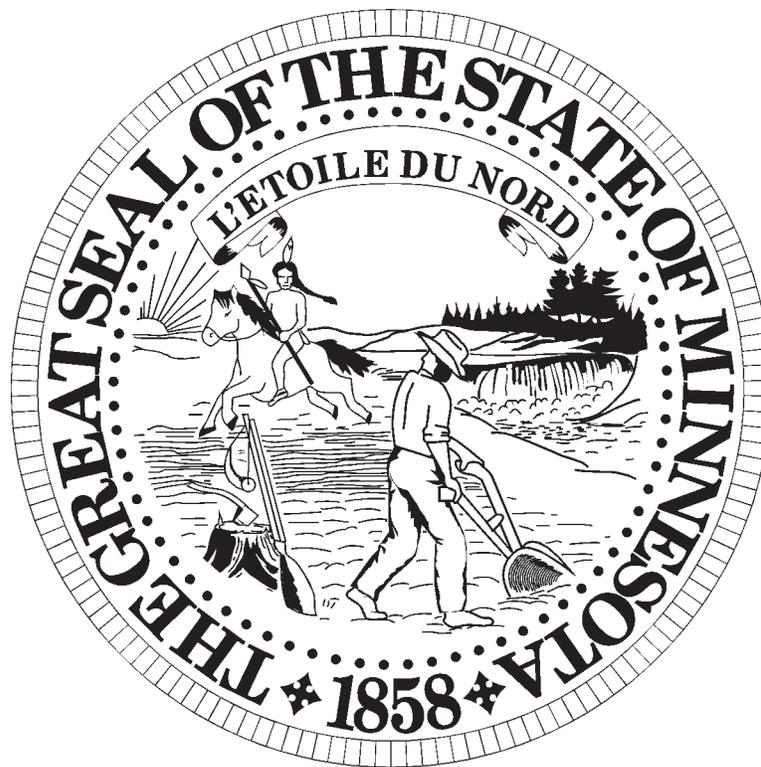


State of Minnesota

State Register



Rules and Official Notices Edition

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State Register

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

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- appointments
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- commissioners' orders
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- official notices
- state grants and loans
- contracts for professional, technical and consulting services
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#43	Monday 25 April	Noon Tuesday 19 April	Noon Wednesday 13 April
#44	Monday 2 May	Noon Tuesday 26 April	Noon Wednesday 20 April
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Department of Administration:
Dana B. Badgerow, Commissioner (651) 296-1424
Communications Media Division:
Mary Mikes, Director (651) 297-3979

State Register:
Robin Panlener, editor (651) 297-7963
John Mikes, assistant editor (651) 297-4616
Jessie Rahmeyer, subscriptions (651) 297-8774

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

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

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

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

Board of Teaching

Proposed Permanent Rules Relating to Nonrenewable Teacher License and Speech Language Pathologist License

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

In the Matter of the Proposed Rules Relating to Implementing a Non-renewable License, *Minnesota Rules*, Part 8710.1410 and Proposed Amendments to *Minnesota Rules* 8710.6000, Educational Speech Language Pathologist

Introduction. The Board of Teaching intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on May 27, 2005 a public hearing will be held in Conference Room CC13, Minnesota Department of Education, 1500 Highway 36 W, Roseville, Minnesota 55113, starting at 9:00 a.m. on 15 June 2005. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after May 27th 2005 and before June 15th 2005.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Allen Hoffman, at the Minnesota Board of Teaching, 1500 Highway 36 West, Roseville, Minnesota 55113. His phone number is (651) 582-8888. TTY users may call the Board of teaching at (651) 582-8201.

Subject of Rule and Statutory Authority. The proposed rule would establish a non-renewable license that would allow current teachers of core academic subjects who do not meet the 'highly qualified' standard to retain employment, provided that they and the districts in which they are employed follow the board's guidelines through this rule governing non-renewable licenses. The statutory authority to adopt the rule is *Minnesota Statutes*, 122A.09, and 122A.18. A copy of the proposed rules is attached to this notice as mailed and can be obtained by contacting the Agency Contact Person.

Comments. You have until 4:30 on May 27th, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on May 27th 2005. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Proposed Rules

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

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

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

Cancellation of Hearing. The hearing scheduled for June 15th 2005, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (651) 582-8888 after May 27th 2005 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Steve M. Mihalchick is assigned to conduct the hearing. Judge Steve M. Mihalchick can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 554012138, telephone (612) 341-7604 and FAX (612) 349-2665.

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

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

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

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

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

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

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

Allen Hoffman, Executive Director
Minnesota Board of Teaching

8710.1410 NONRENEWABLE LICENSE.

Subpart 1. Authority to issue nonrenewable license. The Board of Teaching may issue a nonrenewable license that permits a licensed teacher to teach in a subject or field for which the teacher is not currently licensed. The designated administrator of a local school district or charter school may request the board to issue the teacher's nonrenewable license.

Subp. 2. Criteria for issuance. A nonrenewable license under subpart 1 may be issued to the designated administrator of a school district or charter school when the following conditions are met:

A. the designated administrator of the school district or charter school requests a nonrenewable license under this part;

B. the designated administrator of the school district or charter school in the application verifies in writing that:

(1) reasonable efforts have been made to assign existing staff to fill the position with a fully licensed teacher;

(2) no applicant holding a teaching license in the subject or field for which a nonrenewable license is requested can fulfill the requirements of the position;

(3) the position has been advertised, and if the position is onehalf time or more, the position has been advertised statewide;

(4) the administrator on behalf of the licensed teacher shall use the "High Objective Uniform State Standard of Evaluation" (HOUSSE) and those criteria as necessary and proper to demonstrate subject matter competence in the nonlicensed area as established by the Board of Teaching in collaboration with the Department of Education, and the administrator of the district or charter school has completed written verification that the teacher meets the board's criteria;

(5) the district will provide for a high quality professional development plan for the teacher that is sustained and classroomfocused before and while teaching; and will provide ongoing support for the teacher or a teacher mentoring program; and

(6) the designated administrator of the school district or charter school verifies in writing that the teacher is in an approved course of study and will complete the approved program by the end of the third school year;

C. the teacher for whom the request is made holds a current valid Minnesota entrance or professional license granted by the Board of Teaching; and

D. the teacher for whom the request is made understands the criteria of the assignment and is in an approved course of study or there is evidence to demonstrate the teacher is making application for an approved course of study.

Subp. 3. Exceptions. A nonrenewable license shall not be granted to a teacher holding a temporary limited license. A nonrenewable license shall not be granted to speech/language pathologists, school counselors, school nurses, school psychologists, or school social workers.

Subp. 4. Duration of nonrenewable license. An application for a nonrenewable license must not be submitted before the July 1 preceding the first school year for which it is requested. A nonrenewable license is valid for three school years from the date of state approval to the end of the third school year, June 30. If the requesting school district or charter school offers summer school, the nonrenewable license that expires on June 30 is valid for teaching summer school in the year of expiration of the nonrenewable license.

Subp. 5. Written conditions for granting or denying a nonrenewable license. The Board of Teaching shall state in writing to the designated administrator of the school district or charter school the conditions for granting or denying the nonrenewable license requested under this part.

Subp. 6. Approval for professional license. The board will issue a professional license to a teacher who has successfully completed all requirements under the board's jurisdiction as defined in *Minnesota Statutes*, section 122A.18.

8710.6000 EDUCATIONAL SPEECHLANGUAGE PATHOLOGIST.

Subpart 1. Scope of practice. ~~An educational~~ A speechlanguage pathologist is authorized to provide specialized speechlanguage services to prekindergarten through grade 12 students with identified communication disabilities including those affecting language, articulation, fluency, and voice.

Subp. 2. Requirements for first professional license. ~~A first professional license as an educational~~ a speechlanguage pathologist shall be granted to an applicant who provides evidence of having completed a master's degree in speechlanguage pathology from a program accredited by the Council on Academic Affairs of the American SpeechLanguageHearing Association or to an applicant who provides evidence of holding a valid certificate of clinical competence from the AmericanSpeechLanguageHearing Association.

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

Subp. 5. Specialized renewal requirements for licenses issued prior to July 1, 1994. ~~After June 30, 2007, a person who makes application for renewal of continuing licensure as an educational~~ a speechlanguage pathologist, but who does not hold a master's degree in speechlanguage pathology, must provide evidence that at least 24quarter hours or 16semester hours of postbaccalaureate college credit in speechlanguage pathology or related special education instruction and services have been earned and comply with subpart 4.

Subp. 6. Effective date. ~~Requirements in this part for licensure as an educational~~ a speech language pathologist are effective on September 1, 2001, and thereafter.

Adopted Rules

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

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

Department of Health

Adopted Permanent Rules Relating to the WIC Program

The rules proposed and published at *State Register*, Volume 29, Number 21, pages 574595, November 22, 2004 (29 SR 574), are adopted with the following modifications:

4617.0002 DEFINITIONS.

Subp. 46. **WIC sales.** "WIC sales" means all sales by a vendor for which the vendor receives payment in the form of a WIC voucher.

4617.0020 AGENCY APPLICATION REVIEW AND APPROVAL.

Subp. 3. **Agency application to serve geographic area; approval and disapproval.** The commissioner shall approve or disapprove an application to serve a geographic area according to items A to G.

G. For purposes of the priority system under item E, an agency other than a community health board must be classified as a health service agency or as a human service agency, based on the type of services it primarily provides during its current fiscal year. An agency must not be simultaneously classified as a health service agency and a human service agency. The commissioner shall consider an agency to be a health service agency if more than 50 percent of expenses in an agency's budget are allocated to non-WIC program health promotion or health care and if more than 50 percent of the agency's employee work hours are non-WIC program health promotion or health care.

4617.0065 VENDOR APPLICATION PROCESS.

Subp. 2. **Application.**

A. Each vendor applicant shall complete and submit to the commissioner an application form, supplied by the commissioner, which contains the following information:

(9) information on where in Minnesota the applicant will, if approved as a vendor, have available for immediate review by WIC program representatives the store's original documentation, including receipts and invoices, reflecting all purchases of WIC-allowed food items by the store during the most recent three months, as required in part 4617.0068, subpart 4a;

Subp. 5. **Application review and approval process.** The commissioner shall, in accordance with this subpart, review vendor applications except applications returned to the vendor applicant under subpart 3, item C or E.

A. The commissioner shall perform an initial office review of each application to determine whether the application is complete and the applicant meets all applicable eligibility requirements in part 4617.0067.

(3) If the commissioner determines during the initial office review of the application that the applicant does not meet an applicable eligibility requirement in part 4617.0067, subpart 3; 4, item D or ~~H~~ G; or 5, the commissioner shall contact the applicant and give the applicant one opportunity to submit corrected information. If the commissioner does not receive a response from the applicant within 30 days after the commissioner first contacts the applicant for corrected information, the commissioner shall disapprove the application.

