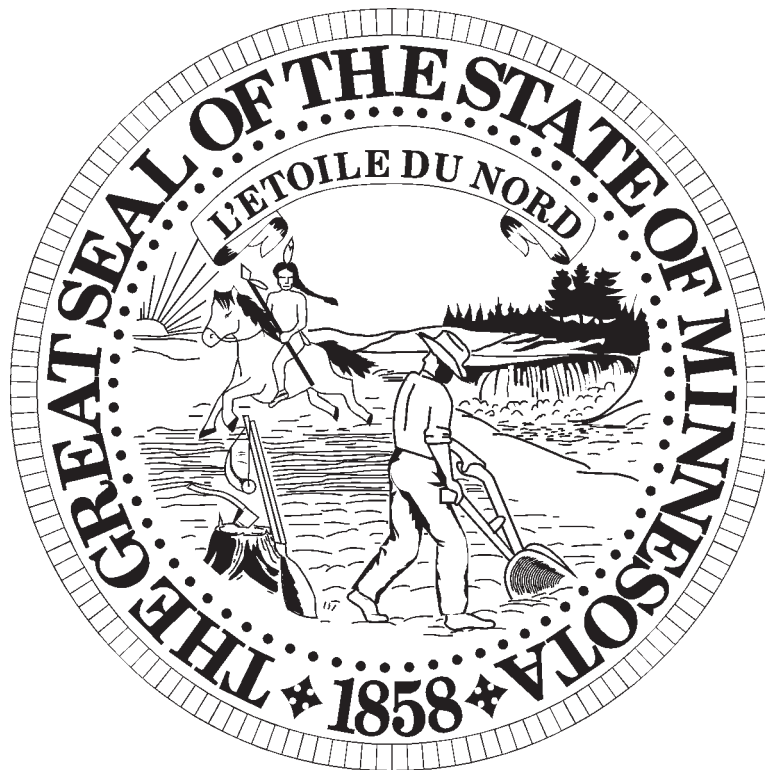


State of Minnesota

State Register



**Rules, Executive Orders, Appointments,
Commissioners' Orders, Revenue Notices, Official Notices, Grants,
State Contracts & Loans, Non-State Bids, Contracts & Grants**

Published every Monday (Tuesday when Monday is a holiday)

**Monday 11 December 2006
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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:

- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
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# 25	Monday 18 December	Noon Tuesday 12 December	Noon Wednesday 6 December
# 26	TUESDAY 26 DECEMBER	Noon Tuesday 19 December	Noon Wednesday 13 December
# 27	TUESDAY 2 JANUARY 2007	NOON FRIDAY 22 DECEMBER	Noon Wednesday 20 December

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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, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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Proposed Rules

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

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

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

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 Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design

Proposed Permanent Rules Relating to Classes of Buildings

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

Proposed Amendment to Rules Governing Classes of Buildings, *Minnesota Rules*, Chapter 1800.5000 to 1800.5800, Governor's Tracking Number AR211.

Upon adoption of these rules, the revisor of statutes shall change references in *Minnesota Rules* from parts "1800.5700" and "1800.5800" to part "1800.5900."

Introduction. The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience & Interior Design 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 January 10, 2007, a public hearing will be held in Room 295, Golden Rule Building, 85 East 7th Place, St. Paul, Minnesota 55101, starting at 10:00 A.M. on Wednesday, January 24, 2007. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design's contact person, Patricia J. Litchy, J. D., after January 10, 2007 and before January 24, 2007.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the Board's contact person. The Board's contact person is: Patricia J. Litchy, J. D. at the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience & Interior Design, 85 East 7th Place, Suite 160, St. Paul, MN 55101, **phone** (651) 296-2379, **FAX** (651) 297-5310, and **e-mail**, patricia.litchy@state.mn.us. **TTY** users may call the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience & Interior Design at (651) 282-2525.

Subject of Rules and Statutory Authority. The proposed rules are about Classes of Buildings, *Minnesota Rules*, Chapter 1800.5000 to 1800.5800. The statutory authority to adopt the rules is *Minnesota Statutes*, section 326.06. A copy of the proposed rules will be

Proposed Rules

published in the *State Register*, most likely on December 4, 2006, and is attached to this notice as mailed.

The proposed rulemaking amends and simplifies the existing rules by clarifying what types of structures require the professional services of those professions within the Board's regulatory jurisdiction. The proposed rulemaking does not make substantive changes to existing law with the exception of adding "retaining walls with over 4 feet of vertical exposed face" to the table under the Utility occupancy. The amended rules reorganize various categories of structures into the occupancy classifications currently used by the Minnesota State Building Code ("MSBC." The amended rules retain and do not change the exempt and threshold statutes that currently exist.

The Board added clarifying language "retaining walls with over 4 feet of vertical exposed face" under the Utility occupancy because retaining walls are a necessary component of buildings when shaping final site grading at and around buildings. Contractors, building suppliers, unlicensed designers and licensed professionals generally understand that both exempt and non-exempt buildings includes use of the empirical standard allowing retaining walls up to four feet of vertical exposed face to be designed by unlicensed designers. It is also understood that retaining walls above four feet of vertical exposed face exceeds the use of empirical and prescriptive design standards and requires the practice of licensed engineering to design the retaining wall. The proposed additional language is merely a reorganization of an existing rule intended to increase the usability, enforceability and clarity of the rule language so that individual users can rely on the rule and easily determine whether the services related to particular structures and/or circumstances are required to be performed by a professional licensed by the Board. The board does not intend to make any other modifications to this rule.

Currently, *Minnesota Rules*, Chapter 1800.5800, identifies types of structures by using the categories in the MSBC as occupancy classifications along with the Board's determination on which of those occupancies requires the services of a professional licensed by the Board by a finding of no probable risk to life, health, property or public welfare. While the Board is not required to use the occupancy classifications articulated in the MSBC, it chose to do so in order to maintain continuity in the vernacular particular to structures, which has enhanced the usability and enforceability of the rule. The Board believes its continued use of the occupancy classifications established by the MSBC will maintain the continuity it has already established for the benefit of all users. The MSBC has been amended since the current rule was adopted and these modifications are necessary to reflect the occupancy classifications currently in use. To do so is in keeping with the Board's goal of maintaining continuity within the vernacular particular to structures and ensure that individual users are able to do so with ease and understanding.

These modifications do not impact the thresholds of any structures that might be identified in the rule, including nonexempt structures, exempt structures, and structures with thresholds defined by statutes.

The Board found that users are sometimes confused by the inclusion of nonexempt structures in the current rule because there is a potential implication that there might be thresholds allowing the unlicensed design of nonexempt structures in some circumstances. The Board intends to eliminate this confusion by deleting references to nonexempt structures entirely. The Board believes this is consistent with its previous findings, which identified the probable risk to life, health, property or public welfare inherent in the unlicensed design of the types of structures identified as nonexempt.

The Board believes this rulemaking will enhance the usability, understanding, and enforceability of the rules for interested members of the public, code officials, building contractors, and the licensees and certificate holders within the Board's jurisdiction while meeting its mission of safeguarding life, health, and property and promoting the public welfare.

A free copy of the rules is available upon request from the agency contact person listed above.

Comments. You have until 4:30 p.m. on Wednesday, January 10, 2007, 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 Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design's contact person, Patricia J. Litchy, J. D., 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 Wednesday, January 10, 2007. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

Proposed Rules

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, contact Patricia J. Litchy, J. D. 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 Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design or presented at the hearing and the adopted rules may not be substantially different than these proposed rules, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for January 24, 2007, 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 Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Patricia J. Litchy, J. D., at (651) 296-2379 after January 10, 2007 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 Beverly Jones Heydinger is assigned to conduct the hearing. Judge Beverly Jones Heydinger can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 554012138, **telephone** (612) 341-7606, 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 Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design 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 Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design to receive notice of future rule proceedings, submit your request to the Board's contact person, Patricia J. Litchy, J. D., 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 report of the Administrative Law Judge 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 Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design 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.

