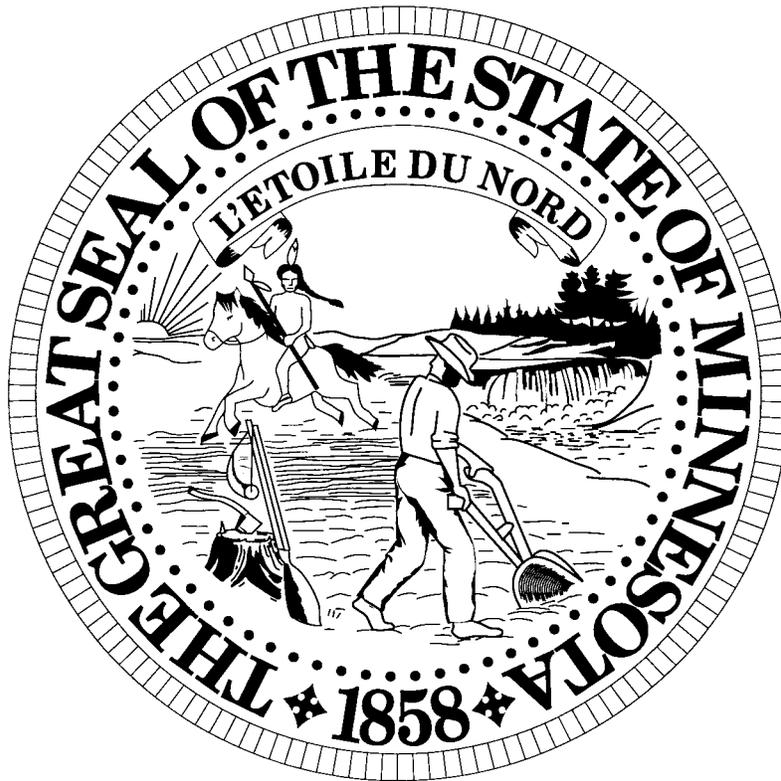


State of Minnesota

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State Register

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

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- appointments
- proclamations and commendations
- commissioners' orders
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Vol. 27 Issue Number	PUBLISH DATE	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for Both Adopted and Proposed RULES
#43	Monday 21 April	Noon Tuesday 15 April	Noon Wednesday 9 April
#44	Monday 28 April	Noon Tuesday 22 April	Noon Wednesday 16 April
#45	Monday 5 May	Noon Tuesday 29 April	Noon Wednesday 23 April
#46	Monday 12 May	Noon Tuesday 6 May	Noon Wednesday 30 April

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Minnesota State Court System

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Commodity, Service and Construction Contracts are published Tuesday and Friday in a bulletin, the *Solicitation Announcements*. Award results are available from the Materials Management Helpline (651) 296-2600. **Website:** www.mmd.admin.state.mn.us

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Minnesota Rules: Amendments and Additions

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

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

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

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

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

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Comments on Planned Rules or Amendments

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rules 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 rules. 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 is then 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 Rules 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

Driver and Vehicle Services Division

Proposed Permanent Rules Governing Drivers' Licenses and Vehicle Records; Proof of Identity and Residency

NOTICE OF HEARING

In the Matter of Proposed Permanent Rules Governing Drivers' Licenses and Vehicle Records, *Minnesota Rules*, part 7410.0400 Documenting Proof of Name, Date of Birth, Identity; part 7410.0410 Proof of Residency; part 7410.1810 Driver's License and Identification Card Image; and Repeal of part 7410.1800 Driver's License Photograph

Public Hearing. The Minnesota Department of Public Safety, Driver and Vehicle Services Division, intends to adopt rules after a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing on the above-entitled rules in the Basement Hearing Room of the State Office Building, 100 The Rev. Dr. Martin Luther King, Jr. Blvd, St. Paul, Minnesota 55155 starting at 9 a.m. on Thursday May 22, 2003, and continuing until the hearing is completed. Additional days of hearing will be scheduled if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

Administrative Law Judge. The hearing will be conducted by administrative law judge Beverly Jones Heydinger, Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **telephone** (612) 341-7606, and **fax** (612) 349-2665. The rule hearing procedures are governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. Questions concerning the rule hearing procedures should be directed to the administrative law judge.

Subject of Rules. The proposed rules address what documents will be accepted at the time of application for a Minnesota driver's license, permit or state identification card to indicate both identity and residency in the state.

- The rules eliminate other U. S. state and Canadian licenses, permits or identification cards as primary identity documents. They are recognized as secondary identification documents if they contain an image of the applicant.
- The rules propose acceptable residency documents that correlate with documents recognized by or issued by the United States government to indicate a permanent United States resident or lawful admission to the United States.
- For persons who have short term admission status, the rules require the inclusion of a status check date on the driver's license, permit or identification card that indicates when the short term admission expires. The status check date on a state-issued document may be extended for up to six months upon proof that an application for a status change or extension has been accepted by federal authorities.
- The rules require cancellation of a driver's license, permit, or identification card when a person's status check date expires. Procedures for an administrative review of the cancellation are proposed.

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- The residency requirements in part 7410.0410 are proposed for variance under part 7410.0600.
- Proposed part 7410.1810 requires that a full-face image be taken at the time of application for a driver's license, permit or identification card and describes the use of a previous image. Part 7410.1800 allowing for a religious exemption from being photographed is proposed for repeal.
- Proposed part 7410.0100, subpart 1a adds a definition of "commissioner" and the definition of "department" is renumbered.

A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. This notice and the proposed rules are available through the department's **web site** at <http://www.dps.state.mn.us/DVS> and may also be accessed directly from the *State Register* at <http://www.comm.media.state.mn.us>. A free copy of the rules are available from Lois Walton, (651) 282-6405, 445 Minnesota Street, Suite 183, St. Paul, Minnesota 55101-5183, **e-mail** Lois.Walton@state.mn.us.

Statutory Authority. The proposed rules are authorized by *Minnesota Statutes*, sections 14.06; 171.01, subdivisions 9 and 14; section 171.03; section 171.04; section 171.06, section 171.061, subdivision 6; section 171.07; section 171.071; section 171.14; and section 299A.01, subdivision 7.

Agency Contact Person. The agency contact person is Jane A. Nelson, Minnesota Department of Public Safety, Driver and Vehicle Services Division, 445 Minnesota Street, Suite 195, St. Paul, Minnesota 55101-5196. **Phone:** (651) 296-2608. **fax:** (651) 296-3141. **TTY** users may call the Department of Public Safety at (651) 282-6555.

Statement of Need and Reasonableness. A Statement of Need and Reasonableness is now available for review at the agency offices and at the Office of Administrative Hearings. The Statement of Need and Reasonableness is also available through the Department's **web site** at <http://www.dps.state.mn.us/DVS>. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may be reviewed and copies obtained at the cost of reproduction from the agency. A copy of the Statement of Need and Reasonableness is now available from Lois Walton, (651) 282-6405, 445 Minnesota Street, Suite 183, St. Paul, Minnesota 55101-5183.

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

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

Accommodation. If you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified as a result of the rule hearing process. Modifications must be supported by data and views presented during the rule hearing process, and the adopted rules may not be substantially different than these proposed rules unless the procedure under part 1400.2110 has been followed. If the proposed rule affects you in any way, you are encouraged to participate.

Adoption procedure after hearing. 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 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 on which the rules are filed with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings, and can make this request at the hearing or in writing to the agency contact person stated above.

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

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

Dated: April 8, 2003

Richard W. Stanek, Commissioner
Minnesota Department of Public Safety

7410.0100 DEFINITIONS.

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

Subp. 1a. **Commissioner.** “Commissioner” means the commissioner of public safety of the state of Minnesota acting directly through its duly authorized officers and agents.

Subp. 1b. **Department.** “Department” means the Minnesota Department of Public Safety, Driver and Vehicle Services Division, and includes those persons appointed as deputy registrars and agents of the department.

[For text of subs 2 to 15, see M.R.]

7410.0400 DOCUMENTING PROOF OF NAME, DATE OF BIRTH, IDENTITY.

Subpart 1. **In general.** At the time of application for a driver’s license, permit, identification card, or vehicle certificate of title or registration by an owner who is an individual, the applicant shall present a Minnesota driver’s license, permit, or Minnesota identification card if one of these has been issued to the applicant.

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

C. As proof of full name, date of birth, and identity, the applicant must present one primary document and one secondary document if the applicant cannot present:

(1) a Minnesota driver’s license, identification card, or permit that is current or has been expired for five years or less with a color photograph or electronically produced or digitized image; or

(2) a Minnesota driver’s license, identification card, or permit that is current or has been expired for one year or less without a color photograph or electronically produced or digitized image; or

~~(3) a driver’s license, identification card, or permit issued by a United States state, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, or a Canadian province or territory that:~~

~~(a) is current or not expired for more than one year; and~~

~~(b) has a color photograph or electronically produced or digitized image of the applicant.~~

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

[For text of subs 1a and 1b, see M.R.]

