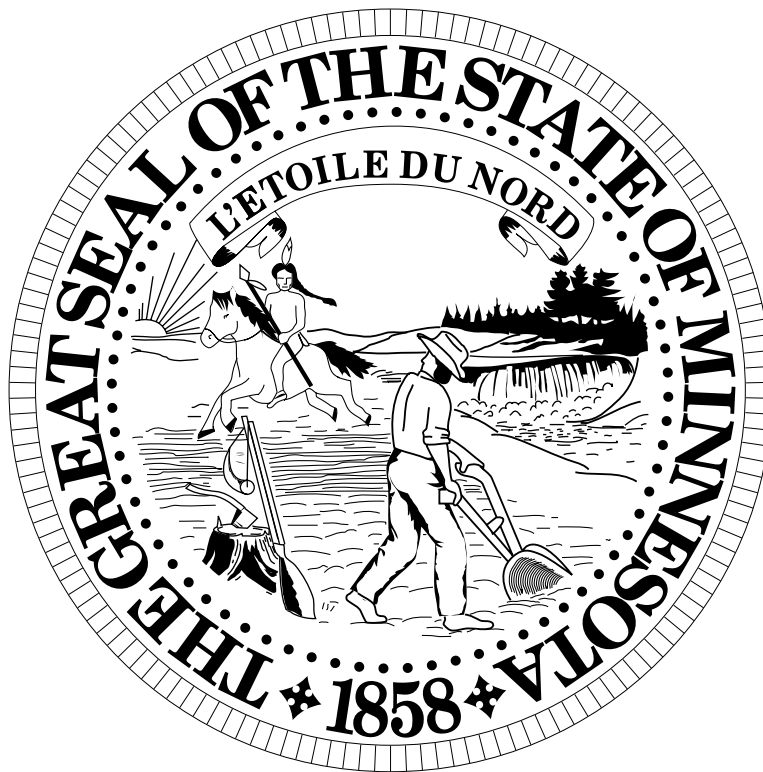


State of Minnesota

State Register

Rules and Official Notices Edition



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State Register

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

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

- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
- certificates of assumed name, registration of insignia and marks

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#27	Monday 3 January 2000	Noon Wednesday 22 December	Noon Tuesday 28 December
#28	Monday 10 January 2000	Noon Wednesday 29 December	Noon Tuesday 4 January 2000
#29	TUESDAY 18 JANUARY 2000	Noon Wednesday 5 January	Noon Tuesday 11 January 2000
#30	Monday 24 January 2000	Noon Wednesday 12 January	Noon Tuesday 18 January 2000

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PUBLISHING NOTICES IN THE *State Register*: Submit TWO COPIES of your notice, typed double-spaced. State agency submissions must include a "State Register Printing Order" form, and a "Certification/Internal Contract Negotiation" form with contracts for professional, technical and consulting services. Non-State Agencies should submit TWO COPIES, with a letter on your letterhead stationery requesting publication and date to be published. FAXED submissions to 651-297-8260 are received to meet deadline requirements, but must be followed by originals and applicable forms or letters to be accepted. The charge is \$115.00 per page, billed in tenths of a page (columns are seven inches wide). About 2-1/2 pages typed double-spaced on 8-1/2"x11" paper equal one typeset page in the *State Register*. Contact the editor if you have questions.

An "**Affidavit of Publication**" can be obtained at a cost of \$10.00 for notices published in the *State Register*. This service includes a notarized "Affidavit of Publication" and a copy of the issue of the *State Register* in which the notice appeared.

The *State Register* is published by Communications Media Division, Department of Administration, State of Minnesota, pursuant to *Minnesota Statutes* § 14.46 and is available at the main branch of county libraries in Minnesota and all "State Depository Libraries": State University and Community College libraries; the University of Minnesota libraries; St. Paul, Minneapolis and Duluth Public Libraries; the Legislative Reference Library; State Law Library; Minnesota Historical Society Library; and the Library Development Service at the State Department of Children, Families and Learning.

FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

Contact: Senate Public Information Office (651) 296-0504
Room 231 State Capitol, St. Paul, MN 55155

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

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Commodity, Service, and Construction contracts are published in
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Tuesday, Wednesday and Friday. Award results are available
from the Materials Management Helpline (651) 296-2600.

Individual copies and subscriptions are available through
Minnesota's Bookstore, (651) 297-3000, or 1-800-657-3757.

Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 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 issue 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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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 Public Safety

Proposed Permanent Rules Relating to Fire Protection Systems

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 Rules Relating to the Fire Protection Industry Licensing, *Minnesota Rules*, Chapter 7512

Introduction. The Department of Public Safety 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 February 2, 2000, a public hearing will be held in the large training room at the Bloomington Fire Station #1, 10 West 95th Street, Bloomington, Minnesota, 55420, starting at 9:30 a.m. on Wednesday, March 1, 2000. 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 February 21, 2000, and before March 1, 2000.

Agency Contact Person. You must submit comments or questions on the rules and written requests for a public hearing on the rules to the agency contact person: David Stegura at the State Fire Marshal Division, Department of Public Safety, 444 Cedar Street, Suite 145, St. Paul, Minnesota 55101. Phone: (651) 215-0514. Fax: (651) 215-0525. TTY users may call the Department at (651) 282-6555.

Subject of Rules and Statutory Authority. The proposed rules affect provisions concerning Fire Protection Industry Licensing. Generally, these rules relate to how journeyman sprinkler fitters, managing employees and contractors are licensed and regulated. Specifically, these rules seek to clarify the definition of what constitutes a fire protection system; clarifies certain regulatory provisions concerning requirements of journeymen, managing employees, and contractors; repeals *Minnesota Rules*, part 7512.1200, subpart 2 relating to fee payment schedules; repeals *Minnesota Rules* parts 7512.2100, 7512.2200 and 7512.2300 concerning apprentices; and implements and enforces new statutory authority for civil penalties and cease and desist orders. Additionally, the proposed amendments include technical changes that repeal obsolete language such as requirements referencing past dates.

The statutory authority to adopt the rules is contained in *Minnesota Statutes*, Section 299M.04. A copy of the proposed rules is published in the *State Register*. Interested parties may obtain a free copy of the rules by contacting the agency contact person listed above.

Comments. You have until 4:30 p.m. on Wednesday, February 2, 2000, 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. Please identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. 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

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request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on February 2, 2000. 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.

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 March 1, 2000, 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) 215-0514 after February 21, 2000, 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 Bruce Johnson is assigned to conduct the hearing. Judge Johnson can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 341-7607 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.

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

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.

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.

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: 17 November 1999

Charles Weaver, Jr.
Commissioner of Public Safety

A copy of the proposed rules is available, free of charge, upon request to the agency contact person listed above. Copies may also be obtained by accessing the department's website at <http://www.dps.state.mn.us>.

7512.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 7512.0100 to 7512.2800 have the meanings given them in this part and in *Minnesota Statutes*, section 299M.01.

Subp. 1a. **Alter.** "Alter" means to add or remove components of a fire protection system.

[For text of subps 2 to 6, see M.R.]

Subp. 6a. **Design.** "Design" means to provide drawings or plans for the purpose of submission to an authority having jurisdiction to issue a fire protection system permit.

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

Subp. 9. **Fire protection-related work.** "Fire protection-related work," when applied to a licensed fire protection contractor, means the sale, design, installation, modification, or inspection of a fire protection system, its parts, or related equipment, or the offer to do so. Fire protection-related work, when applied to a journeyman sprinkler fitter ~~or an apprentice sprinkler fitter~~, means the installation, connection, alteration, repair, or addition to a fire protection system.

Subp. 10. **Inspect or inspection.** "Inspect" or "inspection" means conducting a final acceptance test; trip test of dry pipe, deluge, or preaction valves; or a test of a fire protection system that an authority having jurisdiction requires to be conducted under the ~~supervision of a contractor~~ Minnesota Uniform Fire Code.

Subp. 10a. **Install.** "Install" means to assemble or disassemble a part or component of a fire protection system.

Subp. 10b. **Modify.** "Modify" means to relocate existing physical components of the system.

[For text of subps 11 and 12, see M.R.]

Subp. 13. ~~**Potable Water source.** "Potable Water source" means a gravity tank, fire pump, reservoir or pressure tank, well, city main, or any combination of these that provides a reliable, constant, and sufficient supply of water capable of being used for human consumption.~~

Subp. 13a. **Sell.** "Sell" means to advertise, submit bids, or solicit the performance of fire protection-related work.

[For text of subp 14, see M.R.]

7512.0300 SCOPE, ~~EFFECTIVE DATE.~~

Parts 7512.0100 to 7512.2800 are intended to be consistent with *Minnesota Statutes*, chapter 299M. Parts 7512.0100 to 7512.2800 govern regulation by municipalities; permit, filing, inspection, certificate, and license fees; qualifications, examination, and licensing of fire protection contractors; certification of journeyman sprinkler fitters; ~~registration of apprentices~~; and the administration and enforcement of parts 7512.0100 to 7512.2800 and *Minnesota Statutes*, chapter 299M.