Dated: November 27, 2006

Doreen Johnson Frost, Executive Director
Minnesota Board of Architecture, Engineering,
Land Surveying, Landscape Architecture and
Interior Design

Proposed Rules

1800.5900 CLASSES OF BUILDINGS.

In accordance with *Minnesota Statutes*, sections 326.02, subdivision 5, and 326.03, subdivision 2, the following classes of buildings are exempt subject to the limitations of the elements listed below:

<u>Classifications</u>	<u>Elements that must be met to be exempt*</u>
<u>Assembly (as defined by the MSBC under occupancy group A2: Dining and drinking less than 50 persons)</u>	<u>Not greater than one story with no basement; and Seating for not more than 20 persons; and Not greater than 1,000 gross square footage (GSF)</u>
<u>Business (as defined by the MSBC under occupancy group B)</u>	<u>Not greater than two story with a basement; and Not greater than 2,250 GSF</u>
<u>Factory (as defined by the MSBC under occupancy group F2)</u>	<u>Not greater than one story with no basement; and Not greater than 3,000 GSF</u>
<u>Mercantile (as defined by the MSBC under occupancy group M)</u>	<u>Not greater than two story with a basement; and Not greater than 1,500 GSF</u>
<u>Residential (as defined by the MSBC under occupancy group R)</u>	<u>Apartment houses/condo minimums (three units or less), dwellings, lodging houses, attached singlefamily dwellings/townhomes, and congregate residences (each accommodating ten persons or less)</u>
<u>Storage (as defined by the MSBC under occupancy group S1: Aircraft hangars and helistops)</u>	<u>Not greater than one story with no basement; and Not greater than 3,000 GSF</u>
<u>Storage (as defined by the MSBC under occupancy group S2 except for parking garages, open or enclosed)</u>	<u>Not greater than one story with no basement; and Not greater than 5,000 GSF</u>
<u>Utility (as defined by the MSBC under occupancy group U except for fences higher than 8', tanks and towers, and retaining walls with over 4' of vertical exposed face)</u>	<u>Not greater than one story with no basement; and Not greater than 1,000 GSF</u>

*All terms used in this table are defined in the Minnesota State Building Code (MSBC).

INSTRUCTION TO REVISOR. The revisor of statutes shall change references in *Minnesota Rules* from parts “1800.5700” and “1800.5800” to part “1800.5900.”

REPEALER. *Minnesota Rules*, part 1800.5800, is repealed.

Minnesota Department of Labor and Industry Construction Codes and Licensing Division

Proposed Amendment to Rules Governing the Adoption of the International Residential Code, *Minnesota Rules*, Chapter 1309, and Repeal of Rule Parts 1309.0312, 1309.0315, 1309.0316, 1309.0322, 1309.0506, 1309.0703, subparts 1-2, and 4-8

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

Introduction. The Department of Labor and Industry 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 January 10, 2007, a public hearing will be held in the Minnesota Room, Department of Labor and Industry, 443 Lafayette Road North, St. Paul, Minnesota 55155, starting at 9:00 a.m. on Friday, January 26, 2007. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after January 10, 2007 and before January 26, 2007.

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: Carrie Rohling, Department of Labor and Industry, Third Floor, 443 Lafayette Road N., St. Paul, MN 55155, **phone** (651) 284-5217; **FAX:** (651) 284-5725, or **e-mail** to dli.rules@state.mn.us. **TTY** users may call the Department at (651) 297-4198.

Subject of Rules and Statutory Authority. The proposed rules are about the adoption of the 2006 International Residential Code (the “IRC”), which pertains to new and remodeled structures. The Department is proposing these rules in order to provide the most current set of criteria. The proposed rule incorporates the 2006 IRC and modifies specific provisions so that it is consistent with Minnesota’s requirements, and to address issues that are not addressed in the 2006 IRC. The 2006 IRC includes a revised numbering scheme and several Minnesota amendments to the 2000 IRC. As a result of the revised numbering and the inclusion of those Minnesota amendments, the following rule parts have been identified for repeal: 1309.0312, 1309.0315, 1309.0316, 1309.0322, 1309.0506, 1309.0703, subparts 1-2, and 4-8.

The statutory authority to adopt the rules is *Minnesota Statutes*, sections 16B.59, 16B.61, and 16B.64 (2004). On August 15, 2006, the Office of Administrative Hearings waived the publication of the proposed rules in the *State Register*. The proposed rules are available on the Department’s website at www.doli.state.mn.us. A free copy of the rules is available upon request by contacting Rich Lockrem, Department of Labor and Industry, Construction Codes and Licensing Division, 443 Lafayette Road North, St. Paul, MN 55155-4341, **phone** (651) 284-5868, **FAX** (651) 284-5749, or **e-mail** to rich.lockrem@state.mn.us.

Comments. You have until 4:30 p.m. on January 10, 2007, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on January 10, 2007. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the

Proposed Rules

agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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

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

Cancellation of Hearing. The hearing scheduled for January 26, 2007, 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 Rich Lockrem at (651) 284-58687 after January 10, 2007 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Richard C. Luis is assigned to conduct the hearing. Judge Luis can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **telephone** (612) 341-7666 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. 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. For a copy of the statement of need and reasonableness please contact Rich Lockrem, Department of Labor and Industry, Construction Codes and Licensing Division, 443 Lafayette Road North, St. Paul, MN 55155, (651) 284-5868, **FAX** (651) 284-5749, or **e-mail** to rich.lockrem@state.mn.us.

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.

Dated: November 27, 2006

M. Scott Brenner, Commissioner
Department of Labor and Industry

Exempt Rules

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

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

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

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only. The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

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 Natural Resources

Adopted Exempt Permanent Rules Governing General Restrictions on Taking Deer; Spring Turkey Season; Seasons and Methods of Taking Rough Fish; Designated Special Management Waters

ORDER ADOPTING RULES: In the Matter of the Adoption of the Rules of the State of Minnesota, Department of Natural Resources, Relating to General Restrictions on Taking Deer; Spring Turkey Season; Seasons and Methods for Taking Rough Fish; Designated Special Management Waters *Minnesota Rules*, parts 6232.0300, 6236.0600, 6262.0600, and 6264.0400

WHEREAS,

Laws of 2006, Chapter 281, Article 2, Section 52, requires the commissioner of natural resources to amend *Minnesota Rules*, part 6232.0300, subpart 7, relating to the operation of an all-terrain vehicle or snowmobile on private land to take deer, and authorizes the commissioner to use the good cause exemption process under *Minnesota Statutes*, section 14.388, subdivision 1, clause (3) to amend the rules to conform to this change.

Laws of 2006, Chapter 281, Article 2, Section 53, requires the commissioner of natural resources to amend the rules relating to the dates for the taking of turkey in the spring season, and authorizes the commissioner to use the good cause exemption process under *Minnesota Statutes*, section 14.388, subdivision 1, clause (3) to amend the rules to conform to this change.

Minnesota Statutes, sec. 97C.371, subdivision 4, as amended by *Laws of Minnesota 2006*, Chapter 281, Article 2, Section 51, provides for the dates for the open season for spearing through the ice; and *Laws of Minnesota 2006*, Chapter 281, Article 2, Section 55, authorizes the commissioner of natural resources to use the good cause exemption process under *Minnesota Statutes*, section 14.388, subdivision 1, clause (3) to amend the rules to conform to this change. For those special management waters closed to spearing, the proposed amendments will make the closed season ending date the same as specified in *Minnesota Statutes*, section. 97C.371, subd. 4.

The Department of Natural Resources finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest in amending the rules.

NOW THEREFORE, IT IS ORDERED, that the rules identified as:

Rules of the Department of Natural Resources relating to General Restrictions on Taking Deer; Spring Turkey Season; Seasons and Methods for Taking Rough Fish; Designated Special Management Waters, in the form set out in the Revisor's draft, file number RD3672, dated August 21, 2006, are adopted this 17th day of October, 2006, pursuant to the authority vested in me by *Laws of Minnesota 2006*, Chapter 281, Article 2, Sections 51, 52, 53, and 55.

