertaken voluntarily.

D. A person must provide notice to the commissioner at least three working days before performing a lead hazard screen, a lead inspection, or a lead risk assessment that is not required by *Minnesota Statutes*, section 144.9504.

E. A person must provide notice to the commissioner at least 24 hours before performing a lead risk assessment that is required by *Minnesota Statutes*, section 144.9504.

F. An amendment to a notice required under item C or D must be submitted to the commissioner as soon as possible but no later than the effective date and time of the amendment.

G. A person must provide notice to the commissioner at least 24 hours before performing a clearance inspection, if the commissioner requests the notice.

H. A notice or amendment required under this subpart must be submitted to the commissioner by mail, telephone, or facsimile.

Subp. 2. Methodologies.

A. A lead hazard screen, lead inspection, lead risk assessment, and clearance inspection must be performed according to one of the documented methodologies that include quality control procedures for collection, handling, and analysis of samples to ensure that the sampling and analysis results accurately represent the lead in the affected property.

B. To the extent that the documented methodologies contain numerical standards for the lead content of paint, dust, bare soil, or drinking water that differ from the standards in part 4761.1100, the latter shall govern.

Subp. 3. Required personnel.

A. A lead hazard screen and a lead risk assessment must be performed by a lead risk assessor.

B. A lead inspection and a clearance inspection must be performed by either a lead inspector or a lead risk assessor.

C. Drinking water samples collected as part of a lead risk assessment must be collected by a lead risk assessor. Drinking water samples that are not collected as part of a risk assessment must be collected by either a lead inspector or a lead risk assessor.

Subp. 4. **Laboratory analysis.** Laboratory analyses of samples of paint, dust, or bare soil must be performed by a laboratory recognized by the United States Environmental Protection Agency under the Toxic Substances Control Act, *United States Code*, title 15, section 2685, paragraph (b). Analyses of samples of drinking water must be performed by a laboratory certified by the commissioner to analyze lead in water. X-ray fluorescence analyzers may be used for on-site measurement of lead in paint, instead of or in combination with laboratory analysis of paint samples.

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Subp. 5. Reports; recordkeeping.

A. Within 30 days of completion, the individual who did a lead hazard screen, lead inspection, lead risk assessment, or clearance inspection must write a report containing the information described in part 4761.1200. The report must be retained for at least three years and must be made available at no cost to the commissioner upon request. Before an individual or firm ceases operations, records of regulated lead work must be deposited with an individual who will maintain the records for the required time and the name and address of the individual must be provided to the commissioner.

B. In lieu of writing a report according to part 4761.1200, an assessing agency must submit for the commissioner's approval standard forms that the assessing agency uses for lead inspections, lead risk assessments, and clearance inspections. Completed forms must be retained for at least three years and must be made available at no cost to the commissioner upon request.

Subp. 6. Dust samples. Dust samples must either be collected from single surfaces or composited from more than one surface. Composite dust sampling must be done as follows:

A. composite dust samples must consist of at least two subsamples;

B. dust from every building component that is being represented by the sample must be included in the composite sample; and

C. composite dust samples must consist of subsamples from only one type of building component but may represent building components in more than one room.

4761.1120 CLEARANCE INSPECTIONS.

Subpart 1. Mandatory lead work.

A. A clearance inspection must be performed by an assessing agency after lead hazard reduction ordered by the assessing agency. The ordered work is successfully completed after analysis of samples demonstrates that the standards in part 4761.1100 are not exceeded.

B. For both interior and exterior work, a visual determination must be made that no deteriorating paint remains in areas for which an assessing agency ordered lead hazard reduction.

C. After exterior lead hazard reduction, the ground must be free of visible paint chips, whether the ground is covered or bare soil remains. A soil sample must be collected and analyzed if bare soil remains.

D. In a single-family residence, a total of at least three separate dust samples must be collected at least one hour after completion of final cleanup performed after lead hazard reduction ordered by an assessing agency as follows:

(1) one dust sample must be collected from one window sill if there is a window within the work area or a composite sample may be collected from sills if there is more than one window in the work area; and

(2) a composite dust sample must be collected that represents at least four rooms, hallways, or stairwells in the following locations or, if less than four rooms, hallways, or stairwells exist, dust samples must be collected from all of the rooms, hallways, and stairwells in the following locations:

(a) the same locations that were sampled in the lead inspection, lead hazard screen, or lead risk assessment and found to exceed a standard in part 4761.1100, except for a sampling location on a building component that was removed; and

(b) the floor immediately outside the entrance through the containment, if any, to the work area.

E. In a multifamily residence, a total of at least four dust samples must be collected as follows:

(1) the same locations described in item D; and

(2) the locations called for in documented methodologies.

F. If lead hazard reduction was performed with a high efficiency particulate air filter but without containment, the number of samples required under items D and E is doubled to a total of at least six composite samples for a single-family residence and eight composite samples for a multifamily residence.

Subp. 2. Voluntary lead work. Clearance inspections for voluntary lead hazard reduction must be performed as described in subpart 1 by a lead risk assessor, except that a clearance inspection is not required if a property owner performs voluntary lead hazard reduction in a residence that is occupied only by the property owner and adult individuals who are related to the owner, as defined in *Minnesota Statutes*, section 245A.02, subdivision 13.

4761.1130 MULTISITE, BARE SOIL ANALYSIS.

Subpart 1. Multisite lead orders. An assessing agency may undertake the collection and analysis of bare soil samples to determine lead contamination in an urbanized area. If performed according to the criteria in subpart 2, and if at least 25 percent of the soil samples have lead concentrations that exceed the standard in part 4761.1100, subpart 3, the assessing agency may issue lead orders for bare soil for any subsequent lead risk assessments in the area without further sampling and analysis of soil unless the property owner requests that soil sampling be performed before the issuance of a lead order.

Subp. 2. **Sampling criteria.** An assessing agency must collect and analyze bare soil samples according to this subpart:

A. The area must be in a standard metropolitan statistical area and must be no greater than a census tract.

B. A map of the area must be prepared that shows the location of residences, boulevards, streets, alleys, schools, playgrounds, and all areas of bare soil.

C. Twelve samples must be collected from within three feet of foundations and separate composite samples must be collected from areas in residential yards in which children play.

D. A soil sample collected must be one centimeter in depth and must include the soil surface.

E. A standard soil sampling tube or a putty knife is an acceptable sampling tool. The sampling tool must be cleaned before each use.

F. Soil samples must be labeled with the date, street address, city or township, county, census tract number, name of the individual doing the sampling, and soil sample location.

G. An assessing agency must notify the commissioner within 30 days of the census tracts determined to meet the criteria in subpart 1.

H. An assessing agency must prepare a report describing how and where the samples were collected and must provide a copy of the report at no cost to the commissioner upon request. The assessing agency must retain the report for as long as it is the basis for issuing lead orders without additional soil sampling.

4761.1140 LEAD HAZARD SCREEN.

Subpart 1. **Applicability.** A lead hazard screen may be performed voluntarily in residences and child-occupied facilities but must be performed by a lead risk assessor. If a lead hazard screen identifies dust lead levels that exceed the standards in part 4761.1100, subpart 2, the lead risk assessor must inform the property owner that a lead risk assessment is recommended by the commissioner of health.

Subp. 2. **Methods.**

A. If performed, a lead hazard screen must satisfy the requirements of part 4761.1110 and must include:

(1) identification of the areas within the affected property that are used by a child and in which a child is most likely to be exposed to a potential source of lead;

(2) visual identification of the location of any deteriorated paint present and the location of at least three dust sampling locations;

(3) collection and analysis of at least one composite dust sample from hard-surfaced floors, window sills, and window wells, or collection of single-surface dust samples from each of these surfaces that have paint that appears to differ in color, age, or texture;

(4) in common areas of multifamily residences, collection and analysis of additional composite dust samples from surfaces accessible to a child; and

(5) visual identification of the presence and location of bare soil if the ground is not covered by snow at the time of the lead hazard screen.

B. Collection and analysis of drinking water is not required but may be performed as part of a lead hazard screen.

4761.1150 LEAD INSPECTION.

Subpart 1. **Applicability.** A lead inspection may be performed voluntarily in residences and child-occupied facilities but must be performed by either a lead inspector or lead risk assessor according to the methods described in subpart 2.

Subp. 2. **Methods.**

A. If performed, a lead inspection must satisfy the requirements of part 4761.1110 and must include:

(1) x-ray fluorescence analysis or collection and laboratory analysis of a sample of deteriorated paint from each interior and exterior building component that has paint that appears to differ in color, age, or texture, unless the component was replaced after 1978;

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(2) in common areas of multifamily residences, x-ray fluorescence analysis or collection and laboratory analysis of a sample of deteriorated paint, if any, from each interior and exterior building component that has paint that appears to differ in color, age, or texture, unless the component was replaced after 1978; and

(3) visual identification of the presence and location of bare soil if the ground is not covered by snow at the time of the inspection.

B. Collection and analysis of drinking water is not required but may be performed as part of a lead inspection.

4761.1160 LEAD RISK ASSESSMENT.

Subpart 1. Applicability. Whether mandated by statute or performed voluntarily, a lead risk assessment must be performed by a lead risk assessor using the methods described in subpart 2. An assessing agency that is required by *Minnesota Statutes*, section 144.9504, to respond to reports of blood lead levels in children and pregnant woman must use the methods for lead risk assessment in this part and must issue lead orders to the property owner based on the agency's findings. A lead risk assessment is not required to include sampling and analysis of paint in affected property built in 1978 or later.

Subp. 2. Methods.

A. A lead risk assessment must satisfy the requirements of part 4761.1110 and must include:

(1) on-site x-ray fluorescence analysis or collection and laboratory analysis of a sample of deteriorated paint from each interior and exterior building component that has paint that appears to differ in color, age, or texture, unless the component was replaced after 1978;

(2) in common areas of multifamily residences, on-site x-ray fluorescence analysis or collection and laboratory analysis of a sample of deteriorated paint, if any, from each interior and exterior building component that has paint that appears to differ in color, age, or texture, unless the component was replaced after 1978; and

(3) collection and analysis of at least one composite bare soil sample within three feet of the foundation and a separate composite sample from an area in which children play, if these locations contain bare soil.

B. Collection and analysis of bare soil samples may be delayed if the ground is covered by snow during the original lead risk assessment.

C. Collection and analysis of drinking water is not required but may be performed as part of a lead risk assessment.

4761.1170 GENERAL REQUIREMENTS FOR LEAD HAZARD REDUCTION.

Subpart 1. General requirements.

A. As required by *Minnesota Statutes*, section 144.99, subdivision 2, a person must allow the commissioner to have access to a work site while the person performs regulated lead work.

B. Lead hazard reduction, including abatement, swab team services, and subsequent cleanup in affected properties, must be performed according to the methods described in this part, whether the work is required by *Minnesota Statutes*, section 144.9504, or is undertaken voluntarily.

C. Warning signs required under this part must use lettering that is not less than 0.5 inches in height for signs posted inside of a structure and must use lettering that is not less than 1.5 inches in height for signs posted outside of a structure. Signs must plainly warn individuals that lead hazard reduction work is in progress and not to enter.

Subp. 2. Lead supervisor. A lead supervisor must be assigned to each project and must be present during work site preparation and final cleanup. A lead supervisor must be able to be immediately contacted and must be able to be present at the work site within two hours of being contacted. At least one lead worker at the site must be able to immediately contact the supervisor.

Subp. 3. Notification.

A. A certified firm or lead supervisor must notify the commissioner on a form provided by the commissioner in writing at least five working days before commencing lead hazard reduction, whether the work is ordered or voluntary. The notice must also be provided to the assessing agency if the lead hazard reduction was ordered by an assessing agency.

B. Notice to the commissioner is not required for swab team services ordered by an assessing agency.

C. A person must notify the commissioner on a form provided by the commissioner within 30 days of completing a lead project design.

Subp. 4. Occupant protection plan. Except for a structure that is completely unoccupied while regulated lead work is performed, a lead supervisor or lead project designer must prepare an occupant protection plan that is specific to the affected property and that describes the measures to be taken to protect the occupants from lead exposure during the regulated lead work. The lead supervisor must inform the lead workers at the work site of the occupant protection plan, which must be available at the work site and, on request, must be shown to a representative of the commissioner or of the assessing agency with jurisdiction at the lead work site.

Subp. 5. **Record retention.** A report or plan required under parts 4761.1000 to 4761.1220 must be retained by the certified firm or licensed individual who prepared the report or plan for at least three years. The certified firm or licensed individual must provide copies of the report or plan to the person who contracted for the services.