~~The effective date of parts 7512.0100 to 7512.2800 is February 21, 1994. A person who submits satisfactory proof to the commissioner of actively engaging in full time fire protection system installation as a fire protection contractor for a period of five years before February 21, 1994, and who applies for a license on or before April 21, 1994, is eligible for licensure without exami-~~

Proposed Rules

nation until February 21, 1996. A person who submits satisfactory proof to the commissioner of actively engaging in full-time fire protection systems installation as a sprinkler fitter for a period of five years before February 21, 1994, and who applies for a certificate on or before February 21, 1994, is eligible for certification without examination until February 14, 1996. A person who is exempt from examination for the two-year period, fulfills all other requirements under this chapter and under *Minnesota Statutes*, chapter 299M, and pays the required annual fee must be granted the appropriate license or certificate. A person who is exempt from examination by this part must pass the examination by February 21, 1996, or surrender the license or certificate. A license or certificate obtained without examination is not renewable on or after February 21, 1996, until the appropriate examination is passed.

FIRE PROTECTION CONTRACTOR

7512.0400 CONTRACTOR LICENSE REQUIRED; EXCEPTIONS.

Subpart 1. **License required.** Except as provided in subpart 2, a person must have a fire protection contractor license to perform fire protection-related work.

Subp. 2. **Exceptions.** A person does not need a fire protection contractor license for the following activities:

A. A person does not need a contractor license to sell fire protection system parts or related equipment to a licensed contractor.

B. A person does not need a contractor license to install or service a special agent fire suppression system that is not connected to a ~~potable~~ water source. A special agent fire suppression system uses extinguishing agents other than water and includes such systems as dry chemical systems, carbon dioxide systems, halogenated and gaseous agent systems, foam systems, and wet chemical systems.

[For text of items C and D, see M.R.]

E. A person does not need a contractor license to install a residential sprinkler system in that person's own one- or two-family residence. Plans for the sprinkler system must be submitted to the authority having jurisdiction, a permit must be issued, and an inspection of the finished installation may be required.

F. A person licensed as a professional engineer under *Minnesota Statutes*, section 326.03, who is competent in fire protection system design does not need a contractor license to perform activities authorized by the professional engineer license.

~~F. G.~~ G. A person licensed as an alarm and communication contractor under *Minnesota Statutes*, section 326.2421, or a Minnesota-licensed electrical contractor under *Minnesota Statutes*, section 326.242, does not need a fire protection contractor license to perform activities authorized by the alarm and communication contractor license or electrical contractor license.

~~G. H.~~ H. A ~~person~~ business owner or employee of the business owner does not need a contractor license to maintain a fire protection system. For purposes of this item, "maintain" means the scheduled activities to keep a fire protection system operable. Maintain also means to make emergency repairs to correct an emergency impairment of a fire protection system, until such time as permanent repairs can be done by a licensed fire protection contractor. Maintenance does not include an activity listed under the definition of inspection in part 7512.0100, subpart 10. Maintenance does not include an activity that includes any disassembly of the fire protection system.

7512.0900 CONTRACTOR OPERATING REQUIREMENTS.

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

Subp. 3. **Contractor employees.** A fire protection contractor may not employ a person to perform fire protection-related work unless the person is a managing employee, certified journeyman, or ~~registered~~ apprentice.

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

7512.1000 INSURANCE AND BOND.

Subpart 1. **Insurance.** A fire protection contractor shall have a general liability insurance policy meeting the following requirements:

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

D. The ~~term of the~~ policy must be ~~concurrent with~~ in effect throughout the term of the license.

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

F. The policy must contain a stipulation that the insurance may not be canceled, terminated, or changed in a way so that it no longer meets the requirements of this subpart, except upon ~~30 ten~~ days' prior written notice to the commissioner.

Subp. 2. **Bond.** A contractor must have a bond meeting the following requirements:

[For text of items A and B, see M.R.]

C. The ~~term of the~~ bond must be ~~concurrent with~~ in effect throughout the term of the license.

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

E. The bond must contain a stipulation that the bond may not be canceled, terminated, or changed in a way so that it no longer meets the requirements of this subpart, except upon ~~30 ten~~ days' prior written notice to the commissioner.

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

7512.1100 PERMIT, FEES.

Subpart 1. **Authority having jurisdiction; permit requirements.** In areas of the state where a municipality reviews plans and inspects installations of fire protection systems, the municipality or the office or individual in the municipality responsible for plan review and inspection is the authority having jurisdiction. In all other areas of the state, the commissioner is the authority having jurisdiction for purposes of plan review and inspection. ~~When required by the authority having jurisdiction,~~ A fire protection contractor shall obtain a permit to perform fire protection-related work ~~from the authority having jurisdiction.~~

Subp. 2. **Cost of fire protection system.** When applying for a permit, the contractor shall ~~give an estimate of~~ provide on the permit application the total cost of the ~~components and labor~~ total contract amount of the fire protection system to the authority having jurisdiction. If the ~~actual final~~ cost of the system is \$1,000 or greater than the ~~estimated total~~ cost stated on the permit, the contractor shall ~~notify~~ file an amended permit application to the authority having jurisdiction ~~of this fact~~ at the time of the final acceptance test.

Subp. 3. **Permit fee.** A fee for a permit to perform fire protection-related work may be charged at the discretion of and in an amount determined by the authority having jurisdiction. When the authority having jurisdiction is the commissioner, the contractor shall pay a permit fee to the commissioner. The permit fee must be the ~~actual total~~ cost of the ~~labor and components~~ total contract amount of the fire protection system multiplied by .012. When applying for the permit, the contractor shall pay ~~an estimated~~ a fee based on the ~~estimated cost~~ total contract amount of the system. If the ~~actual final~~ cost of the system is greater than the ~~estimated total~~ cost stated on the permit, the contractor shall file an amended permit application and pay any additional fee amount ~~before~~ at the time of the final acceptance test.

Subp. 4. **Resubmittal fee.** Sprinkler plans that must be resubmitted for the second time because of failure to meet the minimum requirements of the fire code must be resubmitted with a \$100 resubmittal fee.

7512.1200 SURCHARGE.

Subpart 1. **Surcharge fee.** A fire protection contractor shall pay a surcharge fee on all fire protection-related work performed by the contractor. The amount of the surcharge fee must be the ~~actual~~ cost of the ~~labor and components~~ total contract of the fire protection system multiplied by .002. The contractor shall pay the surcharge fee to the commissioner.

Subp. 2. [See repealer.]

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

Subp. 4. **Contractor reporting.** On a quarterly basis, the contractor shall submit a report indicating each permit obtained for fire protection systems. The report must include: permit number, issuance date, surcharge fee, valuation of work performed, name of city, and address where work was performed. Payment of the surcharge fees must be included with the report.

MANAGING EMPLOYEE

7512.1300 MANAGING EMPLOYEE EXAMINATION.

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

Subp. 2. **Qualifications for examination.** A person may take the managing employee examination if the person submits a completed application for examination and if the person meets one of the following qualifications:

For text of items A and B, see M.R.

C. The person is licensed as a professional engineer under *Minnesota Statutes*, ~~section 326.03~~ chapter 326, and is competent in fire protection system design.

7512.1400 MANAGING EMPLOYEE CERTIFICATE.

Subpart 1. **Issuing certificate.** The commissioner shall issue a managing employee certificate and card to a person who is designated as a managing employee by a fire protection contractor, unless there is a reason to refuse to issue. The commissioner shall refuse to issue for any of the following reasons:

A. The person has not passed the managing employee examination ~~and the person is not exempt under part 7512.0300 from the requirement to pass the examination.~~

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

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

Proposed Rules

7512.1500 MANAGING EMPLOYEE CERTIFICATE RENEWAL.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Continuing education.** During each licensing year, a managing employee shall attend ~~ten~~ six hours of continuing education courses on the performance of fire protection-related work and on laws and rules governing the performance of fire protection-related work.

JOURNEYMAN SPRINKLER FITTER

7512.1800 JOURNEYMAN SPRINKLER FITTER CERTIFICATE.

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

Subp. 2. **Application for certificate.** An initial application for a journeyman sprinkler fitter certificate must be on a form provided or approved by the commissioner and must meet the following requirements:

[For text of items A and B, see M.R.]

C. The application must be accompanied by documentation that the applicant passed the journeyman sprinkler fitter examination ~~or that the applicant is exempt from examination under part 7512.0300.~~

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

Subp. 3. **Issuing certificate.** Except as provided in subparts 4 and 5, the commissioner shall use the provisions of this subpart to determine whether to issue a journeyman sprinkler fitter certificate and card. The commissioner shall issue a journeyman certificate and card to an applicant, unless there is a reason to refuse to issue. The commissioner shall refuse to issue for the following reasons:

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

B. The applicant has not passed the journeyman sprinkler fitter examination ~~and the applicant is not exempt under part 7512.0300 from the requirement to pass the examination.~~

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

[For text of subps 4 and 5, see M.R.]

7512.1900 JOURNEYMAN SPRINKLER FITTER CERTIFICATE RENEWAL.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Continuing education.** During each licensing year, a journeyman shall attend ~~ten~~ six hours of continuing education courses on the performance of fire protection-related work and on laws and rules governing the performance of fire protection-related work.