Gene Merriam, Commissioner
Department of Natural Resources

Exempt Rules

6232.0300 GENERAL RESTRICTIONS FOR TAKING DEER.

[For text of subs 1 to 6, see M.R.]

Subp. 7. Allterrain vehicle or snowmobile use by licensed hunters.

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

C. For purposes of this chapter, allterrain vehicles are vehicles, including trail bikes, threewheelers, fourwheelers, tracked vehicles, or other manufactured or homemade vehicles, not licensed for highway use. Motor vehicles licensed for and being lawfully operated on a public road or highway, or farm tractors being used for agricultural purposes, are exempt from this subpart. This subpart applies to all lands and waters regardless of ownership except as provided in item B, and except that:

(1) a person using a snowmobile in pursuing an occupation on the person's own land and not in possession of a firearm the owner of the land on which the allterrain vehicle or snowmobile is operated is exempt; and

(2) a landowner, an employee of the landowner, or an immediate family member of the landowner using person with the landowner's permission to operate an allterrain vehicle in pursuing an occupation on the landowner's land and not in possession of a firearm or snowmobile on the land is exempt. A permit to operate these vehicles during the restricted hours may be issued by a conservation officer in the event of an emergency or other unusual conditions. Legal use of snowmobiles during the open deer season is governed by part 6100.5100.

[For text of subs 8 and 9, see M.R.]

6236.0600 SPRING TURKEY SEASON.

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

Subp. 2. **Shooting hours.** Shooting hours for turkeys during the spring season are from onehalf hour before sunrise to ~~5:00 p.m.~~ sunset.

[For text of subs 3 to 5, see M.R.]

6262.0600 SEASONS AND METHODS FOR TAKING ROUGH FISH.

Rough fish may be taken in accordance with Minnesota Statutes, sections 97C.345, 97C.371, and 97C.375. Rough fish may be taken by the following methods from May 1 through the ~~third last~~ Sunday in February between sunrise and sunset in all inland waters, except where the taking of fish is otherwise prohibited by law or rule. Nonresidents may not spear from a fish house or darkhouse.

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

6264.0400 DESIGNATED SPECIAL MANAGEMENT WATERS.

[For text of subs 2 to 21, see M.R.]

Subp. 22. **Largemouth bass and northern pike catch and release and spearing ban regulations.** While on or fishing in the following waters, angling for largemouth bass and northern pike is limited to catch and release only, whereby any largemouth bass and northern pike must be immediately returned to the water. Catch and release angling for largemouth bass and northern pike is legal during the open season for these species in inland waters. It is unlawful for anyone to have in possession, regardless of where taken, any largemouth bass or northern pike while on or fishing in these waters. Spearing is prohibited from December 1 to the last Sunday in February ~~±5~~.

Name	Location	County
Stieger	T.116, R.24, S.11,12,13,14	Carver

[For text of subs 23 to 26, see M.R.]

Subp. 27. **Muskellunge size and spearing restrictions.** The following waters are closed to the taking of fish by spearing from December 1 to the ~~third last~~ Sunday in February. A person may not have a spear in possession or under control while on or fishing in these waters during this period. All muskellunge in possession while on or fishing in these waters must be 48 inches or greater in length. All muskellunge less than 48 inches in length must be immediately returned to the water.

Name	Location	County
A. Bald Eagle	T.30,31, R.21,22, S.various	Anoka, Ramsey, Washington
B. Eagle	T.118,119, R.22, S.various	Hennepin
C. Owasso	T.29,30, R.23, S.various	Ramsey

Exempt Rules

D. Rebecca T.118,119, R.24, S.various Hennepin

Subp. 28. **Seasonal spearing restrictions.** The following waters are closed to the taking of fish by spearing from December 1 to the ~~third~~ last Sunday in February. A person may not have a spear in possession or under control while on or fishing in these waters during this period.

Name	Location	County
A. Minnetonka	T.116,117, R.2224, S.various	Hennepin, Carver
B. Libbs	T.117, R.22, S.17	Hennepin
C. Peavy	T.117, R.23, S.1	Hennepin
D. Forest	T.117, R.23, S.7	Hennepin
E. Tanager	T.117, R.23, S.10,11	Hennepin

[For text of subs 29 to 59, see M.R.]

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*.

Minnesota Pollution Control Agency

Commissioner's Order: Findings of Fact, Conclusions, and Order in the Matter of the Petition to Create the Big Lake Area Sanitary District

The Town of Perch Lake has petitioned the Minnesota Pollution Control Agency (MPCA) to approve the creation of the Big Lake Area Sanitary District. The Chair of the Perch Lake Town Board of Supervisors was authorized to sign the petition pursuant to resolutions passed by its body of government.

The MPCA published notification of the intent to approve the creation of the Big Lake Area Sanitary District in the *State Register* on September 5, 2006. The MPCA also notified all property owners in the affected areas by mail of the notification published in the *State Register*. The MPCA received eighteen letters signed by 23 citizens requesting a hearing. Under *Minnesota Statutes* § 115.20, subd. 4(b), a hearing is not required unless the MPCA receives 25 or more requests for said hearing.

The MPCA, after having considered the petition and the public comments, publishing notice of intent to approve the creation of the proposed sanitary district in the *State Register*, having notified the property owners of the intent to create the proposed sanitary district, having not received 25 or more hearing requests requisite for a hearing, and being fully advised in this matter, hereby makes the following:

Commissioner's Orders

FINDINGS OF FACT

1. The area of the proposed sanitary district is located in Carlton County, Minnesota.
2. The area proposed for formation of the sanitary district is legally described as:

The East half of the Southeast Quarter and the East half of the Northeast Quarter of Section 20, Township 49 North, Range 18 West of the Fourth Principal Meridian. Except the North half of the Northeast Quarter of the Northeast Quarter of Section 20, Township 49 North, Range 18 West of the Fourth Principal Meridian; all of Section 21, Township 49 North, Range 18 West of the Fourth Principal Meridian, except the North half of the Northwest Quarter and the North half of the Northeast Quarter; all of Section 28, Township 49 North, Range 18 West of the Fourth Principal Meridian; the East half of the Northeast Quarter and the East half of the Southeast Quarter of Section 29, Township 49 North, Range 18 West of the Fourth Principal Meridian; all of Section 33, Township 49 North, Range 18 West of the Fourth Principal Meridian; and the East half of the Northeast Quarter and the East half of the Southeast Quarter of Section 32, Township 49 North, Range 18 West of the Fourth Principal Meridian.

A map displaying the boundaries of the proposed sanitary district is available at the MPCA.

3. On February 7, 2006, a public meeting was held at the Perch Lake Town Hall, Carlton County, Minnesota, to consider the proposed creation of a sanitary district. Notice of the public meeting was published at least once each week for two weeks in *The Pine Journal*, a local qualified newspaper published in the area. The Notice was published on January 18, 2006 and January 25, 2006. The meeting Notice was posted on January 19, 2006 and January 20, 2006 in the Perch Lake Town Hall, Big Lake Golf Club, Lounge on Big Lake Shores, and Perch Lake Recycling Shed.

4. On February 13, 2006, the Perch Lake Town Board of Supervisors adopted a resolution authorizing the submission of the petition for the creation of the Big Lake Area Sanitary District. The resolution was published in *The Pine Journal* on February 22, 2006 and became effective forty (40) days after the date of first publication.

5. On April 17, 2006, a petition was filed with the MPCA requesting approval of the creation of the Big Lake Area Sanitary District. The Chair of the Perch Lake Town Board of Supervisors signed the petition for creation of the district as authorized by the resolution. The petition requesting for the creation of a sanitary district has met all the requirements of *Minnesota Statutes* § 115.20, subd. 1(a).

6. The proposed sanitary district is within twenty-five (25) miles of the boundary of the City of Duluth, a city of the first class. The governing body of the City of Duluth has approved creation of the proposed district by resolution filed as part of the petition.

7. On September 5, 2006, the MPCA published the Notice of Intent to Approve the Creation of the Big Lake Area Sanitary District in the *State Register* at 31 SR 328-329. The Notice was mailed to each of the property owners in the area of the proposed district using addresses provided by the county auditor. The public notice period lasted for 30 days and ended October 4, 2006.

