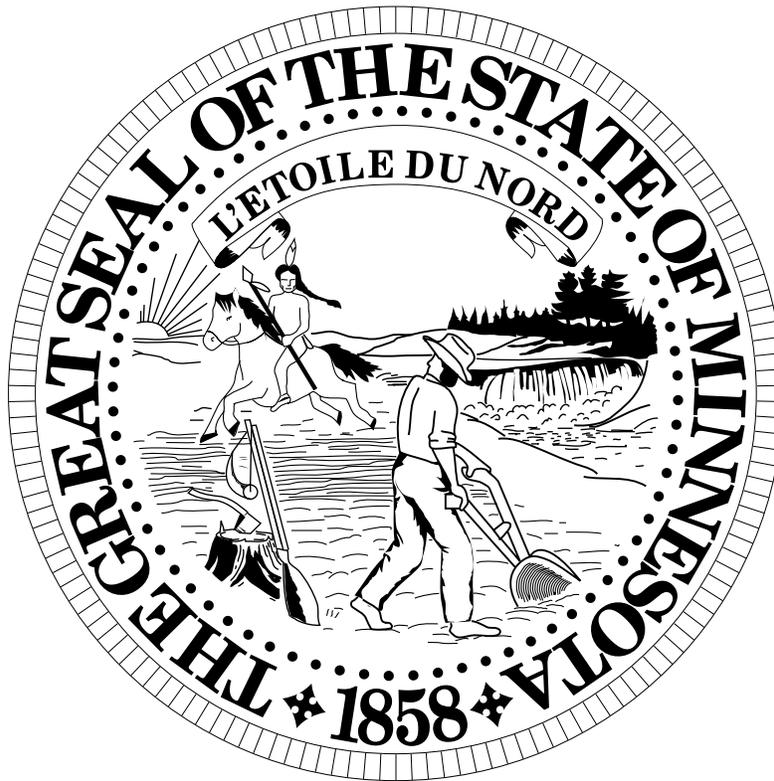


State of Minnesota

# State Register

Rules and Official Notices Edition



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Department of Administration – Communications Media Division

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# State Register

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

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

- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
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Vol. 25 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
#14	Monday 2 October	Noon Wednesday 20 September	Noon Tuesday 26 September
#15	Monday 9 October	Noon Wednesday 27 September	Noon Tuesday 3 October
#16	Monday 16 October	Noon Wednesday 4 October	Noon Tuesday 10 October
#17	Monday 23 October	Noon Wednesday 11 October	Noon Tuesday 17 October

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

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## FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media.

To be placed on the mailing list, write or call the offices listed below:

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Room 231 State Capitol, St. Paul, MN 55155

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

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# Minnesota Rules: Amendments and Additions

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

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

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

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

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

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# Proposed Rules

## Comments on Planned Rules or Rule Amendments

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

## Rules to be Adopted After a Hearing

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

## Rules to be Adopted Without a Hearing

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

## Department of Health

### Division of Environmental Health

### Asbestos/Lead Compliance Unit

## Proposed Permanent Rules Relating to Asbestos Workers

### NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Amendment to Rules Governing Asbestos-Related Work:

Certified Work Experience Requirements - *Minnesota Rules*, part 4620.3300

Annual Recertification Requirements - *Minnesota Rules*, parts 4620.3250 to 4620.3480

**Introduction.** The Department of Health intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

**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:

Nancy La Plante  
Minnesota Department of Health  
Environmental Health Division  
P.O. Box 64975  
St. Paul, MN 55164-0975  
**Phone:** (651) 215-0905  
**TTY:** (651) 215-0707  
**Fax:** (651) 215-0975  
**Email:** [nancyjo.laplante@health.state.mn.us](mailto:nancyjo.laplante@health.state.mn.us)

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

## Proposed Rules

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**Subject of Rules and Statutory Authority.** The proposed rules would modify certified work experience requirements for asbestos workers and annual recertification requirements for asbestos-related disciplines. Under the current rule, individuals must complete an approved two-year apprenticeship program prior to applying for an asbestos worker certificate. The proposed rule would allow individuals to apply for certification as long as they are enrolled in an approved apprenticeship program. Other training and experience requirements would not be affected. This rule change is intended to increase the numbers of workers in the asbestos worker field.

The proposed rules would also modify the annual recertification requirements by allowing individuals to use their refresher training course diploma as evidence of certification for 30 days after the expiration of their certificate. This will allow for both mailing time and time for the department to process the renewal. Under the current rule certified individuals are required to complete a refresher training course, mail in their application, and receive the new certificate before the current one expires. This effectively shortens the period between annual renewals from 12 months to 11 months or less. The proposed rule change would bring actual practice more in line with the statutory renewal period of 12 months.

The statutory authority to adopt these rules is found in *Minnesota Statutes*, section 326.78, subdivisions 1 and 2. A copy of the proposed rules is published in the *State Register*. A free copy of the rules is also available upon request from the agency contact person listed above.

**Comments.** You have until 4:30 p.m. on Wednesday, November 1, 2000, to submit written comment in support of or in opposition to the proposed rules and 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 comment should identify the portion of the proposed rules addressed and the reason for the comment. 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 November 1, 2000. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

**Alternative Format.** 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, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**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. Copies of the statement may be obtained at the cost of reproduction from the agency.

**Adoption and Review of Rules.** 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.

Dated: 18 September 2000

Julie Brunner,  
Deputy Commissioner

### 4620.3250 USE OF QUALIFIED INDIVIDUALS.

Qualified individuals must be used to perform asbestos-related work.

A. An asbestos contractor must employ only asbestos workers and site supervisors with current certificates issued by the commissioner to conduct asbestos-related work.

B. An asbestos contractor must ensure that a current asbestos worker certificate or asbestos site supervisor certificate for each individual engaged in asbestos-related work is readily available at the work site for review by the commissioner, except as provided in parts 4620.3300, subpart 5, item A, and 4620.3310, subpart 6, item A.

C. An asbestos contractor must ensure that a certified asbestos site supervisor is present at the work site during all times when asbestos-related work is performed.

#### **4620.3300 CERTIFICATION OF ASBESTOS WORKER.**

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

Subp. 2. **Qualifications or experience requirements.** To be eligible for certification as an asbestos worker, an individual must ~~have completed either:~~

A. ~~two years full time attendance, or the part time equivalent, in~~ be enrolled in or have completed an apprenticeship program for general commercial construction trades which is either approved by the Minnesota Department of Labor and Industry, Division of Voluntary Apprenticeship, or registered with the United States Department of Labor, Bureau of Apprenticeship and Training;

B. have completed a vocational training program in a construction-related discipline of not less than 18 months; or

C. have work experience of at least 1,000 hours of work experience in general commercial construction trades.

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

Subp. 4. **Application for initial asbestos worker certification.** An applicant for initial certification as an asbestos worker must submit to the commissioner:

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

C. evidence of qualifications or experience described in subpart 2 as shown by:

(1) a document showing enrollment in or completion of the apprenticeship attendance requirement in subpart 2, item A;

[For text of subitems (2) and (3), see M.R.]

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

Subp. 5. **Renewal.**

A. An individual certified as an asbestos worker must apply for renewal of the asbestos worker certification by submitting to the commissioner a completed renewal application ~~by the expiration date of the current asbestos worker certificate.~~ Until the renewal certificate is issued by the commissioner, the asbestos worker may continue to perform asbestos-related work for up to 30 calendar days from the date of completing the refresher training course, provided the asbestos worker:

(1) has submitted the certification renewal application to the commissioner; and

(2) has a copy of the diploma, which is issued after completing an asbestos worker refresher course, on site and available for review by the commissioner.

B. The renewal application must include:

~~A.~~ (1) the completed renewal application on a form provided by the commissioner, which seeks only information the commissioner reasonably considers necessary to identify the applicant and to determine whether the applicant meets the statutory and regulatory requirements for renewal of certification;

~~B.~~ (2) a nonrefundable renewal application fee of \$50, which is not in the form of a personal check, payable to the Minnesota Department of Health; and

~~C.~~ (3) a copy of the training course diploma from the most recent asbestos worker refresher training course required by subpart 3a.

[For text of subps 6 to 8, see M.R.]

#### **4620.3310 CERTIFICATION OF ASBESTOS SITE SUPERVISOR.**

[For text of subps 1 to 5, see M.R.]

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
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## Proposed Rules

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### Subp. 6. **Renewal.**

A. An individual certified as an asbestos site supervisor must apply for renewal of asbestos site supervisor certification by submitting to the commissioner a completed renewal application ~~by the expiration date of the current asbestos site supervisor certificate.~~ Until the renewal certificate is issued by the commissioner, the asbestos site supervisor may continue to perform asbestos-related work for up to 30 calendar days from the date of completing the refresher course, provided the asbestos site supervisor:

(1) has submitted the certification renewal application to the commissioner; and

(2) has a copy of the diploma, which is issued after completing an asbestos site supervisor refresher course, on site and available for review by the commissioner.