Subp. 2. **Primary documents.** If the applicant for a driver’s license, permit, or identification card, or an individual who is applying as the owner for a vehicle title or registration, cannot present a Minnesota driver’s license, identification card, or permit, as described in subpart 1, item C, then the applicant must present one legible, unaltered, primary document that contains the applicant’s full name and date of birth as proof of name, date of birth, and identity, which are described as follows:

~~A. A driver’s license, identification card, or permit issued by a United States state, other than Minnesota, or by the District of Columbia, Guam, Puerto Rico, the Virgin Islands, or a Canadian province or territory that is expired for more than one year but not for more than five years, with a color photograph or electronically produced or digitized image of the applicant, may be presented.~~

~~B. A copy of the applicant’s record of birth certified by the issuing government jurisdiction of the United States, Canada, District of Columbia, Guam, Puerto Rico, or United States Virgin Islands may be presented if it satisfies the following conditions:~~

~~(1) A record of birth issued by a hospital or a baptismal certificate is not acceptable.~~

~~(2) The certified copy of the record of birth must bear the raised or authorized seal of the issuing government jurisdiction or a protective equivalent.~~

~~(3) The certified record of birth must be issued by:~~

~~(a) a government bureau of vital statistics or board of health;~~

~~(b) the United States Department of State as a Record of Birth Abroad (FS-545, DS-1350); or~~

~~(c) a United States embassy as a Report of Birth Abroad of A United States Citizen (FS-240).~~

~~(4) Instead of a certified copy of a birth record issued by a United States government bureau of vital statistics or by a board of health, an original certificate is acceptable only if it is in the files of the bureau or board and can be readily viewed by the official accepting the application.~~

~~C. B. A certified copy of an adoption certificate with the applicant’s full name and date of birth from a United States or Canadian court of competent jurisdiction that bears the raised court seal or other court certification may be presented.~~

~~D. C. An unexpired identification card (Form DD-2 or Common Access Card) issued to the applicant by the United States Department of Defense for active duty, reserve, or retired personnel may be presented.~~

~~E. D. A valid unexpired passport issued to the applicant by the United States Department of State or by the Canadian government may be presented.~~

~~F. E. An applicant or owner may present a valid, unexpired passport issued to the applicant from a jurisdiction other than the~~

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United States Department of State ~~or the Canadian government~~ with either:

(1) a United States Department of Justice, ~~Immigration and Naturalization Service (INS)~~ or United States Department of Homeland Security Arrival and Departure Form I-94 attached, bearing the same name as that on the passport and containing an unexpired endorsement of the alien's nonimmigrant status or authorized presence; or

(2) an unexpired I-551 stamp.

F. An applicant or owner may present a Canadian birth certificate or Canadian naturalization certificate with a United States Department of Justice or a United States Department of Homeland Security Arrival and Departure Form I-94 attached, bearing the same name as that on the Canadian birth certificate or Canadian naturalization certificate and containing an unexpired endorsement of the alien's nonimmigrant status or authorized presence. The applicant or owner must also present a secondary document as described in subpart 3, issued by a Canadian government agency and containing a photograph or image of the applicant.

G. An applicant or owner may present one of the following documents issued by the United States Department of Justice; ~~Immigration and Naturalization Service~~ or the United States Department of Homeland Security or any subsequent form or version of the documents specified in this item:

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

(4) Permanent Resident or Resident Alien card (Form I-551 or I-151) that is valid and not expired;

[For text of subitems (5) to (8), see M.R.]

Subp. 3. **Secondary documents.** If an applicant for a driver's license, permit, or identification card cannot present a Minnesota driver's license, identification card, or permit, as described in subpart 1, item C, then, in addition to presenting a primary document, the applicant must also present a secondary document, described as follows:

A. a second primary document listed in subpart 2;

B. a driver's license, identification card, or permit, ~~without~~ with a photograph or digitized image, issued by a United States state other than Minnesota, or by the District of Columbia, Guam, Puerto Rico, or the United States Virgin Islands, or a Canadian province or territory, that has expired not more than five years, or that is current;

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

E. a certified copy of a record of birth issued by a government jurisdiction other than one in the United States, ~~Canada~~, the District of Columbia, Guam, Puerto Rico, or the United States Virgin Islands;

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

J. a copy of a transcript containing the applicant's legal full name and date of birth certified by the issuing secondary or post-secondary school;

[For text of items K and L, see M.R.]

Subp. 3a. Verification. If necessary, the department must be able to verify with the issuing jurisdiction the issuance of and authenticity of the primary or secondary document presented.

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

7410.0410 PROOF OF RESIDENCY.

Subpart 1. Proof of residency required at time of application. Proof of residency is required at the time of application for an initial driving permit, driver's license, or state identification card. The applicant must attest to a residence address in Minnesota and demonstrate proof of either lawful short-term admission to the United States, permanent United States resident status, indefinite authorized presence status, or United States citizenship.

Subp. 2. Proof of residency at renewal.

A. Proof of residency is required at the time of application for renewal of a driving permit, driver's license, or state identification card.

B. A person with permanent United States resident status, indefinite authorized presence status, or United States citizenship must attest to a residence address in Minnesota.

C. A person with lawful short-term admission to the United States must attest to a residence address in Minnesota and provide proof of lawful short-term admission status to the United States.

Subp. 3. Documents not sufficient to prove residency. The presentation of a driver's license, permit, or identification card from another jurisdiction or another United States state is not acceptable as proof of permanent United States resident status, indefinite authorized presence status, lawful short-term admission to the United States, or United States citizenship.

Subp. 4. Documents sufficient to prove residency. To demonstrate permanent United States resident status, indefinite authorized presence status, lawful short-term admission, or United States citizenship, an applicant must attest to a Minnesota residence address on the application form and present a primary document specified in part 7410.0400, subpart 2. If the primary document

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presented to demonstrate lawful short-term admission does not indicate a date that the admission period ends or if the date has been extended, the applicant must present additional documentation issued under the authority of the United States Department of Justice or the United States Department of Homeland Security that indicates the duration of the applicant's lawful short-term admission status.

Subp. 5. Evidence required when name changed. If there has been a change in the individual's legal full name as it appears on the presented document specified in subpart 4, the individual must also present evidence of a change of name as specified in part 7410.0500.

Subp. 6. Lawful short-term admission status.

A. If the lawful admission period indicated on the federal primary document presented expires in 30 days or more from the date of application for the state driver's license, permit, or identification card, the applicant shall be issued a driver's license, permit, or identification card with a status check date that coincides with the lawful admission period on the federal primary document presented.

B. If the lawful admission period indicated on a presented federal primary document specified in part 7410.0400, subpart 2, expires in less than 30 days from the date of application for the state driver's license, permit, or identification card, the applicant shall be informed at the time of application that no driver's license, permit, or identification card will be issued. If application is made, a receipt for the driver's license, permit, or identification card will be issued.

Subp. 7. No lawful admission status. The department shall not issue a driver's license, permit, or identification card if an individual has no lawful admission status to the United States.

Subp. 8. Status check date. A status check date that coincides with the federal lawful admission period indicated on the federal primary document presented or on the additional documentation that indicates the duration of the applicant's lawful short-term admission status shall be indicated on the driver's license, permit, or identification card issued.

Subp. 9. Reissuance. A driver's license, permit, or identification card shall be reissued with a new status check date if the applicant presents an employment authorization card (I-688B, I-766 series) or notice of action (I-797A series) issued by the United States Department of Justice or the United States Department of Homeland Security to indicate extension of the lawful admission period.

A. If the applicant presents an accepted application from the United States Department of Justice or the United States Department of Homeland Security for an extension of or change in the federal lawful admission period, the driver's license, permit, or identification card will be reissued with a status check date extension of six months from the date of the federal receipt for the extension or change.

B. If the applicant presents a subsequent federal document indicating permanent United States resident status, indefinite authorized presence status, or United States citizenship, a driver's license, permit, or identification card will be reissued without a status check date.

Subp. 10. Cancellation; denial. Pursuant to *Minnesota Statutes*, sections 171.04 and 171.14, the commissioner shall cancel a driver's license, permit, or identification card:

A. on the status check date unless the state document holder presents federal proof of extension of the lawful admission period or a receipt from the United States Department of Justice or the United States Department of Homeland Security for an application for an extension or change of the lawful admission status; or

B. when the department receives notice from the United States Department of Justice or the United States Department of Homeland Security that the individual has been deported.

Subp. 11. Warning notice of possible cancellation. If the status check date is to expire in more than 60 days, a notice warning the state document holder that the driver's license, permit, or identification card will be canceled on the status check date shall be sent by first class mail to the document holder's residence address on file with the department. If application is being made and the status check date would expire in 60 days or less from the date of application, the applicant will be directly issued a general notice warning of cancellation on the status check date and will be sent a follow-up warning notice as described in items A to C.

A. The notice shall contain:

- (1) the person's full name;
- (2) the person's date of birth;
- (3) the person's unique state document number;
- (4) the person's current address from the department record; and
- (5) the date the notice is mailed or directly issued.

B. The notice shall indicate that:

- (1) the driver's license, permit, or identification card shall be canceled on the status check date;
- (2) the driver's license, permit, or identification card may be reissued if the document holder presents federal proof of

Proposed Rules

extension of the lawful admission period or a receipt from the United States Department of Justice or the United States Department of Homeland Security for application for an extension or change of the lawful admission period; and

(3) the individual may request an administrative review of the possible cancellation under part 7409.4600.