8. By October 4, 2006, the end of the public notice period, the MPCA received eighteen letters with 23 signatures requesting a hearing. The content of the letters focused on the potential costs of a wastewater system and the necessity of connecting compliant individual sewage treatment systems to a wastewater system. *Minnesota Statutes* § 115.20, subd. 4(b) requires the MPCA to hold a contested case hearing if twenty-five (25) or more written requests are received by the end of the public notice period.

9. There is a need throughout the territory of the proposed district for an adequate and efficient means of treating and disposing of sewage. Currently, wastewater treatment within the proposed district consists of individual on-site systems for each home or business, including conventional systems (septic tank with drainfield or holding tank), mound systems, or privies. Recent studies completed by the Indian Health Services on tribal properties indicate that many of these existing systems do not meet state construction requirements. Recent study and evaluation of the non-tribal properties completed by MATRIX Soils and Systems, Inc. (MATRIX) indicates that 33% of the systems surveyed do not meet state construction requirements. The MATRIX evaluation also reports that 41% of the properties evaluated infringe on minimum well setbacks, 12% infringe on minimum set back distances from the lake, and 9% infringe on building setbacks required by State Building Code. Another concern highlighted by the MATRIX evaluation was the fact that 55% of the on-site systems evaluated do not appear to be able to be replaced on-site due to limited area and unsuitable soil conditions for on-site treatment.

10. The proposed sanitary district includes an Agreement of Mutual Understanding (Agreement) between the Town of Perch Lake and the Fond du Lac Band of Lake Superior Chippewa. The Agreement was created to address financing of the proposed district and payment by the Band for its share of the capital cost and operation and maintenance of a wastewater system and also to designate representation of the Band on the proposed district board of managers and a process for dispute resolution. The Agreement is necessary because part of the proposed district is located within the reservation and the Band is not subject to the jurisdiction of the courts of the State and the proposed district's tax and assessment powers are not applicable.

11. The creation of the Big Lake Area Sanitary District will serve the purpose of promoting the public health and welfare by providing an adequate and efficient system and means of collecting, conveying, pumping, treating and disposing of domestic sewage within the district.

12. The maintenance of the sanitary district is administratively feasible and furthers the public health, safety, and welfare. The

Commissioner's Orders

district will be administered by a five member governing board who are voters within the sanitary district and who are elected by members of the governing body. The Fond du Lac Band of Lake Superior Chippewa must continue to maintain representation on the governing board at all times. When formed, the Big Lake Area Sanitary District will adopt sewer use ordinances and a sewer service charge system to adequately and equitably fund the wastewater treatment operation throughout the district.

13. Pursuant to *Minnesota Statutes* § 115.23, the Perch Lake Town Board of Supervisors has been designated as the central related governing body.

CONCLUSIONS

1. The Commissioner of the MPCA has subject matter jurisdiction over the petition and annexation pursuant to *Minnesota Statutes* §§ 115.18 to 115.37 (2004).

2. The petitioners have substantially complied with all the procedural requirements of *Minnesota Statutes* § 115.20, as well as other substantive and procedural requirements of law and rule. This matter, therefore, is properly before the Commissioner.

3. The conditions described in *Minnesota Statutes* § 115.19 for creation of a sanitary district do exist within the area identified in the legal description.

4. The MPCA is not required to hold a hearing pursuant to *Minnesota Statutes* § 115.20, subd. 4(b).

5. Any of the foregoing Findings of Fact that might properly be termed Conclusions and Conclusions that might be properly termed Findings are hereby adopted as such.

NOW THEREFORE, the Commissioner hereby makes the following:

ORDER

It is ORDERED that the Big Lake Area Sanitary District is hereby created to include portions of Carlton County as identified in the legal description in the petition filed with the MPCA.

Dated: November 22, 2006

Brad Moore, Acting Commissioner
Minnesota Pollution Control Agency

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.

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Official Notices

Department of Agriculture

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes*, Chapter 41C on Behalf of Joseph Samuel Elbert

NOTICE IS HEREBY GIVEN that a public hearing will be held on January 2, 2007, at 9:00 A.M., Department of Agriculture Building, Agricultural Finance Division, 625 Robert Street North, Saint Paul, Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of 77 1/2 acres of bare land located seven miles northwest of Gibbon, MN; intersection of 250th Street and 661 Avenue; Section 20, Moltke Township, Sibley County, Minnesota on behalf of Joseph Samuel Elbert, (the Borrower/s).

The maximum aggregate face amount of the proposed bond issue is \$200,000.00. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof.

Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due.

All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: December 6, 2006

Jim Boerboom
RFA Director

Department of Agriculture

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes*, Chapter 41C on Behalf of Gabe and Yvette Gelle

NOTICE IS HEREBY GIVEN that a public hearing will be held on January 2, 2007, at 9:00 A.M., Department of Agriculture Building, Agricultural Finance Division, 625 Robert Street North, Saint Paul, Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of approximately 11 acres of farm land with buildings located five miles east from Buffalo, MN on Highway 55, then 1 1/4 miles north on County 116; Section 11, Rockford Township; Wright County, Minnesota on behalf of Gabe and Yvette Gelle, (the Borrower/s).

The maximum aggregate face amount of the proposed bond issue is \$249,900.00. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof.

Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due.

All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: December 6, 2006

Jim Boerboom
RFA Director

Department of Agriculture

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes*, Chapter 41C on Behalf of Jacob Henry Elbert

NOTICE IS HEREBY GIVEN that a public hearing will be held on January 2, 2007, at 9:00 A.M., Department of Agriculture Building, Agricultural Finance Division, 625 Robert Street North, Saint Paul, Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of 77 1/2 acres of bare land

located seven miles northwest of Gibbon, MN; intersection of 250th Street and 661 Avenue; Section 20, Moltke Township, Sibley County, Minnesota on behalf of Jacob Henry Elbert, (the Borrower/s).

The maximum aggregate face amount of the proposed bond issue is \$200,000.00. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof.

Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due.

All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: December 6, 2006

Jim Boerboom
RFA Director

Minnesota Environmental Quality Board (EQB) SUPPLEMENTAL REQUEST FOR COMMENTS: Proposed Amendments to Rules Governing the Environmental Review Program, *Minnesota Rules*, chapter 4410

Subject of Rules. The Minnesota Environmental Quality Board (EQB) is considering making revisions to the existing rules governing the Environmental Review Program. These are the rules under which Environmental Assessment Worksheets (EAWs), Environmental Impact Statements (EISs), and other environmental review documents are prepared. This possible rulemaking is being referred to as “Phase 2” amendments to the Environmental Review program rules to distinguish it from a previous “Phase 1” rulemaking. The Phase 1 amendments went into effect on October 30, 2006.

On August 14, 2006, the EQB published a Request for Comments for the Phase 2 rulemaking. After reviewing comments received, and because of certain other developments following the publication of the Phase 2 Request for Comments, the EQB has decided to consider several additional amendments to the Environmental Review program rules that were not referenced in the August 14 notice. This Supplemental Request for Comments provides official notice of these additional potential amendments.

The additional amendments that are being considered are:

- At parts 4410.1200, 4410.2300 & 4410.3610, subpart 4, the EQB will consider adding guidance on how to address analysis of cumulative effects in Environmental Assessment Worksheets (EAWs), Environmental Impact Statements (EISs), and Alternative Urban Areawide Review (AUAR) documents. The EQB is interested in advice and comment about the nature and scope of such guidance.
- At part 4410.4600, subpart 1, the EQB wishes to correct incorrect references. The first sentence should reference subparts 2 and 26, not 27, and the second sentence should reference subparts 3 to 25 and also subpart 27. These errors occurred during the adoption of exemption thresholds for recreational trail projects in 2005.
- At part 4410.3100, the EQB wishes to clarify that it is permissible for a governmental unit to prepare and give public notice of a draft permit or other approval document prior to the completion of the Environmental Review process, provided that no final decisions to grant or issue permits or approvals are made until after the process has been completed.