4617.0066 CHANGE OF VENDOR OWNERSHIP, NAME, OR BUSINESS SITE.

Subp. 3. **Immediate vendor agreement.** If there is a change of vendor ownership or location, the retail food store or pharmacy may apply for an immediate vendor agreement under this subpart.

C. The commissioner shall approve the application for an immediate vendor agreement if:

(1) the retail food store or pharmacy, during the two years immediately preceding the change of ownership or location, had no history of violations under part 4617.0084, subpart 5, 6, 7, ~~or 8, or 19, item A, B, or C~~;

(2) during the two years immediately preceding the change of ownership or location, no controlling person of the vendor applicant was a controlling person of another retail food store or pharmacy that committed a violation under part 4617.0084, subpart 5, 6, 7, ~~or 8, or 19, item A, B, or C~~;

(3) the vendor applicant has not accepted and has not held itself out as able to accept a WIC voucher at any time when there was not a fully executed vendor agreement in effect between the vendor applicant and the commissioner;

4617.0067 VENDOR ELIGIBILITY REQUIREMENTS.

Subp. 4. **Additional requirements.** A vendor shall comply with the following requirements:

G. The vendor must be open for business at least 40 hours each week and must be open during the business hours specified in that the vendor's most recent vendor application has reported to the WIC program.

Subp. 5. **Vendor prices.** A retail food vendor's price for each of the authorized foods in subpart 3 must not be more than 115 percent of the average price charged by retail food vendors. The commissioner shall determine the average price charged by retail food vendors based on the most recent price information available to the commissioner on prices charged by retail food vendors. An increase ~~A change~~ in the manufacturer's price of an authorized food in subpart 3 is grounds for the commissioner to increase ~~change~~ the commissioner's calculation of the average price charged by retail food vendors. If the commissioner determines that there is a religious need for a vendor to charge a specific price greater than 115 percent of the average price charged by retail food vendors, the vendor may charge that specific price.

Subp. 6. **Special requirements for vendor applicants.**

A. Within one year immediately preceding the date the commissioner received the vendor application, and at any time on or after the date the commissioner received the application, ~~an a vendor~~ applicant must not have accepted a WIC voucher when the vendor applicant did not have a fully executed vendor agreement, unless the voucher was never paid by the WIC program's bank.

C. This item applies only to vendor applicants that are not vendors on the date the commissioner receives the application.

(1) The vendor applicant must not have as a controlling person someone who is, or has been, within the year immediately preceding the date the commissioner receives the vendor application, a controlling person of another retail food store or pharmacy at any location in the United States which:

[For text of units (a) to (c), see M.R.]

(a) is disqualified from a food assistance program; or

(b) ~~has not fully paid a civil money penalty assessed by a food assistance program;~~

(c) ~~was assessed a civil money penalty by a food assistance program in lieu of disqualification for a specific period of time, and there is any overlap between that period of time and the period of time between the date the commissioner received the vendor application and the commissioner's execution of a vendor agreement with the vendor applicant; or~~

(~~d~~) within one year before the date the commissioner received the vendor application or at any time on or after the date the commissioner received the application, accepted a voucher when the retail store or pharmacy did not have a fully executed vendor agreement and the voucher was then paid by the WIC program's bank.

(3) Based on criteria approved by the secretary of the United States Department of Agriculture, the vendor applicant's likely annual WIC sales must not be greater than 50 percent of the vendor applicant's total annual food sales.

H. This item applies only to vendor applicants that are vendors on the date the commissioner receives the application. During ~~the most recent 12 months each 12-month period~~ of the current vendor agreement ~~for which information is available~~, the dollar amount of the vendor applicant's WIC sales must have been 50 percent or less of the vendor applicant's total food sales.

4617.0068 OPERATING REQUIREMENTS.

Subp. 4a. **Three-month documentation of purchases.** During normal business hours, the vendor must have available for immediate review by WIC program representatives, at the Minnesota location indicated on the vendor application, the store's original documentation, including receipts and invoices, reflecting all purchases of WIC-allowed food items by the store during the most recent three months before a request by a WIC program representative to review the documentation.

Subp. 15. Volume of WIC sales. A vendor's annual revenue from WIC sales may not be greater than 50 percent of the vendor's annual revenue from the sale of all food items.

4617.0084 VENDOR SANCTIONS.

Subpart 1. **Notice of violation.** If a violation described in subpart 6, 7, 8, 9, 12, 13, 13a, or 19 does not result in disqualification or a civil money penalty, the commissioner shall mail or deliver to the vendor a notice of violation.

Subp. 8. **Overcharging and charging for food not received.**

C. Except as provided in item B and subparts 15, 16, and 19, the commissioner shall disqualify the vendor for three years if the vendor commits a violation under item A three times within any two-year period and if:

(1) for each violation, the price the WIC program paid the vendor for the voucher was \$2 or more greater than the correct price for the voucher; ~~or~~

(2) ~~two of the violations meet the criteria in item B, subitems (1) and (2).~~

Subp. 11. **One-year disqualification for one violation.**

A. The commissioner shall disqualify a vendor if, during any 12-month period within the last three years, the dollar amount of the vendor's WIC sales was greater than 50 percent of the vendor's total food sales.

Adopted Rules

B. Except as provided in subpart 15, the commissioner shall disqualify the vendor for one year if:

~~A.~~ (1) the vendor provides false or misleading material information on any document submitted to the commissioner;

~~B.~~ (2) a controlling person of the vendor commits a business-related violation, unless the business-related violation results in permanent disqualification under subpart 4 2;

~~C.~~ (3) the vendor fails to provide as required, by the deadline and in the manner specified by the commissioner, documentation requested by the commissioner under part 4617.0068, subpart 4 or 5;

~~D.~~ (4) the real estate where the vendor's business is located is not owned or leased by one or more controlling persons of the vendor;

~~E.~~ (5) during an on-site inspection, the vendor fails to allow the commissioner access to any voucher located on the vendor's premises or to any cash register or other area of the vendor's premises where vouchers may be located; or

~~F.~~ (6) the vendor violates part 4617.0068, subpart 14.

Subp. 14a. **Written warnings; termination.**

B. If a vendor commits a violation under subitems (1) to ~~(H)~~ (12), the commissioner shall issue a written warning to the vendor. The vendor must correct the violation within 15 days after the vendor receives the warning. If the vendor fails to correct the violation or commits the same violation at any time more than 15 days but less than six months after receiving the written warning, the commissioner shall terminate the vendor agreement. The commissioner shall issue a written warning if the vendor:

(8) fails to make full payment to the commissioner within ~~60~~ 120 days of a request by the commissioner under part 4617.0090, subpart 4;

(10) is a pharmacy vendor, is not also a retail food vendor, and accepts a WIC voucher for any foods other than infant formula, infant cereal, and juice; ~~or~~

(11) fails to be open for business during the business hours specified on that the vendor's most recent vendor application has reported to the WIC program; or

(12) fails to provide to the commissioner by the applicable deadline the corrective action plan required under subpart 15, item G.

Subp. 15. **Inadequate participant access; corrective action plan.**

A. Before disqualifying a vendor under any subpart except subpart 2 or 11, item A, the commissioner shall determine whether disqualification of the vendor would result in inadequate participant access, unless under subpart 16, item C, the vendor is not eligible for a civil money penalty instead of disqualification.

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

D. If the commissioner determines under this part that disqualification of the vendor would result in inadequate participant access, then instead of disqualifying the vendor, the commissioner shall, except as provided in item F and in subpart 16, item C, impose on the vendor one or more civil money penalties.

(3) For each violation described in subparts 11, item B, and 12 to 14a, the civil money penalty is \$700 or the average monthly amount of the vendor's WIC redemptions during the most recent 12 months for which voucher redemption information is available for the commissioner's review, whichever is less.

Subp. 18. **General provisions.**

E. A vendor may not terminate the vendor's WIC vendor agreement or otherwise withdraw from the WIC program instead of disqualification. The expiration or termination of the vendor agreement ~~or the rendering of the vendor agreement null and void under part 4617.0066~~ shall not affect the commissioner's duty to disqualify the vendor and shall not affect the vendor's right to appeal the disqualification under part 4617.0100.

Subp. 19. **Previous history of disqualification.** Notwithstanding subparts 7 to 9, if a vendor was previously disqualified under this subpart or subparts 3 to 10, and if any controlling person of the vendor was a controlling person at the time of the previous disqualification, except as provided in subparts 15 and 16, the commissioner shall disqualify the vendor for:

A. three years if, twice within any two-year period, the vendor, in exchange for a WIC voucher, provides credit other than a rain check or provides a nonfood item other than any alcohol, alcoholic beverages, tobacco products, cash, firearms, ammunition, explosives, or controlled substances, as defined under the federal Controlled Substances Act, United States Code, title 21, section 802, clause (6), as amended;

4617.0088 MAXIMUM PRICES OF VOUCHERS.

Subpart 1. **Calculation of maximum prices.** Beginning no sooner than ~~October 1, 2005~~ 60 days after the effective date of this subpart, the commissioner shall calculate a maximum price for each computer-generated voucher. The maximum price shall not be printed on the voucher. The maximum price shall be the sum of the maximum prices of all products on the voucher. The maximum price for each food product, other than special infant formula, shall be 115 percent of the average price of the food product. The commissioner shall compute an average price for each food product listed on a voucher, other than special infant formula, based on the most recent vendor price survey information available to the commissioner. The maximum price for each special infant formula is 130 percent of the manufacturer's list price for that special infant formula.

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

Subp. 2. **Increasing Changing maximum prices.** An increase A change in the manufacturer's price of an applicable WIC-allowed food item shall be grounds for the commissioner to increase change the maximum price of a food product computed under subpart 1.

4617.0090 REJECTION OF VOUCHERS AND REIMBURSEMENT BY VENDORS.

Subp. 4. **Vendor liability.** A vendor shall pay to the commissioner, within 30 days of a request by the commissioner, the amount of any overcharges paid by the commissioner to the vendor, the amount paid by the commissioner to the vendor in excess of the maximum price of the voucher calculated under part 4617.0088, subpart 1, the amount erroneously paid by the commissioner to the vendor for a voucher that should have been returned to the vendor without payment according to subpart 1, all money paid by the commissioner to the vendor for food items not received by a WIC customer, all money paid by the commissioner to the vendor for products other than WIC-allowed foods, and all money paid by the commissioner to the vendor for vouchers accepted by the vendor while there was not in effect a WIC vendor agreement for the vendor. If the vendor does not pay these amounts within 90 days of the initial request by the commissioner, then, in addition to any other sanction specified in this chapter, the vendor must pay interest to the commissioner computed in the same manner that interest on judgments is computed under *Minnesota Statutes*, section 549.09.

4617.0100 APPEALS BY VENDORS, LOCAL AGENCIES, AND APPLICANTS.

Subpart 1. **Procedures.**

A. A local agency, local agency applicant, vendor, or vendor applicant against whom the commissioner takes adverse action that affects participation in the WIC program may appeal the action, except that the following actions by the commissioner are not subject to appeal:

(4) the commissioner's return of an application to a vendor applicant under part 4617.0065, subpart 3, item C or E; or 4617.0066, subpart 3, item B.