EXAMINATIONS

7512.2400 EXAMINATIONS.

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

Subp. 4. **Retesting.** An examinee who fails an examination one time may not repeat the examination for ~~60~~ 30 days from the date of the failed examination. An examinee who fails the examination more than once may not repeat the examination for ~~180~~ 30 days from the date of the failed examination.

REVOCATION PENALTIES AND SUSPENSION REMEDIES

7512.2500 ACTS ATTRIBUTED TO CONTRACTOR.

The commissioner shall impose a fine or revoke or suspend the fire protection contractor license of a partnership, corporation, or limited liability company if an owner, officer, board member, or managing employee acts or fails to act as would be cause to revoke or suspend the license of that person as an individual.

A contractor is responsible for an act of a person while that person is acting as an employee of the contractor, if the contractor authorizes or ratifies the act or if the contractor retains the benefits of the act after actual knowledge of the act.

7512.2600 REVOCATION.

Subpart 1. **Grounds for revocation.** The commissioner shall revoke a contractor license, managing employee certificate, ~~or journeyman certificate, or apprentice registration~~ when the person holding the license, ~~or certificate, or registration~~ has committed an act or has failed to perform a duty that constitutes grounds for revocation, which include the following:

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

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

Subp. 4. **Revocation period and effect.** A contractor license, managing employee certificate, ~~or journeyman certificate, or apprentice registration~~ is not valid after it is revoked. A person may not perform fire protection-related work during a revocation. An owner, officer, board member, or managing employee of a revoked contractor may not be an owner, officer, board member, or managing employee of another contractor during a revocation. When a license, ~~or certificate, or registration~~ is revoked, the person holding the license, ~~or certificate, or registration~~ shall immediately surrender it. The length of revocation is as follows:

[For text of items A and B, see M.R.]

7512.2700 SUSPENSION.

Subpart 1. **Grounds for suspension.** The commissioner shall impose a fine or suspend a contractor license, managing employee certificate, ~~or journeyman certificate, or apprentice registration~~ when the person holding the license, ~~or certificate, or registration~~ has committed an act or has failed to perform a duty that constitutes grounds for suspension. Grounds for suspension include the following:

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

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

Subp. 4. **Description of willfully.** For purposes of this part, the term “willfully”:

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

B. also describes an act or omission by a person, whether intentional or unintentional, when:

(1) the person uses a business or construction practice that makes it likely that the act or omission will occur;

(2) the commissioner has given written notice to the person within the past three years that the person’s

license, ~~or certificate, or registration~~ may be suspended or revoked if the business or construction practice is not corrected;

(3) the person has failed to correct the business or construction practice within a reasonable time after receiving the notice;
~~and or~~

(4) the person’s failure to correct the business or construction practice is a significant factor in causing the act or omission.

Subp. 5. **Suspension period and effect.** A contractor license, managing employee certificate, ~~or journeyman certificate, or apprentice registration~~ is not valid during a suspension. A person may not perform fire protection-related work during a suspension. When a license, ~~or certificate, or registration~~ is suspended, the person holding the license, ~~or certificate, or registration~~ shall immediately surrender it. After a suspension period ends, the commissioner shall return the license, ~~or certificate, or registration~~. A suspension period ends after the last day of the period regardless of whether this day falls on a Saturday, Sunday, or legal holiday. The suspension period is as follows:

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

[For text of subp 6, see M.R.]

7512.2750 CIVIL PENALTY.

Subpart 1. **Proceeding against contractor, manager, journeyman; good cause.** When the commissioner has good cause to believe a fire protection contractor, managing employee, or journeyman is engaging or has engaged in conduct that violates *Minnesota Statutes*, chapter 299M, or a rule adopted under *Minnesota Statutes*, section 299M.04, the commissioner, in place of or in addition to licensing sanctions allowed under that chapter 299M or any rule adopted under that section 299M.04, shall impose a civil penalty upon the fire protection contractor, managing employee, or journeyman.

For purposes of this part, “good cause to believe” means grounds put forth in good faith that are not arbitrary, irrational, unreasonable, or irrelevant and that are based on at least one of the following sources:

A. written information from an identified person;

B. facts supplied by a contractor, managing employee, journeyman sprinkler fitter, or municipality;

C. facts of which the commissioner, or an agent of the commissioner, has personal knowledge; or

D. information obtained by the department during an inspection.

Subp. 2. **Maximum penalty.** Penalties imposed must not be greater than \$1,000 for each violation of *Minnesota Statutes*, chapter 299M, or rule adopted under *Minnesota Statutes*, section 299M.04, for each day of violation.

Subp. 3. **Assessment factors.** When determining the amount of penalty to be assessed, the commissioner shall consider:

A. those factors listed in *Minnesota Statutes*, section 14.045, subdivision 3, paragraph (a);

B. the following factors:

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- (1) the degree of the person's culpability;
- (2) the person's ability to pay;
- (3) good faith on the part of the person in attempting to remedy the cause of the violation; and
- (4) the effect of the penalty on the person's ability to continue in business; and

C. for a second or succeeding violation, the factors listed in items A and B and listed in *Minnesota Statutes*, section 14.045, subdivision 3, paragraph (b).

Subp. 4. Notice of civil penalty. The commissioner shall issue a notice of civil penalty when the commissioner has good cause to believe a violation of *Minnesota Statutes*, chapter 299M, or any rule adopted under *Minnesota Statutes*, section 299M.04, has occurred.

A. The contents of a notice of civil penalty must include:

- (1) a statement of the statute or rule allegedly violated and a description of the evidence on which the allegation is based;
- (2) notice of response options available; and
- (3) the amount of the civil penalty proposed.

B. The subject of the penalty shall respond to the notice within 15 days. The subject has the following options for response:

- (1) pay the penalty and close the case;
- (2) submit an offer in compromise of the proposed civil penalty;
- (3) submit a written explanation, information, or other material in answer to the allegations or in mitigation of the proposed civil penalty; or
- (4) request the commissioner to initiate a hearing under *Minnesota Statutes*, sections 14.50 to 14.69.

C. The commissioner shall review any written explanations, information, or other materials that are submitted in response to a notice of civil penalty. The commissioner shall determine whether to enforce, negotiate, modify, or withdraw the notice or to initiate a hearing under *Minnesota Statutes*, sections 14.57 to 14.69.

Subp. 5. Payment procedure. The subject of the civil penalty shall pay the penalty that has been assessed and proposed, or compromised, by submitting to the commissioner a check or money order in the correct amount, payable to the commissioner of public safety, to be deposited in the state treasury and credited to the general fund.

Subp. 6. Other enforcement provisions. Unless the commissioner determines that other enforcement provisions are unnecessary or inapplicable to the particular violation at issue, neither payment of the civil penalty nor negotiation, modification, or withdrawal of notice of civil penalty prohibits:

- (1) the commissioner from pursuing other enforcement provisions provided for in *Minnesota Statutes*, chapter 299M, and rules adopted under *Minnesota Statutes*, section 299M.04; or
- (2) the subject of the civil penalty from abiding by the terms of other enforcement provisions.

Subp. 7. Hearings. A penalty imposed under *Minnesota Statutes*, section 299M.04, is subject to the contested case and judicial review provisions of *Minnesota Statutes*, chapter 14.

7512.2770 CEASE AND DESIST ORDER.

Subpart 1. Cease and desist order; immediate risk. The commissioner shall issue an order to cease and desist an activity that violates *Minnesota Statutes*, chapter 299M, or any rule adopted under *Minnesota Statutes*, section 299M.04, and is considered to be an immediate risk to public health or public safety. Generally, a cease and desist order under this part is appropriate if an individual or group is in danger of specific harmful consequences in the immediate future if an action or activity goes unchecked.

Subp. 2. Contents of order. An order to cease and desist an activity must be in writing and include the following:

- A. the reasons for issuing the order and a statement of the evidence compiled;
- B. the statute, rule, variance, order, or term or condition of a permit that was violated, if any;
- C. the length of time the order is effective; and
- D. notice that a contested case hearing will be held within seven working days.

Subp. 3. Maximum length of order. An order issued under this part is valid for no longer than 20 working days.

Subp. 4. Public notice. The commissioner, in conjunction with a cease and desist order, may physically tag each violation. This public notice must contain the information required for an order under subpart 2, items A to C.

Subp. 5. **Administrative hearings.** The commissioner shall initiate proceedings for a contested case hearing according to *Minnesota Statutes*, sections 14.57 to 14.69, of the Minnesota Administrative Procedure Act, and items A to C:

A. An administrative hearing must be held within seven working days of issuing the cease and desist order.

B. The administrative law judge shall issue an order to vacate, modify, or make permanent a cease and desist order within five working days of the administrative hearing.

C. If the person to whom the order is issued fails to appear at a hearing after notice of the hearing, the party is in default and the cease and desist order becomes permanent.

Subp. 6. **Noncompliance.** In the event of noncompliance with a cease and desist order, in addition to licensing sanctions allowed under *Minnesota Statutes*, chapter 299M, or any rule adopted under *Minnesota Statutes*, section 299M.04, the commissioner shall assess a civil penalty as set forth in part 7512.2750 and *Minnesota Statutes*, section 299M.04.

Subp. 7. **Other enforcement.** Issuance of a cease and desist order does not preclude the commissioner from pursuing other enforcement actions available to the commissioner.