B. The renewal application must include:

~~A.~~ (1) the completed renewal application on a form provided by the commissioner, which seeks only information the commissioner reasonably considers necessary to identify the applicant and to determine whether the applicant meets the statutory and regulatory requirements for renewal of certification;

~~B.~~ (2) a nonrefundable renewal application fee of \$50, which is not in the form of a personal check, payable to the Minnesota Department of Health; and

~~C.~~ (3) a copy of the training course diploma from the most recent asbestos site supervisor refresher training course required by subpart 4.

[For text of subps 7 to 9, see M.R.]

### **4620.3330 CERTIFICATION OF ASBESTOS INSPECTOR.**

[For text of subps 1 to 5, see M.R.]

### Subp. 6. **Renewal.**

A. An individual certified as an asbestos inspector must apply for renewal of asbestos inspector certification by submitting to the commissioner a completed renewal application ~~by the expiration date of the current asbestos inspector certificate.~~ Until the renewal certificate is issued by the commissioner, the asbestos inspector may continue to perform asbestos inspections for up to 30 calendar days from the date of completing the refresher training course, provided the asbestos inspector:

(1) has submitted the certification renewal application to the commissioner; and

(2) has a copy of the diploma, which is issued after completing an asbestos inspector refresher course, at the location where the asbestos inspector is conducting work.

B. The renewal application must include:

~~A.~~ (1) the completed renewal application on a form provided by the commissioner, which seeks only information the commissioner reasonably considers necessary to identify the applicant and to determine whether the applicant meets the statutory and regulatory requirements for renewal of certification;

~~B.~~ (2) a nonrefundable renewal application fee of \$100, which is not in the form of a personal check, payable to the Minnesota Department of Health; and

~~C.~~ (3) a copy of the training course diploma from the most recent asbestos inspector refresher training course required by subpart 4.

[For text of subps 7 to 9, see M.R.]

### **4620.3340 ASBESTOS MANAGEMENT PLANNER CERTIFICATION.**

[For text of subps 1 to 5, see M.R.]

### Subp. 6. **Renewal.**

A. An individual certified as an asbestos management planner must apply for renewal of asbestos management planner certification by submitting to the commissioner a completed renewal application ~~by the expiration date of the current asbestos management planner certificate.~~ Until the renewal certificate is issued by the commissioner, the asbestos management planner may continue to perform asbestos management plans for up to 30 calendar days from the date of completing the refresher training course, provided the asbestos management planner:

(1) has submitted the certification renewal application to the commissioner; and

(2) has a copy of the diploma, which is issued after completing an asbestos management planner refresher course, at the location where the asbestos management planner is conducting work.

B. The renewal application must include:

~~A.~~ (1) the completed renewal application on a form provided by the commissioner, which seeks only information the commissioner reasonably considers necessary to identify the applicant and to determine whether the applicant meets the statutory and regulatory requirements for renewal of certification;

~~B.~~ (2) a nonrefundable \$100 renewal application fee, which is not in the form of a personal check, payable to the Minnesota Department of Health; and

~~C.~~ (3) a copy of the training course diploma from the most recent asbestos management planner refresher training course required by subpart 4.

[For text of subps 7 to 9, see M.R.]

#### 4620.3350 ASBESTOS PROJECT DESIGNER CERTIFICATION.

[For text of subps 1 to 5, see M.R.]

##### Subp. 6. **Renewal.**

A. An individual certified as an asbestos project designer must apply for renewal of asbestos project designer certification by submitting to the commissioner a completed renewal application ~~by the expiration date of the current asbestos project designer certificate.~~ Until the renewal certificate is issued by the commissioner, the asbestos project designer may continue to perform asbestos project designs for up to 30 calendar days from the date of completing the refresher training course, provided the asbestos project designer:

(1) has submitted the certification renewal application to the commissioner; and

(2) has a copy of the diploma, which is issued after completing an asbestos project designer refresher course, at the location where the asbestos project designer is conducting work.

B. The renewal application must include:

~~A.~~ (1) the completed renewal application on a form provided by the commissioner, which seeks only information the commissioner reasonably considers necessary to identify the applicant and to determine whether the applicant meets the statutory and regulatory requirements for renewal of certification;

~~B.~~ (2) a nonrefundable renewal application fee of \$100, which is not in the form of a personal check, payable to the Minnesota Department of Health; and

~~C.~~ (3) a copy of the training course diploma from the most recent asbestos project designer refresher training course required by subpart 4.

[For text of subps 7 to 9, see M.R.]

#### 4620.3460 INSPECTION AND ASSESSMENT OF ASBESTOS-CONTAINING MATERIALS.

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

Subp. 5. **Inspector duties.** The asbestos inspector must have a current asbestos inspector certificate at the location where the asbestos inspector is conducting work, except as provided in part 4620.3330, subpart 6, item A. The asbestos inspector must prepare a written report which:

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

#### 4620.3470 ASBESTOS MANAGEMENT PLAN.

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

Subp. 2. **General.** The asbestos management plan must address all materials known or assumed to be asbestos-containing material within the facility or portion of the facility.

A. An asbestos management plan must be developed by an individual certified as an asbestos management planner.

B. The asbestos management planner must have a current asbestos management planner certificate at the location where the asbestos management planner is conducting work, except as provided in part 4620.3340, subpart 6, item A.

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

## Proposed Rules

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

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

### 4620.3480 ASBESTOS PROJECT DESIGN.

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

Subp. 2. **Use of asbestos project designer.** The asbestos project designer must have a current asbestos project designer certificate at the location where the asbestos project designer is conducting work, except as provided in part 4620.3350, subpart 6, item A. The asbestos project designer must include in the asbestos project design a photocopy of the current asbestos project designer certificate of the asbestos project designer who prepared the asbestos project design.

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

## Department of Health

### Division of Environmental Health

#### Proposed Permanent Rules Relating to Wells and Borings

#### NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

#### Proposed Amendment to Rules Governing Wells and Borings, *Minnesota Rules*, Chapter 4725

**Introduction.** The Department of Health intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

**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:

Michael P. Convery, P.G.  
Division of Environmental Health  
Minnesota Department of Health  
121 East Seventh Place, Suite 220  
P.O. Box 64975  
St. Paul, Minnesota 55164-0975  
**Phone:** (651) 215-0818  
**Fax:** (651) 215-0978  
**TTY:** (651) 215-0707  
**Email:** [michael.convery@health.state.mn.us](mailto:michael.convery@health.state.mn.us)

**Subject of Rules and Statutory Authority.** The Department is proposing rule amendments to incorporate a new limited contractor license category - vertical heat exchanger contractor - established under *Laws of Minnesota 1999*, chapter 153, and codified in *Minnesota Statutes*, chapter 103I. The vertical heat exchanger contractor license will be required of persons who construct, repair, and seal vertical heat exchangers, but who are not licensed as well contractors. The proposed rule outlines the type and amount of experience required in order to qualify for a limited vertical heat exchanger contractor license. The proposed rule also incorporates this limited license category into the rule provisions for the other limited well/boring contractor licenses, including requirements for examination, licensing, license renewal, corporate surety bonds, continuing education, record submission, and drilling machine registration. Neither the technical requirements for construction of vertical heat exchangers nor the licensing requirements for the other limited well/boring contractors have been amended.

The statutory authority to adopt the rules is *Minnesota Statutes*, section 103I.101, subdivisions 2 and 5. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on November 1, 2000, to submit written comments in support of or in opposition to the proposed rules and 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 comment should identify the portion of the proposed rules addressed and the reason for the comment. 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 November 1, 2000. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for, determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

**Alternative Format.** 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, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**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. Copies of the statement may be obtained at the cost of reproduction from the agency.

**Adoption and Review of Rules.** 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.

Dated: 18 September 2000

Julie Brunner,  
Deputy Commissioner

#### **4725.0100 DEFINITIONS.**

[For text of subps 1 to 30e, see M.R.]

Subp. 30f. **Licensee.** "Licensee" means a person who is licensed as a well contractor, limited ~~well~~ well/boring contractor, or elevator shaft contractor under this chapter and *Minnesota Statutes*, chapter 103I.

[For text of subps 30g to 49d, see M.R.]

Subp. 49e. **Vertical heat exchanger.** "Vertical heat exchanger" has the meaning given in *Minnesota Statutes*, section 103I.005, subdivision 20.

[For text of subps 50a to 51a, see M.R.]

#### **4725.0475 ACTIVITIES REQUIRING LICENSURE OR REGISTRATION.**

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

Subp. 2. **Exceptions to licensure or registration.** Nothing in this part shall prohibit:

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

D. a limited ~~well~~ well/boring contractor from repairing, installing a pump or pumping equipment, or repairing or sealing a well that the limited ~~well~~ well/boring contractor is licensed to construct.