The denial of a vendor application for the vendor applicant's failure to meet the requirement of part 4617.0067, subpart 6, item C, subitem (3), is subject to appeal. The validity and appropriateness of the criteria referenced in part 4617.0067, subpart 6, item C, subitem (3), are not subject to administrative review.

REPEALER. *Minnesota Rules*, parts 4617.0002, subparts 2c, 3, 4, 5, 7, 12, 14, 16, 18, 19, 22, 24, 25, 26, 27, 28, 28b, 29, 32, 34, 35, 36, 37c, 37d, 38, and 41; 4617.0020, subparts 4, 5, 6, 7, 8, 9, and 11; 4617.0030, subparts 2 and 3; 4617.0037; 4617.0040; 4617.0042; 4617.0043; 4617.0065, subpart 4; 4617.0084, subpart 14; 4617.0088, subpart 3; 4617.0090, subpart 3; and 4617.0121, subpart 1, are repealed.

Commissioners' Orders

Various agency commissioners are authorized to issue "commissioner's orders" on specified activities governed by their agency's enabling laws. See the *Minnesota Statutes* governing each agency to determine the specific applicable statutes. Commissioners' orders are approved by assistant attorneys general as to form and execution and published in the *State Register*. These commissioners orders are compiled in the year-end subject matter index for each volume of the *State Register*.

Department of Natural Resources

Order No. 05-01: Test Procedures and Equivalent Noise Levels for the Monitoring of Motorboat Noise

Pursuant to the provisions of *Minnesota Statutes*, sections 86B.321, subdivision 2(c), as amended by *Laws of 2004*, Chapter 221, Section 25 and 86B.521, subdivision 6, as amended by *Laws of 2004*, Chapter 221, Section 26, the following procedure and equivalent noise levels are prescribed by the Commissioner of the Minnesota Department of Natural Resources for the monitoring of motorboat noise.

INSTRUMENTATION:

1. Any sound level meter used for motorboat noise monitoring must be a Type 0,1 or 2 General purpose Sound Level Meter, conforming to the American National Standards Institute (ANSI) Standard S1.4-1983.

2. The meter should be set to the "Fast" response mode and in the correct weighting network for calibration, if adjustable. Measurements must always be made using the "A-weighting" and fast response characteristics of the sound level meter, as specified by the

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American National Standards Institute in S1.4-1983. In these procedures the term “dBA” will indicate decibels measured on the “A” weighting network.

3. All sound level measuring devices must, at a minimum, be externally field calibrated before monitoring using an appropriate calibration device of known frequency and sound pressure level.

4. After the meter has stabilized sufficiently, the display on the sound level meter should be the within plus or minus 0.2 dBA of the level listed on the calibrator. If not, the sound level meter must be adjusted using the calibration screw or knob to bring it to that level. If the sound level meter cannot be adjusted to this accuracy or it does not hold the correct reading, the meter should be shut down and checked by an acoustic lab.

5. A windscreen should be used on the microphone at all times during the monitoring process.

6. At intervals not to exceed one year, the calibrator should be compared to a calibrator traceable to the U.S. National Institute of Standards and Technology.

PRE-SURVEY EVALUATION

1. Weather

- (a) Precipitation: Excessive moisture, in the form of precipitation, may damage the equipment, particularly the microphone.
- (b) Wind: Noise level produced by wind on the microphone should be 10 dBA less than noise limit to be enforced. Although this can vary, a wind speed of 12 mph, or less, is typically considered an acceptable wind condition.

2. Location

Survey and record the background noise levels at the selected location prior to the measurement effort. The background noise level from all sources must be at least 10 dBA lower than the limit to be enforced.

MEASUREMENT PROCEDURES

1. Idle Test

- (a) Ensure that location and conditions are conducive to run the test safely and that the background noise level from all sources is at least 10 dBA lower than the limit to be enforced.
- (b) The microphone must be at least four feet above the water and at least four feet from the transom of the motorboat being tested. It also should also be at least sixteen inches from any large reflecting surfaces.
- (c) The motorboat being tested should be run at a normal idle speed with all engines running.
- (d) The reading recorded shall be the average noise level obtained as the motorboat idles in neutral while next to the patrol boat, dock or other object, disregarding peaks due to extraneous noises.

2. Pass-By Test

- (a) The standard distance is 50 feet to the centerline of boat travel. The minimum distance a pass-by reading may be taken is 25 feet. The table at the end of these procedures can be used to determine appropriate pass-by reading at other distances.
- (b) The microphone must be at an elevation at least four feet above the level of the water surface and sixteen inches from any large reflecting surfaces. The background noise level from all sources must be at least 10 dBA lower than the limit to be enforced.
- (c) Ensure that the test run by the suspected violator boat can be done safely and instruct the operator to run from right to left (or left to right), perpendicular to the meter - whether it be on shore, dock or a watercraft. The testing should be done as closely as possible to open-throttle conditions.
- (d) The reading recorded shall be the highest noise level obtained as the motorboat passes by, disregarding peaks due to extraneous noises.

ENFORCEMENT GUIDELINES

- 1. Tolerances are necessary due to unavoidable variations in measuring sites, test equipment, temperature, and wind effects.
- 2. The officer shall decide on the type and number of test(s) to use.
- 3. If the boat is equipped with a muffler bypass or cutout system, the officer should obtain readings with the switch in both the open (loudest) and closed (quietest) positions.

MOTORBOAT NOISE LIMIT TABLE PASS-BY PROCEDURE – Equivalent Noise Levels at Various Distances

Manufacture Date

Before 1/1/82:

90 dBA @ 25 feet

On or After 1/1/82:

88 dBA @ 25 feet

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88 dBA @ 30 feet	86 dBA @ 30 feet
86 dBA @ 40 feet	84 dBA @ 40 feet
84 dBA @ 50 feet	82 dBA @ 50 feet
82 dBA @ 60 feet	80 dBA @ 60 feet
81 dBA @ 70 feet	79 dBA @ 70 feet
80 dBA @ 80 feet	78 dBA @ 80 feet
79 dBA @ 90 feet	77 dBA @ 90 feet
78 dBA @ 100 feet	76 dBA @ 100 feet
76 dBA @ 120 feet	74 dBA @ 120 feet
75 dBA @ 140 feet	73 dBA @ 140 feet
74 dBA @ 160 feet	72 dBA @ 160 feet
73 dBA @ 180 feet	71 dBA @ 180 feet
72 dBA @ 200 feet	70 dBA @ 200 feet

FOR STATIONARY IDLE PROCEDURE

Manufacture Date

Before 1/1/82:

86 dBA @ 4 feet

On or After 1/1/82:

84 dBA @ 4 feet

NOW THEREFORE, IT IS HEREBY ORDERED that the procedures and equivalent readings described above are hereby adopted.

Dated: April 7, 2005

Gene Merriam, Commissioner
Department of Natural Resources

Minnesota Public Utilities Commission

Notice and Order for Hearing in the Matter of the Application of Northern States Power Company (d/b/a Xcel Energy) for a Certificate of Need to Establish an Independent Spent Fuel Storage Installation at the Monticello Generating Plant

LeRoy Koppendraye Chair
Marshall Johnson Commissioner
Ken Nickolai Commissioner

Thomas Pugh Commissioner
Phyllis A. Reha Commissioner

ISSUE DATE: April 7, 2005 - DOCKET NO. E-002/CN-05-123

PROCEDURAL HISTORY

On January 18, 2005, Xcel Energy (Xcel or the Company) submitted its certificate of need application for a nuclear waste storage facility at the Monticello Nuclear Generating Plant.

On January 20, 2005, the Commission issued a notice requesting comments on the substantial completeness of Xcel's application. The comment and reply periods indicated in that notice ended on February 8, 2004 and February 22, 2005, respectively.

On February 1, 2005, the Commission issued its ORDER EXTENDING COMPLETENESS REVIEW PERIOD. In its Order, the Commission indicated that it would consider the substantial completeness of the application "as soon as practicable."

On February 8, 2005, the Commission received initial comments on completeness from the North American Water Office, the Energy Division of the Department of Commerce, River Communities United for Responsible Energy, and the Institute for Local Self-Reliance.

On February 9, 2005, Carol A. Overland filed initial comments on completeness.

On February 22, 2005, Minnesotans for an Energy-Efficient Economy and Xcel filed reply comments.

The Commission met on March 24, 2005 to consider this matter.

FINDINGS AND CONCLUSIONS

Jurisdiction

The Commission has jurisdiction over applications for certificates of need for large energy facilities, including the nuclear waste storage facility at issue in this matter, under *Minnesota Statutes* §§ 216B.2421 and 216B.243. The statute requires the Commission to hold at least

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one public hearing under the Administrative Procedure Act before acting on this or any other application for a certificate of need. *Minnesota Statutes* § 216B.243, subd. 4.

Referral for Contested Case Proceedings

The Commission finds that it cannot determine, on the basis of the record before it, whether the Company should be granted the certificate of need it seeks. That determination turns on specific facts that are best developed in formal evidentiary proceedings. The Commission will therefore refer the matter to the Office of Administrative Hearings for contested case proceedings.

III. Issues to be Addressed, Witnesses to be Produced

Minnesota Statutes § 216B.243, subd. 3, *Minnesota Statutes* § 116C.83, and *Minnesota Rules*, Chapter 7855 set forth criteria that must be met to establish need for proposed large energy facilities, including the project at issue. The parties to this proceeding should address whether the proposed project meets these criteria. At the end of this process, the Commission is required to make a specific written finding with respect to each of the criteria set forth in *Minnesota Rules*, part 7855.0120.¹ If an application for a certificate of need is denied, the Commission is required to state the reasons for the denial.²

IV. Public Participation

Minnesota Statutes § 216B.243, subd. 4 encourages public participation in certificate of need proceedings. The statute requires at least one hearing to obtain public opinion on the application and requires the Commission to designate an employee to facilitate citizen participation in the hearing process.

The Commission has designated statistical analyst David L. Jacobson to facilitate and coordinate public participation in this proceeding. He may be reached by telephone at (651) 297-4562 and by fax at (651) 297-7073. His address is Suite 350, 121 7th Place East, St. Paul, Minnesota 55101-2147.

Members of the public need not become formal parties to participate in the hearing process. They are encouraged to attend the public hearing(s) and to submit testimony and exhibits. Persons who cannot attend the public hearing(s) and wish to comment may submit written comments to the Administrative Law Judge. The Commission will require the Company to publish notice of the public and evidentiary hearings in newspapers throughout the state, to encourage public participation.

V. Procedural Outline

A. Administrative Law Judge

The Administrative Law Judge assigned to this case is Steve M. Mihalchick. His address and telephone number are as follows: Office of Administrative Hearings, Suite 1700, 100 Washington Square, Minneapolis, Minnesota 55401-2138; (612) 349-2544.