Subp. 8. **Elimination of immediate risk.** The commissioner shall vacate the cease and desist order when the person proves that the immediate risk to public health or public safety has been eliminated.

Subp. 9. **Determination that no immediate risk remains.** When the person asserts that the situation has been resolved so that no immediate risk remains, the commissioner shall verify that assertion according to items A to D:

A. review all information related to the issuance of the order to determine if violations have been corrected and there is no longer an immediate risk;

B. as may be reasonable under the facts of the case, verify with a site visit, reinspection, examination of documentation, or other means;

C. on determining that the situation has been corrected so that no immediate risk remains, notify the person within 36 hours and lift the cease and desist order; and

D. document a determination that the situation has been corrected in case further infractions, incidents, or situations occur involving the person at issue.

MUNICIPAL PERMIT PROGRAMS

7512.2800 MUNICIPAL PERMIT PROGRAM.

Subpart 1. **Permits required by ordinance.** A municipality, through local ordinance, may require a permit to perform fire protection-related work. The municipality shall submit to the commissioner a copy of ordinances pertaining to fire protection system permits. ~~For ordinances adopted before June 1, 1994, a copy must be submitted by July 1, 1994.~~ For ordinances adopted on or after June 1, 1994, a copy must be submitted within 30 days of the date of adoption of the ordinance. The submittal must include documentation of training as required by the commissioner in subpart 2 for the persons who will conduct the plan reviews and inspections.

Subp. 2. **Plan review and inspection program.** When a municipality issues a permit, the municipality shall provide a competent plan review conducted by a person trained in fire protection system plan review. The municipality shall also provide a competent inspection conducted by a person trained in fire protection system inspection. The municipality shall document the permit program and make it available to the commissioner for review. Persons conducting plan reviews and inspections must meet the applicable requirements set forth in items A to E:

A. A person who performs fire protection system plan reviews must:

(1) be licensed as a professional engineer under *Minnesota Statutes*, section 326.03, and be competent in fire protection design;

(2) be certified at level III or IV by the National Institute for Certification in Engineering Technologies (NICET) in the field of fire protection and in the subfield of sprinkler system layout; or

(3) have successfully completed the following, documented training:

(a) 30 hours of courses on automatic sprinkler systems and components through an institution or organization acceptable to the commissioner; and

(b) eight hours of courses on automatic sprinkler system hydraulic calculations and design through an institution or organization that is acceptable to the commissioner.

B. A person who performs fire protection system inspections must have successfully completed the following, documented training:

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(1) 24 hours of courses on automatic sprinkler systems and components through an institution or organization acceptable to the commissioner; and

(2) a minimum of five automatic sprinkler system inspections under the direct supervision of a certified inspector and at least one of the inspections must be of a dry pipe sprinkler system. For purposes of this subitem, "certified inspector" means: (i) a professional engineer who is licensed under *Minnesota Statutes*, section 326.03, and is competent in fire protection inspection; (ii) a person certified at level III or IV by the National Institute for Certification in Engineering Technologies (NICET) in the field of fire protection and in the subfield of sprinkler system layout; or (iii) another certified sprinkler system inspector.

C. A person certified to perform sprinkler plan review or inspection must obtain four hours of continuing education in fire protection systems and provide documentation to the commissioner on a yearly basis.

D. Documentation of all training must be on forms provided by the commissioner. Documentation forms must include information showing specific dates, course titles, institutions, organizations, instructors, and supervision. All training is subject to the approval of the commissioner.

E. A person performing fire protection system plan review or inspection has until July 1, 2001, to complete the necessary requirements. After July 1, 2001, if the municipality does not have a person qualified and competent as specified in this part, that municipality is no longer authorized to issue permits for fire protection systems or to charge fees for inspection of fire protection systems.

Subp. 3. **Municipal reporting.** ~~At least once a year~~ On a quarterly basis, a municipality issuing permits shall submit a report to the commissioner indicating all permits that have been issued by the municipality for fire protection systems. This report must include the ~~name~~, address where work was performed, ~~type of fire protection system installed~~, contractor license number ~~name~~, and occupancy type of the structure for which the permit was issued ~~contract amount, permit number, and date.~~

RENUMBERING INSTRUCTION. In the next edition of, or supplement to, Minnesota Rules, the revisor of statutes shall renumber each part, subpart, or item listed in column A as the part, subpart, or item listed in column B:

A
7512.0100, subp. 13
7512.2700, subp. 6

B
7512.0100, subp. 15
7512.2790

The revisor shall make any cross-reference corrections made necessary by this renumbering instruction.

REPEALER. Minnesota Rules, parts 7512.1200, subpart 2; 7512.2100; 7512.2200; and 7512.2300, are repealed.

Exempt Rules

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

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

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

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the State Register. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only.

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

Department of Labor and Industry Occupational Safety and Health Division

Proposed Exempt Permanent Rules Relating to Occupational Safety and Health; Adoption of Federal Standards by Reference

Proposed Revisions to the Occupational Safety and Health Standards and Request for Comments

NOTICE IS HEREBY GIVEN that the Department of Labor and Industry, Occupational Safety and Health Division (Minnesota OSHA) proposes to adopt the following revisions to the Department of Labor and Industry, Occupational Safety and Health Rules, as authorized under *Minnesota Statutes* §182.655 (1998).

This notice proposes the adoption by reference of corrections and amendments to Occupational Safety and Health Standards that have already been proposed and adopted by the Federal Occupational Safety and Health Administration (Federal OSHA).

All interested or affected persons have 30 days from the date this notice is published in the *State Register* to submit, in writing, data and views on the proposed amendments to the rule. Comments in support of or in opposition to the proposed amendments are encouraged. Each comment should identify the portion of the proposed amendment addressed, the reason for the comment, and any proposed change.

Any person may file with the Commissioner written objections to the proposed amendments stating the grounds for those objections and may request a public hearing. A public hearing will be held if 25 or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period. Requests for hearing must include the name and address of the person submitting the request, define the reasons for the request, and discuss any proposed changes. If a public hearing is required, the Department will proceed according to the provisions of *Minnesota Statutes* §182.655 and *Minnesota Rules* 5210.0010 to 5210.0100.

Written comments or requests for a public hearing should be sent to: Occupational Safety and Health Division, Department of Labor and Industry, 443 Lafayette Road, St. Paul, Minnesota 55155-4307. Persons interested in reviewing the complete *Federal Register* notices or federal standards referenced below may visit federal OSHA's website at www.osha.gov. A complete copy of the standards proposed for adoption is also available by calling (651) 282-5806 or (651) 297-3254.

Gretchen B. Maglich
Commissioner

SUMMARY OF CHANGES

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

Exempt Rules

The following is a brief summary of the proposed amendments.

(A) “Powered Industrial Truck Operator Training; Stay of Compliance Dates.” On August 27, 1999, federal OSHA published in the *Federal Register* a stay of the compliance dates for the new Powered Industrial Truck Operator Training Standard as it applies to employers in the Marine Terminal and Longshoring Industries, from December 1, 1999, until March 1, 2000. The compliance date of the standard for employers in General Industry, Shipyards and Construction remains December 1, 1999. At the federal level, the new final rule was effective August 27, 1999.

By this notice, Minnesota OSHA proposes to adopt the final rule/stay of compliance dates as published in the *Federal Register* on August 27, 1999. This rule becomes effective in Minnesota upon publication of the adoption notice in the *State Register*.

(B) “Permit-Required Confined Spaces for General Industry; Agency Information Collection Activities; Announcement of Office of Management and Budget’s (OMB) Approval of Information Collection Requirements.” On October 22, 1999, Federal OSHA announced in the *Federal Register* the OMB approval of information collection requirement for information found in the standard on Permit-Required Confined Spaces for General Industry (29 CFR 1910.146) under the Paperwork Reduction Act of 1995 (PRA-95). This document announces the OMB approval number and expiration date.

By this notice, Minnesota OSHA proposes to adopt the OMB approval number and expiration date as published in the *Federal Register* on October 22, 1999. These amendments become effective in Minnesota upon publication of the adoption notice in the *State Register*.

(C) “Office of Management and Budget (OMB) Control Numbers Assigned Under the Paperwork Reduction Act of 1995; Final Rule.” On November 12, 1999, federal OSHA published in the *Federal Register* the final rule for OMB control numbers assigned under the paperwork reduction act of 1995. OSHA is notifying the public that the OMB recently approved a number of information collection requirements in OSHA’s regulations on Marine Terminals and Safety and Health Regulations for Longshoring. OSHA requested OMB approval for these requirements under the Paperwork Reduction Act of 1995. The Agency is now publishing the control numbers assigned by OMB to the approved requirements, as well as their expiration dates, in new sections of the regulations in table format.

By this notice, Minnesota OSHA proposes to adopt the final as published in the *Federal Register* on November 12, 1999. These amendments become effective in Minnesota upon publication of the adoption notice in the *State Register*.