Persons Affected. The proposed amendments may specifically affect project developers, local units of government and state agencies, citizens groups, and environmental groups. However, changes to the rules governing the Environmental Review Program may directly or indirectly affect all citizens of the state.

Statutory Authority. *Minnesota Statutes*, sections 116D.04 & 116D.045, establish the Environmental Review Program and authorize the EQB to adopt rules governing its operation.

Public Comment. Interested persons or groups may submit comments or information on possible rule amendments in writing or orally until 4:30 p.m. on Wednesday, January 31, 2007.

Rule Drafts. The EQB does not anticipate that a draft of these supplemental amendments will be available before publication of the proposed rules.

Agency Contact Person. Written or oral comments, questions, requests to be appointed to an advisory group, requests to receive the preliminary draft of the proposed amendments, or requests for more information on these possible amendments to rules should be directed to:

Official Notices

Gregg Downing
Environmental Quality Board
300 Centennial Building
658 Cedar Street
St. Paul, MN 55155
Telephone: (651) 201-2476
Fax: (651) 296-3698
E-mail: gregg.downing@state.mn.us
TTY users may call the Board at 1-800-627-3529

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 you want to ensure that the administrative law judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: December 6, 2006

Dana B. Badgerow, Chair
Environmental Quality Board

Minnesota Department of Health Division of Health Policy

Notice of Intent to Adopt Exempt Rules Regarding a Manual for Minnesota Standards for the Use of the ADA Dental Claim Form (2006); Per *Minnesota Statutes, section 62J.52, subdivision 3.*

Introduction. Notice is hereby given that the Minnesota Department of Health (MDH) is seeking information or opinions from outside sources on rules for the standard for the completing the paper ADA Dental Claim Form (2006) as developed by the Administrative Uniformity Committee (AUC) and the Dental Claim Technical Advisory Group. The ADA Dental Claim Form (2006) was developed by the American Dental Association. This rule is a description of the conventions for completing the paper claim form.

Contact Person. MDH requests information and opinions concerning the applicability and functionality of the rule. Interested persons or groups may submit data or views in writing. Written statements should be addressed to Kristin Loncorich, MDH, P.O. Box 64882, St. Paul, MN 55164-0882, **Internet** at kristin.loncorich@health.state.mn.us or **fax:** (651) 201-5179.

Description of the Rules. *Minnesota Statutes, section 62J.52, subdivision 3*, requires all dental services provided in Minnesota that are not billed using an electronic format, shall be billed using the American Dental Association uniform dental billing form. Under *Minnesota Statutes, section 62J.61*, the Commissioner of Health is exempt from chapter 14, including section 14.386, in implementing sections 62J.50 to 62J.54, subdivision 3, and 62J.56 to 62J.59. Because the Commissioner of Health has determined that it is unduly cumbersome to publish the entire text of the proposed rules, the Commissioner of Health is publishing this notice of the proposed rules with a detailed description.

Public Review Process. MDH will provide free copies of the draft rule in paper or electronic PDF format to persons and organizations interested in reviewing the rule. The draft rule will be available as of Monday, December 11, 2006. **Comments and suggestions for improvements on the rule will be accepted at the above address until January 10, 2007.** After the Commissioner of Health has considered all comments received, the Commissioner will publish a notice of adoption in the State Register. The rules will take effect 30 days after the notice of adoption is published.

How to Obtain the Manual. A free copy of the proposed rules is available upon request. Persons who wish to obtain a paper copy should call Kristin Loncorich at MDH, (651) 201-3573, or fax a request to (651) 201-5179 or write at the address above. The document will also be available for downloading on the World Wide Web at <http://www.mmaonline.net/auc>.

Dated: December 11, 2006

Dianne M. Mandernach, Commissioner
Department of Health

Department of Labor and Industry**Labor Standards Unit****Notice of Addition to Hiway / Heavy Prevailing Wage Rates for Bricklayers in Region 1**

An additional rate has been added to the Highway/Heavy Prevailing Wage Rates certified October 23, 2006, for Labor Code 403, Bricklayers, in Region 1.

Copies of the additional certified wage rate for this Region may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road North, St. Paul, Minnesota 55155-4306, or by calling (651) 284-5091, or accessing our web site at www.doli.state.mn.us. Charges for the cost of copying and mailing is \$.25 per page for the first 100 pages, \$.65 per page after that. Make check or money order payable to the State of Minnesota.

M. Scott Brener
Commissioner

Board of Nursing**Notice of Meetings of the Minnesota Board of Nursing**

NOTICE IS HEREBY GIVEN that the 2007 meetings of the Minnesota Board of Nursing have been scheduled at 9:00 a.m., at 2829 University Avenue SE, 4th Floor, Conference Rooms A & B, Minneapolis, Minnesota on the following dates:

February 1-2, 2007
April 12-13, 2007
June 7-8, 2007
August 2-3, 2007
October 11-12, 2007
December 6-7, 2007

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

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

Public Employees Retirement Association**Notice of Meeting of the Board of Trustees**

A meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) will be held on Wednesday, December 13, 2006, at 11:00 a.m., in the PERA offices, 60 Empire Drive, Room 117, Saint Paul, Minnesota.

Public Utilities Commission**Notice of Filings and Public Hearing in the Matters of the Applications of Great River Energy for Need and Routing Certification of the Mud Lake to Wilson Lake Transmission Project in Crow Wing County, Minnesota****Public Utilities Commission Docket Nos. ET2/CN-06-367 and ET2/TL-06-980**

On July 28, 2006, Great River Energy (GRE) simultaneously filed a Certificate of Need application and a Route Permit application for a new 115,000 volt electric transmission line to be constructed between the Mud Lake and Wilson Lake substations in Crow Wing County, Minnesota.

The proposed transmission line falls under the definition of "large energy facility" in *Minnesota Statutes* § 216B.2421, subd. 2(3). Therefore, in accordance with *Minnesota Statutes* § 216B.243, subd 2, the facility cannot be constructed in Minnesota unless the Commission issues a certificate of need to the Applicant. The project also requires a route permit as a "large electric power facility" under *Minnesota Statutes* § 216E.01, subd.6. GRE has filed its route permit application under the 'alternate process' provisions of *Minnesota Statutes* § 216E.04.

GRE proposes to build a new 12 mile, 115,000 volt (115 kV) electric transmission line between the existing Mud Lake and the Wilson Lake substations in Crow Wing County, Minnesota. GRE also proposes to increase the size of the Wilson Lake substation by approximately 4.55 acres to accommodate new high voltage equipment.

Official Notices

The applicable certificate of need rules are Minnesota Rules, parts 7849.0010 to 7849.0400. The applicable routing rules are Minnesota Rules, parts 4400.2000 to 4400.2950.

The Commission has requested the independent Minnesota Office of Administrative Hearings to conduct a public hearing in the project area. Administrative Law Judge Eric L Lipman has been assigned to conduct the public hearing in these matters. His address is Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **phone:** (612) 341-7601, **fax:** (612) 349-2665, **e-mail:** eric.lipman@state.mn.us.

A combined public hearing on both the certificate of need and the route permit applications will be convened by Judge Lipman on Wednesday, December 13, 2006, at the Garrison Township Hall, 10701 Bollenbacher Road, Garrison, Minnesota. The hearing will be convened in two sessions, the first beginning at 3:00 PM and the second at 6:00 PM, both on December 13. Any member of the public may attend and offer comments for the record. The record will remain open for additional written comments until December 26, 2006. Written comments must be submitted directly to Judge Lipman at the address provided above.

Questions regarding this project and these joint permitting dockets may be directed to Commission staff member Bret Eknes at (651) 201-2236, **e-mail:** bret.eknes@state.mn.us.

Department of Transportation State Aid for Local Transportation Division Notice of Appointment and Meeting of a State Aid Variance Committee

NOTICE IS HEREBY GIVEN that the Commissioner of Transportation has appointed a State Aid Variance Committee who will conduct a meeting on Thursday, December 14, 2006 at 9:00 a.m. at the Mn/DOT Arden Hills Training Center, located at 1900 West County Road I, in Shoreview, Minnesota, 55126.