Subp. 6. **Debris storage.** All lead-containing debris generated by lead hazard reduction or swab team services must be stored as it is generated in a closed container or in sealed plastic bags of at least six mil or equivalent thickness. Containers for lead-containing debris that are left on site overnight must be stored in a locked or secure area at the end of each day.

4761.1180 RESTRICTED METHODS FOR LEAD HAZARD REDUCTION.

Subpart 1. **Restricted methods.** The lead hazard reduction work practices in items A to H are restricted as described.

A. Open-flame burning or torching is prohibited.

B. Heat guns operating at more than 700 degrees Fahrenheit are prohibited.

C. Chemical strippers containing methylene chloride are prohibited.

D. All powered-machine methods are prohibited unless the resulting dust is immediately captured by high efficiency particulate air filters.

E. Dry scraping is prohibited except for removing defective paint around electrical outlets, electrical fixtures, or other areas totaling no more than:

(1) two square feet in any one room;

(2) 20 square feet on exterior surfaces; or

(3) ten percent of the surface area of trim around doors and windows or other small building components.

F. Dry sweeping is prohibited.

G. Dry vacuum cleaning is prohibited unless a high efficiency particulate air filter vacuum cleaner is used.

H. Wet/dry vacuum cleaners may be used only to collect wash and rinse water and may not be used to vacuum dry surfaces.

Subp. 2. **Encapsulation methods.** Materials to be used for encapsulation of lead-based paint must first be permitted by the commissioner according to items A to D.

A. The manufacturer of the encapsulant material must provide:

(1) a written, 20-year warranty for any defects in the encapsulant material;

(2) a recommended maintenance plan for the encapsulant; and

(3) documentation that the material has been determined by an independent laboratory to meet the criteria of the American Society for Testing and Materials, Standard Specification for Non-Reinforced Liquid Coating Encapsulation Products for Leaded Paint in Buildings (E 1795 - 96) (May 1996), Standard Specification for Reinforced Liquid Coating Encapsulation Products for Leaded Paint in Buildings (E 1797 - 96) (May 1996), and Standard Guide for Selection and Use of Liquid Coating Encapsulation Products for Leaded Paint in Buildings (E 1796 - 96) (May 1996). The criteria are incorporated by reference, are not subject to frequent change, and are available through the Minitex interlibrary loan system.

B. Before installing an encapsulant, the surface to be encapsulated and the encapsulant must successfully pass the patch and adhesion tests described in United States Department of Housing and Urban Development, Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, chapter 13, part VI (June 1995). The guidelines are incorporated by reference, are not subject to frequent change, and are available through the Minitex interlibrary loan system. The property owner or lead supervisor must notify the commissioner of the location of the tests to be done five working days before performing the patch and adhesion tests.

C. Notwithstanding that a material satisfies the criteria in items A and B, the commissioner may attach conditions to a permit that the commissioner determines are needed to protect public health, safety, or the environment.

D. The commissioner shall review a permit application for compliance with this subpart. The commissioner shall notify a permit applicant of any reasons for denial of a permit.

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Subp. 3. Abrasive and water blasting methods.

A. Abrasive blasting, modified-wet abrasive blasting, and vacuum blasting must be performed in compliance with parts 7025.0020 to 7025.0080.

B. Interior abrasive blasting and modified-wet abrasive blasting are prohibited, except for radiators and other metal building components, which must be totally enclosed during the blasting.

C. Water blasting must be performed in a manner that prevents water and debris from leaving the property and that provides for filtration of dust and debris from the water.

4761.1190 METHODS FOR LEAD HAZARD REDUCTION.

Subpart 1. Interior dust and small areas of paint. The methods in items A to I must be used when removing interior dust or disturbing interior painted surfaces of no more than two square feet per room. All work must be completed in one working day.

A. If paint chips are present on the floor in the area where plastic sheeting is to be placed, the floor must first be cleaned using a high efficiency particulate air filter vacuum to remove all visible paint chips.

B. A single layer of plastic sheeting of at least six mil or equivalent thickness must be placed on the floor beneath the work area and extending at least five feet beyond the perimeter of the work area in all directions. The plastic sheeting must be secured to the floor so that no gaps exist.

C. The heating, ventilating, and air conditioning systems to the room must be turned off and any ducts within five feet of the work area must be sealed off with plastic sheeting secured so that no gaps exist.

D. Furniture within five feet of the work area must be removed or completely covered with one layer of plastic sheeting and secured with tape. Personal belongings of the residents within five feet of the work area must be removed.

E. If residents remain in the unit while work is ongoing, they must be provided with lead-safe passage to a bathroom, at least one living area, and entry and egress routes. Unless actually performing regulated lead work, residents must not be allowed in the work area until all work is complete, no visible dust or debris remains in the work areas, and dust samples for clearance inspection are collected.

F. Warning signs must be placed at the entry to rooms where regulated lead work is occurring.

G. Dust must be removed with a high efficiency particulate air filter vacuum followed by a wet wash with detergent. The wet wash must be followed by a rinsing of the surfaces with clear water.

H. All disturbed surfaces and surfaces extending to five feet beyond the perimeter of the work area, including the floor beneath the work area, must be cleaned with a high efficiency particulate air filter vacuum, wet washed with detergent, and cleaned a second time with a high efficiency particulate air filter vacuum.

I. All floors in adjacent areas used as pathways must be cleaned with a high efficiency particulate air filter vacuum.

Subp. 2. Interior paint; larger areas. The methods in items A to O must be used when disturbing interior painted surfaces greater than two square feet per room or if work will take more than one working day to complete.

A. If paint chips are present on the floor in the area where plastic sheeting is to be placed, the floor must first be cleaned using a high efficiency particulate air filter vacuum to remove all visible paint chips.

B. Two layers of plastic sheeting of at least six mil or equivalent thickness must be placed over the entire floor in the room where regulated lead work is to be performed. Plastic sheeting must be secured to the perimeter of the room so that no gaps exist between the plastic and the walls.

C. Doorways to the work area must be covered with a barrier made of plastic sheeting to prevent the escape of dust and debris unless the door is secured from inside the work area. If the entire unit is being treated, cleaned, and clearance inspected, the doorways within the unit must be sealed as rooms are cleaned to protect the cleaned rooms from becoming contaminated by work in adjacent rooms.

D. The heating, ventilating, and air conditioning systems to work areas must be turned off and all heating, ventilating, and air conditioning vents sealed with plastic sheeting secured by tape.

E. All furniture and personal belongings of the residents must be removed from the work area. Large items that cannot be removed must be completely covered with one layer of plastic sheeting and secured with tape.

F. If windows or doors are to be treated or replaced from the interior, two layers of six mil or equivalent thickness plastic sheeting must be attached to the exterior wall to cover the window or door.

G. Residents who are not personally performing lead hazard reduction must not be present in the residence while work is ongoing. Residents may return for overnight occupancy when work ceases for the day and cleanup is completed. Residents returning must be pro-

vided with lead-safe passage to a bathroom, at least one living area, and entry and egress routes. Residents must not be allowed in the work area until all work is complete, no visible dust or debris remains in the work areas, and a clearance inspection is passed.

H. Overnight barriers to the work area must be locked or firmly secured.

I. Warning signs must be placed at all entries to the building. Signs must remain posted overnight if work is to continue the following day.

J. If work is to resume the next day:

(1) the top layer of plastic must be removed from the floor and discarded;

(2) the remaining layer of plastic must be cleaned with a high efficiency particulate air filter vacuum if left in place for the next day. Holes in the plastic must be sealed with tape before a second layer of plastic is applied for the next day's work; and

(3) all floors in adjacent areas used as pathways to the work area must be cleaned with a high efficiency particulate air filter vacuum.

K. When work is completed:

(1) all surfaces in the work area must be cleaned with a high efficiency particulate air filter vacuum, wet washed with a detergent, rinsed with clear water, and cleaned a second time with a high efficiency particulate air filter vacuum;

(2) all floors in adjacent areas used for pathways to the work area must be wet washed and cleaned with a high efficiency particulate air filter vacuum; and

(3) a wet/dry vacuum may be used instead of a high efficiency particulate air filter vacuum, but must be used only to collect wash and rinse water from hard-surfaced floors and may not be used to vacuum a dry surface or carpeting.

L. If windows or doors were treated or replaced and the containment barrier on the exterior was breached, the exterior side of the window or door must be cleaned with detergent.

M. After completion of lead hazard reduction or swab team services, cleanup must be repeated until no visible dust or debris remains and a clearance inspection shows compliance with the standard for lead in dust under part 4761.1100, subpart 2.

N. If composite samples do not demonstrate compliance with the standards in part 4761.1100, all of the surfaces represented in the composite sample must be recleaned until compliance with the standards is demonstrated.

Subp. 3. Exterior paint. The methods in items A to N must be used when disturbing exterior painted surfaces.

A. One layer of plastic sheeting of at least six mil or equivalent thickness must be spread on the ground extending at least ten feet beyond the perimeter of the surface being disturbed.

(1) The plastic sheeting must be attached to the side of the building so that no gaps exist between the plastic and the building.

(2) The plastic sheeting must be weighted down.

(3) The edges of the plastic sheeting must be raised to form a catch basin to protect from runoff in the event of precipitation.

(4) Plastic sheeting must be protected from puncture from falling debris, nails, and other objects.

(5) Ladder feet must not puncture the plastic sheeting unless necessary to ensure that the ladder is safely placed in a stable position.

B. All windows and doors in the dwelling must be kept closed. All windows and doors of adjacent buildings that are within 20 feet of the work area must be kept closed.

C. If windows or doors are to be treated or replaced, two layers of plastic sheeting must be attached to the interior wall to cover the window or door.

D. All movable items in the yard must be removed to at least 20 feet from the work area. Items that cannot be moved must be covered with plastic sheeting and secured with tape.

E. All bushes and shrubs that are not more than four feet tall and that are within 20 feet of the work area must be covered with plastic sheeting that is secured with tape around the base of the bush or shrub.

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F. Work must not be conducted if wind speeds exceed 20 miles per hour.

G. Work must cease and cleanup must occur when rain begins.

H. Residents must not be present in the work area during the work day. Residents may return after daily cleanup is completed.

I. Temporary fencing or barrier tape must be erected at a 20-foot perimeter around the work area to keep out unauthorized persons. The barrier distance may be less if the distance to the property line or sidewalk is less than 20 feet.

J. Warning signs must be posted on the building and at a 20-foot perimeter around the building. The distance may be less if the distance to the property line or sidewalk is less than 20 feet.

K. At the end of a work day, all plastic sheeting on the ground must be picked up in such a manner as to contain all debris that is not removed to storage containers. Plastic sheeting must not be left out overnight.

L. If windows or doors are treated or replaced and the interior containment is breached, the interior must be cleaned following procedures in subpart 1.

M. If the plastic sheeting on the ground is punctured or containment is otherwise breached, the ground must be cleaned of all visible paint debris.

N. All exterior horizontal surfaces that may have been exposed to dust and debris from lead hazard reduction must be cleaned of visible dust and debris and washed with detergent.

Subp. 4. Soil methods. The methods in items A to D must be used when disturbing bare soil.

A. Bare soil must be removed to a depth that eliminates visible paint chips, debris, dust, or residue, if any is present, unless the soil is to be covered with concrete, asphalt, or other impervious material. The soil newly exposed by removal of surface soil must be covered as specified in item B unless it is tested and found to contain lead in a concentration of less than 100 parts per million. The final surface must provide erosion control.

B. Bare soil that contains lead in a concentration of at least 100 parts per million but less than 5,000 parts per million by weight must be removed or covered as follows:

(1) if soil is to be covered with concrete, asphalt, or other similar, impervious material, the soil must first be compacted before covering;

(2) if soil is to be covered with sod or other living material, the soil must first be tilled and raked before covering with sod or other living material; or

(3) if soil is to be covered with sand, wood chips, or other nonliving, permeable material, no preparation of the bare soil is required before covering.

The final surface must provide erosion control.

C. Bare soil that contains lead in a concentration of at least 5,000 parts per million must be removed or covered with concrete, asphalt, or other impervious material.

D. The lead concentration in replacement soil, if any is provided, must not exceed 25 parts per million, according to Minnesota Statutes, section 144.9508, subdivision 2, paragraph (c).