Subp. 12. Cancellation order. At least seven days before the status check date, the document holder shall be issued a cancellation order indicating that the driver's license, permit, or identification card is canceled. The notice shall be sent by first class mail to the address shown on department records.

A. The notice shall contain:

- (1) the person's full name;
- (2) the person's date of birth;
- (3) the person's unique state document number;
- (4) the person's current address from the department record; and
- (5) the date the order is mailed.

B. The notice shall indicate application may be made for a new driver's license, permit, or identification card if the individual can present proof to the department of current authorized legal presence in the United States.

C. The notice shall specify that an administrative review of the cancellation may be requested by the document holder under part 7409.4600.

Subp. 13. Administrative review. An administrative review of the cancellation of the state document or the denial to issue a state document under this part shall be conducted under part 7409.4600.

Subp. 14. Fees.

A. A state document holder who applies for an extension of the status check date on the driver's license, permit, or identification card before expiration of the status check date shall not be charged a fee for reissuance of the state document if there is no change to the address or name on the state document.

B. If the status check date on the driver's license, permit, or identification card has expired and the applicant presents federal documentation indicating an extended lawful admission period or application for an extension or change, the applicant must pay the fee for a duplicate card as specified in *Minnesota Statutes*, section 171.06.

C. The applicant must pay the renewal fee as specified in *Minnesota Statutes*, section 171.06, when the applicant's driver's license, permit, or identification card expires.

Subp. 15. Variance. The requirements of this part are subject to variance under part 7410.0600.

7410.1810 DRIVER'S LICENSE AND IDENTIFICATION CARD IMAGE.

Subpart 1. Image. The applicant for a driver's license, permit, or identification card shall have a full-face image taken by the department that is a representation of the true appearance of the applicant. The face of the applicant must be uncovered and unobscured.

Subp. 2. Use of previous image. The use of the previous image on file with the department is limited to:

A. duplicate driver's licenses and identification cards;

B. replacement of unexpired permits;

C. one renewal cycle for a person who applies to the department and certifies that the person is out-of-state at the time of expiration of the driver's license or identification card and intends to return within four years; and

D. verification of identity for issuing a Minnesota driver's license, permit, or identification card.

Subp. 3. Updated image required upon return. Within 30 days after the return to Minnesota of an applicant whose previous image was used in accordance with subpart 2, item B, the applicant shall appear at a driver's license renewal office and shall allow an updated image to be taken. The applicant shall comply with the identity provisions in part 7410.0400.

REPEALER. *Minnesota Rules*, part 7410.1800, is repealed.

Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

Expedited and Emergency Rules

Provisions for the Commissioner of Natural Resources to adopt emergency expedited Game and Fish Rules are specified in *Minnesota Statutes* §§ 84.027. The commissioner may adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months.

Pollution Control Agency

Adopted Permanent Rules Relating to Stationary Sources

The rules proposed and published at *State Register*, Volume 26, Number 43, pages 1351-1363, April 15, 2002 (26 SR 1351), and Volume 26, Number 48, pages 1632-1633, May 20, 2002 (26 SR 1632), are adopted with the following modifications:

7005.0100 DEFINITIONS.

Subp. 4f. **Conditionally exempt stationary source.** "Conditionally exempt stationary source" means a stationary source listed in ~~part parts~~ 7008.2100 to 7008.2250 that complies with chapter 7008 and all applicable requirements as defined in part 7007.0100, subpart 7, and is not part of another stationary source.

7007.0150 PERMIT REQUIRED.

Subp. 4. **Calculation of potential to emit.**

A. For purposes of parts 7007.0200 and 7007.0250, the owner or operator of a stationary source shall calculate the stationary source's potential to emit using the definition in part 7005.0100, subpart 35a, except as provided in subitems (1) to ~~(3)~~ (4).

(4) If a stationary source consists in part of emissions units that could have qualified as a conditionally exempt stationary source under chapter 7008 but for the presence of other noneligible emissions units, potential emissions caused by emissions from those units may be based on the limits imposed under chapter 7008 provided that general and technical standards of chapter 7008 are met with regard to those emissions units.

7007.1120 REGISTRATION PERMIT OPTION B.

Subpart 1. **Eligibility.** The owner or operator of a stationary source may apply for a registration permit under this part if:

B. the only emissions from the stationary source are from VOC-containing materials, or are from insignificant activities under part 7007.1300, subparts 2 and 3, ~~or conditionally insignificant activities except for part 7008.4100, conditionally insignificant VOC usage;~~ and

Subp. 2. **Application content.** An application for a registration permit under this part must contain the following:

E. the gallons of VOC-containing materials purchased or used in a calendar year ~~basis~~. If the stationary source has not been operated, the owner or operator shall estimate the gallons of VOC-containing materials that will be purchased or used on a calendar year basis during normal operation using a worksheet provided by the commissioner. If the stationary source has been operated less than 12 months or has not been operated a full calendar year on the date of application under this part, the owner or operator shall calculate gallons of VOC-containing materials purchased or used by multiplying 12 months by the larger of the two following monthly averages:

(2) the estimated average monthly gallons purchased or used for normal operation.

Insignificant activities at the stationary source listed in part 7007.1300, subparts 2 and 3, ~~and conditionally insignificant activities except for part 7008.4100, conditionally insignificant VOC usage, are not required to be included in the application.~~

Subp. 3. **Compliance requirements.** The owner or operator of a stationary source issued a registration permit under this part shall:

D. have emissions from the stationary source only from VOC-containing materials or from insignificant activities under part 7007.1300, subparts 2 and 3, ~~and conditionally insignificant activities except for part 7008.4100, conditionally insignificant VOC usage;~~

Adopted Rules

7008.0300 PERMITS.

Subp. 2. **Application for permit.** The owner or operator shall submit an application for a part 70, state, general, or registration permit, within 120 days of the commissioner's written request for the application if the commissioner determines that:

C. the applicable requirements to which the stationary source is subject have changed substantially; ~~and~~ or

7008.2000 CONDITIONALLY EXEMPT STATIONARY SOURCES; ELIGIBILITY.

~~To be eligible to operate without a permit under this chapter, the stationary source may not have any other emissions or emissions units that would require a permit listed in chapter 7007. Any stationary source that has no other emissions or emissions units that would require a permit under chapter 7007 may operate without a permit under this chapter.~~ To be eligible to operate without a permit under this chapter, the stationary source must comply with all general and technical standards established by this chapter and all applicable requirements as defined in part 7007.0100, subpart 7.

If the stationary source has other emissions or emissions units, the owner or operator shall determine if a permit is required as provided in part 7007.0150. If the limits provided in this chapter are used as provided in part 7007.0150, subpart 4, for certain emissions units, the stationary source must comply with all general and technical standards established in this chapter for those emissions units.

7008.2200 CONCRETE MANUFACTURING TECHNICAL STANDARDS.

Subpart 1. **Eligibility.** To be eligible to operate without a permit under this chapter, a concrete manufacturing stationary source must meet the requirements of this part and ~~part parts~~ 7008.2250 and 7011.0850 to 7011.0859 in addition to the general operating requirements in part 7008.0200.

7008.4100 CONDITIONALLY INSIGNIFICANT VOC USAGE.

Subp. 2. **VOC usage limit.** The stationary source must limit its use of VOC to less than 200 gallons or 2,000 pounds in each calendar year period calculated according to the method in subpart 4. All VOC usage from all emissions units at the stationary source must be accounted for in the calculated annual usage. This limit applies regardless of the hazardous air pollutant content of the VOC.

Subp. 3. **Recordkeeping.** The owner or operator claiming VOC usage as a conditionally insignificant activity shall:

C. if the owner or operator ships VOCs off-site for recycling, keep records of the amount of material shipped ~~off-site~~ off-site for recycling and the calculations done to determine the amount to subtract. Acceptable records include: the material safety data sheets, invoices, shipping papers, and/or hazardous waste manifests; and

Subp. 4. **Calculating VOC usage.** An owner or operator claiming VOC usage as a conditionally insignificant activity must calculate VOC usage using one of the method in this subpart methods in item A or B. If the owner or operator ships spent VOC off-site for recycling, the amount recycled may be subtracted from the amount of VOC used. "Recycling" means the reclamation or reuse, as defined in part 7045.0020, of a VOC. If the owner or operator ships VOC off-site for recycling, the owner or operator shall keep records of the amount of material shipped off-site for recycling and the calculations done to determine the amount to subtract.

A. Gallons of VOC: gallons of VOC used per calendar year equals volume percentage of VOC multiplied by the gallons of VOC-containing material purchased or used in a calendar year, except that if the owner or operator ships spent VOC off-site for recycling, the amount recycled may be subtracted from the amount of VOC used. "Recycling" means the reclamation or reuse, as defined in part 7045.0020, of a VOC. If the owner or operator ships VOC off-site for recycling, the owner or operator shall keep records of the amount of material shipped off-site for recycling and the calculations done to determine the amount to subtract.

B. Pounds of VOC: pounds of VOC used per calendar year equals gallons purchased or used in a calendar year multiplied by the pounds VOC per gallon; or pounds purchased or used in a calendar year multiplied by weight percent of VOC.

7011.0850 DEFINITIONS.

Subpart 1. **Scope.** The definition in this part applies to the terms used in parts 7011.0850 to ~~7011.0870~~ 7011.0859. The definitions in parts 7005.0100, 7007.0100, and 7011.0060 apply to the terms used in parts 7011.0850 to ~~7011.0870~~ 7011.0859, unless the terms are otherwise defined in this part.