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

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

The agenda will be limited to the following:

1. Petition of City of Little Canada for a variance from *Minnesota Rules* 8820.9936 as they apply to the reconstruction of Viking Drive between Rice Street and Minnesota Avenue in the City of Little Canada, so as to allow a design speed of 25 mph in lieu of the required 30 mph.

2. Petition of Wright County for a variance from *Minnesota Rules* 8820.2800 as they apply to the Silver Creek Township Bridge Replacement Project, SAP number 86-599-025, so as to allow bid opening in advance of receiving State Aid approval of final plans and specifications.

3. Petition of City of Edina for a variance from *Minnesota Rules* 8820.2800 as they apply to the reconstruction of West 70th Street between Metro Boulevard and T.H. 100 in the City of Edina, so as to allow bid opening in advance of receiving State Aid approval of final plans and specifications.

4. Petition of City of Maplewood for a variance from *Minnesota Rules* 8820.2800 as they apply to the reconstruction of County Road D between Highridge Ct and Southlawn Drive, SAP number 138-121-003 and SAP number 138-020-029, and Hazelwood Avenue between County Road D and 618 feet south of County Road D, SAP number 138-112-005, so as to allow bid opening in advance of receiving State Aid approval of final plans and specifications.

9:15 a.m. - City of Little Canada
9:35 a.m. - Wright County
9:55 a.m. - City of Edina
10:15 a.m. - City of Maplewood

Dated: December 4, 2006

Julie A. Skallman, State Aid Engineer
State Aid for Local Transportation

State Grants & Loans

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

Department of Human Services

CORRECTION TO Deadline Dates: Request for Grant Proposals for Providing Enhanced Mental Health Crisis/Access Services for Adults

The Minnesota Department of Human Services is requesting proposals from qualified parties interested in providing enhanced mental health crisis/access services for adults.

The Request deadline for questions regarding the Grant Proposal (RFP) has changed to Wednesday, December 20, 2006 instructions can be obtained from:

Lorraine Pierce, Mental Health Program Consultant
Department of Human Services,
Mental and Chemical Health Administration
P.O. Box 64981
St. Paul, MN 55164- 64981
Phone: (651) 431-2243
E-mail: lorraine.pierce@state.mn.us

Proposals submitted in response to the Request for Proposals in the notice has changed to Friday, January 19, 2006; and must be received at the address above no later than 4:00 p.m., Central Time. Late proposals will not be considered. E-mailed or faxed proposals will not be considered. This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

State Contracts

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.

Requirements: There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements:

- \$0 - \$5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600
- \$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days;
- \$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and
- anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days

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Department of Administration

Real Estate Management Division

Notice of State Real Property on Ableman Trail in Faribault For Sale

NOTICE IS HEREBY GIVEN that the Department of Administration is offering for sale by sealed bid the real property located 25698 Ableman Trail, Faribault, Minnesota. The property contains a 5 bedroom, 2 bathroom rambler style home situated on 1.1 acres located approximately 4 miles south of Faribault on a frontage road along Hwy I-35. To obtain a copy of the complete bid package, visit www.admin.state.mn.us/remd (click on notices), e-mail: wayne.waslaski@state.mn.us or call: (651) 201-2548. Written bids must be received no later than 2:30 p.m., on Tuesday, January 16, 2007.

Minnesota State Colleges and Universities (MnSCU)

Anoka Technical College

Request for Bids for Academic Resource Center and Corporate Resource Center

Project Scope:

Remodeling of interior library and computer lab space to accommodate an Academic Resource Center and the build out of unfinished interior space for a Corporate Resource Center.

Bid Forms, Contract Documents, Drawings and Specifications as prepared by the Project Architect/Engineer, Studio Five Architects, Inc. are on file at the offices of the:

- 1.) above named Project Architect/Engineer
- 2.) the following Builders Exchanges: Minneapolis, St. Paul, and St. Cloud

- 3.) Construction Market Data Plan Room
- 4.) Dodge Plan Room
- 5.) National Association of Minority Contractors of Upper Midwest

Complete sets only of bid forms and Drawings and Specifications for use by Bidders in submitting a bid may be obtained at the following address:

Studio Five Architects, Inc.
420 North 5th Street, Suite 1170
Minneapolis, MN 55401
Telephone: (612) 339-0605

A deposit of \$150.00 is required for each set. Only one set of documents per Contractor will be available from the Architect. Additional sets will be available from Engineering Repro Systems, 3005 Ranchview Lane North, Plymouth, MN 55447, (763) 694-0376.

Prospective Bidders requesting that Bidding Documents (complete sets only) be mailed to them, may send a separate non-refundable payment (check made out to the Architect) for \$20.00 per set for shipping & handling (in addition to the \$150.00 deposit to the Architect. Such deposits and payments may be sent prior to December 1, 2006. Documents will be sent to street addresses only (P.O. Boxes not acceptable).

Each bid which totals over \$15,000.00 must be accompanied by a bid bond or other security described here as a proposal guarantee that the bidder will enter into a contract if its bid is accepted. This security may be either a certified check, payable to Anoka Technical College, in the sum of not less than five percent (5%) of the total base bid or a corporate surety bond for the same amount by a surety company authorized to do business in the State of Minnesota.

PreBid Meeting:

Vendors responding to bid will meet at:

Anoka Technical College
1355 West Hwy 10
Anoka, MN 55303
on: Friday, December 8, 2006 at 10 am - Room 215
Please call to confirm appointment: (763) 576-4785 - Pamela Mogensen

Sealed Bids only to be delivered to:

Pam Mogensen
Anoka Technical College
1355 West Hwy 10
Anoka, Minnesota 55303

Bid Deadline: Monday, December 18, 2006 at 2pm at which time the bids will be opened and publicly read aloud at Anoka Technical College, Room 215.

Minnesota State Colleges and Universities (MnSCU)

Bemidji State University

Notice of Request for Proposal for Owner's Representative Services for Sattgast Hall Science Addition and Renovation

NOTICE IS HEREBY GIVEN that Bemidji State University Request for Proposal for Owner's Representative Services (RFP) for Sattgast Hall Science Addition and Renovation. To receive a copy of the full RFP, please go to website www.facilities.mnscu.edu, Solicitation Announcements.

Proposals are due by 4:00 p.m. CDT, Tuesday, January 16, 2007, and are to be addressed to Bill Maki, Bemidji State University #1, 1500 Birchmont Drive NE, Bemidji, MN 56601-2699.

Any questions should be in the form of an RFI and directed to Bill Maki at e-mail: wmaki@bemidjistate.edu

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.

State Contracts

Minnesota State Colleges and Universities

Minneapolis Community & Technical College

Solicitation for Bids for New Electroneurodiagnostic Technology Equipment for MCTC Program

NOTICE OF INTENT to solicit bids for new Electroneurodiagnostic Technology equipment for MCTC program.

Description: Quantity two (2) EEG computerized data collection systems w/minimum of 36 channels, Quantity four (4) EMG/NCV computerized data collection and analysis systems and Quantity four (4) EP computerized data collection and analysis systems. Bid to include installation and setup with service and support terms. Also include cost of service agreements or maintenance plans. Delivery is FOB Destination.

Contact: For complete specifications contact Mary McKinley at (612) 659-6000 x 4090 or by email at:
Mary.Mckinley@minneapolis.edu

Deadline for Bids: Friday December 22, 2006 at 2:00PM

Minnesota State Colleges and Universities

Minneapolis Community & Technical College

Solicit bids for New Sleep Study System equipment for MCTC Polysomnographic Technology Program

NOTICE OF INTENT to solicit bids for new Sleep Study System equipment for MCTC Polysomnographic Technology Program.

Description: Quantity two (2) Sleep Study Systems for recording and reviewing sleep studies. Bid to include all necessary software and hardware (MCTC will furnish computer and monitor per provider specifications) for performing sleep studies. Preference will be given to bids that provide for the ability to perform portable studies in the home. Delivery in December 2006 preferred. Delivery is FOB Destination.