B. Hearing Procedure

• Controlling Statutes and Rules

Hearings in this matter will be conducted in accordance with the Administrative Procedure Act, *Minnesota Statutes* §§ 14.57-14.62; the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.5010 to 1400.8400; and, to the extent that they are not superseded by those rules, the Commission's Rules of Practice and Procedure, *Minnesota Rules*, parts 7829.0100 to 7829.3200.

Copies of these rules and statutes may be purchased from the Print Communications Division of the Department of Administration, 660 Olive Street, St. Paul, Minnesota 55155; (651) 297-3000. These rules and statutes also appear on the State of Minnesota's website at www.revisor.leg.state.mn.us.

The Office of Administrative Hearings conducts contested case proceedings in accordance with the Minnesota Rules of Professional Conduct and the Professionalism Aspirations adopted by the Minnesota State Bar Association.

• Right to Counsel and to Present Evidence

In these proceedings, parties may be represented by counsel, may appear on their own behalf, or may be represented by another person of their choice, unless otherwise prohibited as the unauthorized practice of law. They have the right to present evidence, conduct cross-examination, and make written and oral argument. Under Minn. Rules, part 1400.7000, they may obtain subpoenas to compel the attendance of witnesses and the production of documents.

Parties should bring to the hearing all documents, records, and witnesses necessary to support their positions.

• Discovery and Informal Disposition

Any questions regarding discovery under *Minnesota Rules*, parts 1400.6700 to 1400.6800 or informal disposition under Minn. Rules, part 1400.5900 should be directed to David L. Jacobson, Public Utilities Statistical Analyst, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, Minnesota 55101-2147, (651)297-4562; or Kari Zipko, Assistant Attorney General, 1100 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, (651) 296-1408.

(Footnotes)

¹ *Minnesota Rules*, Part 7855.0100.

² *Minnesota Rules*, Part 7855.0200, subpart 9.

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• *Protecting Not-Public Data*

State agencies are required by law to keep some data not public. Parties must advise the Administrative Law Judge if not-public data is offered into the record. They should take note that any not-public data admitted into evidence may become public unless a party objects and requests relief under *Minnesota Statutes* § 14.60, subd. 2.

• *Accommodations for Disabilities; Interpreter Services*

At the request of any individual, this agency will make accommodations to ensure that the hearing in this case is accessible. The agency will appoint a qualified interpreter if necessary. Persons must promptly notify the Administrative Law Judge if an interpreter is needed.

• *Scheduling Issues*

The times, dates, and places of public and evidentiary hearings in this matter will be set by order of the Administrative Law Judge after consultation with Commission staff and intervening parties.

• *Notice of Appearance*

Any party intending to appear at the hearing must file a notice of appearance (Attachment A) with the Administrative Law Judge within 20 days of the date of this Notice and Order for Hearing.

• *Sanctions for Non-compliance*

Failure to appear at a prehearing conference, a settlement conference, or the hearing, or failure to comply with any order of the Administrative Law Judge, may result in facts or issues being resolved against the party who fails to appear or comply.

C. Parties and Intervention

The current parties to this case are the Company and the Minnesota Department of Commerce. Other persons wishing to become formal parties shall promptly file petitions to intervene with the Administrative Law Judge. They shall serve copies of such petitions on all current parties and on the Commission. *Minnesota Rules*, part 1400.6200.

D. Prehearing Conference

A prehearing conference will be held in this case on Monday, May 9, 2004 at 9:00 a.m. in the Small Hearing Room, Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, Minnesota 55101.

Persons participating in the prehearing conference should be prepared to discuss time frames, scheduling, discovery procedures, and similar issues. Potential parties are invited to attend the prehearing conference and to file their petitions to intervene as soon as possible.

E. Time Constraints

Minnesota Statutes § 216B.243, subd. 5 directs the Commission to act on this application within six months of the date it is substantially complete. The Commission has found that the application is substantially complete as of the Company's supplementary filing, so the six-month period will begin as of that date. The Commission asks the Office of Administrative Hearings to take this statutory provision into consideration when conducting the contested case proceeding. Parties should also note the six-month statutory time frame at the outset and use due diligence to advance the schedule as feasible.

VI. Application of Ethics in Government Act

The lobbying provisions of the Ethics in Government Act, *Minnesota Statutes* §§ 10A.01 *et seq.*, apply to certificate of need cases. Persons appearing in this proceeding may be subject to registration, reporting, and other requirements set forth in that Act. All persons appearing in this case are urged to refer to the Act and to contact the Campaign Finance and Public Disclosure Board, telephone number (651) 296-5148, with any questions.

VII. Ex Parte Communications

Restrictions on *ex parte* communications with Commissioners and reporting requirements regarding such communications with Commission staff apply to this proceeding from the date of this Order. Those restrictions and reporting requirements are set forth at *Minnesota Rules*, parts 7845.7300-7845.7400, which all parties are urged to consult.

ORDER

1. The Commission hereby refers this matter to the Office of Administrative Hearings for a contested case proceeding, including the public hearing required as part of the review of the Company's Certificate of Need Application.
2. The contested case proceeding shall begin with a prehearing conference on Monday, May 9, 2005, at 9:00 a.m. in the Small Hearing Room, Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, Minnesota 55101-2147.
3. At least one public hearing shall be held in this matter at a time and place determined by the Administrative Law Judge after consultation with Commission staff. Commission staff will also work with the Administrative Law Judge to a select suitable location for the evidentiary hearings on the application.
4. The Commission asks the Department of Commerce to continue its examination of the merits of the application and to provide a recommendation on the reasonableness of granting the requested certificate of need.
5. The Company shall facilitate in every reasonable way the continued examination of the issues by the Department of Commerce and the

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Environmental Quality Board.

6. The Company shall publish notice of the public and evidentiary hearings at least 10 days in advance in visible display ads in newspapers of general circulation throughout the state. The Company shall work with Commission staff to develop a plan to meet this requirement, including a proposed text, a list of the newspapers it proposes to use, and proposed publication dates prior to publication. The Company shall obtain proofs of publication of the ads required above.

7. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar, Executive Secretary

(SEAL)

This document can be made available in alternative formats (i.e., large print or audio tape) by calling (651) 297-4596 (voice), or 1-800-627-3529 (MN relay service).

ATTACHMENT A

BEFORE THE MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

100 Washington Square, Suite 1700
Minneapolis, Minnesota 55401-2138

FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION

121 Seventh Place East Suite 350
St. Paul, Minnesota 55101-2147

In the Matter of the Application of Northern States Power Company (d/b/a Xcel Energy) for a Certificate of Need to Establish an Independent Spent Fuel Storage Installation at the Monticello Generating Plant

MPUC Docket No. E-002/CN-05-123 OAH - Docket No. **NOTICE OF APPEARANCE**

Name, Address and Telephone Number of Administrative Law Judge:

Steve M. Mihalchick, Office of Administrative Hearings, Suite, 1700, 100 Washington Square, Minneapolis, Minnesota 55401; (612) 349-2544

TO THE ADMINISTRATIVE LAW JUDGE:

You are advised that the party named below will appear at the above hearing.

NAME OF PARTY:

ADDRESS:

TELEPHONE NUMBER:

PARTY'S ATTORNEY OR OTHER REPRESENTATIVE:

OFFICE ADDRESS:

TELEPHONE NUMBER:

SIGNATURE OF PARTY OR ATTORNEY:

DATE:

Public Utilities Commission

Notice and Order for Hearing in the Matter of the Application of Great River Energy for a Certificate of Need for the Cambridge Peaking Plant

LeRoy Koppendrayner
Marshall Johnson
Ken Nickolai

Chair
Commissioner
Commissioner

Thomas Pugh
Phyllis A. Reha

Commissioner
Commissioner

ISSUE DATE: April 8, 2005 - DOCKET NO. ET-2/CN-05-347

PROCEDURAL HISTORY

On February 28, 2005, Great River Energy (GRE or the Applicant) filed a certificate of need application for construction of a 170-megawatt, gas-fired combustion turbine at the site of its existing Cambridge Peaking Plant in Cambridge Township, Isanti County, Minnesota. The proposed facility is a "large energy facility," as defined in Minn. Stat. § 216B.2421, subd. 2(1).

On March 2, 2005, the Commission issued a notice requesting comments on the substantial completeness of GRE's application. The comment and reply periods indicated in that notice ended on March 11, 2005, and March 21, 2005, respectively.

On March 11, 2005, the Energy Division of the Department of Commerce (Department) submitted comments on completeness.

On March 23, 2005, GRE submitted a faxed letter in response to the Department's concerns.

On March 29, 2005, the Commission issued its ORDER VARYING RULE AND EXTENDING DEADLINE TO DETERMINE COMPLETENESS OF FILING. On the same day, GRE filed supplementary information responding to the Department's concerns.

The Commission met on March 31, 2005 to consider this matter.

FINDINGS AND CONCLUSIONS

Jurisdiction

The Commission has jurisdiction over applications for certificates of need for large energy facilities, including the generation project at issue, under *Minnesota Statutes* §§ 216B.2421 and 216B.243. The statute requires the Commission to hold at least one public hearing under the Administrative Procedure Act before acting on this or any other application for a certificate of need. *Minnesota Statutes* § 216B.243, subd. 4.

Referral for Contested Case Proceedings

The Commission finds that it cannot determine, on the basis of the record before it, whether the Company should be granted the certificate of need it seeks. That determination turns on specific facts that are best developed in formal evidentiary proceedings. The Commission will therefore refer the matter to the Office of Administrative Hearings (OAH) for contested case proceedings.

III. Issues to be Addressed, Witnesses to be Produced

Minnesota Statutes § 216B.243, subd. 3 and Minn. Rules 7849.0100-7849.0120 set forth criteria that must be met to establish need for proposed large energy facilities, including the project at issue. *Minnesota Rules* 7849.0100 requires specific written findings on each of these criteria. The parties to this proceeding should address whether the proposed project meets these criteria.

IV. Public Participation

Minnesota Statutes § 216B.243, subd. 4 encourages public participation in certificate of need proceedings. The statute requires at least one hearing to obtain public opinion on the application and requires the Commission to designate an employee to facilitate citizen participation in the hearing process.

The Commission has designated analyst David L. Jacobson to facilitate and coordinate public participation in this proceeding. He may be reached by telephone at (651) 297-4562 and by fax at (651) 297-7073. His address is Suite 350, 121 7th Place East, St. Paul, Minnesota 55101-2147.

Members of the public need not become formal parties to participate in the hearing process. They are encouraged to attend the public hearing(s) and to submit testimony and exhibits. Persons who cannot attend the public hearing(s) and wish to comment may submit written comments to the Administrative Law Judge. The Commission will require the Company to publish notice of the public and evidentiary hearings in newspapers throughout the state, to encourage public participation.