4761.1200 CONTENT OF REPORTS.

Subpart 1. General requirements. At a minimum, inspection reports, lead hazard screen reports, risk assessment reports, and clearance inspection reports must contain:

A. the dates that the inspection, lead hazard screen, or risk assessment was performed;

B. the address of the structure;

C. the date that the structure was constructed;

D. the apartment numbers, if applicable;

E. the name, address, and telephone number of the owner or owners of each structure;

F. the name, signature, and license number of each lead inspector or lead risk assessor who conducted the inspection, lead hazard screen, or risk assessment;

G. the name, address, and telephone number of the certified firm employing each lead inspector or lead risk assessor, if applicable;

H. a statement of the presence and location of visible dust and debris, if any;

I. the testing methods and devices or sampling procedures employed for analysis of lead content, including quality control data and the brand, model, and serial number of the x-ray fluorescence analyzer, if used;

J. identification of the specific locations of each component tested for lead;

K. all analytical results including the units of measurement;

L. the name, address, and telephone number of each laboratory that conducted sample analysis; and

M. the results of any other inspections or analyses that were used to determine the presence of lead hazards in the affected property and a description of the methods used.

Subp. 2. Risk assessment reports. In addition to the information required in subpart 1, risk assessment reports must also contain:

A. a description of the location, type, and severity of actual or potential lead hazards;

B. a description of interim controls or abatement options for each actual or potential lead hazard with recommendations for prioritizing reduction of each lead hazard; and

C. if the use of an encapsulant or enclosure is recommended, a recommended schedule for maintenance and monitoring, unless the manufacturer of the encapsulant or enclosure provides a recommended schedule for maintenance and monitoring.

Subp. 3. Lead hazard reduction reports. A lead supervisor or lead project designer must prepare, and retain for at least three years, a written report for each lead hazard reduction project that includes:

A. the name, address, and telephone number of each certified firm that participated in the lead hazard reduction project;

B. the name of each lead supervisor assigned to the project;

C. the occupant protection plan;

D. a description of the lead hazard reduction methods used, the work site, and the building components worked on; and

E. a copy of the clearance inspection report.

4761.1210 ENFORCEMENT.

The provisions of parts 4761.1000 to 4761.1220 are subject to the provisions of the *Health Enforcement Consolidation Act, Minnesota Statutes*, sections 144.989 to 144.993.

4761.1220 VARIANCES.

Except for the numerical standards for the concentrations of lead in paint, dust, bare soil, and drinking water in part 4761.1100, a variance from a provision in parts 4761.1000 to 4761.1210 may be requested according to the procedures in parts 4717.7000 to 4717.7050.

LEAD-SAFE HOUSING

4761.1230 LEAD-SAFE CERTIFICATION OF HOUSING.

Subpart 1. Conditions. To be certified as lead-safe, a residence must satisfy the conditions in *Minnesota Statutes*, section 144.9511, subdivision 2.

Subp. 2. Lead hazard screen required. To obtain certification that a residence is lead-safe, the property owner must have a licensed lead risk assessor conduct a lead hazard screen of the property. The lead risk assessor must complete a property condition report on a form provided by the commissioner.

Subp. 3. Filing. The property owner must complete a filing form provided by the commissioner and submit the property condition report and a filing fee of \$5 to the commissioner.

Subp. 4. Expiration. Lead-safe certification is valid for one year from the date that the property condition report was completed.

REPEALER. *Minnesota Rules*, parts 4761.0100; 4761.0200; 4761.0300; 4761.0400; 4761.0500; 4761.0600; 4761.0700; 4761.0710; 4761.0720; 4761.0730; 4761.0740; 4761.0750; 4761.0760; 4761.0780; 4761.0790; 4761.0795; and 4761.0800, are repealed.

<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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Expedited Emergency Rules

INCORPORATIONS BY REFERENCE:

Part 4761.1000, subpart 7: United States Environmental Protection Agency, Residential Sampling for Lead: Protocols for Dust and Soil Sampling (EPA 747-R-95-001) (March 1995); Soil Testing and Research Analytical Laboratories, Department of Soil Science/Agricultural Experiment Station, University of Minnesota, Determination of Lead in Soil (July 1990). American Society for Testing and Materials, Standard Practice for Field Collection of Settled Dust Samples Using Wipe Sampling Methods for Lead Determination by Atomic Spectrometry Techniques (E 1728 - 95) (October 1995); Standard Specification for Wipe Sampling Materials for Lead in Surface Dust (E 1792 - 96a) (November 1996); or Standard Practice for Collection of Floor Dust for Chemical Analysis (D 5438 - 94) (August 1994).

The publications are incorporated by reference, are not subject to frequent change, and are available through the Minitex interlibrary loan system.

Part 4761.1080, subpart 2: American Psychological Association, Standards for Educational and Psychological Testing (1985). The standards are incorporated by reference, are not subject to frequent change, and are available through the Minitex interlibrary loan system.

Part 4761.1180, subpart 2: American Society for Testing and Materials, Standard Specification for Non-Reinforced Liquid Coating Encapsulation Products for Leaded Paint in Buildings (E 1795 - 96) (May 1996); Standard Specification for Reinforced Liquid Coating Encapsulation Products for Leaded Paint in Buildings (E 1797 - 96) (May 1996); and Standard Guide for Selection and Use of Liquid Coating Encapsulation Products for Leaded Paint in Buildings (E 1796 - 96) (May 1996). United States Department of Housing and Urban Development, Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, chapter 13, part VI (June 1995).

The criteria and guidelines are incorporated by reference, are not subject to frequent change, and are available through the Minitex interlibrary loan system.

Expedited Emergency Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited emergency rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Expedited emergency rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Expedited emergency rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these Expedited emergency rules detail the agency's rulemaking authority.

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules; Designated Infested Waters; Designated Limited Infestations of Eurasian Water Milfoil

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13(b). The statutory authority for the contents of these rules is *Minnesota Statutes*, section 84D.12, subdivision 3.

Dated: 14 September 1998

Rodney W. Sando
Commissioner of Natural Resources
By Gail Lewellan, Assistant Commissioner of
Human Resources and Legal Affairs

6216.0350 DESIGNATED INFESTED WATERS.

Subpart 1. **Listing of waters infested with Eurasian water milfoil.** The following water bodies are designated by the commissioner of natural resources as infested with Eurasian water milfoil (*Myriophyllum spicatum*). Activities at these waters are subject to this chapter, *Minnesota Statutes*, section 84D.13, and other applicable laws.

Expedited Emergency Rules

	Name	DNR Protected Waters Inventory Number
	[For text of items A to I, see M.R. and 22 SR 2344]	
J. Pope County		
	(1) Gilchrist Lake	61-0072
	(2) <u>Lake Minnewaska</u>	<u>61-0130</u>
	[For text of items K to M, see M.R.]	
N. Washington County		
	(1) <u>Powers Lake</u>	<u>82-0092</u>
	(2) <u>White Bear Lake</u>	82-0167
	↔ (3) <u>St. Croix River</u>	82-0001
	[For text of items O to P, see M.R.]	
	[For text of subs 2 to 6, see M.R.]	

6216.0360 WATERS IDENTIFIED WITH LIMITED INFESTATIONS OF EURASIAN WATER MILFOIL.

The commissioner of natural resources has identified and designated the following water bodies as limited infestations of Eurasian water milfoil (*Myriophyllum spicatum*). Activities at these waters are subject to parts 6216.0300, subpart 3, and 6216.0400, subpart 4; *Minnesota Statutes*, section 84D.13; and other applicable laws.

	Name	DNR Protected Waters Inventory Number
A. <u>Anoka County</u>		
	(1) <u>Lake George</u>	<u>02-0091</u>
B. <u>Hennepin County</u>		
	(1) <u>Christmas Lake</u>	<u>27-0137</u>
	(2) <u>Eagle Lake</u>	<u>27-0111</u>
	(3) <u>Little Long Lake</u>	<u>27-0179</u>
C. <u>Pope County</u>		
	(1) <u>Lake Minnewaska</u>	<u>61-0130</u>
D. <u>Todd County</u>		
	(1) <u>Sauk Lake</u>	<u>77-0150</u>
E. <u>Wright County</u>		
	(1) <u>Sugar Lake</u>	<u>86-0233</u>

REPEALER. The expedited emergency rule, *Minnesota Rules*, part 6216.0370, is repealed.

EFFECTIVE DATE; EFFECT OF EMERGENCY AMENDMENTS. *Minnesota Rules*, part 6216.0360, is effective through June 30, 1999. After the emergency amendments to *Minnesota Rules*, part 6216.0350, subpart 1, expire, the permanent rule as it read prior to those amendments again takes effect, except as it may be amended by permanent rule.

Proclamations

The governor's office issues proclamations and certificates of commendation upon request. Proclamations are declared by the governor to designate a special day of celebration, remembrance, or attention to a given cause. Certificates of commendation may be requested for individuals, groups or organizations, schools, special projects, and public and private agencies that have made outstanding achievements in their field. *Minnesota Statutes* § 4.03 states, "All proclamations of the governor required or authorized by law shall be filed with the secretary of state." For assistance with proclamations or certificates, contact the governor's office at (651) 296-3391.

Office of the Governor

Proclaiming September 23, 1998 to be Capitol Area Library Consortium Day

WHEREAS: The Capitol Area Library Consortium (CALCO) was formed in 1973 to encourage cooperation among state government libraries; and

WHEREAS: The Capitol Area Library Consortium currently has 23 member libraries and information centers; and

WHEREAS: The Libraries and Information Centers of the Capitol Area Library Consortium serve the information needs of Judicial, Legislative and Executive branches of Minnesota state government; and

WHEREAS: The CALCO members share resources among themselves as well as statewide through participation in various information networks and through a shared catalog; and

WHEREAS: The CALCO Libraries have provided access to over 1.5 million documents and reports including over 237,000 unique titles through participation in the PALS online catalog; and

WHEREAS: By serving employees of the Judicial, Legislative and Executive branches of Minnesota government CALCO libraries thereby serve the entire population of the state;

NOW, THEREFORE I ARNE H. CARLSON, Governor of the State of Minnesota, do hereby offer best wishes for another 25 years of continued success and excellent service, and proclaim September 23, 1998 to be

CAPITOL AREA LIBRARY CONSORTIUM DAY

in Minnesota.

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 Administration

State Designer Selection Board (SDSB)

Schedule of SDSB Meeting Dates, Times and Agenda Items

Pursuant to SDSB *Minnesota Rule* 3200.0400, below is the schedule of State Designer Selection Board meeting dates, times and agenda items as of July 27, 1998:

- October 6, 1998, 9:00 a.m.
 1. Shortlisting for Project 26-98, Department of Natural Resources - Tower
- October 13, 1998, 9:00 a.m.
 1. Shortlisting for Project 25-98, MnSCU North Hennepin Community College
 2. Shortlisting for Project 27-98, Department of Natural Resources, - Windom
- October 20, 1998, 9:00 a.m.
 1. Interview/Award for Project 26-98, Department of Natural Resources - Tower
 2. Shortlisting for Project 28-98, Minnesota State Academy For The Blind

All meetings are held in Conference Room A, G-10 Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota. Other matters may come before the Board and be added to the agenda as needed. Call Lisa Blue at (651) 297-5526 for additional information.

Department of Administration Office of Technology

Request for Public Comments Regarding Nonvisual Access to Technology

Background on the New Law

The Minnesota Department of Administration and the Office of Technology jointly seek public comment regarding our pending implementation of the *Laws of Minnesota for 1997*, Chapter 366, Sections 27 and 87.

This 1997 law, codified as *Minnesota Statutes* §16B.104, requires that information technology purchased by state agencies, political subdivisions and the Minnesota state colleges and universities be accessible by nonvisual means (speech or Braille, for example). The University of Minnesota is encouraged, but not required, to comply as well.

It is the policy of the State of Minnesota, as detailed in *Minnesota Statutes* §256C.01, to encourage and enable the blind and visually impaired to participate fully in the social and economic life of the state and to engage in remunerative employment. The intention of the new law is to assure that visually impaired public employees and other citizens are not left behind as technology advances.

Standards to Be Included in Public Sector Contracts

Consistent with the new law, our agencies plan to include the following language in all contracts for the procurement of information technology, and in corresponding requests for proposals, effective January 1, 1999:

Information technology purchased through this contract must include the following minimum specifications:

- (1) that effective, interactive control and use of the technology including the operating system, applications programs, prompts, and format of the data presented, are readily achievable by nonvisual means;
- (2) that the nonvisual access technology must be compatible with information technology used by other individuals with whom the blind or visually impaired individual must interact;
- (3) that nonvisual access technology must be integrated into networks used to share communications among employees, program participants, and the public; and
- (4) that the nonvisual access technology must have the capability of providing equivalent access by nonvisual means to telecommunications or other interconnected network services used by persons who are not blind or visually impaired.