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

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
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## Proposed Rules

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Subp. 4. **Limited ~~well~~ well/boring contractor licenses.** A person performing any of the activities in items A to ~~E~~ F must have either a well contractor's license or have a separate limited ~~well~~ well/boring contractor license for each of the limited licensure areas listed in items A to ~~E~~ F.

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

D. limited licensure to seal wells, remove obstructions from a well before sealing, remove or perforate well casing before sealing, or other activities to seal a well; ~~or~~

E. limited licensure to construct, repair, seal, or modify as specified in subpart 1, item F, a dewatering well; or

F. limited licensure to construct, repair, seal, or modify as specified in subpart 1, item F, a vertical heat exchanger.

[For text of subp 5, see M.R.]

Subp. 6. **Monitoring well contractor registration.** A person must be either licensed as a well contractor or registered as a monitoring well contractor to:

A. construct, repair, modify, or seal monitoring wells or environmental bore holes; or

B. install pumps in monitoring wells.

A person with a limited well/boring contractor license to install a well pump or pumping equipment may install pumps in monitoring wells.

[For text of subp 7, see M.R.]

### 4725.0650 EXPERIENCE REQUIREMENTS.

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

Subp. 3. **Limited ~~well~~ well/boring contractor; dug wells and drive point wells.** Anyone applying to be a representative for a limited ~~well~~ well/boring contractor licensed to construct, repair, and seal dug wells and drive point wells must have three years of experience. A year of experience is a year in which the applicant personally constructed five dug wells or drive point wells and worked for a minimum of 1,000 hours constructing, repairing, or sealing dug wells or drive point wells, and installing pumps in dug wells or drive point wells. An applicant must have gained the experience under a licensed well contractor or a limited ~~well~~ well/boring contractor licensed to construct, repair, and seal dug wells and drive point wells.

Subp. 4. **Limited ~~well~~ well/boring contractor; well screens, pitless adapters, and pitless units.** Anyone applying to be a representative for a limited ~~well~~ well/boring contractor licensed to install or repair well screens or pitless adapters or units and well casing from the pitless device to the upper termination of the well must have two years of experience. A year of experience is a year in which the applicant worked a minimum of 1,000 hours and personally installed or repaired five well screens or pitless units or adapters and well casings from the pitless unit or adapter to the upper termination of the well. The experience must have been gained under the supervision of a licensed well contractor or limited ~~well~~ well/boring contractor licensed to install or repair well screens or pitless units or adapters and well casings from the pitless unit or adapter to the upper termination of the well.

Subp. 5. **Limited ~~well~~ well/boring contractor; pumps and pumping equipment.** Anyone applying to be a representative for a limited ~~well~~ well/boring contractor licensed to install a pump or pumping equipment must have two years of experience in pump installation and repair. The applicant must have personally installed 20 pumps. The work must include a minimum of 1,000 hours installing well pumps or pumping equipment.

Subp. 6. **Limited ~~well~~ well/boring contractor; well sealing.** Anyone applying to be a representative for a limited ~~well~~ well/boring contractor licensed to seal wells must have three years of experience. A year of experience is a year in which the applicant:

A. personally sealed a minimum of five wells; and

B. worked a minimum of 1,000 hours constructing wells, clearing obstructions, removing or perforating well casings, and grouting wells.

The applicant must have gained the experience under a licensed well contractor or limited ~~well~~ well/boring sealing contractor.

Subp. 7. **Limited ~~well~~ well/boring contractor; dewatering wells.** Anyone applying to be a representative for a limited ~~well~~ well/boring contractor licensed to construct, repair, or seal dewatering wells must have two years of experience. A year of experience is a year in which the applicant:

A. worked a minimum of 500 hours designing, constructing, or field supervising the construction, repair, or sealing of dewatering wells; and

B. designed, constructed, or field supervised the construction of a minimum of five dewatering wells.

Subp. 7a. Limited well/boring contractor; vertical heat exchanger. Anyone applying to be a representative for a limited well/boring contractor licensed to construct, repair, or seal vertical heat exchangers must meet the requirements in item A or meet the requirements in items B and C.

A. The applicant must have two years of experience. A year of experience is a year in which the applicant personally, and under the supervision of a licensed well contractor or licensed vertical heat exchanger contractor, constructed a minimum of three separate permitted vertical heat exchanger systems, with a minimum total footage of 2,000 feet of vertical heat exchanger, and worked a minimum of 500 hours designing, constructing, or field supervising the construction, repair, or sealing of vertical heat exchangers.

B. The applicant must have a minimum of two years experience in well drilling. A year of experience is a year in which the applicant personally and under the supervision of a licensed well contractor constructed a minimum of five water supply wells and constructed, repaired, or sealed wells and environmental bore holes for 500 hours.

C. The applicant must be certified by the International Ground Source Heat Pump Association or have an equivalent certification, as determined by the commissioner, based on number of hours of training, subject material, and testing.

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

#### **4725.1820 NOTIFICATION FOR CONSTRUCTION OF WATER SUPPLY WELLS.**

The owner of the property where a water supply well is to be located, the property owner's agent, a licensed well contractor, or a limited ~~well~~ well/boring contractor licensed to construct dug wells and drive point wells must submit notification of construction of the proposed well to the commissioner according to this part. This part does not apply to the construction of monitoring wells; dewatering wells; or drive point wells installed by the well owner on the owner's property for residential or agricultural use.

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

#### **4725.1833 VERTICAL HEAT EXCHANGER CONSTRUCTION PERMITS.**

This part applies to the construction of vertical heat exchangers.

A. A vertical heat exchanger must not be constructed, except for normal maintenance, until a permit has been issued by the commissioner to the well contractor or limited well/boring contractor licensed to construct vertical heat exchangers.

B. The well contractor or limited well/boring contractor licensed to construct vertical heat exchangers must submit to the commissioner a vertical heat exchanger permit application on a form provided by the commissioner. The application must be legible and signed by the well contractor or limited well/boring contractor licensed to construct vertical heat exchangers and the property owner or property owner's agent.

C. A permit application must be completed for each vertical heat exchanger and must include:

(1) the name and license number of the well contractor or limited well/boring contractor licensed to construct vertical heat exchangers;

[For text of subitems (2) to (9), see M.R.]

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

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## Proposed Rules

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### Department of Labor and Industry

#### Division of Labor Standards

#### Proposed Permanent Rules Relating to Prevailing Wages; Trucking

#### NOTICE OF HEARING

#### Proposed Amendments to Rules Governing Prevailing Wages; Trucking, *Minnesota Rules*, Chapter 5200

**Public Hearing.** The Department of Labor and Industry, by its Labor Standards Division, intends to adopt rules after a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing on the above-entitled rules in the Basement Hearing Room, State Office Building, 100 Constitution Avenue, Saint Paul, Minnesota 55155, starting at 9:30 a.m., on Wednesday, November 8, 2000, and continuing until the hearing is completed. Additional days of hearing will be scheduled if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

**Administrative Law Judge.** The hearing will be conducted by Administrative Law Judge Steve M. Mihalchick, who can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **telephone:** (612) 349-2544, and **Fax:** (612) 349-2665. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge.

**Subject of Rules, Statutory Authority, and Agency Contact Person.** The subject of the hearing will be the proposed amendments to the rules governing Prevailing Wages; Trucking, *Minnesota Rules*, Chapter 5200. The proposed rule amendments relate to the scope of coverage of prevailing wages on or off the site of work with regard to processing, manufacturing, and delivery of materials from commercial establishments and the delivery of mineral aggregate products. The amendments apply primarily to highway and heavy construction but also have application to commercial construction. Topics included in the proposed amendments include "commercial establishment," "work under a contract," "substantially in place," "truck rental rates," "owners and operators of trucks," "batch plants," and other related topics. One focus of the proposed rule amendments is interpretation of *Minnesota Statutes*, sections 177.43, subd. 2 and 177.44, subd. 2. One of the primary purposes of the proposed rule amendments is to resolve questions arising from court injunctions issued at various times relating to the topics of work under a contract, substantially in place, commercial establishment and other matters generally called the "trucking issues" for prevailing wages purposes. The proposed rule amendments are authorized by *Minnesota Statutes*, sections 177.41 to 177.44, and 175.171. A copy of the proposed rules is published in the October 2, 2000 edition of the *State Register* (available on-line at [www.comm.media.state.mn.us](http://www.comm.media.state.mn.us)) and attached to this notice as mailed. A free copy of the rules is available upon request from the agency contact person. The agency contact person is:

Erik Oelker, Senior Labor Investigator  
Department of Labor and Industry  
Labor Standards Division  
443 Lafayette Road, North  
St. Paul, Minnesota 55155  
**Phone:** (651) 215-0076  
**Fax:** (651) 215-0104  
**Email:** [erik.oelker@state.mn.us](mailto:erik.oelker@state.mn.us)

**TTY:** users may call the Department of Labor and Industry at TTY (651) 297-4198.

**Statement of Need and Reasonableness.** A Statement of Need and Reasonableness is now available for review at the agency offices and at the Office of Administrative Hearings. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may be reviewed and copies obtained at the cost of reproduction from either the agency contact person listed above or the Office of Administrative Hearings. The statement is also posted on the Department of Labor and Industry's website and you will find a hyperlink to the statement at: [www.doli.state.mn.us/laborlaw.html](http://www.doli.state.mn.us/laborlaw.html).