V. Procedural Outline

A. Administrative Law Judge

The Administrative Law Judge assigned to this case is Kathleen D Sheehy. Her address and telephone number are as follows: Office of

Commissioner's Orders

Administrative Hearings, Suite 1700, 100 Washington Square, Minneapolis, Minnesota 55401-2138; (612) 341-7602.

B. Hearing Procedure

• Controlling Statutes and Rules

Hearings in this matter will be conducted in accordance with the Administrative Procedure Act, *Minnesota Statutes* §§ 14.57-14.62; the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.5010 to 1400.8400; and, to the extent that they are not superseded by those rules, the Commission's Rules of Practice and Procedure, *Minnesota Rules*, parts 7829.0100 to 7829.3200.

Copies of these rules and statutes may be purchased from the Print Communications Division of the Department of Administration, 660 Olive Street, St. Paul, Minnesota 55155; (651) 297-3000. These rules and statutes also appear on the State of Minnesota's website at www.revisor.leg.state.mn.us.

The Office of Administrative Hearings conducts contested case proceedings in accordance with the Minnesota Rules of Professional Conduct and the Professionalism Aspirations adopted by the Minnesota State Bar Association.

• Right to Counsel and to Present Evidence

In these proceedings, parties may be represented by counsel, may appear on their own behalf, or may be represented by another person of their choice, unless otherwise prohibited as the unauthorized practice of law. They have the right to present evidence, conduct cross-examination, and make written and oral argument. Under *Minnesota Rules*, part 1400.7000, they may obtain subpoenas to compel the attendance of witnesses and the production of documents.

Parties should bring to the hearing all documents, records, and witnesses necessary to support their positions.

• Discovery and Informal Disposition

Any questions regarding discovery under *Minnesota Rules*, parts 1400.6700 to 1400.6800 or informal disposition under *Minnesota Rules*, part 1400.5900 should be directed to David L. Jacobson, Public Utilities Statistical Analyst, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, Minnesota 55101-2147, (651)297-4562; or Kari Zipko, Assistant Attorney General, 1100 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, (651) 296-1408.

• Protecting Not-Public Data

State agencies are required by law to keep some data not public. Parties must advise the Administrative Law Judge if not-public data is offered into the record. They should take note that any not-public data admitted into evidence may become public unless a party objects and requests relief under *Minnesota Statutes* § 14.60, subd. 2.

• Accommodations for Disabilities; Interpreter Services

At the request of any individual, this agency will make accommodations to ensure that the hearing in this case is accessible. The agency will appoint a qualified interpreter if necessary. Persons must promptly notify the Administrative Law Judge if an interpreter is needed.

• Scheduling Issues

The times, dates, and places of public and evidentiary hearings in this matter will be set by order of the Administrative Law Judge after consultation with Commission staff and intervening parties.

• Notice of Appearance

Any party intending to appear at the hearing must file a notice of appearance (Attachment A) with the Administrative Law Judge within 20 days of the date of this Notice and Order for Hearing.

• Sanctions for Non-compliance

Failure to appear at a prehearing conference, a settlement conference, or the hearing, or failure to comply with any order of the Administrative Law Judge, may result in facts or issues being resolved against the party who fails to appear or comply.

C. Parties and Intervention

The current parties to this case are the Company and the Minnesota Department of Commerce. Other persons wishing to become formal parties shall promptly file petitions to intervene with the Administrative Law Judge. They shall serve copies of such petitions on all current parties and on the Commission. *Minnesota Rules*, part 1400.6200.

D. Prehearing Conference

A prehearing conference will be held in this case on Monday, May 2, 2005 at 1:30 p.m. in the Small Hearing Room, Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, Minnesota 55101.

Persons participating in the prehearing conference should be prepared to discuss time frames, scheduling, discovery procedures, and similar issues. Potential parties are invited to attend the pre-hearing conference and to file their petitions to intervene as soon as possible.

E. Time Constraints

Under *Minnesota Statutes* § 216B.243, subd. 5, the Commission is required to act on this application within six months of the date it is substantially complete. The Commission has found that the application is substantially complete as of the Company's supplementary filing, March 29, 2005. The Commission asks the Office of Administrative Hearings to conduct contested case proceedings in light of these time constraints. Parties should note the six-month statutory time frame at the outset and be prepared for the expedited hearing schedule that time frame requires.

Commissioner's Orders

The Commission has responsibility to determine whether to grant a certificate of need for the project in question and the Environmental Quality Board (EQB) has the responsibility to grant or deny a site permit for the project. *Minnesota Rules*, Part 4410.7060, subp. 4 provides that if the EQB determines that a joint hearing with the Commission to determine both site permit and certificate of need issues is feasible, more efficient, and may further the public interest, and the Commission approves, the two proceedings can be addressed in a joint hearing. The Commission favors administrative efficiencies in general, consistent with due consideration to the issues to be addressed and has authorized its staff member David Jacobson to arrange with EQB staff the details of such a joint hearing. Mr. Jacobson will have authority to convey the Commission's approval and recommendation to the ALJ regarding the joint hearing option.

VI. Application of Ethics in Government Act

The lobbying provisions of the Ethics in Government Act, *Minnesota Statutes* §§ 10A.01 *et seq.*, apply to certificate of need cases. Persons appearing in this proceeding may be subject to registration, reporting, and other requirements set forth in that Act. All persons appearing in this case are urged to refer to the Act and to contact the Campaign Finance and Public Disclosure Board, telephone number (651) 296-5148, with any questions.

VII. Ex Parte Communications

Restrictions on *ex parte* communications with Commissioners and reporting requirements regarding such communications with Commission staff apply to this proceeding from the date of this Order. Those restrictions and reporting requirements are set forth at Minn. Rules, parts 7845.7300-7845.7400, which all parties are urged to consult.

ORDER

1. A contested case proceeding shall be held on Great River Energy's (GRE's or the Company's) certificate of need application.
2. The contested case proceeding shall begin with a prehearing conference on Monday, May 2, 2005, at 1:30 p.m. in the Small Hearing Room, Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, Minnesota 55101-2147.
3. At least one public hearing shall be held in this matter at a time and place determined by the Administrative Law Judge after consultation with Commission staff.
4. The Commission asks the Department of Commerce to continue its examination of the merits of the application and to provide a recommendation on the reasonableness of granting the requested certificate of need.
5. The Company shall facilitate in every reasonable way the continued examination of the issues by the Department of Commerce and the Environmental Quality Board.
6. The Company shall publish notice of the public and evidentiary hearings at least 10 days in advance in visible display ads in newspapers of general circulation throughout the state. The Company shall work with Commission staff to develop a plan to meet this requirement, including a proposed text, a list of the newspapers it proposes to use, and proposed publication dates. The Company shall obtain proofs of publication of the ads required above.
7. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION
Burl W. Haar, Executive Secretary

(SEAL)

This document can be made available in alternative formats (i.e., large print or audio tape) by calling (651) 297-4596 (voice), or 1-800-627-3529 (MN relay service).

ATTACHMENT A

BEFORE THE MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS
100 Washington Square, Suite 1700
Minneapolis, Minnesota 55401-2138

FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION
121 Seventh Place East Suite 350
St. Paul, Minnesota 55101-2147

Commissioner's Orders

In the Matter of the Application of Great River Energy for a Certificate of Need for the Cambridge Peaking Plant
MPUC Docket No. ET-2/CN-05-347 OAH Docket No. **NOTICE OF APPEARANCE**

Name, Address and Telephone Number of Administrative Law Judge:

Kathleen D Sheehy,
Office of Administrative Hearings,
Suite, 1700, 100 Washington Square,
Minneapolis,
Minnesota 55401
(612) 341- 7602

TO THE ADMINISTRATIVE LAW JUDGE:

You are advised that the party named below will appear at the above hearing.

NAME OF PARTY:

ADDRESS:

TELEPHONE NUMBER:

PARTY'S ATTORNEY OR OTHER REPRESENTATIVE:

OFFICE ADDRESS:

TELEPHONE NUMBER:

SIGNATURE OF PARTY OR ATTORNEY:

DATE:

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 Human Services

Authorization List of All Drugs That Have Been Added Requiring Authorization as a Condition of Minnesota Health Care Programs (MHCP) Payment

The following is a listing of added drugs to the current authorization list. The newly added drug codes will require authorization on or after May 1, 2005.

As authorized by *Minnesota Statutes*, section 256B.0625, subd 25, the following list includes all drugs that have been added requiring authorization as a condition of MHCP payment. The criteria used to develop this list are as follows:

- A. The health service could be considered, under some circumstances, to be of questionable medical necessity.
- B. Use of the health service needs monitoring to control the expenditure of program funds.
- C. Less costly, appropriate alternatives to the health service are generally available.
- D. The health service is investigative.

- E. The health service is newly developed or modified.
- F. The health service is of a continuing nature and requires monitoring to prevent its continuation when it ceases to be beneficial.
- G. The health service is comparable to a service provided in a skilled nursing facility or hospital but is provided in a recipient's home.
- H. The health service could be considered cosmetic.

These newly added non preferred drugs will require Authorization for services provided on or after May 1, 2005.

DRUGS

Added Drugs

- Levaquin
- Tequin
- Factive
- Combunox
- Palladone

Minnesota Department of Labor and Industry

Division of Labor Standards and Apprenticeship

REQUEST FOR COMMENTS on Possible Amendment to Rules Governing Apprenticeship Programs and Agreements, *Minnesota Rules*, Parts 5200.0290 to 5200.0420

Subject of Rules. The Minnesota Department of Labor and Industry requests comments on its possible amendment to rules governing Apprenticeship Programs and Agreements. The Department is considering rule amendments that provide for an alternative method for the Director of Labor Standards and Apprenticeship to make wage determinations applicable to the graduated schedule of wages and journeyman wage rate for apprenticeship agreements. The alternative method may include factors other than state or federal prevailing wage determinations or a pre-existing apprenticeship agreement for a trade in a county or area. The alternative method may provide for wage determinations to include a separate journeyman wage rate to use with the graduated wage schedule for work not funded in whole or in part by state or federal funds. The requirement to use the prevailing wage journeyman wage rate with the graduated wage schedule for work funded in whole or part by state or federal funds which is covered by the state or federal prevailing wage laws would not be affected.

Persons Affected. The amendment to the rules would likely affect apprentices, journey workers, workers, employers, sponsors and other parties involved in approved apprentice programs or considering involvement in these programs. The most directly affected parties would be involved in construction or construction related activities.

Statutory Authority. *Minnesota Statutes*, sections 175.171 and 178.041 authorize the Department to adopt rules for establishing approved apprenticeship programs including the procedures for establishing programs; minimum training standards, approval and cancellation of apprenticeship agreements, duties of sponsors, equal opportunity for apprentices, complaints of discrimination, determination of apprentice wages, apprenticeship committee rules, and maintenance of records.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing or orally until 4:30 p.m. on Friday June 16, 2005. The Department does not contemplate appointing a separate advisory committee to comment on the possible rules. The Department will seek the advice of the Apprenticeship Advisory Council appointed pursuant to *Minnesota Statutes*, section 178.02 and other interested parties.