Contact: For complete specifications contact Chad Whittlef at (612) 659-6000 x 4091 or by email at:
Chad.Whittlef@minneapolis.edu

Deadline for Bids: Friday December 22, 2006 at 2:00PM

Minnesota State Colleges and Universities (MnSCU)

Minnesota West Community & Technical College

Advertisement for Bids for Multi-Purpose Classroom Remodel

Sealed Bids for: Multi-Purpose Classroom Remodel
Granite Falls Campus
Minnesota West Community & Technical College
Granite Falls, MN 56241

will be received by: Jeff Harms, Director of Facilities
Minnesota West Community & Technical College
Canby Campus
Administrative Conference Room
1011 First Street West
Canby, MN 56220

until 2:00 pm, Wednesday, 03 January 2007, at which time the bids will be opened and publicly read aloud.

Project Scope: Remodel of approximately 1,732 square feet of classroom space to accommodate a multi-purpose classroom. Work includes demolition, new construction of walls, finishes, mechanical, electrical, life safety and lighting.

Start of Work: Approximately 10 January 2007.

Substantial Completion: Approximately 1 May 2007.

Pre-Bid Meeting: Meeting will be held at 11:00 am, Wednesday, 13 December 2006, in the Administrative Conference Room, 1593 11th Avenue, Granite Falls, MN 56241. Architect and Owner Representatives will review Bidding procedures, Bidding Documents, and other conditions with interested Bidders and answer questions.

Bid Forms, Contract Documents, Drawings and Specifications as prepared by the Architect, Hay Dobbs, PA, will be available on or about 04 December 2006 and are on file at the offices of:

1.)Hay Dobbs, PA, Minneapolis, Minnesota
- 2.) Following Builders Exchanges:
 - Construction Market Data; Fargo-Moorhead Builders Exchange; Mankato Builders Exchange;
 - Minneapolis Builders Exchange; St. Paul Builders Exchange; Southwest Builders Exchange;
 - Sioux Falls Builders Exchange; Willmar Builders Exchange; Plains Builders Exchange.
- 3.) Reed Construction Data
- 4.) Dodge Plan Room.
- 5.) National Association of Minority Contractors of Upper Midwest

Complete sets only of bid forms and Drawings and Specifications for use by Bidders in submitting a bid may be obtained at the following address:

Hay Dobbs, PA
220 South 6th Street – Suite 165
Minneapolis, MN 55402
Telephone: (612) 338-4590

Complete sets only of Bid Forms, Drawings, and Specifications to prospective Bidders and subcontractors for use by Bidders in submitting a bid may be obtained at the following address:

ERS Minneapolis
2001 East 24th Street
Minneapolis, Minnesota 55404
Telephone: (612) 722-2303
Fax: (612) 722-2958

For each complete set of Bidding Documents submit both a deposit check in the amount of \$200.00 and a non-refundable postage and handling check in the amount of \$25.00, made out to ERS Digital. Bidding Documents may be ordered via the Internet at www.ersdigital.com Click on the PlanWell icon, then the Public Plan Room icon.

Along with the deposit, furnish the company name, mailing address, street address, telephone and facsimile numbers, and type of Bidder. For example, General, Mechanical, Electrical Subcontractor to General, etc. Deposit checks will be returned to prime contractors who submit Bids to Owner and subcontractors for each set (including addenda) returned to ERS Digital in good condition within ten (10) calendar days of Award Date, subject to conditions of AIA Document A701. Returns will not be given if Bidding Documents are returned to Architect's office.

Each bid which totals over \$15,000.00 must be accompanied by either a certified check, payable to Minnesota State Colleges and Universities, in the sum of not less than five percent (5%) of the total base bid or a corporate surety bond for the same amount by a surety company authorized to do business in the State of Minnesota.

State Contracts

Minnesota State Colleges and Universities (MnSCU)

Rochester Community and Technical College

Notice of Request for Bid for a DIGITAL X-RAY SYSTEM

NOTICE IS HEREBY GIVEN that Rochester Community and Technical College Request for Bid for a Digital X-Ray System.

To receive a copy of the Bid, send an e-mail to June.meitzner@roch.edu or fax your requests to 507-285-7104.

Bids are due back on Monday, Dec. 18th, 2006 4:00 CDT and are to be addressed to June Meitzner, Rochester Community and Technical College 851 30th Ave SE Rochester, MN 55904; Room EA134.

Late responses will not be considered.

Any questions should be addressed to June.meitzner@roch.edu.

Minnesota Colleges and Universities is not obligated to complete the proposed project and reserves the right to cancel the solicitation.

Minnesota State Colleges and Universities (MnSCU)

Saint Cloud Technical College

Request for Proposals for Micro Machining Turning Center Equipment

NOTICE IS HEREBY GIVEN that St. Cloud Technical College will receive proposals for the procurement, delivery and installation of MICRO-MACHINING TURNING CENTER EQUIPMENT in the Machine Tool Technology lab. The complete Request for Proposal will be available on Monday, December 11, 2006, on the **website** <http://www.sctc.edu/rfp>.

Proposal responses must be delivered in a sealed envelope or package clearly marked "Micro-Machining Turning Center Equipment RFP" to Paula Andrist at St. Cloud Technical College, Room 1-401H, 1540 Northway Drive, St. Cloud, MN 56303 by 2:00 p.m. on Friday, January 5, 2007. St. Cloud Technical College reserves the right to reject any or all proposals, or portions thereof, or to waive any irregularities or informalities, in proposals received.

Background/Purpose:

The purpose of this Request for Proposal (RFP) is to evaluate and select a vendor to supply, deliver and install two complete Micro-Machining Turning Centers at St. Cloud Technical College's Machine Tool Technology lab, located at 1540 Northway Drive, St. Cloud, Minnesota.

Questions:

All questions and inquiries related to this RFP must be in writing and directed to Bruce Peterson, Academic Dean, St. Cloud Technical College, 1540 Northway Drive, St. Cloud, MN 56303, **e-mail:** bpeterson@sctc.edu, phone (320) 290-2185. Other department personnel are NOT allowed to discuss the Request for Proposal with anyone, including responders, before the proposal submission deadline.

Minnesota State Colleges and Universities (MnSCU)

Saint Cloud Technical College

Request for Proposals for Water Filtration Systems

NOTICE IS HEREBY GIVEN that St. Cloud Technical College will receive proposals for the procurement, delivery and installation of WATER FILTRATION SYSTEMS in the Water Environment Technologies lab. The complete Request for Proposal will be available on Monday, December 11, 2006, on the **website** <http://www.sctc.edu/rfp>.

Proposal responses must be delivered in a sealed envelope or package clearly marked "Water Filtration Systems RFP" to Paula Andrist at St. Cloud Technical College, Room 1-401H, 1540 Northway Drive, St. Cloud, MN 56303 by 2:00 p.m. on Friday, January 5, 2007. St. Cloud Technical College reserves the right to reject any or all proposals, or portions thereof, or to waive any irregularities or informalities, in proposals received.

Background/Purpose:

The purpose of this Request for Proposal (RFP) is to evaluate and select a vendor to construct, deliver and install a complete water filtration system at St. Cloud Technical College's Water Environment Technologies lab, located at 1540 Northway Drive, St. Cloud, Minnesota.

Questions:

All questions and inquiries related to this RFP must be in writing and directed to Bruce Peterson, Academic Dean, St. Cloud Technical College, 1540 Northway Drive, St. Cloud, MN 56303, **e-mail:** bpeterson@sctc.edu, phone (320) 290-2185. Other department personnel are NOT allowed to discuss the Request for Proposal with anyone, including responders, before the proposal submission deadline.

Minnesota State Colleges and Universities

Southwest Minnesota State University

REVISED SELECTION PROCESS: Notice of Schedule Revision of Request for Proposal (RFP) for Designer Selection for Science Labs, Hotel & Restaurant Industry Remodeling

(State Designer Selection Board Project No. 06-17)

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of Southwest Minnesota State University, through the State Designer Selection Board, has revised the selection process schedule as follows for the above referenced project.