**Public Comment.** You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative

Law Judge at the hearing. Following the comment period, there is a five-working-day response period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings.

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

**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 as a result of the rule hearing process. Modifications must be supported by data and views presented during the rule hearing process, and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate.

**Adoption Procedure After The Hearing.** After the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rules and files them with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings, and can make these requests at the hearing or in writing to the agency contact person stated above.

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

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

Gretchen B. Maglich  
Commissioner of Labor and Industry

### **5200.1105 RENTAL RATES FOR TRUCKS ON PUBLIC WORKS HIGHWAY PROJECTS.**

Drivers who own and operate trucks on contract work shall be compensated for their equipment according to the following formula: Truck Rental Rates Equals Labor Cost Plus Operating Cost.

Labor cost shall be the appropriate rate determined to be prevailing by the Department of Labor and Industry using existing survey methods under parts 5200.1000 to 5200.1120 and certified under part 5200.1100, subpart 4, truck drivers.

Operating cost shall be determined by averaging the itemized costs of operating a vehicle as submitted by at least five trucking firms of various size and five independent truck owner operators, all selected by the commissioner as representative of the industry.

The following items shall be considered as operating costs of a vehicle: the average cost of the vehicle depreciated over seven years, insurance, fuel, oil, tires, taxes, licenses, maintenance, repair, and any administrative expense associated with the vehicle's operation including truck brokers' fees. The truck broker fee is a portion of the minimum truck rental rate and shall be determined by annual survey.

Within 30 days of determination of rates, an informal conference will be held by the commissioner or the commissioner's representative, for the purpose of further input prior to certification. Interested parties shall be given at least ten days' prior notice of the conference date, time, and location, through publication in the *State Register*.

At the conference the department shall produce and review the data, summary sheets, and other documents upon which its determination was based.

Notice of the certification and its effective date shall be published in the *State Register* in accordance with part 5200.1080.

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
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## Proposed Rules

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### **5200.1106 COVERAGE OF PREVAILING WAGE LAW UNDER MINNESOTA STATUTES, SECTIONS 177.43 AND 177.44.**

**Subpart 1. In general.** For purposes of this part and *Minnesota Statutes*, sections 177.41 to 177.44, the prevailing wage rate which includes truck rental rates must be paid for work under the contract.

**Subp. 2. Definition of work under a contract or work under the contract.** The terms “work under a contract” and “work under the contract” have the same meaning. Work under a contract or work under the contract means all construction activities associated with the public works project, including any required hauling activities to or from a public works project and work conducted pursuant to a contract as defined by subpart 6, item A, regardless of whether the construction activity or work is performed by the prime contractor, subcontractor, trucking broker, trucking firms, independent contractor, or employee or agent of any of the foregoing entities, and regardless of which entity or person hires or contracts with another.

**Subp. 3. Applicability.** The following are examples of work performed in conjunction with a public works contract that is considered work under the contract and subject to the prevailing wage rate or prevailing truck rental rate, and should not be considered limiting in nature.

A. A contractor, subcontractor, trucking broker, trucking firm, agent, or any other person contracting to do all or part of the work under a contract must pay the employee laborers, mechanics, and workers no less than the prevailing wage, and must pay truck owner-operators no less than the truck rental rate. The contractor, subcontractor, trucking broker, or other person making payment to an employee laborer, mechanic, worker, or truck owner-operator may not accept a rebate or reduce the regular hourly rate of pay during noncovered times of any person or entity which has the effect of reducing or otherwise decreasing the value of the compensation paid, during the pay period.

B. Work performed by employees of a contractor or subcontractor that operates a temporary asphalt or concrete plant, as defined in subpart 6, item E, that was moved into a gravel pit or borrow pit, which meets the commercial establishment language under subpart 5, items G, H, and L, is considered work under the contract including the contractor’s employees loading the equipment hoppers with materials obtained from the pit and must be paid at appropriate prevailing wage rates.

C. The following hauling activities are included in hours worked and considered work under the contract for purposes of payment of prevailing wages and payment of the truck rental rate:

(1) the hauling of any or all stockpiled or excavated materials on the project work site to other locations on the same project even if the trucks have to leave the work site because of obstruction to travel within the right-of-way to complete the haul;

(2) the delivery of materials from any facility that does not meet the requirements of a commercial establishment to the project and the return haul to the starting location either empty or loaded;

(3) the delivery of materials from another construction project site to the public works project and the return haul empty or loaded is considered work under the contract. Construction projects are not considered a commercial establishment;

(4) the hauling required to remove any materials from the public works project to a location off the project site and the return haul if empty or if loaded from other than a commercial establishment;

(5) the delivery of materials or products by trucks hired by a contractor, subcontractor, or agent thereof, from a commercial establishment. A delivery of materials or products by trucks hired by a contractor or subcontractor, or agent of, is considered work under the contract for which prevailing wages for employees and truck rental rates for truck owner-operators must be paid; and

(6) delivery of sand, gravel, or rock, by or for a commercial establishment, which is deposited “substantially in place,” either directly or through spreaders from the transporting vehicles is work under the contract. In addition, the return haul to the off-site facility empty or loaded is also considered work under the contract. The prevailing wage rates must be paid to employee truck drivers and the truck rental rates must be paid to the truck owner-operators.

**Subp. 4. Work not considered to be under a contract.** The prevailing wage rate and truck rental rates are not required to be paid for the following work which is not considered to be work “under a contract”:

A. the processing or manufacturing of materials or products by or for a commercial establishment;

B. the work performed by employees of the owner or lessee of a gravel pit or borrow pit, which is a commercial establishment that performs work in conjunction with a public works project by adding value to the sand, gravel, or rock contained in or delivered to the pit through the use of screening, washing, or crushing machines. This does not include the employees described in subpart 3, item B;

C. the delivery of processed or manufactured goods to a public works project by the employees of a commercial establishment including, truck owner-operators, hired by and paid by the commercial establishment, including the delivery of sand, gravel, or rock, which is stockpiled on the public works project; or

D. multiple site hauling operations include secondary hauling activities in addition to the hauling of materials on and off the public works project in order to complete the truck's round trip haul. The hauling between these secondary off-site facilities as part of a multiple site hauling operation are not considered work under the contract as long as the time spent hauling between the secondary sites is properly documented in the trucking records and the time spent hauling on and off the project is properly compensated as provided in this subpart and subpart 3.

Subp. 5. **Definition of terms.** For purposes of this part and *Minnesota Statutes*, sections 177.41 to 177.44, the following terms have the meanings listed.

A. "Laborer or mechanic" means employees working for a contractor, subcontractor, or any other entity including truck owner-operators.

B. "Truck hire" means the hiring of another's truck, tractor, or tractor-trailer for the purpose of delivering materials to or from a public works project and includes the removal of excavated materials from a public works project.

C. "Own" and "operate" have the following meanings and apply to independent truck owner-operators and trucking firms. The notation "truck owner-operator" for the purposes of this part will apply to both the independent owner-operator and trucking firms unless otherwise defined:

(1) "Own" means to have a legal and rightful title to the vehicle or to have an approved lease on the vehicle.

(2) "Operate" means the owner either physically drives the vehicle or hires another to physically drive the vehicle but maintains the right to direct the day to day operations of the vehicle.

D. "Mineral aggregate" is sand, gravel, or crushed stone or rock, or mixtures of these naturally occurring substances with recycled materials, suitable for the base of a highway or heavy project used to support bituminous or concrete pavement, or used as a final gravel road surface. Mineral aggregate specifically does not include screenings, slag, riprap, recycled concrete and bituminous materials, ready-mix concrete, bituminous concrete, asphalt, mastic, mortar, plaster, macadam, and other similar processed or manufactured materials or products. Additionally, mineral aggregate does not include materials such as clay, topsoil, fill, dirt, silt, boulders, wall stone, loam, gumbo, loess, peat, muck, hardpan, or other similar soils or mixed earth.

E. "Incorporated" means to deposit materials onto the project work area from a transporting vehicle through whatever means necessary to place the materials from the transporting vehicle over the existing or improved surface or predeposited materials at the project site.