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

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the proposed rule amendments when it has been prepared, and requests for more information on these possible rules should be directed to: Jerry Briggs, Director of Labor Standards and Apprenticeship, at the Minnesota Department of Labor and Industry, 443 Lafayette Road, North, St. Paul, Minnesota 55155, **phone:** (651) 284-5194, **FAX:** (651) 284-5736, and **e-mail:** jerry.briggs@state.mn.us. TTY users may call the Department at (651) 297-4198.

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

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

Official Notices

you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: April 18, 2005

M. Scott Brener, Commissioner
Department of Labor and Industry

Office of the Ombudsman for Mental Health and Mental Retardation

Notice of Advisory Committee Meeting

The Ombudsman for MH/MR Advisory Committee will hold a meeting from 9:00 a.m. to 1:00 p.m. on April 21, 2005. The meeting will be held in Suite 420 of the Metro Square Building on 7th & Robert St., St. Paul.

Department of Public Safety

Office of Justice Programs

Justice and Community Grants

Invitation for Comment and Review of Comprehensive Three-Year Plan for Juvenile Justice

The Minnesota Juvenile Justice Advisory Committee (JJAC) is now preparing the required Comprehensive Three Year Plan for Juvenile Justice and invites you to participate in its formation. This Plan will form the foundation of the committee's work for the next three years and outlines the work plan of JJAC in Juvenile Justice in Minnesota. This plan is mandated by the Juvenile Justice and Delinquency Prevention Act of Congress, Reauthorized, 2002.

Four statewide stakeholder meetings will be held. Please join us on:

May 6 th	at the Civic Center in Mankato
May 20 th	at Northern Lights Casino at Walker
June 17 th	at Hennepin County Home School
July 15	at the Holiday Inn in Duluth

All meeting times will be from 10:00AM~3:00PM.

Space is limited so please RSVP to save your spot. For meeting details and more information please call Andre Wiegand at 651-296-8755.

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 Housing Finance Agency Requests for Application for the Rehabilitation Loan Program

The Minnesota Housing Finance Agency (MHFA), announces the availability of funds through an Application Process. Eligible applicants are invited to submit applications for the Rehabilitation Loan Program.

The Goal of the Rehabilitation Loan Program

To help maintain the existing housing stock of affordable, owner occupied, single family housing in neighborhoods throughout the state of Minnesota.

Application Process

- Notice for applications will be posted on the MHFA website in April, 2005 with applications due to be submitted to MHFA by May 31, 2005.
- Applications are reviewed and scored.
- Funding Agreements are normally sent by the 15th of July to the awarded organizations.

Eligible Organizations

Eligible applicants include private (non-governmental) 501(C)(3) non-profit housing providers, cities, local and federal units of government, Housing Redevelopment Agencies, Community Action Programs, Economic Development Agencies and other community organizations.

Fund Availability

- Statewide funding will be approximately \$6,000,000 for a two year period.
- Funds will be provided through a State-Wide Pool Allocation.

Eligible Use of Funds

The purpose of the program is to provide access to financing for low to moderate-income homeowners for basic repairs that address health, energy, safety and accessibility deficiencies in an owner occupied single-family house and for the reduction of lead-based paint hazards in Pre-1978 properties. To be eligible for this program, funds must not otherwise be available from private lenders with equivalent terms or conditions.

Program Limits

The Rehabilitation Loan Program is targeted to individuals and household's gross income does not exceed 30% of the MSA for Minneapolis/St. Paul as established by HUD. The maximum loan amount is \$20,000; the minimum loan amount is \$1,000.

Department of Human Services CANCELLATION OF Request for Proposals for Disease Management Evaluation Tools

NOTICE IS HEREBY GIVEN that the Request for Proposals for Disease Management Evaluation Tools issued by the Department of Human Services, Health Care and Medical Management Division (DHS), listed in the State Register, April 4, 2005, SR29 page 1148, has been cancelled.

State Grants & Loans

Department of Human Services

Request for Proposals for Disease Management Evaluation Protocols

NOTICE IS HEREBY GIVEN that the Department of Human Services, Health Care and Medical Management Division (DHS) is seeking qualified grantees to establish effective protocols that will enable DHS to evaluate, purchase or implement effective disease management programs for Minnesota's Medical Assistance enrollees. DHS will award one or more contracts for work to be completed during the current fiscal year, ending June 30, 2005.

Qualified vendors shall be considered who have:

- 1) experience in serving patients covered by the Minnesota Medical Assistance Program and,
- 2) experience with disease management or intensive care management for persons with chronic illness, persons with disabilities, or groups impacted by health disparities.

This contract does not obligate the state to any particular vendor, nor to renewal, other than terms and conditions of the original contracting instrument.

For a copy of the full Request for Proposals, or more information, contact:

Thomas Fields, Planning Director
444 Lafayette Road, St. Paul, MN 55155-3854

Phone: (651) 297-7303

Fax: (651) 297-3230

Email: tom.fields@state.mn.us

Deadline for proposals is **4:00 p.m. CDT on May 9, 2005**. No late proposals will be considered.

State Contracts

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

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

Department of Administration

Notice of Availability of Contracts for Pharmaceutical Prescription-Filling Services

The Department of Administration, on behalf of the Minnesota Multistate Contracting Alliance for Pharmacy (MMCAP), is requesting proposals in order to establish multiple contracts for filling pharmaceutical prescriptions for governmental facilities that are otherwise eligible to purchase off MMCAP contracts but that currently don't because they do not have access to a pharmacist on-staff.

MMCAP is a voluntary group purchasing organization made up of governmental entities which contracts for pharmaceuticals and related products. MMCAP is currently made up of 43 participating states and approximately 4000 eligible participating facilities purchasing over \$1 billion annually. For more information, go to www.mmcap.org (no password necessary).

The Request for Proposals (RFP) document may be found online at the web site referenced above. Copies of the RFP may also be requested by sending an e-mail to: mn.multistate@state.mn.us Or write to:

MMCAP Prescription Filling Services RFP
Minnesota Department of Administration
Attn: Heather Pickett
50 Sherburne Avenue, Room 112
St. Paul, MN 55155

Proposals submitted in response to the RFP must be received at the address specified in the RFP no later than 2:00 p.m. on May 9, 2005, per the instructions in the RFP. **Late proposals will not be considered.**

The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Minnesota State Colleges and Universities Minneapolis Community & Technical College, Minneapolis, MN Notice of Availability of Request for Proposal (RFP) for Designer Selection for Health Sciences Renovation (State Project No. 05-07)

The Minnesota State Colleges and Universities, acting as the owner for the State of Minnesota through the State Designer Selection Board, is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposals is available on the Minnesota State Colleges and Universities website: www.facilities.mnscu.edu, click on "Solicitation Announcements."

A project informational meeting has been scheduled for 2:00 P.M., May 2, 2005 at Minneapolis Community & Technical College, Minneapolis, MN. The meeting will start in the lobby of the 1300 Harmon Building. Contact Mary Prozeller at 612-659-6808, Mary.Prozeller@minneapolis.edu to sign up for the meeting.

Proposals must be delivered to Terry Lewko, Executive Secretary, State Designer Selection Board, in the State Architect's Office, not later than 1:00 P.M., Monday, May 9, 2005. Late responses will not be considered.

Minnesota State Colleges and Universities is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

Minnesota State Colleges and Universities Central Lakes College, Brainerd and Staples, MN Notice of Availability of Request for Proposal (RFP) for Designer Selection for Heavy Equipment Addition and Music Renovation (State Project No. 05-06)

The Minnesota State Colleges and Universities, acting as the owner for the State of Minnesota through the State Designer Selection Board, is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposals is available on the Minnesota State Colleges and Universities website: www.facilities.mnscu.edu, click on "Solicitation Announcements."

A project informational meeting has been scheduled for 9:00 A.M. May 4, 2005 at Central Lakes College, Brainerd, MN, Room E208. Contact Judy Longbella, 218-894-5128, jlongbel@clcmn.edu to sign up for the meeting.

Proposals must be delivered to Terry Lewko, Executive Secretary, State Designer Selection Board, in the State Architect's Office, not later than 1:00 P.M., Monday, May 9, 2005. Late responses will not be considered.

Minnesota State Colleges and Universities is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

Colleges and Universities, Minnesota State (MnSCU) Request for Bid: PRINT and FULFILLMENT of Go Places Publications

The Office of the Chancellor is requesting bids from qualified vendors for the printing and fulfillment of Go Places publications.

Specifications are available by visiting the website: www.mnscu.edu/goplacesrfb or by contacting Chris McGing, Minnesota State Colleges and Universities, 500 Wells Fargo Place, 30 East Seventh Street, St. Paul, Minnesota 55101, 651-297-2720, or email christine.mcging@so.mnscu.edu. Sealed bids must be received by Friday, May 6th, 2005, 2:00 pm, cst.

This request does not obligate Minnesota State Colleges and Universities to complete the proposed project, and the system reserves

State Contracts

the right to cancel this solicitation if it is considered to be in its best interest.

The Minnesota State Colleges and Universities system is an Equal Opportunity employer and educator.

Colleges and Universities, Minnesota State (MnSCU)

Winona State University

Request for Sealed Bids for Six Genesys Spectrophotometers

NOTICE IS HEREBY GIVEN that Winona State University will receive sealed bids for six Genesys Spectrophotometers.

Bid specifications will be available April 18, 2005 from the Winona State University Purchasing Department, P.O. Box 5838, 205 Somsen Hall, Winona, MN 55987 by calling (507) 457-5067.

Sealed bids must be received by Sandra Schmitt at P.O. Box 5838, or at 175 W. Mark St., Somsen 205-G, Business Office, Winona State University, Winona, MN 55987 by 2:00 p.m. May 2, 2005.

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

Minnesota Forest Resources Council

Notice of Request for Proposals for a Literature Review of Economic Cost and Benefits of Timber Harvesting in Riparian Forest Areas

The Minnesota Forest Resources Council is requesting proposals to perform a literature review of relevant literature related to economic costs and benefits of timber harvesting in riparian forest areas. The anticipated costs and benefits are between direct (timber value) and indirect use values (quantifiable ecosystem services that benefit society) of forested riparian areas. Direct timber values associated with timber harvesting and forest management are easily quantified via market transactions and have been widely studied. Indirect use values are less reliably quantified because of the absence of market transactions for these values. In order to make public policy decisions, reliable quantified valuations will be important. Included in the scope of the literature review is the application of tools and techniques by decision-makers. Work is proposed to start after June 15, 2005.