Applicability of Standards

Nothing in the new statute requires the installation of software or peripheral devices used for nonvisual access when the information technology is being used by individuals who are not blind or visually impaired.

The requirement for compliance with nonvisual access standards will be included in relevant contracts entered into after December 31, 1998.

Compliance in regard to information technology purchased before January 1, 1999, must be achieved at the time of procurement of an upgrade or replacement of the existing equipment or software.

Examples of How Manufacturers and Vendors Could Comply with the New Law

Experts in nonvisual access to technology have developed the following descriptions of software and hardware that would fully comply with the legislative mandate. These should be considered examples and aspirational goals and are not additional standards being imposed by our agencies.

Software:

- (1) All actions required or available by the program should be available with keystrokes (i.e. keyboard equivalents for all mouse actions including, but not limited to, buttons, scroll windows, text entry fields and pop-up menus).
- (2) User documentation for the use of all keyboard functions should be provided and as easy to find as instructions for operating the application with a mouse.
- (3) The software should have a logical tabbing order among fields, text boxes, and focal points.
- (4) The application should provide pull-down menu equivalents for icon functions such as tool bars, so that the nonvisual user can execute all functions using standard pull-down menus, dialog boxes, and list boxes.
- (5) The application should provide keyboard access to all pull-down menus.
- (6) There should be no bit-mapped images of text. The software should use standard text routines to place characters, numbers, and punctuation on the screen.

Official Notices

- (7) The software should not interfere with existing accessibility features built into the operating system (i.e., sticky keys, slow keys, repeat keys in Microsoft Windows 95).
- (8) Timed responses should be avoided. If an application makes use of timed responses, there should be a way for the user to defeat the timing so that sufficient time is allowed to examine the screen with a screen-access program.
- (9) All icons should have clear, precise text labels included on the focus or provide a user-selectable choice to have text-only buttons.

Hardware:

- (1) The processing unit should contain a serial port (for attachment of a speech synthesizer) or sound card capable of producing speech.
- (2) Keyboards and physical controls should be able to be operated nonvisually. Knobs and switches should be able to be operated tactually and there should be no touch-screen controls.
- (3) Push buttons should be discernible by touch. The button should be indented, raised, or contained within a raised boundary that can clearly be detected by touch.
- (4) Push buttons should not be touch-activated. Some minimal pressure should be required to activate the control, and tactual or audio feedback should be used to indicate when the button has been pressed.
- (5) The shape of a push button can provide important clues to its function. The hardware should use texture or other tactual-ly detectable changes (such as a raised symbol) to identify buttons for unusual or important functions.
- (6) Small, closely clustered controls are often difficult to negotiate by touch. The controls should be spaced so that each one can be detected easily by touch. Ideally, spacing between controls should be no less than one-half the controls width or height. Crowding controls together to provide what appears to be a seamless surface makes them difficult to operate by touch.
- (7) Buttons that turn modes on or off should provide tactile or other nonvisual means to indicate the on or off state. These might include:
 - (A) leaving the button in when a mode is on and causing it to pop out when the mode is off, or
 - (B) generating a high tone when the mode is turned on and a low tone when the mode is turned off.
- (8) Slide controls can be made more useful if they have notches, clicks, or tactile markings indicating normal settings.
- (9) The use of continuous rotary selector (as in a radio tuning knob) will be enhanced for everyone if a notch, dot, or raised pointer is placed on the knob. It is very helpful if the selector has a detent for every possible setting so that individual settings can be selected by touch.
- (10) Tactile labels should be built in to supplement visual labels which the blind cannot use. These may consist of raised sans serif upper-case characters made of thin lines. Tactile labels should not use pictograms or other nontextual symbols. This assumes that the controls being labeled are not dynamic in nature, that is, that the controls always perform the same function.

Kiosks

Public information kiosks are a combination of specialized hardware and software. Therefore, nonvisual access techniques should be built in by the kiosk hardware and software designers. The kiosk should have an alternative control mechanism other than the touch screen.

- (1) Tactual controls other than touch screen controls should be provided so that the kiosk can be operated nonvisually.
- (2) Digitized or synthetic speech output should be provided for nonvisual access to information displayed on the screen. Provision must be made for private listening and for user-controlled activation or deactivation of the speech output.
- (3) It should be possible to render text display on the screen into speech.
- (4) Nontextual information as in maps or other pictorial objects should, at a minimum, be described using text that can be converted to speech.

Request for Comments

The Department of Administration and Office of Technology request comments from the public regarding the affect of the four standards set forth above that will be included in all state contracts for the procurement of information technology. The departments also seek comments as to the examples of software functions and hardware features set forth that are means to comply with the new law.

Please respond to Betsy Hayes, Division Analyst, Department of Administration, Materials Management Division, 112 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155, Telephone: (651) 296-5942. Responses are requested by October 30, 1998.

Department of Agriculture

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes*, Chapter 41C for 80 Acres of Bare Farmland in Sandes Township, Yellow Medicine County

NOTICE IS HEREBY GIVEN that a public hearing will be held on October 9, 1998, at 9 A.M. in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of approximately 80 acres of bare farmland located in Section 36, Sandes Township, Yellow Medicine County, Minnesota on behalf of Casey J. Long, a single man (the Borrower/s). The maximum aggregate face amount of the proposed bond issue is \$135,000.00. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 2 September 1998

Jim Boerboom
RFA Director

Department of Agriculture

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes*, Chapter 41C for 80 Acres of Bare Farmland in Sandes Township, Yellow Medicine County

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Dated: 2 September 1998

Jim Boerboom
RFA Director

Department of Health

Request for Comments on Planned Amendment to Rules Governing Health Care Professional Loan Forgiveness Programs, *Minnesota Rules*, Chapter 4763

Subject of Rules. The Minnesota Department of Health requests comments on its planned amendment to rules governing health care professional loan forgiveness programs. The Department is considering rule amendments that change the payment process for loan repayment, strengthen the criteria for selection of applicants, and clarify and simplify the programmatic and financial administration of the programs.

Persons Affected. The amendment to the rules would likely affect current participants; current applicants, health care students and medical residents who may become future participants; health care program directors, site recruitment coordinators, independent recruitment coordinators (i.e. Minnesota Center for Rural Health, MediSota) because they promote these programs to students and recruits; health care organizations (i.e. Minnesota Hospital and Healthcare Partnership, Minnesota Partnerships for Training) with which the Office of Rural Health and Primary Care has an established relationship because they also promote these programs to their constituencies; and others who have expressed an interest in the programs.

Statutory Authority. Prior to 1995, the loan forgiveness programs were housed in the Minnesota Higher Education Coordinating Board and codified in *Minnesota Statutes*, section 136A.1355, 136A.1356, and 136A.1357. The original rulemaking authority for the Board was in *Minnesota Statutes*, section 136A.16, subdivision 2. In 1995, the loan forgiveness programs were transferred to the Commissioner of Health in 1995 *Laws of Minnesota*, chapter 212, article 3, section 57. The rulemaking authority transferred to MDH under *Minnesota Statutes*, section 15.039, subdivision 3, which states: "All rules adopted pursuant to responsibilities that are transferred to another agency remain effective and shall be enforced until amended or repealed in accordance with the law by the new agency. Any rulemaking authority that existed to implement the responsibilities that are transferred is transferred to the new agency."

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

Rules Drafts. The Department has not yet prepared a draft of the planned rules amendments.

Agency Contact Person. Written comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these planned rules should be addressed to either: Karen Welter, PO Box 64975, St. Paul, MN 55164, (651) 282-6302 or Deb Jahnke, PO Box 64975, St. Paul, MN 55164, (651) 282-6334. The in state toll free number is (800) 366-5424.

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

Note: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge 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: 1 September 1998

Anne M. Barry, Commissioner
Department of Health

Department of Human Services

List of all Health Services Added, Changed, or Deleted from Authorization as a Condition of Minnesota Health Care Programs Payment

The following is a listing of adds, deletes and changes to the current authorization list. The newly added and changed codes will require authorization on or after September 21, 1998. As authorized by *Minnesota Statutes*, section 256B.0625, subdivision 25, the following list includes all health services that have been added, changed, or deleted from authorization as a condition of Minnesota Health Care Programs (MHCP) payment. The criteria used to develop this list are as follows:

- A. The health service could be considered, under some circumstances, to be of questionable medical necessity.
- B. Use of the health services needs monitoring to control the expenditure of program funds.

- C. Less costly, appropriate alternatives to the health services are generally available.
- D. The health service in newly developed or modified.
- F. The health service is of a continuing nature and requires monitoring to prevent its continuation when it ceases to be beneficial.
- G. The health service is comparable to a service provided in a skilled nursing facility or hospital but is provided in a recipient's home.
- H. The health service could be considered cosmetic.

These newly added or changed codes will require Authorization for services provided on or after September 21, 1998.

Section V. DRUGS

The following drug requires authorization through the FAX, I.T.S./FAX or mail from the first day of service.

Viagra

Department of Labor and Industry

Labor Standards Division

Notice of Addition to Prevailing Wage Rates

Additional classes of Labor, **Code 103, Laborer, Landscaping**, has been determined for the Commercial Prevailing Wage Rates in **Benton County**, which were certified 10/20/97.

Copies of the additional 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) 296-6452. Charges for the cost of copying and mailing are \$1.00 for the first page and \$.50 for each additional page. Make check or money order payable to the State of Minnesota.

Gretchen Maglich
Commissioner

Department of Labor and Industry

Labor Standards Division

Notice of Addition to Prevailing Wage Rates

Additional class of Labor, **Code 410, Lathers**, has been determined for the **Commercial** Prevailing Wage Rates in **Stearns County**, which were certified 10/20/97.

An additional class of labor, **Code 105, Watchperson**, has been determined for the **Highway and Heavy** Prevailing Wage Rates in **Region 3** which were certified 10/13/97.

Copies of the additional 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) 296-6452. Charges for the cost of copying and mailing are \$1.00 for the first page and \$.50 for each additional page. Make check or money order payable to the State of Minnesota.

Gretchen Maglich
Commissioner

Metropolitan Airports Commission

Notice of Public Hearing Concerning Acquisition of Property Near Minneapolis-Saint Paul International Airport Hennepin County, Minnesota

NOTICE IS HEREBY GIVEN that the Metropolitan Airports Commission, a public corporation organized under the laws of the State of Minnesota, will hold a public hearing pursuant to *Minnesota Statutes* § 473.641 to consider the acquisition by the Metropolitan Airports Commission of certain property proximate to the Minneapolis-Saint Paul International Airport, more specifically:

- **The Ceridian “Diamond” Property (Ball Fields)** located at the southeast corner of East 80th Street and 28th Avenue South, Bloomington, Minnesota.
- **The General Services Administration (GSA) Property** comprised of approximately 11 acres located to the west of Trunk Highway 55 and north of Bloomington Avenue, Minneapolis, Minnesota.

The public hearing will be held commencing at 2:00 p.m. on the 12th day of October 1998 in the Main terminal building at the Minneapolis-Saint Paul International Airport, Room 3040.

The hearing will afford interested persons, groups and agencies an opportunity for public consideration of the economic, social and environmental effects of the proposed acquisition. Information relating to relocation will be presented at the public hearing in accordance with appropriate federal requirements. Any person wishing to submit information relating to this matter may appear at the public hearing and make an oral statement or present written material. Persons intending to make oral presentations are requested to notify the Commission by October 5, 1998 in writing or by telephone to Ms. Jenn Unruh, Metropolitan Airports Commission, 6040 28th Avenue South, Minneapolis, Minnesota 55450; telephone 726-8100. Written statements and other exhibits relating to this matter will be incorporated into the transcript of the hearing, provided such statements or exhibits are submitted at the hearing or are presented to the Metropolitan Airports Commission prior to the close of work on October 26, 1998.

Dated: 21 September 1998

Jeffrey W. Hamiel
Executive Director
Metropolitan Airports Commission
6040 28th Avenue South
Minneapolis, Minnesota 55450

Metropolitan Airports Commission

Notice of Public Hearing on Rental Auto Facility Charge Ordinance

NOTICE IS HEREBY GIVEN that on the 13th day of October, 1998 at 1:00 p.m. in the Lindbergh Terminal Building at Minneapolis-St. Paul International Airport, Room 3040, the Metropolitan Airports Commission will hold a public hearing to receive testimony relative to the adoption of:

RENTAL AUTO FACILITY CHARGE ORDINANCE

An Ordinance to establish a Rental Auto Facility Charge to fund on-airport auto rental facilities at Minneapolis-St. Paul International Airport consistent with *Minnesota Statutes* § 473.651. The fee to be paid by auto rental customers will initially be set at approximately \$1.96 per transaction per day and be adjusted annually.