F. Mineral aggregate is deposited "substantially in place," either directly or through the use of spreaders, from the transporting vehicle if it is deposited on the project site where it may be further worked without further hauling by truck. Additionally, materials that are dumped or placed to fill behind such things including, but not limited to, retaining walls, barriers, and bridge abutments directly from the transporting vehicle without any further hauling by truck are considered substantially in place. Mineral aggregate, which is deposited in a stockpile, is not substantially in place on the site of a public works project. A stockpile of mineral aggregate is a quality of mineral aggregate placed in a location for temporary storage when all or substantially all of it is to be relocated by loading and hauling it to another location for final payment.

G. To qualify as a "fixed place of business," a business entity must have a facility that is serving the government project from a location that is located at a site which the local population considers a source of materials for public use. In addition, the facility must have sufficient utilities and equipment to serve the general public from the location upon demand and must remain in the location for a minimum of one year after the project is completed.

H. "Regularly supply" means to furnish at consistent intervals materials and products for sale to the general public.

I. "Processed" or "manufactured" means prepared or converted from raw materials by a set means, method or process, into a new form suitable for use or sale including, but not limited to, steel, cement, concrete products, and asphalt.

J. "Materials" or "products" means raw or finished goods which are produced by physical or mechanical labor or intellectual effort, or something produced naturally as by generation or growth.

K. "By or for" means the delivery of material for a commercial establishment which meets the definition of items G, H, and L, by employees of the establishment or trucks hired and paid by the establishment to deliver its products.

L. The determination of whether a facility is a "commercial establishment" is made on a location-by-location basis, not on a

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## Proposed Rules

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business-wide basis. Construction projects are not considered a commercial establishment. To qualify as a commercial establishment a business entity must:

- (1) own or lease the land on which it operates;
- (2) possess business records indicating that a majority of annual sales from the location from which deliveries are made are for other than the contracting agency's public works contracts;
- (3) demonstrate that the facility operates primarily as a material supplier rather than a contractor;
- (4) demonstrate that the establishment has not, or will not, set up at the location from which deliveries are made primarily to serve the public works contract;
- (5) demonstrate that the establishment advertises the availability of material for sale to the general public and has facilities available for effecting sales; and
- (6) in the case of a gravel pit or borrow pit, the establishment's location must be zoned for commercial purposes. All necessary permits to operate from the location must have been acquired, and all legal obligations of state and local regulations to excavate soils, sand, gravel, or rock for the purpose of receiving something of value for the product must have been met.

**Subp. 6. Definition of contract, prime contractor, contractor, employee driver, and temporary plant.** The following terms have the meanings given them for purposes of this part except where the context clearly indicates that a different meaning is intended.

A. "Contract" means the written instrument containing the elements of offer, acceptance, and consideration between the prime contractor and the contracting agency for the construction of all or a part of:

- (1) a highway pursuant to *Minnesota Statutes*, sections 161.32 and 177.44;
- (2) a public works project pursuant to *Minnesota Statutes*, section 177.43 and chapter 16B; or
- (3) any public building or public works financed in whole or in part with state funds pursuant to *Minnesota Statutes*, sections 177.41 to 177.44.

Contract includes project proposals, plans, and specifications, and all requirements for labor, equipment, and materials found in such proposals, plans, and specifications.

B. "Prime contractor" means an individual or business entity which enters into a contract as defined in item A with the contracting agency.

C. "Contractor" means an individual or business entity which is engaged in construction or construction service-related activities including trucking activities either directly or indirectly through a contract as defined by item A, or by subcontract with the prime contractor, or by a further subcontract with any other person or business entity performing work under the contract.

D. "Employee driver" is a person hired directly or indirectly to physically drive another's owned, rented, or leased vehicle.

E. "Temporary plant" is one that is portable in nature and in addition, uses any or all of the following: temporary supports, portable power supplies, portable water supplies, portable oil tanks, portable scales, or other portable buildings or structures to facilitate the production of the given product.

**Subp. 7. Definition of independent truck owner-operator, trucking firms, truck brokers.** The following terms have the meanings given them for the purpose of this part except where the context clearly indicates that a different meaning is intended.

A. "Independent truck owner-operator" is an individual, partnership or sole principal stockholder of a corporation who owns or holds a vehicle under lease and who contracts that vehicle and the owner's services to an entity which provides construction services to a public works project. In addition, a sole owner and operator of a vehicle that is licensed and registered as a truck, tractor, or truck-tractor by a governmental motor vehicle regulatory agency is an independent contractor, not an employee, only if each of the following factors are significantly present:

- (1) the individual, partnership or corporation owns the equipment or holds it under a lease arrangement;
- (2) the individual, partnership or corporation is responsible for the maintenance of the equipment;
- (3) the individual, partnership or corporation bears the principal burden of the operating costs, including fuel, repairs, supplies, vehicle insurance, and personal expenses while on the road, but not including brokerage fees;
- (4) the sole owner drives the equipment;
- (5) the sole owner determines the details and means of performing the services in conformance with regulatory requirements, operating procedures, and specifications of the entity with which the individual or corporation contracts; and

(6) the individual or corporation enters into a legally binding agreement that specifies the relationship to be that of an independent contractor and not that of an employee.

B. "Trucking firm" is any legal business entity that owns more than one vehicle and hires the vehicles out for services to brokers or contractors on public works projects. The owner may either drive the vehicles or hire employees to drive the vehicles. If the owner drives the vehicle, then the truck hire is subject to the truck rental rates. If the owner hires an employee to drive the vehicle, the truck hire is subject to the truck rental rates and the employee driver is subject to the appropriate prevailing wage rate.

C. "Trucking broker" is an individual or business entity, the activities of which include, but are not limited to:

- (1) contracting to provide trucking services in the construction industry to users of such services;
- (2) contracting to obtain such services from providers of trucking services;
- (3) dispatching the providers of the services to do work as required by the users of the services;
- (4) receiving payment from the users in consideration of the trucking services provided; and
- (5) making payment to the providers for the services.

D. Independent truck owner-operators or the owner-driver of a trucking firm are not required to be paid the truck rental rate for:

(1) time spent repairing or maintaining, or waiting to repair or maintain, the truck owner-operator's equipment, except that repair, maintenance, or time spent waiting to load or unload which is attributable to the fault of the broker, contractor, agent thereof, or an employee of such entities, must be included in the hours worked and paid the hourly truck rental rate; and

(2) time spent correcting work, which was not performed according to the prime contract that can be directly contributed to the negligence of the truck owner-operator.

E. Employees of a trucking firm must always receive the appropriate prevailing wage rate for any work performed under the contract.

**Subp. 8. Required records.**

A. Each time a contractor or trucking broker enters into an agreement with an independent truck owner-operator to perform work under the contract, the contractor or broker must keep the following records for a period of at least six years following the payment for services:

- (1) name, address, and social security number of the truck owner-operator;
- (2) name, address, and phone number of the truck owner-operator's business and federal tax identification number;
- (3) amount paid to the truck owner-operator, including the date and amount of each payment;
- (4) time period covered by the agreement between the truck owner-operator and the broker or contractor;
- (5) number of hours the truck owner-operator performed work under the contract, not including hours excluded under subpart 7;

(6) type of trucking equipment used for each job by the truck owner-operator and if leased, the name and address of the individual or business entity which owns the equipment;

(7) type of services performed;

(8) hourly truck rental rate used to calculate the minimum payment due;

(9) an itemization of any deductions from the gross amount payable to the truck owner-operator;

(10) a copy of the operator's commercial driver's license;

(11) a yearly certified copy of the operator's driving record;

(12) a copy of the owner's certificate of insurance; and

(13) a copy of the vehicle/truck registration.

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## Proposed Rules

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The contractor or broker must also keep the same records for owner-drivers of trucking firms working on the public works project unless the owner-drivers' information is submitted along with the employee information to a contracting agency as listed under subpart 9.

B. Records and other records deemed appropriate by the commissioners of the Department of Transportation or the Department of Labor and Industry or the contracting agency, must be provided upon request accompanied by a certification form approved by the requesting agency.

Subp. 9. **Required employee records.** Records pertaining to the proper payment of employees including, but not limited to, fringe benefit documentation, time cards, payroll ledgers, check registers, and canceled checks will be made available on request from the agency for further review to determine if the employee was paid according to this part and *Minnesota Statutes*, sections 177.41 to 177.44. Additionally, if the contracting agency requests any or all of the following information, the contractor, subcontractor, or trucking firms shall submit the information to the agency accompanied by certification forms approved by the requesting agency:

A. name, address, and social security number of the employee;

B. the classification of work performed defined by part 5200.1100, master job classification;

C. the hours worked per day and per week;

D. legal deductions made from the employee's check;

E. contract information surrounding the public works projects worked during the pay period;

F. hourly rate of pay, including any fringe benefit information deemed necessary to determine if the proper prevailing wage rate was paid;

G. project gross amount earned;

H. weekly gross and net amount of payroll check; or

I. in the case of the owner-driver, information described in items A to E shall be submitted along with the hourly truck rental rate paid to the owner-driver.