Potential responders interested in submitting a proposal should write or fax a request for the full RFP by May 5, 2005. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After May 5, 2005, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Jenna Fletcher
Policy Analyst
MN Forest Resources Council
2003 Upper Buford Circle
St. Paul, MN 55108-6146
Telephone: (651) 603-0109
Fax: (651) 603-0110
E-mail: flet0042@umn.edu

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above **NO LATER** than 4:00 p.m. CDT on **Monday May 16, 2005**. **Late proposals will not be considered.** Fax or e-mailed proposals will **NOT** be considered.

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

Minnesota Historical Society

Notice of Request for Proposals for Archaeological Collections Processing and Archaeological Report Preparation

The Minnesota Historical Society is seeking proposals from qualified individuals or firms to process archaeological collections and prepare final reports on archaeological survey, site evaluation, and data recovery projects conducted at various times over the past ten

years at five Minnesota Historical Society sites.

The Society's ability to fund this work, as well as the exact nature and extent of the project, will depend on available funds at the close of its fiscal year ending June 30, 2005.

The Request for Proposals is available by calling or writing Mary Green Toussaint, Contracting & Purchasing Assistant, Minnesota Historical Society, 345 Kellogg Blvd. W., St. Paul, MN 55102. Telephone: 651-297-7007 or via e-mail:

mary.green-toussaint@mnhs.org.

Interested parties will be encouraged to review field documentation and artifact collections before completing their proposals. Currently, Monday, May 9 through Friday, May 20, 2005 is the timeframe that has been designated for this purpose.

Bids must be received no later than 2:00 p.m., Local Time, Wednesday, May 25, 2005. No late bids will be accepted.

Dated: April 18, 2005

Board of Medical Practice Call for Consultants to Provide Independent Opinion on Care Provided by Persons Regulated by the Board of Medical Practice

The Minnesota Board of Medical Practice regularly retains consultants to provide an independent opinion regarding the care rendered by practitioners who are the subject of complaint investigations.

The work consists of reviewing patient records and other information pertaining to the matter reported to the Board. The consultant is expected to provide the Board with a written report of their review within four to six weeks of receipt of the materials.

The written report consists of:

- * A summary of the care provided
- * A statement of the expected or standard of care
- * An opinion as to whether the care provided had met the minimum standard of care

The consultants may expect to attend one meeting of the Board's Complaint Review Committee, where the practitioner under investigation is present. The consultant may also be requested to testify at an administrative disciplinary hearing on behalf of the Complaint Review Committee.

The Board is currently expanding its consultant resource list. If you are interested in acting as a consultant for the Board, please send a letter with your name, area(s) of practice and expertise, current curriculum vitae, address, telephone number, and hourly rate to:

Board of Medical Practice
Attn: Ruth Martinez
2829 University Avenue SE, Suite 500
Minneapolis, MN 55414-3246

In compliance with *Minnesota Statutes §16C.08*, the availability of this contracting opportunity is also being offered to state employees. All interested parties should submit their request for consideration by May 16, 2005.

The Board will review each applicant qualifications and contact those individuals whose consultant services the board requires.

Board of Medical Practice Call for Consultants to Provide Comprehensive Evaluation of Practitioners Re- garding Their Ability to Practice Medicine Safely

The Minnesota Board of Medical Practice retains consultants to provide a comprehensive evaluation of practitioners who are the subject of complaint investigations regarding their ability to practice medicine with reasonable skill and safety.

The work consists of:

1. Reviewing patient records and other information pertaining to the matter reported to the Board.
2. Reviewing medical literature concerning care and treatment of certain medical conditions, or concerning practice standards in specified areas of expertise.

State Contracts

3. Conducting intensive outpatient or partial hospital program assessment of the practitioner including, but not limited to neuropsychological testing, mental and physical examination and/or chemical dependency evaluation.
4. Professional services maybe provided for up to five days of evaluation if deemed necessary by the Board and consultant.
5. Providing a written report of the evaluation, along with conclusions and recommendations, within four to six weeks of receipt of the materials, or as determined by the Board.

If necessary, the consultant will be available to provide expert testimony to the Board's Complaint Review Committee, and as required to testify at an administrative disciplinary hearing on behalf of the Complaint Review Committee. Also, the consultants will meet and have telephone conferences with the Board's staff and attorneys, as deemed necessary.

The Board is currently expanding its consultant resource list. If you are interested in acting as a consultant for the Board, please send a letter with your name, area(s) of practice and expertise, current curriculum vitae, address, telephone number, and hourly rate to:

Board of Medical Practice
Attn: Ruth Martinez
2829 University Avenue SE, Suite 500
Minneapolis, MN 55414-3246

In compliance with *Minnesota Statutes §16C.08*, the availability of this contracting opportunity is also being offered to state employees. All interested parties should submit their request for consideration by May 16, 2005.

The Board will review each applicant qualifications and contact those individuals whose consultant services the board requires.

Board of Medical Practice

Call for Consultants to Provide Medical Expertise to Support Licensure/ Registration and Complaint Review Functions of the Board of Medical Practice

The Minnesota Board of Medical Practice retains consultants to provide medical expertise to the Licensure and Complaint Review Units regarding review of applications for licensure/registration and assessment of medical information and records concerning complaints involving regulated practitioners.

The work consists of reviewing, analyzing and interpreting information pertaining to eligibility for licensure, complaint information, medical records, and responses by practitioners to board investigations. The consultant is expected to provide the Board the following services:

(1) Written and/or oral interpretation of complaint data; an outline of pertinent medical issues, along with recommendations concerning obtaining additional information or utilizing consultants; review and interpretation of consultant reports; review and interpretation of medical information concerning compliance with disciplinary orders including, but not limited to supervising practitioner reports, support group reports, and toxicology information.

(2) Review and assessment of medical and credentialing data related to an applicant's eligibility for licensure including but not limited to information on substance abuse, physical/mental illness or impairment, disciplinary action by a state or federal agency or professional association, and malpractice information.

(3) Be available to the Complaint Review Committee, Board Staff, and AGO to discuss written and/or oral reports, recommendations and interpretations of medical information.

The consultant may expect to attend one meeting of the Board's Complaint Review Committee, where the practitioner under investigation is present. The consultant may also be requested to testify at an administrative disciplinary hearing on behalf of the Complaint Review Committee, if deemed necessary by the Committee.

The Board is currently expanding its consultant resource list. If you are interested in acting as a consultant for the Board, please send a letter with your name, area(s) of practice and expertise, current curriculum vitae, address, telephone number, and hourly rate to:

Board of Medical Practice
Attn: Ruth Martinez
2829 University Avenue SE, Suite 500
Minneapolis, MN 55414-3246

In compliance with *Minnesota Statutes §16C.08*, the availability of this contracting opportunity is also being offered to state employees. All interested parties should submit their request for consideration by May 16, 2005.

The Board will review each applicant qualifications and contact those individuals whose consultant services the board requires.

**Department of Natural Resources
Management Resources****Request for Proposals for Contract for a Safety Management System**

Certification # 6046-10863

Amount of proposed contract: \$55,000.00

NOTICE OF AVAILABILITY OF CONTRACT for the safety management system for the Department of Natural Resources. The service will include a baseline evaluation of the current DNR management systems and resources and a summary report of findings.

The Minnesota Department of Natural Resources, Management Resources, is requesting proposals for the purpose of improving the safety performance of the DNR so that: injuries are reduced, accident costs are minimized and natural resource work can be completed in a safe, effective manner.

Work is proposed to start after May 2, 2005.

A Request for Proposals will be available by mail from this office through April 26, 2005. A written request (by e-mail or fax) is required to receive the Request for Proposal. After April 26, 2005, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Kim Montgomery
Department of Natural Resources, Management Resources
500 Lafayette Road,
St. Paul, MN 55155-4029
Fax: (651) 297-5818
E-mail: *kim.montgomery@dnr.state.mn.us*

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than May 2, 2005. Late proposals will not be considered. Fax or e-mailed proposals will not be considered.

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

**Minnesota Supreme Court
Fourth Judicial District****Notice of Request for Proposal for Enterprise Content Management**

NOTICE IS HEREBY GIVEN that the 4th Judicial District Court is seeking proposals from qualified vendors for an Enterprise Content Management solution. The Request for Proposal may become the basis for negotiation of a master contract with a designated vendor to provide ECM software and professional services.

The Court is not obligated to respond to any proposal submitted nor is it legally bound in any manner whatsoever by the submission of a proposal. The Court reserves the right to cancel or withdraw the RFP at any time if it is considered to be in its best interest. In the event the RFP is cancelled or withdrawn for any reason, the Court shall not have any liability to any proposing party for any costs or expenses incurred in connection with the RFP or otherwise. The Court also reserves the right to reject any or all proposals, or parts of proposals, to waive any informalities therein and to extend proposal due dates.

For a copy of the full Request for Proposal, or more information, contact:

Gena Jones
Fourth Judicial District
A-1720 Government Center
300 South 6th Street
Minneapolis, MN 55487
E-mail: *gena.jones@courts.state.mn.us*

All vendor questions and responses thereto will be posted on:

<http://www.courts.state.mn.us/districts/fourth/Administration/ECMQuestions.htm>

Deadline for proposals is 4:00 p.m. CST on Tuesday, May 10, 2005. No late proposals will be considered.

State Contracts

Minnesota Supreme Court

State Court Administration

Request for Proposal for Digital Audio Recording Software, Equipment, Maintenance and Training

NOTICE IS HEREBY GIVEN that the Minnesota Judicial Branch is seeking vendors to provide digital audio recording software, equipment, maintenance and training in a courtroom environment. This request will result in a contract(s) extending through June 30, 2007.

This request does not obligate the state to any particular service provider or any particular product or service.

For a copy of the full Request for Proposals, or more information, contact:

State Court Administrator's Office
140 Minnesota Judicial Center
25 Rev. Dr. Martin Luther King, Jr. Blvd.
St. Paul, MN 55155
Phone: (651) 215-0052
Fax: (651) 297-5636
Email: *Judy.Rehak@courts.state.mn.us*

Deadline for proposals is 4:30 p.m. CDST on Friday, April 29, 2005. No late proposals will be considered.

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.

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 applications from consultants. Refer to Mn/DOT's Consultant Services web site, indicated below, to see which highway related professional/technical services are available at this time. Following the advertisement of 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 North, Mail Stop 680
St. Paul, MN 55155

Note: DUE DATE: APPLICATION MATERIAL WILL BE ACCEPTED ON A CONTINUAL BASIS.

Non-State Contracts & Grants

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 as indicated within the public notice.

Non-State Contracts & Grants

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

Metropolitan Council

Notice of Request for Proposals (RFP) for Risk Management Broker and Consulting Services

Contract Number 05P010

The Metropolitan Council is requesting proposals to provide for three years of risk management broker and consulting services such as placement of insurance coverage and self insurance services, evaluation of quotations, placement and maintenance of policies, etc. The risk management consulting services are to be on an as requested by the Council basis.

The anticipated solicitation schedule is shown below.