Department of Public Safety

Adopted Permanent Rules Relating to Liquor

The rules proposed and published at *State Register*, Volume 27, Number 1, pages 8-27, July 1, 2002 (27 SR 8), are adopted with the following modifications:

7515.0430 ON-SALE APPLICATIONS.

Subp. 2. **Description of premises.** The retail licenses for sale of alcoholic beverages which the municipality may issue must contain a specific description of the premises to which the license applies. The description must state the numbered street address or

the description of the lot, block, addition, or township. In addition, the license application must include a complete description of the compact and contiguous area in which the licensee will conduct business, including a description of physically connected attachments to the main structure such as patios, decks, or pavilions. If the description in this subpart covers a building with more than one story or rooms which are used for business purposes other than those permitted to be in combination with the license as outlined in part 7515.0420, then the description must specify the floor and the space to which the license will apply.

Subp. 7. **Certificate to commissioner.** Within ten days after issuance of the on-sale liquor license, the clerk shall prepare and submit to the commissioner a form PS 9011 stating that a license has been issued. The certificate form must show the full name and the address of the person or persons to whom the license is granted, the effective date and expiration date of the license, and all additional information required to complete the form which shall be furnished by the commissioner.

7515.0440 OFF-SALE COMBINATION AND CERTAIN ON-SALE APPLICATIONS.

Subp. 3. **Materials forwarded to commissioner.** After approval, the clerk shall forward to the commissioner in Saint Paul, Minnesota, the following items:

C. one on-sale license form ~~no.~~ PS 9011, with the clerk's signature and corporate seal of the municipality or county affixed;

7515.0580 DELIVERY.

Subpart 1. **Restrictions.** Only licensed or authorized "off-sale" liquor retailers and no other class of ~~dealers~~ retailers may make deliveries of alcoholic beverages from their stores to the residence of a purchaser or other location, provided however, that such delivery shall be made only to a person 21 or more years of age; and provided further, that such delivery must not be made to alcohol beverage licensed establishments or other public or private place in violation of law or ordinance.

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

EXECUTIVE ORDER #03-05: Affirming the Government-to-Government Relationship Between the State of Minnesota and Indian Tribal Governments Located Within the State of Minnesota

I, TIM PAWLENTY, 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 United States and the State of Minnesota have a unique legal relationship with Indian tribes, as affirmed by the Constitution of the United States, treaties and statutes; and

WHEREAS, within Minnesota there are 11 federally recognized tribes with elected or appointed tribal governments; and

WHEREAS, the State of Minnesota, a sovereign state within the United States, recognizes the unique status of Indian tribes and their right to existence, self-government and self-determination; and

WHEREAS, state regulations and other policy statements or actions often have an impact on Indian tribes; and

WHEREAS, state and tribal governments play key roles in serving all of the citizens of the State of Minnesota and collaboration between tribes and state agencies will ensure that services are efficiently provided to all citizens, minimize service overlap, preserve natural resources and encourage sustainable economic development; and

WHEREAS, in order to advance both state and tribal concerns, it is necessary to maintain and foster a government-to-government relationship that is built on mutual respect for the sovereignty of both state and tribal governments;

NOW, THEREFORE I hereby order that:

1. Agencies of the State of Minnesota and persons employed by state agencies (the "State") shall recognize the unique legal relationship between the State of Minnesota and Indian tribes, respect the fundamental principles that establish and maintain this relationship and accord tribal governments the same respect accorded to other governments.

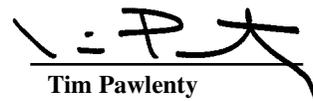
Executive Orders

2. When undertaking to formulate and implement policies or programs that directly affect Indian tribes and their members, the State and its agencies must recognize the unique government-to-government relationship between the State and Indian tribes and, whenever feasible, consult with the governments of the affected Indian tribe or tribes regarding a State action or proposed action that is anticipated to directly affect an Indian tribe.
3. In instances where the State assumes control over formerly federal programs that directly affect Indian tribes, state agencies shall consider the unique tribal needs and, to the extent feasible, endeavor to ensure that tribal interests are taken into account by the state agency administering the formerly federal program.
4. State agencies and persons employed by State agencies shall work cooperatively to accomplish the goals of this order and at all times act in a manner consistent with this order.

Nothing in this order shall require state agencies to violate or ignore any laws, rules, directives or other legal requirements or obligations imposed by state or federal law, or set forth in agreements or compacts between one or more Indian Tribes and the state or one or more of its agencies. If any provision in this order conflicts with any laws, rules or other legal requirement or obligation imposed by state or federal law, the state or federal law shall control. Nothing in this order prohibits or limits any state agency from asserting or pursuing any action, right or taking any position under state or federal law in relation to the interests of the State of Minnesota or any of its state agencies.

Pursuant to *Minnesota Statutes 2002*, section 4.035, subd. 2, this Order shall be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes 2000*, section 4.035, subd. 3.

IN TESTIMONY WHEREOF, I have set my hand this 9th day of April 2003.



Tim Pawlenty
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.

Department of Commerce

Energy and Telecommunications Division

Office of Energy Assistance Programs

Public Hearing and Comment Period for the 2004 Energy Assistance Program, Minnesota Department of Commerce

THE PUBLIC IS INVITED TO COMMENT on the proposed Minnesota state plan for the Energy Assistance Program for federal fiscal year 2004 at a public hearing or through written comment. The hearing will be held May 22, 2003, from 1:30 p.m. to 4:00 p.m. in the Ladyslipper Room of the Centennial Building in the capitol complex at 658 Cedar Street, St. Paul. Written comment must be received at the address below by 4:30 p.m. on May 22, 2003.

The FY 2003 Energy Assistance Plan describes how federal LIHEAP funds will be used to help low-income households pay home heating bills and conserve energy. Comments received at the public hearings and in writing during the comment period will be considered in the development of the state plan. The proposed state plan is available for viewing or downloading at www.state.mn.us.

Click on the following links: Energy Assistance Programs [see the list on the right]>Provider Resources [see the list on the left]>State Plan>DRAFT LIHEAP State Plan FY 2004. Written comments may be sent to:

John Harvanko, Director
Office of Energy Assistance Programs
Department of Commerce
85 - 7th Place East, Suite 500
St. Paul, MN 55101-2198
john.harvanko@state.mn.us
phone (651) 284-3275
fax (651) 284-3277

Department of Human Services

Notice of Availability of the Minnesota Health Care Programs Provider Participation List [Also Known as DHS Rule 101 Provider Compliance List]

NOTICE IS HEREBY GIVEN that the Minnesota Health Care Programs provider participation list for April 1, 2003 is now available. The provider participation list is a compilation of health care providers who are in compliance with DHS Rule 101. If a provider name is not on the list, the Department considers the provider non-compliant. The list of providers is separated by provider type, each section is in alphabetical order by provider name, and there is no additional information on the list other than the provider's name. This list is distributed on a quarterly basis to the Department of Employee Relations, the Department of Labor and Industry, and the Department of Commerce. To obtain the list, contact Kelly Crawford, Rule 101 Specialist, at (651) 296-0766 or **toll-free** at 1-800-366-5411. You may **fax** your request to (651) 296-5690 or mail to the Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3856.

Kevin Goodno, Commissioner
Department of Human Services

Department of Human Services

Health Care Purchasing and Delivery Systems Division, Health Care Administration Public Notice of the Maximum Allowable Costs of Medical Assistance Outpatient Prescribed Drugs

NOTICE IS HEREBY GIVEN to recipients, providers of services, and to the public of additions to the state Medical Assistance maximum allowable cost (state MAC) list for certain outpatient prescribed drugs.

At least once each calendar year, the United States Department of Health and Human Services, Centers for Medicare & Medicaid Services, publishes a federal upper limit (FUL) payment schedule for many commonly prescribed multiple-source drugs. The federal upper limit is set at a rate equal to 150 percent of the published price for the least costly therapeutic equivalent that can be purchased by pharmacists. This FUL payment schedule constitutes the federal MAC list. For many multiple-source drugs that are not on the federal MAC list, the Department establishes a state MAC list.

The Department requires Medical Assistance pharmacy providers to submit their usual and customary costs. Pharmacy providers are reimbursed at the lower of: the federal or state MAC, plus a dispensing fee; the submitted usual and customary charge to the general public; or a discount off of average wholesale price, plus a dispensing fee.

On February 7, 2003, pursuant to *Minnesota Statutes*, §16A.152, subdivision 4, the Governor balanced the State Fiscal Year 2003 budget. The Governor's action permits the Department to impose a state MAC for many multiple-source drugs that are on the federal MAC list, as long as the savings are at least as much as the savings would be using the federal MAC list.

On January 13, 2003 at 27 SR 1117-1130, the Department published the MAC list, listing the federal and state MACs. On February 18, 2003 at 27 SR 1331-1334, the Department published changes to the state MAC list, and on March 3, 2003 at 27 SR 1386-1393, the Department published further changes to the state MAC list.