Copies of the draft Ordinance may be obtained by contacting Rebecca Zwart at (612) 726-8197.

Dated: 21 September 1998

Jeffrey W. Hamiel
Executive Director
Metropolitan Airports Commission
6040 28th Avenue South
Minneapolis, Minnesota 55450

Department of Natural Resources

Request for Comments on a Proposed Land Transfer from the Department of Natural Resources to Lake County

The Lake County Board of Commissioners and Minnesota Department of Natural Resources will hold a public open house to receive comments and input on a proposed land transfer from the Department of Natural Resources to Lake County. The open house will be held on Tuesday, September 22, 1998 from 4:00 PM to 7:00 PM in the first floor conference room of the Lake County Law Enforcement Center located at 613 3rd Avenue, Two Harbors, Minnesota.

The land transfer includes a Memorandum of Understanding (MOU) between Lake County and the Department of Natural Resources on future management of the lands. The MOU provides for cooperative management of timber, wildlife, fisheries and recreation resources on the lands.

Representatives from both agencies will be on hand to discuss the proposal, answer questions and receive oral and written comments. A map showing the lands proposed to be transferred and copies of the Memorandum of Understanding will be available for public viewing.

Department of Natural Resources

Public Notice of Plans to Issue a State Industrial Minerals Lease

NOTICE IS HEREBY GIVEN that the Department of Natural Resources, Division of Minerals is planning to issue a state mineral lease to explore for, mine and remove industrial minerals in Blue Earth County in accordance with *Minnesota Rules*, parts 6125.8000 through .8700, the industrial minerals rules, issued under authority of *Minnesota Statutes*, section 98.08 through 93.12 and 93.25. The industrial mineral covered by the lease is dimensional limestone located in Lot Two (2), Block One (1), Germania Park Addition in the City of Mankato. The applicant is Mankato - Kasota Stone Inc., P.O. Box 1358, Mankato, MN 56002-1358. The effective date of the lease will be at least 30, but not more than 180, days from the date of publication of this notice. For more information, contact Gloria Johnson, Department of Natural Resources, Division of Minerals, Box 45, 500 Lafayette Road, St. Paul, MN, 55155-4045, telephone (612) 296-4807. TTY: 1-800-657-3929.

Minnesota Planning

Environmental Quality Board

Notice of Decision on Site Permit for the Northern States Power Company Phase III 103.5-Megawatt Large Wind Energy Conversion System Project in the Minnesota Counties of Pipestone and Lincoln

On May 21, 1998, the Minnesota Environmental Quality Board designated a 8,100 acre site in Pipestone County for Northern States Power Company's Phase III Wind Project as shown on the accompanying site map. The MEQB Site Permit issued to Northern States Power Company and Lake Benton Power Partners II, LLC authorizes construction of the Phase III 103.5-Megawatt Large Wind Energy Conversion System. The Site Permit contains conditions for site preparation, construction, cleanup, restoration, operation, maintenance, abandonment, decommissioning and all other phases of the large wind energy conversion system.

The NSP Phase III Project will consist of 138 Z-50 750 kilowatt wind turbine generators. The Z-50 750 kW wind turbine is a three bladed, upwind, horizontal axis machine that will be installed on free-standing 53-meter (175 foot) tubular towers. Each turbine blade is approximately 25 meters (82.5 feet) long. The rotor diameter is approximately 50 meters (165 feet) across. Each tower will be secured by a concrete foundation. Other project components include access roads, concrete foundations, pad-mounted transformers, communication facilities, underground and overhead collection lines. All of these components will be located within Pipestone County. NSP's overhead feeder line system will carry the power delivered to the four interconnection points within the Phase III site to NSP's Buffalo Ridge substation in Lincoln County.

If you have any questions about this project or would like more information, please contact: Larry B. Hartman, Room 300 Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155; tel: (651) 296-5089 or 1-800-657-3794; FAX: (651) 296-3698; e-mail: larry.hartman@mnplan.state.mn.us

Official Notices

Department of Public Safety

Minnesota Auto Theft Prevention Program

Notice of Meeting of the Board of Directors

The Minnesota Auto Theft Prevention Program, will be holding its Board of Directors meeting on October 8, 1998. The meeting will begin at 9:00 a.m. and will be held at the Minnesota Auto Theft Prevention Program (MATPP) office located at 1110 Centre Pointe Curve, Suite 405, Mendota Heights, MN. [Hwy 110 and Lexington Ave., west of Hwy 35W (South) on the south side of the GNB Technologies Bldg.] Meetings are open to the public. For more information you may contact the MATPP office at (612) 405-6155.

Department of Transportation

Notice of Appointment and Meeting Thursday 24 September 1998 of a State Aid Variance Committee

NOTICE IS HEREBY GIVEN that the Commissioner of Transportation has appointed a State Aid Variance Committee who will conduct a meeting on Thursday, September 24, 1998 at 9:30 a.m. in Conference Room 194 Water's Edge Building, 1500 West County Road B-2, Roseville Minnesota, 55113.

This notice is given pursuant to *Minnesota Statute 47k.705*.

The purpose of this open meeting is to investigate and determine recommendations for variances from minimum State Aid roadway standards and administrative procedures as governed by *Minnesota Rules* for State Aid Operations 8820.3300 adopted pursuant to *Minnesota Statutes* Chapters 161 and 162.

The agenda will be limited to these questions:

- 1. Petition of the City of Mendota Heights** so as to allow a variance from *Minnesota Rules* 8820.2800, so as to allow award of contract prior to plan approval by the State Aid Engineer, in lieu of the required plan approval before award of contract on projects numbered SAP 140-103-12 and 140-104-03 in the City of Mendota Heights, Minnesota.
- 2. Petition of Fillmore County** so as to allow a variance from *Minnesota Rules* 8820.9920 so as to allow a roadway width of 4.9 meters with no shoulders, in lieu of the required 6.6 meter lane width and 0.3 meter shoulders; and to allow no inslope nor recovery area at the bridge crossing, in lieu of the required 1:3 inslopes and recovery area of 2 meters from edge of traffic lane on the proposed bridge replacement project on Preble Township Road T-56 over the South Fork of the Root River in Fillmore County, Minnesota.

9:30 a.m. City of Mendota Heights

9:45 a.m. Fillmore County

Dated: 8 September 1998

Patrick B. Murphy
Division Director
State Aid for Local Transportation

Department of Transportation

Petition of the City of Mendota Heights for a variance from State Aid requirements for AFTER-THE-FACT PLAN APPROVAL

NOTICE IS HEREBY GIVEN that the Mendota Heights City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a proposed construction project on Municipal State Aid Streets No. 103 and 104 (Mendota Heights Road and Huber Drive) in the City of Mendota Heights, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.2800 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow award of contract prior to the required plan approval by the State Aid Engineer prior to contract award on the proposed construction project on Mendota Heights Road and on Huber Drive in the City of Mendota Heights, Minnesota.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 8 September 1998

Patrick B. Murphy
Division Director
State Aid for Local Transportation

Department of Transportation

Petition of the Fillmore County Board for a variance from State Aid requirements for DESIGN STANDARDS

NOTICE IS HEREBY GIVEN that the Fillmore County Board has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules for design standards as they apply to a proposed bridge replacement project on Preble Township Road T-56 over the South Fork of the Root River, replacing Bridge No. L4669 in Fillmore County, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9920 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow a 4.9 meter road width with no shoulders, in lieu of the required 6.6 meter road width with 0.3 meter shoulders; and to allow no inslopes and no recovery area at the bridge crossing location, in lieu of the required 1:3 inslopes and the required recovery area of 2 meters from edge of traffic lane on the proposed bridge replacement project on Preble Township Road T-56 in Fillmore County, Minnesota.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 11 September 1998

Patrick B. Murphy
Division Director
State Aid for Local Transportation

Official Notices

Department of Transportation

Petition of the Big Stone County Board for a variance from State Aid requirements for INSLOPES

NOTICE IS HEREBY GIVEN that the Big Stone County Board has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a proposed reconstruction project on County State Aid Highway No. 7, between a point approximately 4.14 km to 2.41 km South of Trunk Highway No. 28, 1.9 km South of Barry, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9920 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a 1:3 inslope at two segments in the wetland area located between approximately Sta. 0+160 to Sta. 0+620, and between Sta. 1+26 to 1+58, in lieu of the required 1:4 inslopes on the proposed construction project on County State Aid Highway No. 7 in Big Stone County, Minnesota.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 11 September 1998

Patrick B. Murphy
Division Director
State Aid for Local Transportation

Department of Transportation

Petition of the Winona County Board for a variance from State Aid requirements for DESIGN SPEED

NOTICE IS HEREBY GIVEN that the Winona County Board has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a proposed construction project on Wilson Township Road over Pleasant Valley Creek, replacing Bridge No. L5953 in Winona County, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9920 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a 40 km/h horizontal curve, in lieu of the required 50 km/h design speed on the bridge replacement project on Wilson Township Road over Pleasant Valley Creek in Winona County, Minnesota.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 8 September 1998

Patrick B. Murphy
Division Director
State Aid for Local Transportation

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Minnesota Department of Health (MDH) Hennepin County Community Health Department (CHD)

Joint Request for Proposals to Distribute Title I and Title II Ryan White Comprehensive AIDS Resources Emergency Act Funds

The Minnesota Department of Health (MDH) and the Hennepin County Community Health Department (CHD) are issuing a joint Request For Proposals to distribute Title I and Title II Ryan White Comprehensive AIDS Resources Emergency (CARE) Act funds. The approximate sum of \$3,000,000 will be confirmed pending final approval from the Health Resources and Services Administration (HRSA). The grant period for Hennepin County is Spring of 1999 -Spring of 2001.

All community health boards, community non-profit organizations, and health care providers that can demonstrate administrative, organizational, programmatic, and fiscal capability to develop, implement, and evaluate the proposed program are eligible to apply.

The purpose of this funding is to provide specific support services to people living with the Human Immunodeficiency Virus (HIV) throughout the state of Minnesota and in some instances, St. Croix and Pierce counties in Wisconsin.

The following types of programs will be funded: Primary Health Care, Case Management, Housing, Greater Minnesota Initiatives, Nutritional Services, Transportation, Substance Use Services, Emotional Support, Mental Health, Maintenance In-Home Health Care, Complementary Care, Education/Self Advocacy and Legal Services.

In order to apply for HIV services funding, two documents must be submitted to the Minnesota Department of Health: Letters of Intent are due **October 30, 1998** and Proposals are due **November 25, 1998**. Informational meetings will be offered November, 4th and 5th. For a full copy of the HIV Services Request For Proposal Application Guide, call Sherry Gjonnes at (612) 676-5083 or leave a message on voice mail which includes your name, address and phone number and request the RFP. In addition, all prospective applicants who have questions regarding this HIV Services Request For Proposals please call Sherry Gjonnes, at (612) 676-5083.

Department of Labor and Industry

Workplace Safety Consultation Unit

Notice of Safety Grants for Employers

The Department of Labor and Industry (DLI) announces continuation of its safety hazard abatement matching grant program under *Minnesota Statutes*, section 79.253, and *Minnesota Rules*, parts 5203.0010 through 5203.0070. Employers covered by workers' compensation insurance, including those approved as self-insured employers, are eligible to apply for one or more safety/health matching grants to a total maximum match of \$10,000 each state fiscal year to abate safety hazards in their workplace. The safety/health hazards must have been identified in an on-site survey conducted by one of the following: 1) MNOSHA safety/health investigator, 2) DLI Workplace Safety Consultation safety/health consultant, 3) in-house employee safety/health committee, 4) workers' compensation underwriter, or 5) private safety/health consultant. The on-site safety/health survey must have resulted in specifically recommended safety practices or equipment designed to reduce the risk of injury to employees. Costs eligible for program participation are all or part of the cost of purchasing and installing recommended safety/health equipment, the cost of operating or maintaining safety/health equipment, and/or the cost of purchasing or renting real property, if necessary, to meet criteria established by the on-site safety/health survey. Program development, training and education, and employee costs will not be covered by this grant.