<i>Issue Request for Proposals</i>	April 19, 2005
<i>Receive Proposals</i>	3:00 PM on Tuesday May 17, 2005
<i>Award of Contract</i>	June 2005

All firms interested in receiving an RFP package are invited to submit an e-mail or written request to:

Harriet Simmons, Sr. Administrative Assistant
Contracts and Procurement Unit
Metropolitan Council Environmental Services
Mears Park Centre
230 E. Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1086
Fax: (651) 602-1083
E-mail: Harriet.Simmons@metc.state.mn.us

Note: RFPs are **NOT** available in electronic form.

Non-State Contracts & Grants

Metropolitan Council

Request for Sealed Bids for MCES Regional Plants Metal and Concrete Rehabilitation and Painting

NOTICE IS HEREBY GIVEN that on May 10, 2005 at 2:00 P.M. the Metropolitan Council will receive and publicly open separate sealed bids for MCES Project Number 800604 at their office at 230 East 5th Street, St. Paul, MN, 55101-1634. Sealed bids should be delivered to 2nd floor receptionist.

The Work of this Project includes Regional Plants Metal and Concrete Rehabilitation and Painting.

The estimated construction cost is between \$610,000 and \$704,000.

Bidding Documents may be obtained at a non-refundable cost of \$25 per set from the Metropolitan Council, Attn: Elizabeth Sund at 230 East 5th Street, St. Paul, MN 55101-1634.

A Pre-Bid Meeting will be held at MCES Seneca Plant at 3750 Plant Road, Eagan MN 55128, on April 26, 2005 at 9:00 a.m. Attendees should report to Administration Building. Immediately following the pre-bid meeting there will be a site visit at the Hastings Waste Water Treatment Plant, 100 Lee Street & First Street, Hastings, MN 55033.

Direct inquiries to the COUNCIL's Project Manager, Steven Greenwood at (651) 602-8763.

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 Bidding Documents or any modifications to them. If a contract for the Project is awarded in excess of \$100,000, the requirements of *Minnesota Rules*, Part 5000.3530 will be applicable. Additional pertinent information is contained in the Bidding Documents.

The geographical area(s) for this notice and contract is Dakota County.

Dated this 15th day of April, 2005

Metropolitan Council

Notice of Request for Proposals (RFP 05P037) for Professional Property Management Services

The Council currently owns and operates 150 scattered site public housing units through its Family Affordable Housing Program. The units consist of 2-5 bedroom single family homes and townhomes located throughout eleven suburban cities in Anoka, Hennepin and Ramsey counties.

The Council is soliciting proposals for Professional Property Management Services. The Council will retain one management company to manage the entire portfolio. The successful proposer will be responsible for all day-to-day management and maintenance services. The initial contract term is expected to be eighteen months, with options to renew for one or more additional one-year periods.

The anticipated RFP schedule is:

<i>Issue Request for Proposals</i>	April 18, 2005
<i>Proposals Due</i>	May 10, 2005, 2:00 p.m. local time
<i>Interviews, if required</i>	May 12-13, 2005
<i>Final Selection</i>	May 2005
<i>Expected Contract Start Date</i>	July 1, 2005

Requests for an RFP package may be submitted in writing via e-mail, fax, or mail to:

Elizabeth Sund
Administrative Assistant, Technical Services
Metropolitan Council
230 East Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1169
Fax: (651) 602-1083
E-mail: elizabeth.sund@metc.state.mn.us

Non-State Contracts & Grants

Northstar Corridor Development Authority

Notice of Request for Proposals for Broker/Insurance Services for Commuter Rail Negotiations for Northstar Commuter Rail Project

NOTICE IS HEREBY GIVEN that the Northstar Corridor Development Authority requests proposals from qualified property and casualty broker/insurance consultant firms capable of providing risk management services to the Northstar Corridor Development Authority ("NCDA") and the State of Minnesota for the design, construction and operational phases of the Northstar Commuter Rail Project. The Northstar Corridor Commuter Rail Project is currently a 40-mile transportation corridor that follows Trunk Highway 10 between the northern Twin Cities region and Big Lake, Minnesota. The proposed Northstar commuter rail project will operate on the mainline freight railroad owned and operated by the BNSF Railway Company ("BNSF").

The successful respondent's work may include the following:

1. Advise the NCDA in negotiating insurance terms and conditions with the BNSF for both the construction and operational phases of the Northstar Corridor Rail Project.
2. Identify and determine insurance requirements for design professionals and contractors that will be involved in this project and advise the NCDA.
3. Place insurance coverages to protect the financial interests of the NCDA and the State of Minnesota, control insurance costs and ensure all carriers are providing coverages and services, as agreed.
4. Manage placed insurance, as agreed.
5. Oversee audit, claim, loss control and safety services to ensure that the project is in compliance with all federal, state and local safety requirements.
6. Monitor issuance of certificates of insurance and on-going consultation of Risk Management services to the NCDA.
7. Identify and recommend insurance coverages and assist in managing the transfer from construction to operations stage of this project while maintaining coverages for all parties involved.
8. Coordinate with light rail to ensure there are no gaps in coverages, loss control and safety programs.

NO CONTACT IS TO BE MADE WITH PROSPECTIVE INSURANCE CARRIERS AT THIS TIME.

Work on this project will commence on June 2, 2005 and continue through December 31, 2008 or until Northstar Commuter Rail is operational, whichever is later.

Anticipated project schedule is:

<i>Issue RFP</i>	April 18, 2005
<i>Pre-proposal Conference</i>	May 3, 2005
<i>Questions Due</i>	May 10, 2005
<i>Proposals Due</i>	May 20, 2005
<i>Interviews</i>	June 1, 2005
<i>Contract Approval by NCDA Board</i>	June 2, 2005

All firms interested in receiving an RFP Package **must Pre-Register** using the Anoka County Purchasing - Vendor Registration website at: <http://www.anokacounty.us/vendors> or

http://www.anokacounty.us/v1_departments/div-finance-cent-serv/dept-fmcs/purchasing/vendor-signup.asp.

Vendors must check the box entitled "NORTHSTAR CORRIDOR RISK MANAGEMENT SERVICES" in order to pre-register.

Questions regarding this RFP can be submitted by e-mail or written request to:

Tim Yantos, NCDA Executive Director
Anoka County Administration
2100 3rd Avenue
Anoka, MN 55303
Phone: (763) 323-5692
Fax: (763) 323-5682
E-mail: Tim.yantos@co.anoka.mn.us

Please do not contact Tim Yantos to pre-register. Firms must use the Anoka County website to pre-register.

If a firm needs an accommodation, such as an interpreter or printed material in an alternate format (i.e. Braille, large print, or audio), contact Tim Yantos, NCDA Executive Director, at (763) 323-5692, TDD/TYY (763) 323-5370.

Non-State Contracts & Grants

University of Minnesota

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

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

Request for Bids/Proposals are also available to the public each business day from 8:00 a.m. to 4:30 p.m. in the Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Minneapolis, Minnesota 55454.

University of Minnesota

Minneapolis Campus

Duct Cleaning – Malcom Moos Tower

Project # 142-05-1793

Work performed under this contract will include the cleaning of ducts associated with air handling units in Malcom Moos Tower.

The Work shall be completed within 90 days after start of work.

Prebid access to the work site is limited to specific times and dates. A **mandatory** pre-bid tour of the work site is scheduled for 9:30 a.m., Friday April 22, 2005. Interested parties are to meet in Room 2-365 of the Phillips-Wangensteen Building located on University of Minnesota, Minneapolis Campus, Minneapolis, Minnesota. Contact Sean Gabor, **e-mail:** gabors@facm.umn.edu **phone:** (612) 625-7547 **AND** Chip Foster, **e-mail:** fosterc@facm.umn.edu **phone:** (612) 626-6080 if you are interested in attending.

Prime contract bidding will close 2:00 PM, local time, April 28, 2005.

Sealed bids will be received by the Regents of the University of Minnesota at Facilities Management Purchasing Services, 400 Donhowe Building, 319 - 15th Avenue SE, Minneapolis, Minnesota 55455, until the stated times, when they will be publicly opened and read aloud.

Bidding Documents will be distributed at the mandatory pre-bid tour.

Direct communications regarding this project to the Facilities Management–Hazardous Material Program Manager, Sean Gabor, **e-mail** gabors@facm.umn.edu, **phone:** (612) 625-7547.

Each prime and subcontract bid shall be accompanied by a bid security of 5% of the maximum amount of the bid in the form of a Surety Bond, certified check, cashier's check.

The successful prime contract bidder shall furnish Performance and Payment Bonds in the full amount of the contract.

The University reserves the right to reject any and all bids, accept any bid, waive informalities in bids submitted, and waive minor discrepancies in bidding procedures, as it deems to be in its best interest.

The University of Minnesota complies with Equal Employment Opportunity and Affirmative Action Policies for contractors and suppliers.

Bid result information may be obtained via e-mail request to Mr. Denis Larson at larsond@facm.umn.edu

REGENTS OF THE UNIVERSITY OF MINNESOTA

Mr. Denis Larson

Facilities Management Purchasing Manager

E-Mail: larsond@facm.umn.edu

University of Minnesota

Request for Proposals for a Consultant to Provide Planning and Design Services for the University Park Development

Project # 000-05-1809

I. NOTICE OF REQUEST FOR PROPOSAL

The University of Minnesota is soliciting proposals from professional design firms for planning and design services for the development of a new University park on the East Bank Campus. The park, which will be approximately 40 acres in size, will provide expanded recreation fields for the Department of Recreational Sports, training and competition areas for the Department of Intercollegiate Athletics, and areas for passive recreation for the entire University community.

Non-State Contracts & Grants

The scope of the initial contracts will include Predesign and Schematic Design services only.

E-mail your request for the full RFP, which will be sent free of charge to interested vendors or download the RFP from

<http://www.cppm.umn.edu/rfp.html>.

II. CONTACT FOR RFP INQUIRIES:

Chip Foster
Purchasing Services
University of Minnesota
400 Donhowe Building
319 15th Ave. SE
Minneapolis, MN 55455-1082
Phone: (612) 626-6080
Fax: (612) 624-5796
E-Mail: fosterc@facm.umn.edu

III. TENTATIVE SCHEDULE OF EVENTS

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

<i>State Register Advertisement</i>	April 18, 2005	Monday
<i>RFP Document Available</i>	April 18, 2005	Monday
<i>Pre-Proposal Meeting / Site Visit @ 2:00 PM</i> <i>317 Donhowe Building</i>	May 3, 2005	Tuesday
<i>All Questions / Inquiries deadline at Noon</i>	May 11, 2005	Wednesday
<i>RFP Response Deadline – Due at Noon</i>	May 18, 2005	Wednesday
<i>Notification of Short-listed Finalists</i>	May 25, 2005	Wednesday
<i>Respondent Presentations, if required</i>	June 9, 2005	Thursday
<i>Notification of Selected Consultant</i>	June 16, 2005	Thursday
<i>Predesign and Schematic Design</i>	Complete by Fall 2005	

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