Official Notices

Effective April 22, 2003, the Department will add certain outpatient prescribed drugs to the state MAC list. They are:

<u>Generic Name</u>	<u>Strength</u>	<u>MAC Price</u>
Tamoxifen Citrate	10MG	1.68050
Tamoxifen Citrate	20MG	3.29670
Calcitriol	.25MCG	0.94450
Calcitriol	.50MCG	1.42050
Cefuroxime	250MG	3.20500
Cefuroxime	500MG	5.65870
Hydroxyzine	25MG	0.52190
Omeprazole	20MG	3.25700

These additions are made to bring Medical Assistance reimbursement to pharmacists more closely in line with the actual acquisition cost of the drugs listed above. The Department estimates that there will be a state savings of \$22,087 from April 22, 2003 through June 30, 2003 (the remainder of State Fiscal Year 2003) and \$132,525 for State Fiscal Year 2004 (July 1, 2003 through June 30, 2004).

This notice is published pursuant to *Code of Federal Regulations*, Title 42, section 447.205, which requires publication of a notice when there is a rate change in the methods and standards for setting payment rates for Medical Assistance services.

Written comments and requests for information may be sent to:

Cody Wiberg, Pharm.D., R.Ph.
Pharmacy Program Manager
Health Care Purchasing and Delivery Systems Division
Minnesota Department of Human Services
444 Lafayette Road North
St. Paul, Minnesota 55155-3854
Phone: (651) 296-8515
Email: cody.wiberg@state.mn.us

Department of Labor and Industry

Labor Standards Unit

Notice of Correction to Commercial Prevailing Wage Rates

A **correction** has been made to the Commercial Prevailing Wage Rates certified 12/30/02 for: **Labor Code 403, Bricklayers in Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, McLeod, Ramsey, Scott, Washington and Wright counties.**

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

Robin N. Kelleher
Acting Commissioner

Metropolitan and Airports Commission

Notice of Public Hearing on Reliever Airports Philosophies and Rental Rates

On the 15th day of May, 2003, at 6:30 p.m. in the Doubletree Hotel (Crystal Ballroom - lower level) at 7901 24th Avenue South, in Bloomington, Minnesota, the Metropolitan Airports Commission ("MAC") will hold a public hearing to receive verbal and written testimony relating to the Reliever Airports philosophies and the rental rates at the MAC's Reliever Airports (St. Paul Downtown Airport, Flying Cloud Airport, Anoka County/Blaine Airport, Crystal Airport, Lake Elmo Airport and Airlake Airport).

Specifically, in preparation for the MAC deciding whether or not to change the Reliever Airports philosophy statements and whether or not to increase the rental rates at the Reliever Airports, the Commission seeks input on the following issues:

1. Should the MAC change the General Aviation Mission Statement and Philosophy Statements that were formally adopted by the Commission in May 1995?

GENERAL AVIATION MISSION STATEMENT

It is the mission of the MAC to provide capacity relief for MSP by meeting general aviation needs.

PHILOSOPHY STATEMENTS:

1. MAC owns a system of airports designed and operated to serve numerous and various aviation needs and to do so interdependently.
 2. Funding to operate the Reliever Airports should be made based upon the interaction of 4 financing principles:
 - Fair assessments of fees to airport users.
 - Contribution of MAC funds to subsidize Reliever operations.
 - Efficient operating practices and procedures.
 - Pursuit of revenue enhancement opportunities.
 3. MAC's general aviation responsibility is to serve current needs and prepare for future growth.
-
2. Is the current level of services and facilities at the Reliever Airports appropriate? Based on the level of service and facilities provided by the MAC at the Reliever Airports, are the rental rates in Ordinance 87 appropriate?
 3. Are the rental rates at the Reliever Airports appropriate as currently set forth in MAC Ordinance 87, or should they be adjusted up or down?
 4. What are the benefits of the Reliever Airports to the users of MSP?
 5. If the rates should be adjusted up or down, how much of the operational and capital expenses of the Reliever Airports should be subsidized from revenues generated at MSP? Should MAC eliminate the subsidy to the Reliever Airports as proposed by Northwest Airlines?
 6. How much of the operational and capital expenses of the Reliever Airports should be recovered through the rental rates for the Reliever Airports?
 7. If the rates should be adjusted at the reliever airports, how should the rates be structured for both storage tenants and commercial tenants?
 - Should the rates be a per square footage rate for both storage tenants and commercial tenants?
 - Should there be fuel flowage fees and percentage of gross sales paid by commercial tenants?

The following background information may be obtained at www.msairport.com and from Reliever Airports Advisory Committee members:

- MAC Ordinance 87 (Reliever Airports Rates and Charges; effective January 1999)
- Revenues and expenses by reliever airport for the last five years
- GCW Consulting report (report for NWA dated November 15, 2002)

Written comments about these issues may be submitted at the hearing or received at the following address by 5:00 p.m. on May 22, 2003:

Attn: Reliever Airports Dept.
Metropolitan Airports Commission
General Office
6040 28th Avenue South
Minneapolis, MN 55450-2799

Dated this 21st day of April, 2003

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

Official Notices

Minnesota Pollution Control Agency

Majors and Remediation Division

Amended Request for Comments on Planned Rule Amendments to *Minnesota Rules* Chapters 7001 and 7035 Governing Transfer Stations

On October 29, 2001 the Minnesota Pollution Control Agency (MPCA) published a request for comments on solid waste rule revisions. The solid waste rule revisions included solid waste transfer facilities, demolition debris and industrial solid waste land disposal facilities, and solid waste utilization. Since publication of the initial request for comments, the MPCA has decided to handle each rule making process separately. At this time, MPCA is re-publishing a request for comment on the rule amendments pertaining to transfer stations. This notice is meant to clarify the proposed amendments regarding transfer stations, and to request additional comment.

Subject of Rules: This proposed rule making will affect both existing and planned solid waste transfer facilities. This proposed rulemaking may change the way solid waste transfer facilities are permitted and operated. The MPCA may consider regulatory options that eliminate permitting requirements for certain classes of solid waste transfer facilities.

Statutory Authority: *Minnesota Statutes*, section 116.07 authorizes the MPCA to adopt standards for the control of the collection, transportation, storage, processing, and disposal of solid waste.

Rule Revision Timeline: At this time, the MPCA intends to publish the proposed rule amendments in June of 2003. The planned completion date for the rule is January 2004. The MPCA has been working with stakeholders to obtain input prior to drafting the rule. Information on how stakeholders have been involved and minutes from meetings of the Transfer Facility Advisory Group, and State Wide Informational Meetings can be found on the web site cited below or by contacting the MPCA.

Public Comment: Affected, interested persons or groups may submit comments or information on this planned rulemaking in writing or orally until 4:30 p.m. June 20, 2003.

Rules Drafts: The MPCA has not yet prepared a draft of the possible rule amendments.

Where to Get More Information

Web Site: A web site has been established where supplemental information will be posted as it becomes available: <http://www.pca.state.mn.us/waste/swrules.html>

Agency Contact: Written comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these proposed rule amendments should be directed to: Yolanda Letnes at Minnesota Pollution Control Agency, 520 Lafayette Road N., St. Paul, Minnesota 55155-4194, **Phone** (651) 296-7214, **Fax:** (651) 297-8676 and **email:** yolanda.letnes@pca.state.mn.us. **TTY** users may call the MPCA at **TTY** (651) 292-5332 or 800-657-3864.

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

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Teachers Retirement Association

Notice of Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Thursday, May 8, 2003 at 9:30 a.m. in Suite 400, 60 Empire Drive, St. Paul, MN to consider matters which may properly come before the Board.

State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts Section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Minnesota Board on Aging

Notice of Funds Availability: Opportunity to Sponsor the Retired and Senior Volunteer Program in Itasca and Koochiching Counties

The Minnesota Board on Aging, a state agency, in collaboration with the Minnesota office of the Corporation for National and Community Service, a federal agency, is seeking a qualifying non-profit public or private organization to assume sponsorship of the Retired and Senior Volunteer Program (RSVP) operating in Itasca and Koochiching counties.

The Minnesota Board on Aging (MBA) is a state agency that provides state funding and support for the RSVP, Senior Companion, Foster Grandparents and a variety of programs and services for older adults. The Corporation for National and Community Service is a federal government Corporation that encourages Americans of all ages and backgrounds to engage in community based service. RSVP, one of three programs of the Corporation's National Senior Service Corps (the Senior Companion and Foster Grandparent programs are the other two), facilitates the engagement of people 55 and older in volunteer opportunities in local communities. A more complete description of RSVP is available from the Corporation for National and Community Service (address below) or at www.nationalservice.org.

A project sponsor administers the recruitment, placement, and support of RSVP volunteers at community locations in the project area. Examples of current sponsors for the twenty-two RSVP projects operating in Minnesota include non-profit organizations and city and county governmental units. RSVP operating procedures and policy are governed by federal legislation contained in the Domestic Volunteer Service Act of 1973 as amended. RSVP, as well as the Senior Companion and Foster Grandparent programs, operates in Minnesota with additional state support provided through the MBA. The Corporation for National and Community Service (CNCS) will designate the selection of a new sponsor for Itasca and Koochiching Counties in consultation with the MBA.

Currently there are approximately 450 active RSVP volunteers serving at locations or "stations" throughout the two counties. The sponsor selected to assume operations will be expected to maintain the Retired Senior Volunteers (RSVs) and stations enrolled in the program while seeking new volunteers and assignments in the future.