5205.0010 Adoption of Federal Occupational Safety and Health Standards By Reference.

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

Subp. 2. **Part 1910.** Part 1910: Occupational Safety and Health Standards as published in Volume 43, No. 206 of the Federal Register on October 24, 1978, and corrected in Volume 43, No. 216 on November 7, 1978, which incorporates changes, additions, deletions, and corrections made up to November 7, 1978; and subsequent changes as follows:

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

V. *Federal Register*, Vol. 64:

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

(4) *Federal Register*, Vol. 64, No. 204, page 57128, dated October 22, 1999: “Permit-Required Confined Spaces for General Industry; Agency Information Collection Activities; Announcement of Office of Management and Budget’s (OMB) Approval of Information Collection Requirements.”

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

Subp. 4. **Part 1917.** Part 1917: Safety and Health Standards for Marine Terminals as published in Volume 48, No. 129 of the Federal Register on July 5, 1983; and subsequent changes as follows:

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

G. *Federal Register*, Vol. 64, No. 166, page 46846, dated August 27, 1999: “Powered Industrial Truck Operator Training; Final Rule; Stay of Compliance Dates.”

H. *Federal Register*, Vol. 64, No. 218, page 61504, dated November 12, 1999: “Office of Management and Budget (OMB) Control Numbers Assigned Under the Paperwork Reduction Act of 1995; Final Rule.”

Subp. 5. **Part 1918.** Part 1918: Safety and Health Regulations for Longshoring as published in Part II, Volume 39, No. 119 of the *Federal Register* on June 19, 1974, incorporating changes, additions, deletions and corrections made up to June 3, 1974; and subsequent changes as follows:

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

G. *Federal Register*, Vol. 64, No. 166, page 46846, dated August 27, 1999: “Powered Industrial Truck Operator Training; Final Rule; Stay of Compliance Dates.”

H. *Federal Register*, Vol. 64, No. 218, page 61504, dated November 12, 1999: “Office of Management and Budget (OMB) Control Numbers Assigned Under the Paperwork Reduction Act of 1995; Final Rule.”

[For text of subps 6 and 7, see M.R.]

Executive Orders

The governor has the authority to issue written statements of orders, called Executive Orders, as well as Emergency Executive Orders. The governor's authority is specified in the *Constitution of the State of Minnesota*, Article V, and in *Minnesota Statutes* 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

Office of the Governor

Emergency Executive Order #99-19: Providing for Assistance to the State of Minnesota

I, JESSE VENTURA, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, the State is fully prepared for any potential Y2K computer conversion problems, and must be in a position to respond to any consequences of any such problems should they occur; and,

WHEREAS, the State Emergency Operations Center (SEOC) and regional communication hubs must be fully staffed and operational for the Y2K rollover, in accordance with the State's existing contingency plans and the Minnesota Emergency Operations Plan; and,

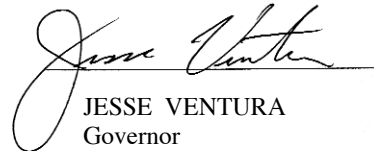
WHEREAS, in order to ensure sustained operational readiness in the SEOC and regional communication hubs during the rollover, state departments will need to provide adequate staffing under all circumstances;

NOW, THEREFORE, I hereby designate the Director of the Department of Public Safety, Division of Emergency Management as the Governor's Authorized Representative for the Y2K rollover time period, and hereby order that State agencies shall:

1. Assign personnel to the SEOC in accordance with the *Minnesota Emergency Operations Plan* to fulfill their Y2K reporting and emergency responsibilities during the hours of the SEOC's activation.
2. Assign personnel to the SEOC to support the Division of Emergency Management in carrying out its responsibility to manage the SEOC. State agencies shall make personnel available to staff the functions of Operations, Planning, Logistics, Finance/Administration and key support activities of the SEOC.
3. Assign personnel to the SEOC to staff the Information Hotline during the hours of its operation.
4. Assign personnel to the SEOC Joint Public Information Center to provide technical and communications support during the hours of its operation.
5. Assign personnel to the five regional communications hubs to provide communications expertise during the hours of their operation.
6. Provide other reasonable and necessary support to the SEOC as needed during the Y2K rollover time period.

Pursuant to *Minnesota Statutes* 1998, Section 4.035, subd. 2, this Order is effective immediately and shall remain in effect until such date as state agency support to the SEOC and regional communications hubs due to potential Y2K rollover-related public safety problems is no longer required.

IN TESTIMONY WHEREOF, I have set my hand this twenty-second day of December, 1999.



JESSE VENTURA
Governor

Filed According to Law:



MARY KIFFMEYER
Secretary of State

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.

Minnesota Agricultural and Economic Development Board

Notice of Public Hearing on Proposed Project and the Issuance of Bonds Under *Minnesota Statutes*, Chapter 41A

NOTICE IS HEREBY GIVEN that the Minnesota Agricultural and Economic Development Board (the “Board”) or its designated representative, shall meet on January 26, 2000, at 9:00 a.m., at 500 Metro Square, 121 7th Place East, Saint Paul, Minnesota, for the purpose of conducting a public hearing on a proposed issue of bonds (the “Bonds”) and the provision of other financial assistance under *Minnesota Statutes* 1986, Chapter 116M, and *Minnesota Statutes*, Chapter 41A, as amended (the “Act”), to undertake and finance a project on behalf of HealthEast, a Minnesota nonprofit corporation (the “Applicant”). Such persons as desire to be heard with reference to said issue of Bonds will be heard at this public hearing.

The project consists of the renovating, constructing and equipping of facilities of the Applicant and its affiliates located at:

St. John’s Hospital
1575 Beam Avenue
Maplewood, MN 55109

St. Joseph’s Hospital
69 West Exchange Street
St. Paul, MN 55102

Woodwinds Health Campus
1925 Woodwinds Drive
Woodbury, MN 55125

Bethesda Rehabilitation Hospital
559 Capitol Boulevard
St. Paul, MN 55103

HealthEast Midway
Outpatient Center
1700 University Ave West
St. Paul, MN 55104

HealthEast Optimum
Rehabilitation -West St.Paul
433 East Mendota RoadWest
St. Paul, MN 55118

HealthEast Residence on Dellwood
753 E. 7th Street
St. Paul, MN 55106

HealthEast Residence on Humboldt
514 Humboldt Avenue
St. Paul, MN 55107

HeathEast Residence -
Marian of St. Paul
200 Earl Street
St. Paul, MN 55106

HealthEast Residence of South St. Paul
744 19th Avenue North
South St. Paul, MN 55075

HealthEast Care Center on Humboldt
512 Humboldt Avenue
St. Paul, MN 55107

HealthEast Cottage Grove Clinic
7460 80th Street South
Cottage Grove, MN 55016

HealthEast Downtown St. Paul Clinic
17 West Exchange Street
St. Paul, MN 55102

HealthEast Downtown
St. Paul Clinic
17 West Exchange Street
St. Paul, MN 55102

HealthEast East Side Medical Center
891 White Bear Avenue
St. Paul, MN 55106

HealthEast East Side Medical Center -
Oakdale Clinic
1453 Helmo Avenue N
Oakdale, MN 55128

HealthEast Macalester/Groveland Family
Physicians
45 North Snelling Avenue
St. Paul, MN 55104

HealthEast Payne Avenue Clinic
1239 Payne Avenue
St. Paul, MN 55101

HealthEast Rice Street Clinic
1006 Rice Street
St. Paul, MN 55117

HealthEast Shoreview Clinic
3460 Lexington Ave North
Shoreview, MN 55126

HealthEast Vadnais Heights Clinic
1010 East Hwy 96
Vadnais Heights, MN 55127

HealthEast Woodbury Clinic
1875 Woodwinds Drive
Woodbury, MN 55125

HealthEast Foundation
1690 University Ave W
St. Paul, MN 55104

MetroEast Program For Health
710 19th Avenue North
South St. Paul, MN 55075

(collectively the “Project”).

The owner of the Project will be the Applicant, or an affiliate of the Applicant and the Project is expected to be operated and managed by the Applicant or an affiliated entity. It is contemplated that the facilities financed or refinanced by the Bonds will be used primarily for hospital, medical clinic or related facilities. The estimated amount of the Board's proposed bond issue is an amount not to exceed \$20,000,000. The Bonds shall be limited obligations of the Board, the Bonds and the interest thereon shall be payable solely from the revenue pledged to the payment thereof, and a mortgage or security interest or other security arrangements to be established by or on behalf of the Applicant. Notwithstanding the foregoing, no holders of any such Bonds shall ever have the right to compel any exercise of the taxing powers of the State of Minnesota or any political subdivision thereof to pay the Bonds or the interest thereon nor to enforce payment against any property of said State or said political subdivision.

This Notice of Public Hearing is being given pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended.

A copy of the Application to the Board for approval of the Project, together with all attachments and exhibits thereto and a copy of the Board's resolution accepting the Application and accepting the Project is available for public inspection at the offices of the Board at 500 Metro Square, 121 7th Place East, Saint Paul, Minnesota from the date of this notice to the date of the public hearing hereinabove identified, during normal business hours.

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 prior to the date of the hearing set forth above.

NOTICE IS HEREBY GIVEN that the Minnesota Agricultural and Economic Development Board or its designated representative will conduct a public hearing to develop criteria as required by *Minnesota Statutes* 116J.993, Subd. 2. This hearing will provide interested people and organizations with an opportunity to comment on the criteria which should be used to award business subsidies through the Minnesota Agricultural and Economic Development Board. The hearing will be conducted on January 26, 2000 at 9:00 a.m. at 500 Metro Square, 121 7th Place East, St. Paul, MN.