Professional, Technical & Consulting Contracts

Grants are limited to a maximum total amount of \$10,000 per project or per state fiscal year if the same worksite submits more than one grant application in a given state fiscal year. The state fiscal year encompasses the time period of July 1 of one year through June 30 of the following year. The employer must provide at least \$1.00 (one dollar) in project costs for every dollar awarded. No grant will be awarded for more than half the amount of the approved project. Grant applications received by August 15, November 15, February 15, and May 15, respectively, will be reviewed and processed for the following quarter. A total of at least \$200,000 will be available during each quarter. Proposals will be reviewed by the department and awards made on an ongoing basis. Qualified project having the greatest impact and feasibility will be given priority. Projects will be judged according to the criteria established by the rule. Eligible applicants who seek assistance must submit their proposals to: James Collins, OSHA Management Team Director, Workplace Safety Consultation Unit, 443 Lafayette Road, St. Paul, MN 55155.

For further information or to request a grant application, please call Tracey Josephson, Grants Administrator, Workplace Safety Consultation Unit, at (651) 215-1097 or e-mail at tracey.josephson@state.mn.us

Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, and final submission date of completed contract proposal.

In accordance with *Minnesota Rules Part 1230.1910*, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of up to 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612) 296-2600 or [TTY (612) 297-5353 and ask for 296-2600].

Department of Administration

State Designer Selection Board

Request for Proposals for the Minnesota State Academy For The Blind (Project 28-98)

To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select consultants for a project. Design firms who wish to be considered for these projects must deliver proposals on or before 4 p.m., Monday, October 5, 1998, to:

Lisa Blue, Acting Executive Secretary
State Designer Selection Board
Department of Administration
50 Sherburne Avenue, Room 200
St. Paul, Minnesota 55155-3000
(651) 297-5526

Questions concerning the Board's procedures herein described or the schedule in Item 8.h may be referred to the Executive Secretary at (651) 297-5526. Questions relating to the project may be referred to the project contact(s) in Item 8.i.

NOTE TO RESPONDERS: CHANGES MAY HAVE BEEN MADE IN THE CONTENT AND FORMAT REQUIREMENT. IN ORDER TO BE CONSIDERED BY THE BOARD, THE PROPOSALS MUST CONFORM TO THE FOLLOWING CONTENT AND FORMAT REQUIREMENTS AS OUTLINED IN ITEMS 1 THROUGH 5 BELOW. FAILURE TO DO SO WILL RESULT IN THE DISQUALIFICATION OF THE PROPOSAL. PROPOSALS RECEIVED AFTER THE SUBMISSION DEADLINE WILL NOT BE CONSIDERED.

1. Ten copies of the proposal shall be submitted.
2. All data shall be on 8 1/2" x 11" sheets, soft bound. No more than 20 printed faces shall be allowed (see the following for clarification):
 - a. All letters directed to the Board shall be bound into the proposal and all pages shall be counted as printed face(s). It is not necessary to do a cover letter to the Executive Secretary.
 - b. Blank dividers (with printed tab headings only) shall not be counted as faces.
 - c. Front and back covers of proposals shall not be counted as faces.
 - d. None of the statutory or mandatory information, except as requested in Item 3 below, shall appear on the dividers or covers.
 - e. All pages shall be numbered.

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3. The front cover of the proposal shall be clearly labeled with the project number and project title as shown at the top of this request for proposal, together with the designer's firm name, address, telephone number, fax number, and the name of the contact person. The back cover shall remain blank.
4. Brief Proposal Summary:

All proposals shall begin with a summary which includes only the following items:

 - a. Name of firm and its legal status;
 - b. Names of the persons responsible for the management, design, and production of each major element of the work, including consultants, and Minnesota registration number for each person and consultant (e.g., architects, civil/electrical/mechanical/structural engineers, fire protection engineer, landscape architects, land surveyors, and geoscientist). Fire protection engineer shall mean services provided by a Minnesota professional engineer with proven competency in fire protection or a licensed fire protection engineer.
 - c. A statement indicating that the consultants listed have been contacted and have agreed to be a part of the design team;
 - d. A commitment to enter the work promptly, if selected, by engaging the consultants and assigning the persons named in Item 4.b above, along with adequate staff to meet the requirements of work;
 - e. A list of 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. For the purposes of this list, "awarded" shall mean you have been selected for a given project regardless of the status of the contract.

The prime firm(s) shall list and total all fees associated with these projects and studies whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects and studies listed pursuant to the above.

NOTE: Please call the Executive Secretary at (651) 297-5526 and leave your address or fax number to receive a copy of the acceptable format for providing fee information.
 - f. *Minnesota Statutes*, Section 363.073, subd. 1, in part, requires: "No department or agency of the state shall accept any bid or proposal for a contract or agreement unless the firm or business has an affirmative action plan submitted to the commissioner of human rights for approval. No department or agency of the state shall execute any contract or agreement for goods or services in excess of \$100,000 with any business having more than 40 full-time employees, either within or outside this state, on a single working day during the previous 12 months, unless the firm or business has an affirmative action plan for the employment of minority persons, women, and the disabled that has been approved by the commissioner of human rights." THEREFORE, THE PROPOSAL SHALL INCLUDE ONE OF THE FOLLOWING:
 - 1) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
 - 2) A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights with the expiration date included; or
 - 3) A statement certifying that the firm has applied for Affirmative Action Plan approval to the Commissioner of Human Rights and the date when such application was received by the Commissioner of Human Rights; or
 - 4) A statement certifying that the firm has not had a cumulative total of more than 40 full-time employees at any time during the previous 12 months, anywhere in the United States.
5. Additional Mandatory Proposal Contents:
 - a. A section containing graphic material (e.g., photos, plans, drawings, etc.) as evidence of the firm's qualifications for the work. The graphic material shall be identified. It shall be work in which the personnel listed in Item 4.b above have had significant participation and their roles shall be clearly described. It shall be noted if the personnel were, at the time of the work, employed by other than their present firms.
 - b. Expanded resumes showing qualification of individuals, listed in Item 4.b above, administering or producing the major elements of the work, including consultants. Identify roles in which such persons played in projects which are relevant to the project at hand.
 - c. A discussion of the firm's understanding of and approach to the project.
 - d. A listing of relevant past projects.

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6. Design firms wishing to have their proposals returned after the Board's review shall follow one of the following procedures:
 - a. Enclose a *self-addressed, stamped* postal card with the proposals. Design firms shall be notified when material is ready to be picked up. Design firms shall have two weeks to pick up their proposals, after which time the proposals shall be discarded; or
 - b. Enclose a *self-addressed, stamped* mailing envelope with the proposals. When the Board has completed its review, proposals shall be returned using this envelope.

In accordance with existing statutes, the Board shall retain one copy of each proposal submitted.

7. BOARD SELECTION CRITERIA

In making its selection of designers the Board shall consider the criteria listed below:

- a. Qualifications and technical competence in the required field of design;
- b. Ability to deal with aesthetic factors;
- c. Capacity to accomplish the work and services within the required constraints;
- d. Availability of appropriate personnel;
- e. Geographic relationship of the designer's base to the project site; and
- f. Awards previously made to a designer by the state. This is in the interest of equitable distribution of commissions.

The criteria do not necessarily have the same weight, nor are their relative weights necessarily constant from one project to another. The Board may issue statements regarding criteria as they relate to individual projects.

8. PROJECT 28-98

**Minnesota State Academy For The Blind
P.O. Box 68, State Highway 298
Faribault, MN 55021**

a. PROJECT DESCRIPTION:

This project includes an expansion and renovation of two buildings on campus, both the Lysen Learning Center and the Gillen Activities Building. The Lysen Building, built in 1984, is constructed with brick and block with a steel joist roof system. The Gillen Building, built in 1957, is constructed with brick and block with pre-stressed concrete roof construction. This project will result in the provision of appropriate educational facilities to meet space and accessibility requirements for the school to meet the needs of a growing and changing student population.

- Lysen Learning Center: Expansion of academic classrooms, administrative offices, conference rooms, health and dining area.
- Gillen Activity Center: New wrestling room, renovation of changing rooms and showers, gymnasium upgrade and pool expansion.
- New canopy and site work

These improvements will be located on the existing property at the Minnesota State Academy for the Blind. Pre-design documents have been completed and are available for review from Harry Chappius at (507) 332-5468.

b. REQUIRED CONSULTANT SERVICES:

The consultant will:

- 1) Provide schematic design, design development, construction documents and construction administration services.
- 2) Provide architectural, structural, mechanical, electrical, civil, fire protection, technology/communications, project scheduling and independent cost estimating services.
- 3) Demonstrate experience in the design and construction of facilities similar to that required for this facility.
- 4) Coordinate their services with hazardous abatement, furniture, carpet and special equipment for blind students.

c. SERVICES PROVIDED BY OTHERS:

Furniture, carpet, special equipment and hazardous waste disposal.

d. SPECIAL CONSIDERATIONS:

- 1) Prior experience in education and design techniques for blind/visually impaired students is preferred or a demonstrated capacity to learn. One resource in developing skills in understanding the design needs of

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blind/visually impaired children is a book entitled *Building Sight-A handbook of building and interior design solutions to include the needs of visually impaired people*. This book will be available in the Minnesota State Academy for the Blind administrative offices at the designer's convenience.

- 2) The ability to participate in a collaborative effort between team members, to create learning areas that enhance achievement of graduation standards and incorporate the needs of blind/visually impaired students in a special education environment is critical to the project's success.
 - 3) Student and staff safety is the number one concern. As the Minnesota State Academy for the Blind has a number of blind/visually impaired persons on campus, safe conditions are of an elevated concern. It is critical that safety procedures are provided for during construction.
 - 4) The construction phase of the project must be managed to allow continuance of educational programming for Academy students.
- e. **PROJECT BUDGET/FEES:**
- The current construction budget is estimated to be approximately \$3,393,000. The project costs, including all fees, permits, departmental furnishings and equipment purchases have been fixed at \$4,500,000. Design fees available for this project, including travel and reimbursables, are approximately \$254,475.
- The project has been fully funded for design and construction.
- f. **PROJECT SCHEDULE:**
- | | |
|----------------------------------|-------------------|
| Schematics Complete: | February 1, 1999 |
| Design Development Complete: | May 1, 1999 |
| Construction Documents Complete: | September 1, 1999 |
| Bid: | October 8, 1999 |
| Start Outside Construction: | November 1, 1998 |
| Start Inside Remodeling: | June 10, 1999 |
- g. **PROJECT INFORMATIONAL MEETING(S)/SITE VISIT(S):**
- An informational meeting will be held at the site and both buildings will be available for a site inspection on September 29, 1998, at 1 p.m. To pre-register, call Harry Chappius, Plant Operations Director at (507) 332-5468.
- h. **STATE DESIGNER SELECTION BOARD SCHEDULE:**
- | | |
|---|-------------------------------|
| Project Information Meeting and/or Site Visit: | September 29, 1998, at 1 p.m. |
| Project Proposals Due: | October 5, 1998 |
| Project Shortlist: | October 20, 1998 |
| Project Information Meeting for Shortlisted firms: | None |
| Project Interviews and Award: | November 3, 1998 |
- i. **PROJECT CONTACT(S):**
- Harry Chappius, Physical Plant Director
Minnesota State Academy for the Blind
615 Olof Hanson Drive
Faribault, Minnesota 55021
Phone: (507) 332-5468
- Gary Paulsen, Project Manager
Building Construction Division
G-10 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155
Phone: (651) 296-3427
FAX: (651) 296-7650

Douglas Wolfangle, P.E., Chair
State Designer Selection Board

Professional, Technical & Consulting Contracts

Department of Administration

State Designer Selection Board

Request for Proposals for the University of Minnesota, Duluth to Design a New Laboratory Science Building and to Design Renovations of Existing Chemistry and Biology Spaces (Project 29-98)

To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select consultants for a project. Design firms who wish to be considered for these projects must deliver proposals on or before 4 p.m., Monday, October 5, 1998, to:

Lisa Blue, Executive Secretary
State Designer Selection Board
Department of Administration
50 Sherburne Avenue, Room 200
St. Paul, Minnesota 55155-3000
(651) 297-5526

Questions concerning the Board's procedures herein described or the schedule in Item 8.h may be referred to the Executive Secretary at (651) 297-5526. Questions relating to the project may be referred to the project contact(s) in Item 8.i.

NOTE TO RESPONDERS: CHANGES MAY HAVE BEEN MADE IN THE CONTENT AND FORMAT REQUIREMENT. IN ORDER TO BE CONSIDERED BY THE BOARD, THE PROPOSALS MUST CONFORM TO THE FOLLOWING CONTENT AND FORMAT REQUIREMENTS AS OUTLINED IN ITEMS 1 THROUGH 5 BELOW. FAILURE TO DO SO WILL RESULT IN THE DISQUALIFICATION OF THE PROPOSAL. PROPOSALS RECEIVED AFTER THE SUBMISSION DEADLINE WILL NOT BE CONSIDERED.