## Adopted Rules

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

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

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

### Exempt Rules

An exempt rule adopted under *Minnesota Statutes* §§ 14.386 or 14.388 is effective upon its publication in the *State Register*.

### Emergency Expedited Rules

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

## Board of Chiropractic Examiners

### Adopted Permanent Rules Relating to Graduate Preceptorship Program

The rules proposed and published at *State Register*, Volume 24, Number 46, pages 1644-1646, May 15, 2000 (24 SR 1644), are adopted as proposed.

## Board of Dietetics and Nutrition Practice

### Adopted Permanent Rules Relating to Licensing and Fees

The rules proposed and published at *State Register*, Volume 24, Number 48, pages 1714-1716, May 30, 2000 (24 SR 1714), are adopted with the following modifications:

#### 3250.0045 TERMS AND RENEWAL OF LICENSE.

Subp. 4. **Termination due to nonrenewal of license.** The board shall terminate the license of a licensee whose license renewal has not been received by January 30 and to whom notification has been sent as provided in subpart 3. Failure of a licensee to receive notification because of the licensee's failure to provide the board with a current mailing address is not grounds for later challenge by the licensee of the termination. The former licensee must be notified by first class mail within seven days of the board action. The terminated status placed on a license may be removed by following the criteria of part 3250.0150 for reinstatement.

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## Exempt Rules

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

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

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

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

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

## Department of Labor and Industry Occupational Safety and Health Division

### Proposed Exempt Permanent Rules Relating to Occupational Safety and Health; High Visibility Personal Protective Equipment

#### REQUEST FOR COMMENTS on Proposed Exempt Permanent Rules Relating to Occupational Safety and Health

**NOTICE IS HEREBY GIVEN** that the Department of Labor and Industry, Occupational Safety and Health Division (Minnesota OSHA), proposes to adopt the following amendment to the Department of Labor and Industry, Occupational Safety and Health Rules. Statutory authority to adopt the amendment is in *Minnesota Statutes* § 182.655 (1998).

This notice proposes the revisions to *Minnesota Rules* 5205.0030 and 5207.0100 "High Visibility Personal Protective Equipment," and 5207.1000 "Operation of Mobile Earth-Moving Equipment." The rules are being revised to clarify the high visibility personal protective equipment requirements to provide better protection of workers who are exposed to or adjacent to moving motor vehicle traffic. Text of the proposed rules follows this notice.

All interested or affected persons have 30 days from the date this notice is published in the *State Register* to submit, in writing, data and views on the proposed amendments to the rule. Comments in support of or in opposition to the proposed amendments are encouraged. Each comment should identify the portion of the proposed amendment addressed, the reason for the comment, and any change proposed. The comment period will close on November 1, 2000.

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

Written comments or requests for a public hearing should be sent to: Occupational Safety and Health Division, Department of Labor and Industry, 443 Lafayette Road, St. Paul, Minnesota 55155-4307.

Gretchen B. Maglich  
Commissioner

#### **5205.0030 HIGH VISIBILITY PERSONAL PROTECTIVE EQUIPMENT.**

Subpart 1. **General requirement.** ~~Employees~~ Each employee, other than police and fire protection personnel covered by subpart 3, exposed to ~~vehicular traffic when the work area is on the driving lanes or on the shoulders or berms, or on the median adjacent to streets, highways, or roadways~~ or working adjacent to moving motor vehicle traffic as part of the employee's assigned job shall be provided with and required to wear a high visibility warning ~~vests~~ vest or other high visibility ~~garments.~~ For work

~~during the hours of darkness this protective equipment must be made of or marked with reflectorized material garment. A high visibility garment is defined as being a Class 2 garment or greater as specified by ANSI/ISEA Standard 107-1999.~~

Subp. 1a. Maintenance of garments. ~~If the high visibility personal protective equipment becomes faded, torn, dirty, worn, or defaced, reducing the equipment's performance below manufacturer's recommendations, the high visibility personal protective equipment shall be immediately removed from service and replaced.~~

Subp. 2. Exception. ~~Where employees are continually protected from vehicular traffic by permanent or semipermanent barricades, high visibility vests, or other high visibility equipment are not required permanent or semipermanent barricades designed to stop or deflect vehicle traffic upon impact are in place to protect employees from moving motor vehicles, employees are not required to wear high visibility personal protective equipment while working inside these protected areas.~~

Subp. 3. Law enforcement, fire protection personnel. ~~Law enforcement and fire protection personnel shall be provided with, and be required to wear, a high visibility, reflectorized outer garments at garment any time such the personnel are engaged in vehicular traffic control. For fire protection personnel, compliance with NFPA No. 1971 is acceptable.~~

#### **5207.0100 HIGH VISIBILITY PERSONAL PROTECTIVE EQUIPMENT.**

Subpart 1. General requirement. ~~Employees Each employee exposed to vehicular traffic when the work area is on the driving lanes or on the shoulders or berms, or on the median adjacent to streets, highways, or roadways or working adjacent to moving motor vehicles as part of the employee's assigned job shall be provided with and required to wear warning vests or other high visibility garments. For work during the hours of darkness, this protective equipment must be made of or marked with reflectorized material a high visibility warning vest or other high visibility garment. A high visibility garment is defined as being a Class 2 garment or greater as specified by ANSI/ISEA Standard 107-1999.~~

Subp. 2. Maintenance of garments. ~~If the high visibility personal protective equipment becomes faded, torn, dirty, worn, or defaced, reducing the equipment's performance below the manufacturer's recommendations, the high visibility personal protective equipment shall be immediately removed from service and replaced.~~

Subp. 3. Exception. ~~Where permanent or semipermanent barricades designed to stop or deflect vehicular traffic upon impact are installed in place to protect employees from vehicular traffic, high visibility vests or other high visibility equipment is not required moving motor vehicles, employees are not required to wear high visibility personal protective equipment while working inside these protected areas.~~

#### **5207.1000 OPERATION OF MOBILE EARTH-MOVING EQUIPMENT.**

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

##### **Subp. 4. High visibility personal protective equipment.**

A. Each employee working on the ground who is exposed to mobile earth-moving equipment shall be provided with and required to wear a high visibility warning vest or other high visibility garments. ~~For work during hours of darkness or low light conditions of less than one foot candle, this protective equipment must be made of or marked with retroreflective material A high visibility garment is defined as being a Class 2 garment or greater as specified by ANSI/ISEA Standard 107-1999.~~

B. High visibility apparel, as described in item A, shall comply with the specifications in part 5207.0100.

[For text of subs 5 and 6, see M.R.]

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## Exempt Rules

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### Department of Natural Resources

#### Exempt Permanent Rules Relating to Public Use of Recreational Areas

##### ORDER ADOPTING AMENDMENTS TO RULES

Amendment of the Rules of the State of Minnesota, Department of Natural Resources, Governing Parks and Other Recreational Areas, *Minnesota Rules*, parts 6100.0100 to 6100.2400

##### WHEREAS:

1. *Laws of Minnesota 2000*, Chapter 485, section 28, provides that the rules governing parks and other recreational areas are to be modified as specified in that chapter and section, and adopted pursuant to *Minnesota Statutes*, section 14.388.
2. The Department of Natural Resources finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impractical, or contrary to the public interest when amending these rules. Pursuant to *Minnesota Statutes*, section 14.388, clause (3), these amendments incorporate specific changes set forth in applicable statutes with no interpretation of law required;

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

Rules Governing Parks and Trails; Public Use of State Parks and Other Recreational Areas, *Minnesota Rules*, parts 6100.0100 to 6100.2400, in the form set out in the Revisor's draft, file number RD3147, dated 07/25/00, are adopted the 28th day of August 2000, pursuant to the requirements of *Laws of Minnesota 2000*, Chapter 485, section 28.

Allen Garber  
Commissioner  
Department of Natural Resources

##### **6100.1950 MOTOR VEHICLES AND SNOWMOBILES; FOREST LANDS.**

Subpart 1. **Classified forest lands.** The operation of motor vehicles and snowmobiles on forest lands classified by the commissioner for purposes of motor vehicle use according to subpart 2 and *Minnesota Statutes*, section 89.002, is regulated according to items A to C.

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

B. Motor vehicles may operate on forest lands classified as limited only on forest roads that are not posted and designated closed and on forest trails or areas that are posted and designated to allow motor vehicle use, subject to the limitations and exceptions in this part.