Dated: 21 December 1999

BY ORDER OF THE MEMBERS OF THE MINNESOTA AGRICULTURAL AND ECONOMIC DEVELOPMENT BOARD

Paul Moe
Executive Director
Minnesota Agricultural and Economic
Development Board

Minnesota State Agricultural Society

Minnesota State Fair

Meeting Notice

The 141st annual meeting of the State Agricultural Society, governing body of the State Fair, will be held Jan. 14, 15 and 16 at the Radisson South Hotel in Bloomington. The society's general business session is scheduled for 8 a.m. Sunday Jan. 16 at the Radisson South, followed by a meeting of the society's board of managers.

Complete programs of all scheduled events will be available at the hotel.

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 the following dates: January 13, 2000; February 10, 2000 and March 9, 2000. Meetings 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 55120 (Hwy 110 and Lexington Avenue, west of Hwy 35W (South) on the south side of the GNB Technologies Building). Meetings are open to the public. For more information you may contact the MATPP office at (651) 405-6155.

Official Notices

Department of Finance

Cash and Debt Management Division

Notice of Available Tax Exempt Bonding Authority

NOTICE IS HEREBY GIVEN pursuant to *Minnesota Statute* 474A.14 that on January 3, 2000 the total sum of \$238,775,000 of tax exempt bonding authority was available for calendar year 2000. Of this amount, \$64,526,000 was available for the Small Issue Pool; \$60,429,000 was available for the Housing Pool; \$10,754,000 was available for the Public Facilities Pool; and \$103,066,000 was available for entitlement issuers.

Available tax exempt bonding authority for entitlement issuers in 2000 consists of \$16,131,000 for the City of Saint Paul; \$21,509,000 for the City of Minneapolis; \$54,672,000 for the Minnesota Housing Finance Agency; and \$10,754,000 for Dakota County. For further information please contact Mr. Lee Mehrkens at (651) 296-1700.

Pamela Wheelock
Commissioner

Department of Human Services

Notice of State Plan Amendment Submitted to the Health Care Financing Administration (HCFA)

The Department of Human Services (DHS) submitted a State Plan Amendment regarding the Individual Education Plan/Individualized Family Services Plan payment rate for schools to the Health Care Financing Administration (HCFA) on December 22, 1999.

For a copy of the State Plan Amendment, please contact:

Genie Potosky
Performance Measurement and Quality Improvement
Minnesota Department of Human Services
444 Lafayette Road North
St. Paul, MN 55155-3865
PHONE # 651-215-1075
FAX # 651-215-5754

Pollution Control Agency

Amended Request for Comments on Planned Amendments to Rules Governing Hazardous Waste, *Minnesota Rules* Chapter 7001 and 7045

Subject of Rules. The Minnesota Pollution Control Agency (MPCA) invites comments on its plan to develop rules to govern the management of universal waste. At this time the MPCA amends its previous Request for Comments, found in the April 19, 1999, edition of the *State Register*, by expanding the subject matter to be considered in this rulemaking. Specifically, the MPCA is considering extending universal waste regulation to wastes other than those identified in the original notice.

Universal wastes are hazardous wastes that warrant special regulation because they are so commonly generated through Minnesota, usually in relatively small quantities and at many locations. The universal wastes being considered in this rule may include the federally regulated universal wastes, batteries, lamps, and mercury. Additional wastes being considered at this time include printed wire (circuit) boards, cathode ray tubes, whole electronics, antifreeze, PCB lamp ballasts, small PCB capacitors, and liquid mercury; mercury containing products including switches, thermometers, relays, manometers, barometers, thermocouples and gauges, and photographic negatives. Information obtained through the rulemaking process may result in changes to the wastes being considered, either by eliminating some previously identified wastes or adding newly identified wastes appropriate for regulation under the universal waste rules.

The MPCA is considering reducing certain requirements of the hazardous waste rules for the generators and handlers of universal wastes. Some of the changes considered are: no requirement for a hazardous waste generator license, no license fees, no reporting, no requirement for a hazardous waste transport manifest, the option of transporting in the generator's personal or business vehicle, and clearer, performance based management standards. The agency is also seeking comment on what type of regulations are appropriate for the generators and handlers of universal wastes.

Persons Affected. The amendments to the hazardous waste rules will likely affect all sizes of businesses that are involved in the management of a universal waste. This includes businesses that generate universal waste; businesses that handle or transport universal waste; and businesses that treat, store or dispose of universal waste. Because the amendments may support the development of collection and take-back programs they may also affect manufacturers and trade associations and government entities involved in waste management.

Statutory Authority. *Minnesota Statutes* § 116.07, powers and duties, subd. 4, rules and standards, allows the MPCA, pursuant to Chapter 14 to “adopt, amend, and rescind rules and standards having the force of law relating to any purpose within the provisions of this chapter for generators of hazardous waste, the management, identification, labeling, classification, storage, collection, treatment, transportation, processing, and disposal of hazardous waste and the location of hazardous waste facilities. A rule or standard may be of general application throughout the state or may be limited as to time, places, circumstances, or conditions. In implementing its hazardous waste rules, the MPCA shall give high priority to providing planning and technical assistance to hazardous waste generators. The MPCA shall assist generators in investigating the availability and feasibility of both interim and long-term hazardous waste management methods. The methods shall include waste reduction, waste separation, waste processing, resource recovery, and temporary storage.

Minnesota Statutes § 14.06, required rules: “(a) Each agency shall adopt rules, in the form prescribed by the revisor of statutes, setting forth the nature and requirements of all formal and informal procedures related to the administration of official agency duties to the extent that those procedures directly affect the rights of or procedures available to the public. (b) Upon the request of any person, and as soon as feasible and to the extent practicable, each agency shall adopt rules to supersede those principles of law or policy lawfully declared by the agency as the basis for its decisions in particular cases it intends to rely on as precedents in future cases. This paragraph does not apply to the public utilities commission.”

Public Comment. Interested persons or groups may submit comments or information on these planned rules until further notice is published in the *State Register* that the MPCA intends to adopt or to withdraw the rules.

Rules Drafts. The MPCA has not yet prepared a draft of the planned rule amendments, although interested parties may request to be notified when a draft is available. However, the rule will be based in part on the UWR, which was published in the May 11, 1995, *Federal Register* (and is now in the *Code of Federal Regulations* at 40 CFR, pt. 273). It will also be developed with consideration for the MPCA’s special wastes program for which prepared fact sheets are available.

MPCA Contact Person. Written or oral comments, questions, and requests for more information on these planned rules should be addressed to:

Carol Nankivel
Policy and Planning Division/Major Facilities
520 Lafayette Rd N.
St. Paul, MN 55155-4194
Telephone: (651) 297-8371 or (TTY) (651) 282-5332

Alternative Format: Upon request, this document can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the person 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 MPCA is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: 3 January 2000

Karen A. Studders
Commissioner

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 to 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, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute. In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals are prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (651) 296-2600 or [TTY (651) 297-5353 and ask for 296-2600].

Colleges and Universities, Minnesota State (MnSCU)

St. Cloud State University

Advertisement for Bid for NMR Spectrometer

Sealed proposals for items hereinafter described will be received by St. Cloud State University at the Business Office, St. Cloud State University, St. Cloud Minnesota until **3:00 P.M. on January 18, 2000** and will then be publicly opened and read aloud. The right is reserved to accept or reject any or all bids or parts of bids and to waive informalities therein.

Bids are requested on a **NMR Spectrometer** as per plans and specifications available in the Business Office, St. Cloud State University.

For further information contact:

Lisa Sparks
Director of Purchasing
St. Cloud State University
720 4th Ave. S.
St. Cloud, MN 56301-4498
Phone: (320) 255-4788

Department of Corrections

Notice of Request for Proposals for Food Services for Minnesota Correctional Facilities

The Minnesota Department of Corrections (DOC) is requesting proposals for providing food services to the Minnesota Correctional Facilities-Faribault, Lino Lakes, Oak Park Heights, Rush City, Shakopee, Stillwater and Willow River/Moose Lake.

It is expected that this contract will be for a period of three years effective July 1, 2000, with two one year extensions possible at the discretion of the Department of Corrections and with the concurrence of the potential contractor. The estimated cost for this project should not exceed \$8,000,000.00, however, this proposal does not obligate the agency to spend the estimated dollar amount.

There will be mandatory pre-response tours scheduled for January 18 through January 20, and a mandatory meeting on January 21, 2000 at DOC offices. Potential responder must provide its own transportation, but must register attending individuals by January 14, 2000 to be able to attend.

Potential responders interested in submitting a proposal on this project should call, write, e-mail or fax for the full RFP which will be sent free of charge to interested vendors. Proposals must be submitted to the department contact listed below. Other department personnel are NOT allowed to discuss the Request for Proposal with anyone, including responders, before the proposal submission deadline. Proposals must be received by the contact person listed below no later than 2:30 PM CST Monday, February 7, 2000.