1. Eight copies of the proposal shall be submitted.
2. All data shall be on 8 1/2" x 11" sheets, soft bound. No more than 20 printed faces shall be allowed (see the following for clarification):
 - a. All letters directed to the Board shall be bound into the proposal and all pages shall be counted as printed face(s). It is not necessary to do a cover letter to the Executive Secretary.
 - b. Blank dividers (with printed tab headings only) shall not be counted as faces.
 - c. Front and back covers of proposals shall not be counted as faces.
 - d. None of the statutory or mandatory information, except as requested in Item 3 below, shall appear on the dividers or covers.
 - e. All pages shall be numbered.
3. The front cover of the proposal shall be clearly labeled with the project number and project title as shown at the top of this request for proposal, together with the designer's firm name, address, telephone number, fax number, and the name of the contact person. The back cover shall remain blank.
4. Brief Proposal Summary:

All proposals shall begin with a summary which includes only the following items:

 - a. Name of firm and its legal status;
 - b. Names of the persons responsible for the management, design, and production of each major element of the work, including consultants, and Minnesota registration number for each person and consultant (e.g., architects, civil/electrical/mechanical/structural engineers, fire protection engineer, landscape architects, land surveyors, and geoscientist). Fire protection engineer shall mean services provided by a Minnesota professional engineer with proven competency in fire protection or a licensed fire protection engineer.
 - c. A statement indicating that the consultants listed have been contacted and have agreed to be a part of the design team;
 - d. A commitment to enter the work promptly, if selected, by engaging the consultants and assigning the persons named in Item 4.b above, along with adequate staff to meet the requirements of work;

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- e. A list of 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. For the purposes of this list, "awarded" shall mean you have been selected for a given project regardless of the status of the contract.

The prime firm(s) shall list and total all fees associated with these projects and studies whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects and studies listed pursuant to the above.

NOTE: Please call the Executive Secretary at (651) 297-5526 and leave your address or fax number to receive a copy of the acceptable format for providing fee information.

- f. *Minnesota Statutes*, Section 363.073, subd. 1, in part, requires: "No department or agency of the state shall accept any bid or proposal for a contract or agreement unless the firm or business has an affirmative action plan submitted to the commissioner of human rights for approval. No department or agency of the state shall execute any contract or agreement for goods or services in excess of \$100,000 with any business having more than 40 full-time employees, either within or outside this state, on a single working day during the previous 12 months, unless the firm or business has an affirmative action plan for the employment of minority persons, women, and the disabled that has been approved by the commissioner of human rights." THEREFORE, THE PROPOSAL SHALL INCLUDE ONE OF THE FOLLOWING:

- 1) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
- 2) A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights with the expiration date included; or
- 3) A statement certifying that the firm has applied for Affirmative Action Plan approval to the Commissioner of Human Rights and the date when such application was received by the Commissioner of Human Rights; or
- 4) A statement certifying that the firm has not had a cumulative total of more than 40 full-time employees at any time during the previous 12 months, anywhere in the United States.

5. Additional Mandatory Proposal Contents:

- a. A section containing graphic material (e.g., photos, plans, drawings, etc.) as evidence of the firm's qualifications for the work. The graphic material shall be identified. It shall be work in which the personnel listed in Item 4.b above have had significant participation and their roles shall be clearly described. It shall be noted if the personnel were, at the time of the work, employed by other than their present firms.
- b. Expanded resumes showing qualification of individuals, listed in Item 4.b above, administering or producing the major elements of the work, including consultants. Identify roles in which such persons played in projects which are relevant to the project at hand.
- c. A discussion of the firm's understanding of and approach to the project.
- d. A listing of relevant past projects.

6. Design firms wishing to have their proposals returned after the Board's review shall follow one of the following procedures:

- a. Enclose a *self-addressed, stamped* postal card with the proposals. Design firms shall be notified when material is ready to be picked up. Design firms shall have two weeks to pick up their proposals, after which time the proposals shall be discarded; or
- b. Enclose a *self-addressed, stamped* mailing envelope with the proposals. When the Board has completed its review, proposals shall be returned using this envelope.

In accordance with existing statutes, the Board shall retain one copy of each proposal submitted.

7. BOARD SELECTION CRITERIA

In making its selection of designers the Board shall consider the criteria listed below:

- a. Qualifications and technical competence in the required field of design;
- b. Ability to deal with aesthetic factors;
- c. Capacity to accomplish the work and services within the required constraints;
- d. Availability of appropriate personnel;

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- e. Geographic relationship of the designer's base to the project site; and
 - f. Awards previously made to a designer by the state. This is in the interest of equitable distribution of commissions.
- The criteria do not necessarily have the same weight, nor are their relative weights necessarily constant from one project to another. The Board may issue statements regarding criteria as they relate to individual projects.

8. PROJECT 29-98

**University of Minnesota, Duluth
241 Darland Administration Building
10 University Drive
Duluth, MN 55812-2496**

a. PROJECT DESCRIPTION:

The University of Minnesota, Duluth Campus has been approved to enter into a contract with an outside consultant to design a new Laboratory Science Building and to design renovations of existing chemistry and biology spaces, as allowed by the anticipated budget. New construction will address needs for undergraduate laboratory teaching space for chemistry courses (Introduction Chemistry, Biochemistry and Molecular Biology) and upper division laboratory/research space for Cell Biology and related courses. New construction will include a minimal amount of supplemental study, office, student group and meeting spaces. The new building will connect to the existing Life Sciences Building.

Renovation will focus first on ventilation and temperature control in the Life Science Building and then on reshaping interior spaces for more effective teaching and research. Renovations will be made in the Life Science and/or Chemistry Buildings according to total project costs and priorities of need.

The consultant would be commissioned to do a predesign document to be submitted to the state for approval during the 2000 legislative session. This predesign document includes, but is not limited to, a statement of need, program analysis, site analysis, cost analysis, project schedule and conceptual drawings and diagrams.

b. REQUIRED CONSULTANT SERVICES:

The scope of the project includes full programming, predesign and cost estimating services.

c. SERVICES PROVIDED BY OTHERS:

The consultant will be requested to obtain site surveys and soil borings as required to complete the predesign documents. These costs will be billed to the owner as a reimbursable expense.

d. SPECIAL CONSIDERATIONS:

The designer should have applicable prior experience in the design and construction of similar type projects preferably in a University setting. The selected firm will have proven experience in working with and directing the efforts of a University building committee.

The architect will provide a list of clients for similar projects worked on within the last five years along with names, phone numbers and addresses of contact persons.

e. PROJECT BUDGET/FEES:

The preliminary project budget is estimated to be 28 million dollars. This estimate would be confirmed during the programming and predesign phase of the project.

The programming and predesign phase of the project has been funded at this time. The fee available to the design consultant for this phase of the work is estimated to be between \$75,000 and \$100,000.

f. PROJECT SCHEDULE:

It is anticipated that the predesign would begin immediately after consultant selection from the State Designer Selection Board, in the fall of 1998. A completed predesign document would be presented to the University in June of 1999.

g. PROJECT INFORMATIONAL MEETING(S)/SITE VISIT(S):

An informational meeting and site tour will be conducted for interested firms on Tuesday, September 29 at 1:30 p.m. The interested parties will convene in the main lobby, Darland Administration Building, University of Minnesota, Duluth.

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h. STATE DESIGNER SELECTION BOARD SCHEDULE:

Project Information Meeting and/or Site Visit:	September 29, 1998, at 1:30 p.m.
Project Proposals Due:	October 5, 1998
Project Shortlist:	October 22, 1998
Project Information Meeting for Shortlisted firms:	None
Project Interviews and Award:	November 10, 1998

i. PROJECT CONTACT(S):

Questions concerning the project should be referred to:

John W. Rashid
Manager, Design and Construction
241 Darland Administration Building
10 University Drive
Duluth, MN 55811
Phone: (218) 726-6930
FAX: (218) 726-8127
e-mail: jrashid@d.umn.edu

Douglas Wolfangle, P.E., Chair
State Designer Selection Board

Department of Administration

State Designer Selection Board

Request for Proposals for the University of Minnesota, Duluth to Design a New Women's Ice Hockey Center (Project 30-98)

To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select consultants for a project. Design firms who wish to be considered for these projects must deliver proposals on or before 4 p.m., Monday, October 5, 1998, to:

Lisa Blue, Executive Secretary
State Designer Selection Board
Department of Administration
50 Sherburne Avenue, Room 200
St. Paul, Minnesota 55155-3000
(651) 297-5526

Questions concerning the Board's procedures herein described or the schedule in Item 8.h may be referred to the Executive Secretary at (651) 297-5526. Questions relating to the project may be referred to the project contact(s) in Item 8.i.

NOTE TO RESPONDERS: CHANGES MAY HAVE BEEN MADE IN THE CONTENT AND FORMAT REQUIREMENT. IN ORDER TO BE CONSIDERED BY THE BOARD, THE PROPOSALS MUST CONFORM TO THE FOLLOWING CONTENT AND FORMAT REQUIREMENTS AS OUTLINED IN ITEMS 1 THROUGH 5 BELOW. FAILURE TO DO SO WILL RESULT IN THE DISQUALIFICATION OF THE PROPOSAL. PROPOSALS RECEIVED AFTER THE SUBMISSION DEADLINE WILL NOT BE CONSIDERED.

1. Eight copies of the proposal shall be submitted.
2. All data shall be on 8 1/2" x 11" sheets, soft bound. No more than 20 printed faces shall be allowed (see the following for clarification):
 - a. All letters directed to the Board shall be bound into the proposal and all pages shall be counted as printed face(s). It is not necessary to do a cover letter to the Executive Secretary.
 - b. Blank dividers (with printed tab headings only) shall not be counted as faces.

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- c. Front and back covers of proposals shall not be counted as faces.
 - d. None of the statutory or mandatory information, except as requested in Item 3 below, shall appear on the dividers or covers.
 - e. All pages shall be numbered.
3. The front cover of the proposal shall be clearly labeled with the project number and project title as shown at the top of this request for proposal, together with the designer's firm name, address, telephone number, fax number, and the name of the contact person. The back cover shall remain blank.
4. Brief Proposal Summary:

All proposals shall begin with a summary which includes only the following items:

- a. Name of firm and its legal status;
- b. Names of the persons responsible for the management, design, and production of each major element of the work, including consultants, and Minnesota registration number for each person and consultant (e.g., architects, civil/electrical/mechanical/structural engineers, fire protection engineer, landscape architects, land surveyors, and geoscientist). Fire protection engineer shall mean services provided by a Minnesota professional engineer with proven competency in fire protection or a licensed fire protection engineer.
- c. A statement indicating that the consultants listed have been contacted and have agreed to be a part of the design team;
- d. A commitment to enter the work promptly, if selected, by engaging the consultants and assigning the persons named in Item 4.b above, along with adequate staff to meet the requirements of work;
- e. A list of 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. For the purposes of this list, "awarded" shall mean you have been selected for a given project regardless of the status of the contract.

The prime firm(s) shall list and total all fees associated with these projects and studies whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects and studies listed pursuant to the above.

NOTE: Please call the Executive Secretary at (651) 297-5526 and leave your address or fax number to receive a copy of the acceptable format for providing fee information.

- f. *Minnesota Statutes*, Section 363.073, subd. 1, in part, requires: "No department or agency of the state shall accept any bid or proposal for a contract or agreement unless the firm or business has an affirmative action plan submitted to the commissioner of human rights for approval. No department or agency of the state shall execute any contract or agreement for goods or services in excess of \$100,000 with any business having more than 40 full-time employees, either within or outside this state, on a single working day during the previous 12 months, unless the firm or business has an affirmative action plan for the employment of minority persons, women, and the disabled that has been approved by the commissioner of human rights." THEREFORE, THE PROPOSAL SHALL INCLUDE ONE OF THE FOLLOWING:

- 1) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
- 2) A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights with the expiration date included; or
- 3) A statement certifying that the firm has applied for Affirmative Action Plan approval to the Commissioner of Human Rights and the date when such application was received by the Commissioner of Human Rights; or
- 4) A statement certifying that the firm has not had a cumulative total of more than 40 full-time employees at any time during the previous 12 months, anywhere in the United States.