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

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

##### Subp. 7. **Other prohibitions and exceptions.**

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

C. No person shall operate a motor vehicle or snowmobile in the Richard J. Dorer memorial hardwood forest, except on forest roads that are not posted and designated as closed, and on forest trails or areas that are posted and designated to allow the use of motor vehicles or snowmobiles. The exception for big game retrieval under item A, ~~subitem (1)~~, D does not apply.

D. On forest lands classified as limited, persons lawfully engaged in hunting big game or constructing hunting stands during October, November, and December, or trapping during open seasons, may use ATV's off forest trails in a manner consistent with this subpart. This exception does not apply in the Richard J. Dorer memorial hardwood forest.

E. No person shall construct an unauthorized permanent trail on forest lands.

[For text of subp 8, see M.R.]

## Official Notices

*Pursuant to Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking. The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

### Department of Health

#### Health Policy and Systems Compliance Division

#### Managed Care Systems Section

#### Solicitation of Public Comments on Essential Community Provider (ECP) Applications

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Health has received applications to be designated as Essential Community Providers (ECPs) from the following entities:

**Northwest Youth and Family Services**

3490 Lexington Avenue North, Suite #205  
Shoreview, Minnesota 55126

**St. David's Child Development and Family Services** (includes sites in Minnetonka, Richfield, and Brooklyn Park)

3395 Plymouth Road  
Minnetonka, Minnesota 55305

Pursuant to *Minnesota Statutes*, section 62Q.19, subdivision 1 (5), the public shall have 30 days from the date of this publication to submit written comments on these applications to the commissioner of health. Please submit any written comments to:

Tom Johnson  
Minnesota Department of Health  
P.O. Box 64975  
St. Paul, Minnesota 55164-0975

Questions may be directed to Tom Johnson at (651) 282-6333 or by **email:** [tom.johnson@health.state.mn.us](mailto:tom.johnson@health.state.mn.us).

### Department of Health

#### Public Hearing Regarding the Minnesota Department of Health Application to the Federal Department of Health and Human Services for Federal Fiscal Year 2001 Preventive Health and Health Services Block Grant Funding

The Minnesota Department of Health will sponsor a public hearing to obtain comments on the application for federal fiscal year 2001 Preventive Health and Health Services Block Grant funds. The draft application for those funds is available for inspection upon request.

The public hearing will be conducted as part of a meeting of the State Preventive Health Advisory Committee held Monday, October 9, 2000 at the Minnesota Department of Health, Metro Square Building, 121 East Seventh Place, St. Paul, Minnesota. The public hearing and meeting will begin at 1:00 p.m. in the Lower Level Meeting Room 56. Any person or group may submit either written or oral comments at the meeting.

Written comments may be submitted by Monday, October 9, 2000 to the address below.

For further information contact:

Debra Burns, Section Manager  
Health Systems Development  
Minnesota Department of Health  
121 E. Seventh Place  
P.O. Box 64975  
St. Paul, Minnesota 55164-0975  
**Phone:** (651) 296-8209  
**Email:** [debra.burns@health.state.mn.us](mailto:debra.burns@health.state.mn.us)

## Health Technology Advisory Committee

### Notice of: 1) Availability of Preliminary "Helical Computed Tomography (CT) for Lung Cancer Screening for Asymptomatic Patients" Evaluation Report; and 2) Solicitation of Written Comments

The Health Technology Advisory Committee (HTAC) is charged under *Minnesota Statutes* 62J.152 with conducting evaluations of specific technologies and their specific use and application. For the purposes of evaluation, the definition of technologies in statute includes "... drugs, devices, procedures, or processes applied to human health care ... ." As part of the evaluation process, HTAC is required to submit a report to the Legislative Oversight Commission on Health Care Access and to solicit written comments on the report. Before completing its final comments and recommendations on the HTAC technology evaluation report, HTAC solicits public comment on the report.

The Health Technology Advisory Committee (HTAC) has recently completed the preliminary evaluation report, "Helical Computed Tomography (CT) for Lung Cancer Screening for Asymptomatic Patients".

#### Brief Summary of the Preliminary HTAC Report: Helical Computed Tomography (CT) for Lung Cancer Screening for Asymptomatic Patients

The overall prognosis for lung cancer is generally poor, with a 5-year survival rate less than 15%. In Minnesota, an estimated 2,300 new cases of lung cancer are diagnosed each year. Despite evidence that early detection can result in substantially increased long-term survival, a number of clinical trials have not demonstrated a decrease in lung cancer-related mortality or a definitive increase in survival associated with annual screening of high-risk individuals.

While helical CT scans may be able to detect nodules at an earlier stage, at the present time there is no evidence from randomized controlled trials that screening asymptomatic individuals for lung cancer with helical CT can increase actual survival time or reduce lung cancer-related mortality.

The use of helical CT is valuable for case-finding in individuals with specific concerns or for diagnosis of pulmonary lesions in symptomatic individuals. Due to the high false-positive rate associated with helical CT, detection of lung cancer by routine screening of asymptomatic individuals with helical CT may trigger a cascade of care, which leads to unnecessary secondary testing.

#### Recommendations

Physicians should utilize a helical CT scan for specific indications in individual patients.

The potential long-term efficacy and cost-effectiveness of the use of helical CT scanning for lung cancer screening should be established through additional published studies before becoming common practice.

Individuals or organizations requesting information or a copy of the report should contact HTAC. Written comments regarding the report are due within 30 days from the publication of this notice. Any written material received by HTAC shall be subject to the requirements of the Minnesota Data Practices Act (*Minnesota Statutes*, Section 13) and should be forwarded to:

Nancy Cusick  
Health Technology Advisory Committee  
121 East 7th Place, Suite 400  
St. Paul, MN 55101  
**Phone:** (651) 282-6374  
**Fax:** (651) 282-5628  
<http://www.health.state.mn.us/htac/index.htm>

## Health Technology Advisory Committee

### Notice of: 1) Availability of Preliminary "St. John's Wort" Evaluation Report; and 2) Solicitation of Written Comments

The Health Technology Advisory Committee (HTAC) is charged under *Minnesota Statutes* 62J.152 with conducting evaluations of specific technologies and their specific use and application. For the purposes of evaluation, the definition of technologies in statute includes "... drugs, devices, procedures, or processes applied to human health care ... ." As part of the evaluation process, HTAC is required to submit a report to the Legislative Oversight Commission on Health Care Access and to solicit written com-

ments on the report. Before completing its final comments and recommendations on the HTAC technology evaluation report, HTAC solicits public comment on the report.

The Health Technology Advisory Committee (HTAC) has recently completed the preliminary evaluation report, "St. John's Wort".

### **Brief Summary of the Preliminary HTAC Report: St. John's Wort**

Strong marketing, and belief by consumers that herbal products are "natural", therefore safe and effective, has resulted in a rapid increase in use. Herbal products are classified as dietary supplements, and therefore, are regulated by the FDA under the Dietary Supplement Health and Education Act of 1994 (DESHA). This act permits the sale of dietary supplements by the FDA without the extensive premarket approval process required of new drugs.

Limited data exist demonstrating the effectiveness of St. John's wort with mild and moderate depression. Studies have shown St. John's wort to have fewer side effects than certain antidepressants. St. John's wort has not been systematically studied to document safety, side effects, toxicity or interactions. Although some interactions have been reported, there is a lack of scientific information on the interactions of St. John's wort with over-the-counter drugs, prescription drugs, other herbal products and food

### **Recommendations**

All persons should consult their physician prior to taking St. John's wort.

Additional data from well-designed, controlled studies is needed to determine the effectiveness and safety of St. John's wort and its potential interactions with other drugs.

Physicians should inquire if patients are taking any herbal supplements prior to prescribing any drug.

Pharmacists should inquire if patients are taking any herbal supplements prior to dispensing any drug.

Patients should be informed about possible complications, drug interactions, and food interactions that can occur with St. John's wort (herbal supplements).

Patients who are currently taking indinavir and cyclosporin should **NOT** take St. John's wort.

Equal caution should be exercised whether using herbal supplements or prescription drugs.

The same FDA rules governing prescription drugs should also be required for herbal supplements.