Contact Person: Paul Stembler, Assistant Director
Materials Management Division
Department of Administration
112 Administration Building
St. Paul, MN 55155
Fax: (651) 297-3996
E-mail: paul.stembler@state.mn.us

Office of the Revisor of Statutes

Notice of Request for Systems and Programming Services

Notice is hereby given that the Office of the Revisor of Statutes is seeking the following systems and programming services for the period from January 17, 2000 through December 31, 2001:

- **Programming and maintenance on limited functions of an in-house text editing and composition system.** This is essentially a maintenance contract based on work that is already in progress.

Programming experience in C on Hewlett Packard UNIX operating system is a prerequisite to performing the services. Where experienced contractors have at least equal qualifications, they will be given preference in order to maintain program consistency and stability. Responses must be received by the Office of the Revisor of Statutes by Monday, January 17, 2000.

Direct inquiries and responses to:

Michele Timmons
Office of the Revisor of Statutes
700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155
(651) 296-2778
TTY relay service phone number: 1-800-627-3529

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

Metropolitan Airports Commission

Notice of Call for Bids for One (1) Rear Engine, All-Wheel Drive Snow Dozer Chassis

Sealed bids will be received by the Metropolitan Airports Commission at its office at 6040 - 28th Avenue South, Minneapolis, MN 55450-2799, until 1:30 PM, local time, TUESDAY, JANUARY 25, 2000, for the procurement of **ONE (1) REAR ENGINE, ALL-WHEEL DRIVE SNOW DOZER CHASSIS**.

At that time and place the bids will be publicly opened and the names and addresses of those responding read aloud. If mailed, the Commission's mailing address is 6040 - 28th Avenue South, Minneapolis, MN 55450-2799, **and bids to be considered must be received by the Commission by the date and hour set for opening of bids.**

A **MANDATORY** pre-bid conference will be held at 10:00 AM, local time, Tuesday, January 11, 2000, at the Metropolitan Airports Commission, 6040 - 28th Avenue South, Minneapolis, MN 55450-2799. Failure to attend this meeting will result in rejection of the bid.

Bids shall be according to the specifications. The Commission reserves the right to reject any or all bids or portions thereof, and to waive any minor irregularities or informalities therein. Copies of the specifications may be obtained at the office of the Commission, 6040 - 28th Avenue South, Minneapolis, Minnesota 55450-2799 (phone: 612-726-8146).

METROPOLITAN AIRPORTS
COMMISSION
JoAnn Brown/Buyer-Administrator

Non-State Public Bids, Contracts & Grants

Metropolitan Airports Commission

Notice of Call for Bids for One (1) 24/27 Ft. Folding Wing Plow, Hitch, & Hydraulic System

Sealed bids will be received by the Metropolitan Airports Commission at its office at 6040 - 28th Avenue South, Minneapolis, MN 55450-2799, until 1:30 PM, local time, TUESDAY, JANUARY 25, 2000, for the procurement of **ONE (1) 24/27 FT. FOLDING WING PLOW, HITCH & HYDRAULIC SYSTEM.**

At that time and place the bids will be publicly opened and the names and addresses of those responding read aloud. If mailed, the Commission's mailing address is 6040 - 28th Avenue South, Minneapolis, MN 55450-2799, **and bids to be considered must be received by the Commission by the date and hour set for opening of bids.**

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Bids shall be according to the specifications. The Commission reserves the right to reject any or all bids or portions thereof, and to waive any minor irregularities or informalities therein. Copies of the specifications may be obtained at the office of the Commission, 6040 - 28th Avenue South, Minneapolis, Minnesota 55450-2799 (phone: 612-726-8146).

METROPOLITAN AIRPORTS
COMMISSION
JoAnn Brown/Buyer-Administrator

Metropolitan Airports Commission

Notice of Call for Bids for Two (2) 18 Ft. Runway Brooms

Sealed bids will be received by the Metropolitan Airports Commission at its office at 6040 - 28th Avenue South, Minneapolis, MN 55450-2799, until 1:30 PM, local time, TUESDAY, JANUARY 25, 2000, for the procurement of **TWO (2) 18 FT. RUNWAY BROOMS.**

At that time and place the bids will be publicly opened and the names and addresses of those responding read aloud. If mailed, the Commission's mailing address is 6040 - 28th Avenue South, Minneapolis, MN 55450-2799, **and bids to be considered must be received by the Commission by the date and hour set for opening of bids.**

A **MANDATORY** pre-bid conference will be held at 10:00 AM, local time, Tuesday, January 11, 2000, at the Metropolitan Airports Commission, 6040 - 28th Avenue South, Minneapolis, MN 55450-2799. Failure to attend this meeting will result in rejection of the bid.

Bids shall be according to the specifications. The Commission reserves the right to reject any or all bids or portions thereof, and to waive any minor irregularities or informalities therein. Copies of the specifications may be obtained at the office of the Commission, 6040 - 28th Avenue South, Minneapolis, Minnesota 55450-2799 (phone: 612-726-8146).

METROPOLITAN AIRPORTS
COMMISSION
JoAnn Brown/Buyer-Administrator

Metropolitan Airports Commission

Notice of Call for Bids for Two (2) 4WD Runway Plow Trucks

Sealed bids will be received by the Metropolitan Airports Commission at its office at 6040 - 28th Avenue South, Minneapolis, MN 55450-2799, until 1:30 PM, local time, TUESDAY, JANUARY 25, 2000, for the procurement of **TWO (2) 4WD RUNWAY PLOW TRUCKS.**

At that time and place the bids will be publicly opened and the names and addresses of those responding read aloud. If mailed, the Commission's mailing address is 6040 - 28th Avenue South, Minneapolis, MN 55450-2799, **and bids to be considered must be received by the Commission by the date and hour set for opening of bids.**

A **MANDATORY** pre-bid conference will be held at 10:00 AM, local time, Tuesday, January 11, 2000, at the Metropolitan Airports Commission, 6040 - 28th Avenue South, Minneapolis, MN 55450-2799. Failure to attend this meeting will result in rejection of the bid.

Bids shall be according to the specifications. The Commission reserves the right to reject any or all bids or portions thereof, and

Non-State Public Bids, Contracts & Grants

to waive any minor irregularities or informalities therein. Copies of the specifications may be obtained at the office of the Commission, 6040 - 28th Avenue South, Minneapolis, Minnesota 55450-2799 (phone: 612-726-8146).

METROPOLITAN AIRPORTS
COMMISSION
JoAnn Brown/Buyer-Administrator

Metropolitan Airports Commission

Notice of Call for Bids for Two (2) 14 Ft. Plows, Hitch, Hydraulic Systems & Dump Bodies

Sealed bids will be received by the Metropolitan Airports Commission at its office at 6040 - 28th Avenue South, Minneapolis, MN 55450-2799, until 1:30 PM, local time, TUESDAY, JANUARY 25, 2000, for the procurement of **TWO (2) 14 FT. PLOWS, HITCH, HYDRAULIC SYSTEMS & DUMP BODIES**.

At that time and place the bids will be publicly opened and the names and addresses of those responding read aloud. If mailed, the Commission's mailing address is 6040 - 28th Avenue South, Minneapolis, MN 55450-2799, **and bids to be considered must be received by the Commission by the date and hour set for opening of bids.**

A **MANDATORY** pre-bid conference will be held at 10:00 AM, local time, Tuesday, January 11, 2000, at the Metropolitan Airports Commission, 6040 - 28th Avenue South, Minneapolis, MN 55450-2799. Failure to attend this meeting will result in rejection of the bid.

Bids shall be according to the specifications. The Commission reserves the right to reject any or all bids or portions thereof, and to waive any minor irregularities or informalities therein. Copies of the specifications may be obtained at the office of the Commission, 6040 - 28th Avenue South, Minneapolis, Minnesota 55450-2799 (phone: 612-726-8146).

METROPOLITAN AIRPORTS
COMMISSION
JoAnn Brown/Buyer-Administrator

Metropolitan Airports Commission

Notice of Call for Bids for One (1) 4000 Tons Per Hour Rotary Snow Blower

Sealed bids will be received by the Metropolitan Airports Commission at its office at 6040 - 28th Avenue South, Minneapolis, MN 55450-2799, until 1:30 PM, local time, TUESDAY, JANUARY 25, 2000, for the procurement of **ONE (1) 4000 TONS PER HOUR ROTARY SNOW BLOWER**.

At that time and place the bids will be publicly opened and the names and addresses of those responding read aloud. If mailed, the Commission's mailing address is 6040 - 28th Avenue South, Minneapolis, MN 55450-2799, **and bids to be considered must be received by the Commission by the date and hour set for opening of bids.**

A **MANDATORY** pre-bid conference will be held at 10:00 AM, local time, Tuesday, January 11, 2000, at the Metropolitan Airports Commission, 6040 - 28th Avenue South, Minneapolis, MN 55450-2799. Failure to attend this meeting will result in rejection of the bid.

Bids shall be according to the specifications. The Commission reserves the right to reject any or all bids or portions thereof, and to waive any minor irregularities or informalities therein. Copies of the specifications may be obtained at the office of the Commission, 6040 - 28th Avenue South, Minneapolis, Minnesota 55450-2799 (phone: 612-726-8146).