I. STATE DESIGNER SELECTION BOARD SCHEDULE:

Project Information Meeting and/or Site Visit:	Tuesday, November 28, 2006, 1:00 PM
Project Proposals Due:	Monday, December 4, 2006, 1:00 PM
Project Shortlist:	Tuesday, December 19, 2006
Project Interviews and Award:	Tuesday, January 9, 2007

Additional information, a full Request for Proposals, and Addenda Nos. 1 and 2 are available on the Minnesota State Colleges and Universities website: www.facilities.mnscu.edu, click on "Solicitation Announcements."

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 Historical Society

Notice of Request for Bids for PRINTING SERVICES – *AIA Guide to the Twin Cities*

The Minnesota Historical Society, dba the Minnesota Historical Society Press/Borealis Books, is seeking bids from qualified firms for the printing of the book entitled *AIA Guide to the Twin Cities* (10,000 paperbound books, plus additional 1,000s).

The schedule is as follows:

- February 15, 2007 - all to printer;
- April 15, 2007 - finished books at the Society's warehouse and Press.

The Request for Bids is available by calling or writing Mary Green-Toussaint, Contracting & Purchasing Coordinator, Minnesota Historical Society, 345 Kellogg Boulevard West, Saint Paul, MN 55102. **Telephone** is (651) 297-7007; **e-mail** is mary.green-toussaint@mnhs.org

Bids must be received no later than 2:00 p.m., Local Time, Tuesday, January 9, 2007. A public bid opening will be conducted at that time. No late bids will be accepted.

Dated: December 11, 2006

State Contracts

Minnesota Historical Society

Notice of Request for Proposals for Professional Architectural and Engineering Services to Preserve and Stabilize Buildings at the Split Rock Lighthouse Historic Site, Two Harbors, Minnesota

The Minnesota Historical Society is seeking proposals from qualified firms to provide professional architectural and engineering services for the preservation and stabilization of the Lighthouse, Dwellings, Barns, and Fog Signal building at the Split Rock Lighthouse Historic Site located near Two Harbors, Minnesota. Services will include building research and assessments, design development, cost estimates, preparation and distribution of construction documents, project bidding, and construction observation, with construction slated to begin in Summer 2007.

The Request for Proposals is available by contacting Mary Green Toussaint, Purchasing Coordinator, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, Minnesota 55102. **Telephone:** (651) 297-7007; **e-mail:** *mary.green-toussaint@mnhs.org*.

There will be a **MANDATORY Pre-Proposal Meeting** for all interested parties at the Split Rock Lighthouse Historic Site at **1:00 P.M. Local Time on Tuesday, December 19, 2006**. Society staff representing Historic Site Management will review the Request for Proposals and tour the Site with attendees.

All proposals are **due no later than 2:00 p.m. Local Time on Thursday, January 11, 2007**. A public opening of the proposals will be conducted at that time. Late proposals will not be considered.

Dated: December 11, 2006

Department of Human Services

State Operated Services- Minnesota Extended Treatment Options (METO)

Notice of Availability of Contract for Dietitian Services to the Minnesota Extended Treatment Options in Cambridge, Minnesota

The Minnesota Department of Human Services – State Operated Services-Minnesota Extended Treatment Options is requesting proposals for the purpose of providing dietetic services to assure the food service system at the METO program meets or exceeds applicable standards relating to menu planning, food preparation, serving and storage; to provide individual client dietary assessments and implementation of dietary orders; and provide consultation and education to clients and staff of the METO program.

Work is proposed to start after December 31, 2006.

A Request for Proposals will be available by mail from this office. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After December 26, 2006, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Shirley Davis, RN Administrative Supervisor
Minnesota Extended Treatment Options
1425 State Street
Cambridge, MN 55008
Fax Number: (763) 689-7324

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than January 3, 2007. **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.

Department of Revenue

Notice of Availability of Contract for Tax Gap Estimates

The Minnesota Department of Revenue is requesting proposals for the purpose of obtaining revised estimates of the annual sales tax gap through fiscal year 2011 and to allow the department to complete future updates in-house.

Work is proposed to start on or about January 29, 2007 and be completed within six months.

A complete copy of the Request for Proposal may be obtained from:

Contracts Unit
Minnesota Department of Revenue
Mail Station 4220
St. Paul, MN 55146-4220
Phone: (651) 556-4023 or (651) 556-4024
Fax: (651) 556-3122
Email: dor.rfp@state.mn.us

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

Department of Transportation (Mn/DOT) 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 Ron Bisek at (651) 296-1361 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:

Ron Bisek
Consultant Services
Office of Technical Support
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.

Department of Transportation (Mn/DOT) 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 Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of 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.

Anoka County

Human Services Division

Notice of Request for Proposals for a Financial Accounting Collections Tracking System (FACT System) including Software and Professional Services

NOTICE IS HEREBY GIVEN that Anoka County is seeking proposals to provide the Human Services Division with a financial tracking system, with client case management, to assist the division in the performance of its duties. Anoka County seeks to contract with an outside vendor to provide professional services to develop a Phase I FACT System implementation report and a phased plan, and provide software and service for the Phase II implementation of the FACT System including the proposed application software, software delivery, installation and configuration, implementation, software modification/development, project management, interfaces and integration development, data migration/conversion, documentation, training, software maintenance, and support services.

Proposals shall be submitted in exact accordance with the Request for Proposals (RFP) Package. The Request for Proposals Package may be obtained at the Anoka County web site: <http://www.co.anoka.mn.us/bids>.

Proposal due date: **Friday, March 2, 2007** at 4:00 p.m. Central Daylight Saving Time.

If one needs an accommodation, such as an interpreter or printed material in an alternate format (i.e. Braille, large print, or audio), contact John Sullivan, Risk & Procurement Manager at (763) 323-5370, TDD/TYY (763) 323-5289.

Kristen Larson
Assistant County Attorney

Tim Yantos
Deputy County Administrator

Metropolitan Council - Metro Transit

Metro Transit Work Uniform Rental Program

Procurement No. 7248

Metro Transit, a division of the Metropolitan Council, is soliciting sealed bids for the lease and laundry of work uniforms for Metro Transit employees. Approximately 600 employees at several locations throughout the metropolitan area require uniforms.

Sealed bids are due by 2:00 PM on December 29, 2006. Bids must be submitted in accordance with the Invitation for Bids document available from:

Attention: Candace Osiecki
Metropolitan Council
Metro Transit Purchasing Department
515 N. Cleveland Avenue
St. Paul, MN 55114
(612) 349-5070

University of Minnesota

Notice of Availability of Request for Proposal (RFP) for Designer Selection for Science Teaching & Student Services Center

(State Designer Selection Board Project No. 06-18)

The State of Minnesota, acting for the Board of Regents of the University of Minnesota, is soliciting, through the State Designer Selection Board, proposals from interested, qualified consultants for architectural and engineering design services to design a classroom and

Non-State Public Bids, Contracts & Grants

student services facility. The facility of approximately 128,000 GSF will contain classrooms in a variety of sizes and configurations and space for consolidated student academic services.

A full Request for Proposals is available on the University of Minnesota, **website:** <http://www.cppm.umn.edu/rfp.html>, click on "Science Teaching & Student Services Center."

A mandatory pre-proposal informational meeting is scheduled for **1:30 pm, December 7, 2006** in **Room 318 Donhowe Building, 319 – 15th Avenue SE, Minneapolis, MN 55455**. Questions concerning the project should be referred to: Orlyn Miller, Capital Planning & Project Management, (612) 624-7501, **e-mail:** om@umn.edu or Dean Carlson, (612) 624-9555, **e-mail:** carls064@umn.edu .

Proposals must be delivered to Mary Golike, Executive Secretary, State Designer Selection Board, in the State Architect's Office, 301 Centennial Office Building, 658 Cedar St., St. Paul, MN 55155-1625 not later than 1:00 P.M., Monday, December 18, 2006. Late responses will not be considered.

The University of Minnesota 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.

University of Minnesota Subscribe to Bid Information Service (BIS)

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.

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