It is anticipated that \$51,447 in federal funds from the Corporation for National and Community Service will be available on an annualized basis for project operations. The sponsor must provide financial support, cash and/or in-kind, to meet the matching requirements of the federal funding. The match requirement is 10% in the first year, 20% in the second year and 30% in the third and all subsequent years. Currently the state of Minnesota, through the MBA, provides an additional \$44,476 to operate this program but it is not clear whether that support will be available beyond June 30, 2003, since state budget deliberations are not yet complete. It is expected that the new sponsor will assume operations by July 1, 2003. Training and assistance to commence operations will be provided.

An application and further instructions are available from the Corporation for National and Community Service, Room 2480, 431 S. Seventh Street, Minneapolis, MN. 55415; **phone:** (612) 334-4083. A public meeting for all prospective sponsors will be held on Tuesday, May 6, 2003 starting at 10:30 a.m. and will likely last about two hours. The location is Room 122 of the Itasca Resource Center, 1213 SE Second Ave., Grand Rapids, Minnesota. Interested parties are requested to call the Corporation for National and Community Service to advise their intent to attend the public meeting or with other questions.

Department of Human Services

Notice of Request for Proposals -- Alternative Payment for Nursing Facility Services

1995 *Laws of Minnesota*, Chapter 207, Article 7, Section 32 (hereinafter *Minnesota Statutes* Section 256B.434) authorized the Commissioner of the Department of Human Services to establish a contractual alternative payment system as an alternative way to pay for nursing facility services under the Medical Assistance (MA) Program. In order to implement this legislation, the Department established the "Nursing Home Contract Project." The purpose of the Project was to explore a contract-based reimbursement system as an alternative to the current cost-based system for reimbursement of nursing facility services under *Minnesota Statutes* Section 256B.431.

The 2000 *Laws of Minnesota*, Chapter 245, Article 3, Section 25 established the authority for the Commissioner to implement a

State Grants & Loans

performance-based contracting system to replace the current method of setting operating cost payment rates under sections 256B.431 and 256B.434 and *Minnesota Rules*, parts 9549.0010 to 9549.0080 to be effective July 1, 2001. 2001 First Special Session, Article 5, Section 35(d) states, Notwithstanding *Minnesota Statutes*, section 256B.435, the commissioner must not implement a performance-based contracting system for nursing facilities prior to July 1, 2003. The commissioner shall continue to reimburse nursing facilities under *Minnesota Statutes*, section 256B.431 or 256B.434, until otherwise directed by law. The commissioner will consider proposals from all nursing facilities that have payment rates established under section 256B.431. The commissioner may develop reasonable requirements which, in the judgment of the commissioner, are necessary to protect residents or ensure that the performance-based contracting system furthers the interests of the state of Minnesota. The nursing facility may be required to negotiate with the State any modifications to the proposal as required by the State to make the terms of the proposal more favorable to the State.

The purpose of this RFP is to solicit proposals from eligible nursing facilities to enter into contracts with the Department to provide nursing facility services to MA recipients. Facilities selected to participate in this project will be eligible to contract with the Department for one-year terms.

Requests for copies of the complete RFP, "Alternative Payment for Nursing Facility Services," should be directed to Bev Milotzky at (651) 296-2673. The original and two (2) copies of the proposal in response to the RFP must be submitted to the Nursing Home Contract Project, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3836, no later than 4:00 p.m. on Monday, May 19, 2003.

The State of Minnesota reserves the right to reject any and all proposals submitted.

Department of Human Services

Children and Family Services Administration

Notice of Request for Proposals (RFP) for State Adoption Exchange

April 21, 2003

Grant Overview

The purpose of this RFP is to obtain a qualified provider to partner with the Minnesota Department of Human Services (also known as the "Department") to manage the State Adoption Exchange (hereafter known as the "Exchange") in order to increase the number of adoptions of children committed to state guardianship. *Minnesota Statute 259.75* requires the Commissioner of the Minnesota Department of Human Services to establish an adoption exchange. The Exchange service must be available to all local social service agencies and licensed child-placing agencies whose purpose is to assist in the adoptive placement of children.

The Exchange is a computer system used to match waiting children under state guardianship with families waiting to adopt. Children are committed to state guardianship when the rights of their biological parents have been terminated by court order. These children have suffered abuse and neglect in their families of origin and have been involved in the child welfare and foster care systems. These children generally have special physical, medical, emotional and behavioral needs, are members of siblings groups, and are children of color.

Sample Services

- Maintain, operate and continue to enhance the customized Exchange.
- Register state wards and prospective adoptive families on the Exchange.
- Edit recruitment descriptions of children available on public sites.
- Develop a system to track state wards to ensure timely registration on the Exchange.
- Team with the Department, the counties, and private adoption agencies.
- Survey social workers to ensure that the Exchange search criteria are useful and effective.
- Review state ward reports and provide follow-up with counties.
- Develop significant methods of evaluation and provide quarterly reports to the Department.
- Coordinate on adoption recruitment efforts.
- Provide information and referrals.

Funding

The anticipated grant contract amount is \$200,000 for state fiscal year (SFY) 2004 and \$200,000 for SFY 2005. The grant contract will commence on July 1, 2003. The funds will be used by the grantee to meet the statutory requirements of the Exchange.

Eligibility

In order to be qualified, an applicant must have knowledge of issues related to adoption and have experience in the adoption field. An applicant must have the capacity to provide culturally competent services. In addition, an applicant must have the ability to manage a computer database.

The full text of the RFP is available upon request by contacting: Melissa Sherlock, Program Consultant; Children and Family Services Division; 444 Lafayette Road N.; St. Paul, MN 55155-3831; **phone:** (651) 282-5307. It is also available online at http://www.dhs.state.mn.us/RFP_Grants/default.htm.

Proposals must be submitted in the format described in the RFP. **Proposals must be received no later than 4 p.m. on Thursday, May 22, 2003.** Late proposals will not be considered.

State Contracts

Informal Solicitations: Effective March 1, 2002, informal solicitations for all contracting opportunities for professional/technical (consultant) contracts with values estimated to be over \$5,000 and under \$50,000 must be posted on the Department of Administration, Materials Management Division web page (www.mmd.admin.state.mn.us) and access P/T Contracts.

Formal Requests for Proposals: Department of Administration procedures require that formal notice of any professional/technical (consultant service) contract which has an estimated value over \$50,000 must be printed in the *State Register*. Certain quasi-state agencies and Minnesota State Colleges and Universities institutions are by law exempt from these requirements.

Department of Children, Families and Learning

Notice of Request for Proposals to Provide a Career and Technical Education, Career Cluster Mathematics Professional Development Opportunity

The Department of Children, Families and Learning is soliciting proposals from qualified parties to provide an in-depth professional development program (both face-to-face and online) that would help secondary career and technical education teachers infuse higher levels of mathematics into career and technical education courses at the high school level and determine a process to align career and technical mathematics requirements to the Minnesota State Math Standards.

The Department of Children, Families and Learning has estimated the cost of this project should not exceed \$65,000.00.

The anticipated project period is August 1, 2003 - June 30, 2004.

For a complete copy of the Request for Proposals, please contact: Pam Schneider, Grants Coordinator, Department of Children, Families and Learning, Adult and Career Services Section, 1500 Highway 36 West, Roseville, Minnesota 55113, **telephone** (651) 582-8305, **fax** (651) 582-8492, **E-mail:** pam.schneider@state.mn.us.

Responses are due by **3:00 p.m. on May 12, 2003.** Late proposals will **NOT** be considered. Fax or E-Mail proposals will **NOT** be considered.

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

This request does not obligate the State to award a contract or complete the work contemplated in this notice. The State reserves the right to cancel this solicitation if it is considered to be in its best interest. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Colleges and Universities, Minnesota State (MnSCU)

Winona State University

Request for Sealed Proposals to Add Equipment for Additional Sites and Upgrade Existing Avaya Definity Telephone System

NOTICE IS HEREBY GIVEN that Winona State University will receive sealed proposals to add equipment for additional site and upgrade existing Avaya Definity telephone system; presently owned and maintained by the University.

On site visit to review proposals will be April 23, 2003 at 1:00 p.m. in Somsen 111. Proposal specifications will be available April 21, 2003 from the Winona State University Purchasing Department, P.O. Box 5838, 205 Somsen Hall, Winona, MN 55987 or by calling (507) 457-5067 or (507) 457-5419.

State Contracts

Sealed proposals must be received by Sandra Schmitt at P.O. Box 5838, or at 175 W. Mark St., Somsen 205G, Business Office, Winona State University, Winona, MN 55987 by 2:00 p.m. May 9, 2003

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

Minnesota Department of Corrections

MINNCOR industries

Notebook Equipment and Materials Available for Sale

Three-ring binder notebook equipment and materials are available for sale through a sealed bid process. Includes seven thermatrons, silkscreen equipment, several riveters, a round cornering machine, paper drills and slitter with an original purchase price valued at \$221,100. Also a wide variety of raw materials valued at over \$50,000 including ring metals, many colors of vinyl, poly covers in various sizes and colors, chipboard, unitized chipboard, die-cut chipboard, and sheet lifter.