METROPOLITAN AIRPORTS
COMMISSION
JoAnn Brown/Buyer-Administrator

Metropolitan Airports Commission

Notice of Call for Bids for One (1) 4,000 Gallon Airport Liquid Anti-Icing Truck

Sealed bids will be received by the Metropolitan Airports Commission at its office at 6040 - 28th Avenue South, Minneapolis, MN 55450-2799, until 1:30 PM, local time, TUESDAY, JANUARY 25, 2000, for the procurement of **ONE (1) 4,000 GALLON AIRPORT LIQUID ANTI-ICING TRUCK**.

At that time and place the bids will be publicly opened and the names and addresses of those responding read aloud. If mailed, the

Non-State Public Bids, Contracts & Grants

Commission's mailing address is 6040 - 28th Avenue South, Minneapolis, MN 55450-2799, **and bids to be considered must be received by the Commission by the date and hour set for opening of bids.**

A **MANDATORY** pre-bid conference will be held at 10:00 AM, local time, Tuesday, January 11, 2000, at the Metropolitan Airports Commission, 6040 - 28th Avenue South, Minneapolis, MN 55450-2799. Failure to attend this meeting will result in rejection of the bid.

Bids shall be according to the specifications. The Commission reserves the right to reject any or all bids or portions thereof, and to waive any minor irregularities or informalities therein. Copies of the specifications may be obtained at the office of the Commission, 6040 - 28th Avenue South, Minneapolis, Minnesota 55450-2799 (phone: 612-726-8146).

METROPOLITAN AIRPORTS
COMMISSION
JoAnn Brown/Buyer-Administrator

Metropolitan Airports Commission

Notice of Call for Bids for One (1) 15,000 GVWR Dump Truck with Attachments

Sealed bids will be received by the Metropolitan Airports Commission at its office at 6040 - 28th Avenue South, Minneapolis, MN 55450-2799, until 1:30 PM, local time, TUESDAY, JANUARY 25, 2000, for the procurement of **ONE (1) 15,000 GVWR DUMP TRUCK WITH ATTACHMENTS.**

At that time and place the bids will be publicly opened and the names and addresses of those responding read aloud. If mailed, the Commission's mailing address is 6040 - 28th Avenue South, Minneapolis, MN 55450-2799, **and bids to be considered must be received by the Commission by the date and hour set for opening of bids.**

A **MANDATORY** pre-bid conference will be held at 10:00 AM, local time, Tuesday, January 11, 2000, at the Metropolitan Airports Commission, 6040 - 28th Avenue South, Minneapolis, MN 55450-2799. Failure to attend this meeting will result in rejection of the bid.

Bids shall be according to the specifications. The Commission reserves the right to reject any or all bids or portions thereof, and to waive any minor irregularities or informalities therein. Copies of the specifications may be obtained at the office of the Commission, 6040 - 28th Avenue South, Minneapolis, Minnesota 55450-2799 (phone: 612-726-8146).

METROPOLITAN AIRPORTS
COMMISSION
JoAnn Brown/Buyer-Administrator

Metropolitan Airports Commission

Notice of Call for Bids for Four (4) 20 Ft. Snow Dozer Plow Attachments

Sealed bids will be received by the Metropolitan Airports Commission at its office at 6040 - 28th Avenue South, Minneapolis, MN 55450-2799, until 1:30 PM, local time, TUESDAY, JANUARY 25, 2000, for the procurement of **FOUR (4) 20 FT. SNOW DOZER PLOW ATTACHMENTS.**

At that time and place the bids will be publicly opened and the names and addresses of those responding read aloud. If mailed, the Commission's mailing address is 6040 - 28th Avenue South, Minneapolis, MN 55450-2799, **and bids to be considered must be received by the Commission by the date and hour set for opening of bids.**

Bids shall be according to the specifications. The Commission reserves the right to reject any or all bids or portions thereof, and to waive any minor irregularities or informalities therein. Copies of the specifications may be obtained at the office of the Commission, 6040 - 28th Avenue South, Minneapolis, Minnesota 55450-2799 (phone: 612-726-8146).

METROPOLITAN AIRPORTS
COMMISSION
JoAnn Brown/Buyer-Administrator

Metropolitan Airports Commission

Notice of Call for Bids for One (1) Heavy Duty Dump Truck, 36,000 GVWR W/Sander and Plow

Sealed bids will be received by the Metropolitan Airports Commission at its office at 6040 - 28th Avenue South, Minneapolis, MN 55450-2799, until 1:30 PM, local time, TUESDAY, JANUARY 25, 2000, for the procurement of **ONE (1) HEAVY DUTY DUMP TRUCK, 36,000 GVWR W/SANDER AND PLOW.**

At that time and place the bids will be publicly opened and the names and addresses of those responding read aloud. If mailed, the Commission's mailing address is 6040 - 28th Avenue South, Minneapolis, MN 55450-2799, **and bids to be considered must be received by the Commission by the date and hour set for opening of bids.**

A **MANDATORY** pre-bid conference will be held at 10:00 AM, local time, Tuesday, January 11, 2000, at the Metropolitan Airports Commission, 6040 - 28th Avenue South, Minneapolis, MN 55450-2799. Failure to attend this meeting will result in rejection of the bid.

Bids shall be according to the specifications. The Commission reserves the right to reject any or all bids or portions thereof, and to waive any minor irregularities or informalities therein. Copies of the specifications may be obtained at the office of the Commission, 6040 - 28th Avenue South, Minneapolis, Minnesota 55450-2799 (phone: 612-726-8146).

METROPOLITAN AIRPORTS
COMMISSION

JoAnn Brown/Buyer-Administrator

Metropolitan Council

Invitation for Bid for Biosolids Materials Handling

Sealed bids from contractors to handle and land spread biosolids materials for the Seneca Wastewater Treatment Plant in Eagan, Minnesota, will be received at the offices of the Metropolitan Council, Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota 55101, on January 27, 2000, 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.

A pre-bid information meeting will be held at the Seneca Wastewater Treatment Plant on Wednesday, January 19, 2000, at 10:00 A.M. Please call 651-602-1499 or 651-602-1770 to confirm attendance and receive further instructions.

The Metropolitan Council shall consider all bids received and intends to award a contract to the responsive and responsible bidder submitting the lowest total cost to the Council, by the date and time, provided, however, that the Metropolitan Council reserves the right to reject all bids, to investigate the qualifications and experience of any bidder, to reject any provisions in any bid, to obtain new bids, or to proceed to do the work otherwise.

University of Minnesota

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

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

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

Non-State Public Bids, Contracts & Grants

University of Minnesota

Twin Cities Campus

Advertising for Bid for University of Minnesota Molecular Cellular Biology Building

U of M Project No. 186-98-1766

The University of Minnesota is requesting bids for the construction of the Site Utilities, Underground Utilities, Rough Grading, Below Grade Waterproofing, Foundations, and Concrete Superstructure for a new 260,000 square foot Research Facility on the Twin Cities East Bank Campus. This facility is located on the south side of Washington Avenue between Church St. and Union St. immediately adjacent the recently renovated Jackson Hall.

Construction Schedule: February, 2000 through September, 2000.

RESPONDING GENERAL CONTRACTORS MUST BE PRE-QUALIFIED BY THE UNIVERSITY OF MINNESOTA.

Sealed bids will be received by the Regents of the University of Minnesota Purchasing Services, 400 Donhowe Building, 319 - 15th Avenue SE, Minneapolis, MN 55455 until 2:00 P.M. on January 27, 2000 and will be publicly opened and read aloud.

Bids are requested on the University of Minnesota Molecular Biology Building per plans and specifications available at:

Builder's Exchanges in Minneapolis and St. Paul, MN
Construction Bulletin Plan Room, New Hope, MN
F.W. Dodge Plan Room, Minneapolis, MN
National Association of Minority Contractors, Minneapolis, MN

Or:

University of Minnesota, Facilities Management Purchasing Services,
400 Donhowe Building, 319 - 15th Av. SE, Minneapolis, MN 55455

Direct communications regarding this project to the architect's project manager Marianne O'Brien at Perkins and Will Architects, 612-339-1102 for document arrangements and/or bidding questions.

Certificates of Assumed Name; Registration of Insignia and Marks

Minnesota Statutes Chapter 333 requires the filing of an assumed name with the Secretary of State. This filing does not protect a users exclusive right to that name. The filing is required as a consumer protection, in order to enable consumers to be able to identify the true owner of a business. For more information, or to register an assumed name, insignia or mark, contact the Secretary of State, Business Services Division, (651) 297-1455.

Second Run: File # 0229852 - Cornerstone Appraisals

1. The exact assumed name under which the business is or will be conducted is: **Cornerstone Appraisals**
2. The address of the principal place of business is: **598 Summit Avenue #2, St. Paul, MN 55102**
3. The names and complete street addresses of all persons conducting business under the above Assumed Name are:
 - **Edwin A. Caffrey, 598 Summit Avenue #2, St. Paul, MN 55102**

I certify that I am authorized to sign this certificate and I further certify that I understand that by signing this certificate, I am subject to the penalties of perjury as set forth in *Minnesota Statutes* section 609.48 as if I had signed this certificate under oath.

Dated: 22 November 1999

Edwin A. Caffrey (612) 618-9000, owner



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