5. Additional Mandatory Proposal Contents:

- a. A section containing graphic material (e.g., photos, plans, drawings, etc.) as evidence of the firm's qualifications for the work. The graphic material shall be identified. It shall be work in which the personnel listed in Item 4.b above have had significant participation and their roles shall be clearly described. It shall be noted if the personnel were, at the time of the work, employed by other than their present firms.
- b. Expanded resumes showing qualification of individuals, listed in Item 4.b above, administering or producing the major elements of the work, including consultants. Identify roles in which such persons played in projects which are relevant to the project at hand.

Professional, Technical & Consulting Contracts

- c. A discussion of the firm's understanding of and approach to the project.
- d. A listing of relevant past projects.
- 6. Design firms wishing to have their proposals returned after the Board's review shall follow one of the following procedures:
 - a. Enclose a *self-addressed, stamped* postal card with the proposals. Design firms shall be notified when material is ready to be picked up. Design firms shall have two weeks to pick up their proposals, after which time the proposals shall be discarded; or
 - b. Enclose a *self-addressed, stamped* mailing envelope with the proposals. When the Board has completed its review, proposals shall be returned using this envelope.

In accordance with existing statutes, the Board shall retain one copy of each proposal submitted.

7. BOARD SELECTION CRITERIA

In making its selection of designers the Board shall consider the criteria listed below:

- a. Qualifications and technical competence in the required field of design;
- b. Ability to deal with aesthetic factors;
- c. Capacity to accomplish the work and services within the required constraints;
- d. Availability of appropriate personnel;
- e. Geographic relationship of the designer's base to the project site; and
- f. Awards previously made to a designer by the state. This is in the interest of equitable distribution of commissions.

The criteria do not necessarily have the same weight, nor are their relative weights necessarily constant from one project to another. The Board may issue statements regarding criteria as they relate to individual projects.

8. PROJECT 30-98

**University of Minnesota, Duluth
241 Darland Administration Building
10 University Drive
Duluth, MN 55812-2496**

a. PROJECT DESCRIPTION:

The University of Minnesota, Duluth (UMD) Campus has been approved to enter into a contract with an outside consultant to design a new Women's Ice Hockey Center to accommodate the training and competitive needs of the UMD women's ice hockey team. The facility will include support areas for physiological and biomechanical testing, weight training, athletic therapy and rehabilitation, equipment storage, classrooms, office space, recruiting and alumni lounge and a hockey resource center. The building will be flexible to permit a variety of alternative uses. It is anticipated the project would be completed in two phases:

Phase I: The consultant would be commissioned to do a predesign document to be submitted to the state for approval during the 2000 legislative session. This predesign document includes, but is not limited to, a statement of need, program analysis, site analysis, cost analysis, project schedule and conceptual drawings and diagrams. The funding has been allocated for this phase of the project.

Phase II: Based on a satisfactory performance during the predesign phase and pending funding approval, the consulting firm would be commissioned to proceed into the schematic design, design development and construction documents. Assuming the project budget and program requirements are met, the new center would proceed into construction.

b. REQUIRED CONSULTANT SERVICES:

The scope of the project includes full architectural/engineering services for the project including programming, predesign, mechanical, electrical, structural, civil, architectural, landscape architecture, scheduling and cost estimating services.

c. SERVICES PROVIDED BY OTHERS:

The consultant will be requested to obtain site surveys and soil borings as required to complete the predesign documents. These costs will be billed to the owner as a reimbursable expense.

Professional, Technical & Consulting Contracts

d. SPECIAL CONSIDERATIONS:

The designer must have applicable prior experience in the design and construction of indoor ice hockey arenas and/or indoor sports facilities. The selected firm will be familiar with meeting all NCAA requirements associated with the project.

The architect and/or engineer will provide a list of clients for similar projects worked on withing the last five years along with names, phone numbers and addresses of contact persons.

e. PROJECT BUDGET/FEES:

The current construction budget is estimated to be approximately \$8,000,000. The total project cost, including all fees, permits and certain departmental equipment purchases is estimated to be \$10,000,000.

The programming and predesign phase of the project is funded at this time. The fee's available to the design consultant for this phase of work is estimated to be between \$50,000 and \$75,000.

The fee's available for the balance of the project will be negotiated once project funding is approved.

f. PROJECT SCHEDULE:

It is anticipated that the predesign would begin immediately after consultant selection from the State Designer Selection Board, in the fall of 1998. A completed predesign document would be presented to the University in June of 1999.

g. PROJECT INFORMATIONAL MEETING(S)/SITE VISIT(S):

An informational meeting and site tour will be conducted for interested firms on Tuesday, September 29 at 11 a.m. The interested parties will convene in the main lobby, Sports and Health Center, University of Minnesota, Duluth.

h. STATE DESIGNER SELECTION BOARD SCHEDULE:

Project Information Meeting and/or Site Visit:	September 29, 1998, at 11 a.m.
Project Proposals Due:	October 5, 1998
Project Shortlist:	October 22, 1998
Project Information Meeting for Shortlisted firms:	None
Project Interviews and Award:	November 10, 1998

i. PROJECT CONTACT(S):

Questions concerning the project should be referred to:

John W. Rashid
Manager, Design and Construction
241 Darland Administration Building
10 University Drive
Duluth, MN 55811
Phone: (218) 726-6930
FAX: (218) 726-8127
e-mail: jrashid@d.umn.edu

Douglas Wolfangle, P.E., Chair
State Designer Selection Board

Office of Administrative Hearings

Administrative Law Section

Notice of Request for Proposal for Administrative Law Judge Services

The Minnesota Office of Administrative Hearings is seeking qualified attorneys to serve as administrative law judges for the two-year period from January 1, 1999 through December 31, 2000.

Applications are encouraged from attorneys in Greater Minnesota with family law and/or child support experience. Compensation will be at the rate of \$55 per hour in 1999 and \$60 per hour in 2000. Persons who serve as contract administrative law judges, or members of their firm, may not appear as an attorney in any hearing conducted by this office.

To receive a Request for Proposal, please notify: Sandra Haven, Office of Administrative Hearings, Suite 1700, 100 Washington Square, Minneapolis, MN 55401 (telephone: (612) 341-7642, TTY: (612) 341-7346). Final proposals must be received by October 30, 1998. The Request for Proposal can be furnished in large print or on a cassette tape by calling (612) 341-7642.

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Minnesota State Colleges and Universities (MnSCU)

Metropolitan State University

Request for Proposals for Marketing Research

Metropolitan State University is requesting proposals to conduct an image/marketing research project designed to provide the university with data on the views and attitudes of its constituents and customers about the university's mission and performance as a basis for evaluating institutional strengths and weaknesses and designing future communications efforts. Metropolitan State University reserves the right to reject any or all proposals or portions thereof, or to waive any irregularities or informalities in proposals received.

The deadline for receipt of proposals is 4:30 p.m., October 9, 1998. Copies of the complete RFP are available from:

Office of Public Affairs
Metropolitan State University
700 E. Seventh Street
St. Paul, MN 55106-5000
(651) 772-7861

Department of Employee Relations

Request for Information (RFI) from Pharmacy Benefit Managers (PBMs) and Other Vendors of Pharmacy Services

The Minnesota Department of Employee Relations (DOER) administers the State Employee Group Insurance Program (SEGIP), which arranges health care benefits on behalf of State and University of Minnesota eligibles — a total of more than 150,000 covered lives. We are currently exploring possible modifications in our current health plan-based managed competition health care purchasing model, as well as an alternative model of health care delivery through primary care-centered health systems known as care systems.

As part of our planning process, we are seeking information from Pharmacy Benefit Managers (PBMs) and other vendors of pharmacy services. The information will aid us in exploring a potential carve out of pharmacy services for our population, to be administered by one or more Pharmacy Benefit Managers (PBMs) or other entities under the proposed care systems model. We are also exploring offering additional pharmacy providers under a possible Point of Service (POS) option or through other arrangements as part of our program.

The RFI is preliminary and non-binding. It is being issued only to obtain information from potential pharmacy vendors of all types and to communicate our interest in this area to the vendor community. We will likely prepare a formal Request for Proposals (RFP) at a later date to request actual proposals from PBMs and other entities.

Professional, Technical & Consulting Contracts

Copies of the RFI may be obtained by contacting David K. Haugen at the address below.

David K. Haugen
Minnesota Department of Employee Relations
200 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155
Tel. (651) 296-3159
FAX: (651) 296-5445
E-mail: David.Haugen@state.mn.us

Responses to the RFI are due to Mr. Haugen at the above address by 4:00 p.m., Friday, October 30, 1998.

Department of Employee Relations

Request for Information (RFI) from Vendors of Managed Chiropractic Services and Other Vendors of Chiropractic Services

The Minnesota Department of Employee Relations (DOER) administers the State Employee Group Insurance Program (SEGIP), which arranges health care benefits on behalf of State and University of Minnesota eligibles — a total of more than 150,000 covered lives. We are currently exploring possible modifications in our current health plan-based managed competition health care purchasing model, as well as an alternative model of health care delivery through primary care-centered health systems known as care systems.

As part of our planning process, we are seeking information from vendors of managed chiropractic services and other vendors of chiropractic services. The information will aid us in exploring a potential carve out of chiropractic services for our population, to be administered by one or more vendors of managed chiropractic services or other entities under the proposed care systems model. We are also exploring offering additional chiropractic providers under a possible Point of Service (POS) option or through other arrangements as part of our program.

The RFI is preliminary and non-binding. It is being issued only to obtain information from potential chiropractic vendors of all types and to communicate our interest in this area to the vendor community. We will likely prepare a formal Request for Proposals (RFP) at a later date to request actual proposals from potential vendors.

Copies of the RFI may be obtained by contacting David K. Haugen at the address below.

David K. Haugen
Minnesota Department of Employee Relations
200 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155
Tel. (651) 296-3159
FAX. (651) 296-5445
E-mail: David.Haugen@state.mn.us

Responses to the RFI are due to Mr. Haugen at the above address by 4:00 p.m., Monday, October 26, 1998.

Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *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.

City of Saint Paul

Division of Contract and Analysis

Notice of Request for Construction Management Proposals

The Saint Paul Public Library is currently seeking proposals for Construction Management Services for the renovation of the Central Library. Built in 1917, the library is located at 90 W. 4th Street, Saint Paul, MN.

The project will include design, expansion, and remodeling of the Central Library building. Included in the project will be furniture, lighting, floor coverings, wiring (telecommunications, security, telephones), demolition and rebuilding of back stack area, and an addition of a one-story coffee shop and courtyard entrances off Kellogg Blvd. Also included are limited involvement with the restoration of the marble balustrade around exterior of the building and the proposed tunnel access/linkage project at the RiverCentre.

Total budget including construction management and architectural/engineering design is approximately nine million dollars. We anticipate the Construction Manager will be under contract by December of 1998 and the project to commence in Spring of 1999.

A pre-proposal conference will be held at the library on October 5, 1998 at 9:00 a.m. with Proposals due on October 28, 1998 on or before 2:00 p.m.

If you are interested in receiving the complete proposal package, please contact the Contract and Analysis Division, Room 280, City Hall/Court House, 15 W. Kellogg Blvd., Saint Paul, MN 55102, (651) 266-8900 and request RFP 20065-3.

Questions on submission may be phoned to Susan Feuerherm, (651) 266-8908.

Metropolitan Council

Invitation for Bids on Maintenance Services for Telephone System

Sealed bids for preventative and emergency maintenance service for a Mitel Telephone System will be received by the Metropolitan Council, Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota 55101, on October 7, 1998, at 2:00 P.M., at which time and place they will be publicly read.

Copies of the specifications and bid instructions may be obtained from the offices of the Metropolitan Council or by calling (651) 602-1499 or via FAX request at (651) 602-1083. All bids to be considered must be submitted on Metropolitan Council approved forms.

All interested bidders **must attend a mandatory pre-bid information meeting** to be held at Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota on September 28, 1998, at 10:00 A.M. Confirmation of your attendance should be phoned to (651) 602-1499 or FAXED to (651) 602-1083.

The award will be based upon, but not necessarily limited to, factors of price, agreement to the Metropolitan Council's terms and conditions, ability of contractors to provide service outlined, and past experience with the Metropolitan Council.

The Metropolitan Council reserves the right to accept or reject any and all bids, or any part of any bid, and to waive any minor irregularities and deviations from requirements outlined in the technical specifications.

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 Requests for Bids/Proposals through its fax back Bid Information Service (BIS). Subscriptions to BIS are \$75/per fiscal year (not prorated). Call 612-625-5534 for information or visit our web site at <http://purchserv.finop.umn.edu>. Choose BID Information Service.

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

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