The Notebook Business Unit for MINNCOR Industries generated sales annually of \$700,000. Contact Joan Weber at (651) 603-6704 for bidding information

Department of Human Services

Request for Proposals for Dental Services

The Minnesota Department of Human Services- Health Source Dental Clinic in Cambridge, MN and the Southern Cities Clinic in Faribault, MN is soliciting proposals from qualified parties to provide dental services. Both locations primarily serve people with disabilities.

This Request for Proposals does not obligate the State to fill the position, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

I. SCOPE OF POSITION.

To provide onsite dental services, including examinations, emergency, and emergent care for clients at Health Source Clinic and the Southern Cities Clinic. The response may include both clinics and just one location.

II. GOALS AND OBJECTIVES.

To contract with a licensed dentist who will provide dental services for people with disabilities.

III. CONTRACTOR'S DUTIES

- A. Provide on site dental services for patients Health Source and Southern Cities at times mutually agreeable by vendor and Clinic Manager.
- B. Provide dental services including examinations, emergency and emergent care
- C. Provide written reports where indicated on treatments.
- D. Complete all required dental records.
- E. Refer clients to other professionals as indicated.
- F. Provide reference and educational material to clients and staff.
- G. Provide consultant services to dental staff on procedures and techniques in dental care, safety, sanitation, quality control, and methodology.
- H. Actively participate in peer review activities and medical staff committee assignments.
- I. Maintain a current license to practice dentistry in Minnesota in accordance with *Minnesota Statute*, Chapter 150A, and provide copy of license.
- J. Possess a valid federal narcotics number. Submit proof of registration with Drug Enforcement Administration.
- K. Maintain and submit proof of professional liability insurance coverage or maintain a program of self-insurance covering actual services rendered in the amount of at least \$1,000,000 for each occurrence, with a per annum aggregate limitation of at least \$3,000,000 and shall obtain so-called commercial "tail insurance" or shall maintain an equivalent policy of self-insurance in the above amounts if the insurance being provided is on a claims made as opposed to an occurrence basis.
- L. Submit proof of current competence, as well as proof of relevant training and experience.

IV. SUBMISSION OF PROPOSALS.

All proposals must be in writing and sent to and received by:

Michael Fitzgerald, Clinic Manager
DHS - State Operated Services Support Division
444 Lafayette Road
Saint Paul, MN 55115-3826

No later than 3:00 p.m. CST, May 16, 2003

Late proposals will not be accepted. Submit two copies of proposals. Proposals must be submitted in a sealed mailing envelope or package with the responder's name and address clearly written on the outside.

Each copy of the proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal must be valid for the length of the proposal. All costs of this proposal will be borne by the responder. No fax or e-mail responses will be considered.

V. COMPENSATION.

The Department has estimated the need for services to be approximately sixteen to 32 (16 - 32) hours per week per Clinic. Contractor will be compensated on an hourly basis.

VI. CONTRACT PERIOD.

The contract will run from July 1, 2003 until June 30, 2005 with the option to renew for one additional year.

VII. PROPOSAL CONTENTS.

The following are required contents of the proposal:

1. Restatement of objectives, to demonstrate the responder's understanding of the position;
2. Outline of the responder's background and experience;
3. Requested rate of compensation
4. Availability (hours and specific days of service)

VIII. EVALUATION.

All proposals received by the deadline specified in section IV will be evaluated by representatives of the Department of Human Services. A personal interview may be part of the evaluation process. Proposals will be evaluated based and rated on the following:

1. Expressed understanding of the position (15%);
2. Background, availability, and experience (55%); and
3. Compensation rate (30%);

Evaluation and selection will be completed by June 2, 2003. Results will be sent immediately by mail to all responders.

IX. DEPARTMENT CONTACTS.

Prospective responders who have any questions regarding this Request for Proposal or to request the entire Request for Proposal may call or write:

Michael Fitzgerald, Clinic Manager
DHS - State Operated Services Support Division
444 Lafayette Road
Saint Paul, MN. 55155-3826
(651) 582-1872

Deadline for questions: May 13, 2003. All questions and responses will be sent to all responders. Additional general requirements and a sample State of Minnesota Professional/Technical Services Contract are available from the above contact. Other personnel are NOT *authorized* to discuss this request for proposal with responders before the proposal submission deadline. Contact regarding this request for proposal with any personnel not listed above could result in disqualification.

Department of Transportation

Engineering Services Division

Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (the "Consultant Pre-Qualification Program")

This document is available in alternative formats for persons with disabilities by calling Robin Valento at (651) 284-3622 for persons who are hearing or speech impaired by calling the Minnesota Relay Service at (800) 627-3529.

State Contracts

Mn/DOT, working in conjunction with the Consultant Reform Committee, the Minnesota Consulting Engineers Council, and the Department of Administration, has developed the Consultant Pre-Qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT anticipates that most consultant contracts for highway related technical activities will be awarded using this method, however, Mn/DOT also reserves the right to use RFP or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to complete or use the Consultant Pre-Qualification Program.

Mn/DOT is currently requesting application from consultants in the following service areas: preliminary design, highway design, bridge inspection and environmental studies. Technical and administrative qualification requirements are located on the web site indicated below. In the future, Mn/DOT will be requesting applications for additional highway related consulting services as those services become available. Following advertisement of a particular category of services, applications will be accepted on a continual basis.

All expenses incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

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

Send completed application material to:

Robin Valento
Pre-Qualification Administrator
Minnesota Department of Transportation
Consultant Services
395 John Ireland Boulevard, Seventh Floor, Mail Stop 680
St. Paul, MN 55155

NOTE: Due Date: APPLICATION MATERIAL WILL BE ACCEPTED ON A CONTINUAL BASIS.

Department of Transportation

Engineering Services Division

Notice Concerning Professional/Technical Contract Opportunities

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

New public notices may be added to the website on a daily basis and be available for the time period indicated within the public notice.

Non-State Contracts & Grants

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

Metropolitan Council

Notice of Invitation for Bids (IFB) for Blue Lake Clarifier Rehabilitation Project

Contract Number 03P035

The Metropolitan Council is requesting bids for Final Clarifier Rehabilitation.

<i>Issue Invitation for Bids</i>	April 18, 2003
<i>Bids Due</i>	May 22, 2003
<i>Award Contract</i>	May, 2003

All firms interested in submitting bids for this contract and desiring to receive an IFB package are invited to make a written request either by e-mail, fax or phone request to:

Sunny Jo Emerson
Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council
230 East Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1499
Fax: (651) 602-1083
E-mail: sunnyjo.emerson@metc.state.mn.us

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

Metropolitan Council

Notice of Invitation for Bids (IFB) for the Procurement of Liquid Calcium or Sodium Nitrate for Odor Control in Sanitary Sewers

Reference Number 03P031

The Metropolitan Council is requesting bids for the Furnishing and Delivery of Liquid Calcium or Sodium Nitrate for odor control in sanitary sewers.

<i>Issue Invitation for Bids</i>	April 21, 2003
<i>Bids Due</i>	May 13, 2003
<i>Award Contract</i>	June 2003

All firms interested in submitting bids for this contract and desiring to receive an IFB package are invited to make a written request either by e-mail, fax or mail or phone request to:

Sunny Jo Emerson
Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council
230 East Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1499
Fax: (651) 602-1083
E-mail: sunnyjo.emerson@metc.state.mn.us

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

Metropolitan Council

Notice of Request for Proposals (RFP) for Lease of Woodbury Theatre

Project Number 63017

The Metropolitan Council is requesting proposals for the lease of property located at 1470 Queens Drive, Woodbury Minnesota. The site is a 9.4-acre parcel of land improved with a ten-screen movie theatre. The property has a separate paved parking lot for 654 cars and is located adjacent to a regional shopping center.

<i>Issue Request for Proposals</i>	April 18, 2003
<i>Receive Proposals</i>	May 9, 2003
<i>Contract negotiated, executed, NTP</i>	May 15, 2003

All persons or firms interested in receiving an RFP package are invited to submit a Letter of Interest to:

Amanda Houston
Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council
230 East Fifth Street

Non-State Contracts & Grants

St. Paul, MN 55101
Phone: (651) 602-1585
Fax: (651) 602-1138
E-mail: amanda.houston@metc.state.mn.us

Note: RFPs are not available in electronic form.

Metropolitan Council

Notice of Request for Proposals for Project Management Services for Implementation of Scheduling and Garage Operations Software

RFP No. 03P034

NOTICE IS HEREBY GIVEN that the Metropolitan Council is soliciting proposals from vendors to provide project management services during final contract negotiations and implementation of fixed route scheduling and garage operations software.

The Metropolitan Council through its Metro Transit division provides mass transit bus services to the Twin Cities of Minneapolis/St. Paul and outlying areas. The Council is replacing its existing scheduling and garage operations software packages with a new integrated system that will provide for more productive process and more efficient operations. Through this RFP, the Council is seeking project management services to help ensure that the contract with the selected software vendor thoroughly covers all activities and requirements necessary to provide a smooth implementation process and that the overall project proceeds as planned, that all required tasks are completed on time and that the software contractor meets all obligations defined in the contract.

All proposals must be submitted in accordance with the RFP. The *tentative* schedule is:

RFP Release Date	<i>Mid-April 2003</i>
Questions Due	<i>Two weeks prior to Proposal Due Date</i>
Questions Answered	<i>One week prior to Proposal Due Date</i>
Proposals Due	<i>May 13, 2003</i>
Evaluation/Interviews, if required*	<i>Week of May 19, 2003</i>
Negotiations/Contract Execution	<i>May, 2003</i>
Notice to Proceed	<i>May, 2003</i>
Start-up	<i>May, 2003</i>

All *firms interested* in this project should forward a *written request* for a copy of the solicitation to:

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

Please provide *one* contact point; complete company name; address/city/state/zip along with phone/fax/mobile/cell phone and pager numbers as well as e-mail information if you wish to be placed on the Solicitation List.

All other inquiries regarding this procurement shall be directed by e-mail to **Mary DeMers** at: mary.demers@metc.state.mn.us.
Any other contact made throughout the entire solicitation process risks vendor disqualification.

This project may be funded in part by local funds, transit revenues generated by the motor vehicle tax per Minnesota State Statute or FTA grant funds, to which federal rules apply. *Minnesota Statutes*, Sections 473.144 and 363.073 and *Minnesota Rules*, Part 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Proposal or any modifications to it. The Minnesota Data Practices Act governs data submitted in response to this RFP. It provides that all information submitted by a Proposer in response to an RFP, with the exception of trade secret data as defined in *Minnesota Statutes*, section 13.37, becomes public at the times specified in the Act and is then available to any person upon request. Any information in its response for which Proposer claims trade secret protection must be limited and set apart in the proposal on separate pages, with a heading that identifies the information as trade secret information. Blanket-type identification on whole pages or sections containing trade secret information will not assure protection. A statement that submitted information is copyrighted or otherwise protected does not prevent public access.

Metropolitan Council

Notice of Request for Proposals for Riverview Siphon Improvements Facility Plan

RFP No. 03P026

NOTICE IS HEREBY GIVEN that the Metropolitan Council is soliciting proposals from professional engineering firms to provide a comprehensive facility plan for the proposed Riverview Siphon Improvements. The Council owns, operates and provides wastewater treatment services to the seven-county Twin Cities Metro Region.

The Council is seeking proposals from licensed consultants to perform facility planning for the proposed improvements, including siphon pumping, inlet and outlet structure, flow metering and odor control facilities. Consultant will investigate, compare and recommend the most reliable and cost effective method available for the siphon improvements. The Work will include project administration, quality control, cost estimates, public involvement, permit and regulatory support, ground control survey, digital mapping, utility and survey data collection, initial facility planning workshop, geotech investigation, project corridor environmental inventory, a draft facility plan, value engineering, a public hearing, a final facility plan and EAW preparation.

The *tentative* schedule for this process is:

RFP Issue Date	<i>Mid-April 2003</i>
Review Record Drawings	<i>Up to May 1 by appointment</i>
Questions, in writing only	<i>Up to May 1</i>
Proposals Due	<i>May 15, 2003, 3:00 p.m.</i>
Contract Award	<i>July 2003</i>
Contract Negotiations	<i>July 2003</i>
Notice to Proceed	<i>July 2003</i>
Draft Facility Plan	<i>November 2003</i>
Value Engineering	<i>December 2003</i>
Public Hearing	<i>January 2004</i>
Council Adoption	<i>February 2004</i>
Facility Plan to MPCA	<i>February 2004</i>

Anticipated MBE Participation: 3.5% / WBE Participation: 11.5%

Call the Metropolitan Council Regional Maintenance Center (651) 602-4500 to set up an appointment to review the record drawings at 3565 Kennebec Drive, Eagan, MN 55122. All proposals are to be submitted in accordance with instructions in the RFP. All firms interested in this project should forward a written request for the RFP to:

Amanda Houston, Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council
Mears Park Centre, 230 East Fifth Street
St. Paul, MN 55101

Phone: (651) 602-1585 / **Fax:** (651) 602-1138 / **E-mail:** amanda.houston@metc.state.mn.us

Please provide *one* contract point; complete company name; address/city/state/zip along with phone/fax/mobile/cell phone and pager numbers as well as e-mail information if you wish to be placed on the Solicitation List.

All other inquiries regarding this procurement shall be directed by e-mail to **Mary DeMers** at: mary.demers@mctc.state.mn.us. **Any other contact made throughout the entire solicitation process risks vendor disqualification.**

This project may be funded in part by local funds, fee-based revenues or PFA funds, to which federal rules apply. *Minnesota Statutes* and *Minnesota Rules* will be incorporated into any contract based upon the Proposal or any modifications to it. The Minnesota Data Practices Act governs data submitted in response to this RFP. It provides that all information submitted by a Proposer in response to an RFP, with the exception of trade secret data as defined in *Minnesota Statutes*, section 13.37, becomes public at the times specified in the Act and is then available to any person upon request. Any information in its response for which Proposer claims trade secret protection must be limited and set apart in the proposal on separate pages, with a heading that identifies the information as trade secret information. Blanket-type identification on whole pages or sections containing trade secret information will not assure protection. A statement that submitted information is copyrighted or otherwise protected does not prevent public access.

Non-State Contracts & Grants

City of Richfield

Department of Public Works

Request for Proposals for Professional/Technical Services in Designing a Replacement for the Lyndale Avenue Bridge over Interstate 494

NOTICE IS HEREBY GIVEN that the City of Richfield is soliciting proposals from qualified professional engineering firms to provide design services for the construction of a new bridge and interchange at Lyndale Avenue and Interstate 494. The City is seeking proposals from consultants to provide the following services: Project Coordination; Public Involvement Plan; Base Mapping/Surveying; Geotechnical Services; Staff Approved Layout/Construction Limits; Interchange Modification Report; Project Cost Estimating; Governmental Permit Applications; Field Survey; Right of Way Plan; Drainage Study; Utility Coordination; Project Staging Plans; Traffic Control Plan; Preliminary Bridge Study and Plans; Final Bridge Design and Plans; Signal Justification Reports and Signal Plans; Lighting Plan; Aesthetic Design; I-494 Bypass Design and Plans; Final Roadway Construction Plans and Specifications; Bid Documents and Advertising.

Prospective responders can receive a complete RFP by contacting:

Jim Olson
City of Richfield
Public Works Department
6700 Portland Avenue, Richfield, Minnesota 55423
(612) 861-9794
jolson@ci.richfield.mn.us

Deadline for proposals is 4:30 p.m., CDT on Monday, May 19, 2003. No late proposals will be considered.

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 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 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.

MN Guidebook to State Agency Services

This 2001-2003 reference provides information on each state agency and their services, as well as the legislative and judicial branches of government. You'll find information about:

- * access to state officials and offices, including key contact people, phone numbers, e-mail and Internet addresses for each agency
- * solid business connections, how to bid on state contracts, apply for grants
- * business development resources
- * print and media guides and resources
- * information on grants, contracts, scholarships
- * license and permit information, recreational opportunities and more. Spiral-bound, 550pp. **Stock No. 1-6 \$19.95**

State of Minnesota Telephone Directory

2001-2002 edition Please note: This directory will no longer be available in print once the current supply of directories is exhausted. The North Star web site now provides phone numbers via an electronic white and yellow pages database. Alphabetical listings of all employees plus department listings (both metro area and greater MN), fax numbers, e-mail, web sites and TTY. Softcover, 477pp. **Stock No. 1-87 \$15.95**

U.S. Government Manual

This comprehensive 2001-2002 overview of the U.S. government outlines and describes functions of the legislative, judicial and executive branches, provides a "who's who" listing of federal officials and agencies. Softcover, 693pp. **Stock No. 16-46 \$41.00**

Minnesota Constitution

The complete constitution as adopted on Oct. 13, 1857 and subsequent amendments. Softcover, 25pp. **Stock No. 7-12 \$7.00**

A Citizen's Guide to State Finance:

An Overview of Minnesota Government Revenue & Expenditures

This volume reviews the state budget process, the "big picture," expenditures, property and income tax, etc. Softcover, 60pp. **Stock No. 7-7 \$7.00**

Annual Compilation Report of Multi-Member Agencies

Get involved in government! This 2001 report from the Secretary of State documents openings and current membership in state agency committees and councils, including appointing authority, address/phone for members, term length, and compensation. Perhaps you can contribute in policy making! Spiral-bound, 119pp. **Stock No. 10-43 \$16.00**

Revisors Manual

Organized as both a ready reference and an instruction manual, this book teaches general methods of drafting Minnesota legislative bills, offers practical help, style suggestions, etc. Looseleaf, 343pp. (This 1997 edition is still current.) **Stock No. 7-1 \$10.00**

MN Legal Compliance Audit Guide for Local Government 2001

Prepared in a handy checklist format, this guide outlines minimum legal compliance for auditors. Guides you through depositories of public funds, investments, conflicts of interest, public indebtedness, bid laws, claims and disbursements, etc. Softcover, 130pp. **Stock No. 10-30 \$30.00**



State Register

The *State Register* is the official magazine of the State of Minnesota. Published every Monday, it is your source for:

- * proposed and adopted state rules
- * state contracts for professional, technical and consulting services to include: construction and testing services, photographic and graphic design, laundry, janitorial services
- * non-state public contract requests, state grants
- * official announcements from state government including requests for outside opinions
- * executive orders and commissioners' orders
- * proclamations & commendations

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