Individuals or organizations requesting information or a copy of the report should contact HTAC. Written comments regarding the report are due within 30 days from the publication of this notice. Any written material received by HTAC shall be subject to the requirements of the Minnesota Data Practices Act (*Minnesota Statutes*, Section 13) and should be forwarded to:

Nancy Cusick  
Health Technology Advisory Committee  
121 East 7th Place, Suite 400  
St. Paul, MN 55101  
**Phone:** (651) 282-6374  
**Fax:** (651) 282-5628  
<http://www.health.state.mn.us/htac/index.htm>

## **Department of Human Services**

### **Authorization List**

The following is a listing of adds, deletes and changes to the current authorization list. The newly added, deleted and changed codes will require authorization on or after October 1, 2000. As authorized by *Minnesota Statutes*, section 256B.0625,9 subdivision 25, the following list includes all health services that have been added, changed, or deleted from authorization as a condition of Minnesota Health Care Programs (MHCP) payment. The list is presented in sections: Dental Services, Vision Care Services, Medical Supplies and Equipment, Prosthetics and Orthotics, Hearing Aids, Drugs, Rehabilitative Services, and All Other Services. The criteria used to develop this list are as follows:

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

## Official Notices

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

**These newly added or changed codes will require Authorization for services provided on or after October 2, 2000.**

☛ Identifies added or changed codes

### I. Dental

No updates this publication

### II. Vision Care Services

No updates this publication

### III. Medical Supplies and Equipment; Prostheses and Orthoses

**DELETED CODES** (no longer needs authorization)

- B9000 Enteral nutrition infusion pump - without alarm
- B9002 Enteral nutrition infusion pump - with alarm
- B9004 Parenteral nutrition infusion pump, portable
- B9006 Parenteral nutrition infusion pump, stationary
- E0791 Parenteral infusion pump, stationary, single or multichannel
- A4631 Replacement batteries for medically necessary electronic wheelchair owned by patient.
- K0082 22NF deep cycle lead acid battery, each
- K0083 22NF gel cell battery, each
- K0084 Group 24 deep cycle lead acid battery, each
- K0085 Group 24 gel cell battery, each
- K0086 U-1 lead acid battery, each
- K0087 U-1 gel cell battery, each

### IV. Hearing Aids

No updates this publication

### V. Drugs

**ADDED CODES**

- ☛ Zoloft 25mg.
- ☛ Zoloft 50mg.
- ☛ Aciphex

**DELETED CODES** (no longer needs authorization)

- Demeclocycline (Declomycin)
- Epoetin Alfa/Erythropoietin/EPO (Epogen and Procrit)
- Filgrastim/G-CSF (Neupogen)
- Granisetron (Kytril) [for more than 4 consecutive weeks of continuous treatment]
- Viagra
- Sargramostim/GM-CSF (Leukine and Prokine)

**VI. Rehabilitative Services**

No update this publication

**VII. All Other Services**

1. Non-investigative Services

**ADDED CODES**

<u>Code</u>	<u>Description</u>
☛ 33975	Implantation of ventricular assist device; single ventricle support
☛ 33976	biventricular support

**DELETED CODES** (no longer needs authorization)

<u>Code</u>	<u>Description</u>
11450	Excision of skin and subcutaneous tissue for hidradenitis, axillary; with simple or intermediate repair
11451	with complex repair
11462	Excision of skin and subcutaneous tissue for hidradenitis, inguinal; with simple or intermediate repair
11463	with complex repair
11470	Excision of skin and subcutaneous tissue for hidradenitis; perianal, perineal, or umbilical; with simple or intermediate repair
11471	with complex repair
17106*24	Destruction of cutaneous vascular proliferative lesions (e.g. laser technique); less than 10 sq. cm
17107*24	10.0 - 50.0 sq. cm
17108*24	over 50.0 sq. cm
21462*7	Open treatment of closed or open mandibular fracture, with interdental fixation
61770	Stereotactic localization, or any method, including burr hole(s), with insertion of catheter(s) for brachytherapy (for Parkinsonism)
75553	Cardiac MRI for morphology; with contrast material
75554	Cardiac MRI for function, with or without morphology, complete study
75555	Cardiac MRI for function, with or without morphology; limited study
75556	Cardiac MRI for velocity flow mapping
76070*26	Computerized tomography, bone density study.
76075*27	Dual energy X-ray absorptiometry (DEXNA), bone density study.
76076*28	Dual energy X-ray absorptiometry (DEXA), bone density study, one or more sites.
76078	Radiographic absorptiometry (photodensitometry), one or more sites
76093	MRI breast, unilateral, with or without contrast
76094	MRI breast, bilateral, with or without contrast
78350	Bone density (bone mineral content) study; single photon absorptiometry
78351	dual photon absorptiometry
78494	Cardiac blood pool imaging, gated equilibrium, SPECT, at rest, wall motion study plus ejection fraction, with or without quantitative processing.
*4	A. Authorization is required for more than twenty-six (26) hours (52 visits/units of 90804, 90805) or 90875 (when billed in one unit increments) and twenty (20) hours of 90806 or 90807 or 40 units of 90875 (when billed in two-unit increments) per calendar year. Note: The 90875 when billed as one unit and 90804 or 90805 combined decrements from the total 26 hours per calendar year. There is not a separate benefit level for each code. Likewise, 90875 when billed as two units and 90806 or 90807 combined decrement from the total 20 hours per calendar year. There is not a separate benefit level for each code.

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B. In addition to the twenty hours of 90806 or 90807 allowed in A above, a recipient is entitled to six (6) X5531's which are discretionary visits and may be used in any frequency or in combination with any other psychotherapy which is subject to the PA requirement without requiring PA. For example, a provider may choose to provide a group therapy session (90853) and an individual therapy session (90806 or 90807 or X5531) during the same five (5) day calendar period. This would normally require PA if the 90806 or 90807 code was used. See F below. However, by using one of the six (6) X5531's the PA system can be bypassed. The purpose of these X5531's is to provide flexibility without the need for obtaining PA. Please utilize them carefully and thoughtfully.

C. PA is required when 90804 or 90805 or one unit of 90875 is provided in excess of once every five (5) calendar days.

D. PA is required either when more than three (3) hours of 90853 are provided within a five (5) calendar day period, or when more than seventy-eight (78) hours per calendar year has been reached.

E. PA is required for 90847 in excess of 26 hours per calendar year or when provided in excess of once every five (5) calendar days. (Note: 90846 must be used when the family member being treated is not present during the family therapy session. CPT 90846 is subject to the same P.A. requirements and limitations as those imposed on CPT 90847. Use of this code does not result in an additional benefit level but counts against the benefit level available for 90847.

F. PA is required when more than one type of psychotherapy (individual, group, or family) is provided within a five (5) calendar day period. However, 90804-90807 cannot be provided in excess of once every ten (10) calendar days without PA. (Note: 90846 and 90847 are both considered to be family therapy.) For children under age 21, these restrictions do not apply. For children, there are no spacing requirements applied between individual and family psychotherapy. They are flexible with no spacing requirement applied between these services.

G. PA is required for 90806 or 90807 or two units of 90875 when provided in excess of once every ten (10) calendar days, and when 90804 or 90805 or one unit of 90875 and 90806 or 90807 or two units of 90875 are provided in excess of one every ten (10) calendar days. For children under age 21, these restrictions do not apply). The provision of these services for children will be subject to a weekly (5 day) spacing with PA needed after the basic benefit is used.

Calendar days are calculated by counting the first day after rendering a service as day one (1) and counting forward for a total of five (5) or ten (10) days as applicable. Additional services may not be provided until the sixth (6th) or eleventh (11th) day.

- \*14 Authorization is required for 90802, 90810-90814, 90857 when the thresholds of 90801, 90806 or 90807, 90853 have been used. These codes will be including the thresholds of codes 90801, 90806 or 90807, 90853. (The provider cannot bill both a 90806 or 90807 and 90810-90814. They must choose one or the other.)
- \*7 Authorization is required if this code is used more than 30 days after documented fracture
- \*26 Authorization is required after 1 per calendar year
- \*27 Authorization is required after 1 per calendar year.
- \*28 Authorization is required after 1 per calendar year.

### II. Investigative List Alpha Order

No update this publication

### III. Investigative List Numeric

No update this publication

## Department of Labor and Industry

### Labor Standards Unit

#### Notice of Addition to Commercial Prevailing Wage Rates

An additional rate has been added to the Commercial Prevailing Wage Rates certified 12/06/99, for **Group 6 in Polk County**.

Copies of the corrected certification may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306, or by calling (651) 296-6452. Charges for the cost of copying and mailing are \$.65 per page. Make check or money order payable to the State of Minnesota.

Gretchen B. Maglich  
Commissioner

## Metropolitan Council

#### Notice of Public Hearing on West Metro Transit Restructuring Plan

The Metropolitan Council will hold public hearings on Thursday, October 26; Monday, October 30; and Thursday, November 2, to receive public comment on the proposed West Metro Transit Restructuring Plan.

The goal of the plan is to provide better and more efficient transit services in the western suburbs of Hopkins, Minnetonka and St. Louis Park. This includes changes to Metro Transit bus service as well as transit services provided by other operators. Routes affected include: 8, 9, 12, 17, 59, 64, 67, 71, 604, 605, 614, 662, 663, 665, 670.

Proposed changes include implementing a simpler route structure, providing more suburb-to-suburb trips, improving reverse commute service to suburban employment locations, and reducing and eliminating a few low ridership segments.

Additional, frequency reductions are being considered for the Bryn Mawr and Glenwood Avenue areas of Minneapolis and Golden Valley (Routes 8 and 9), the Franklin Avenue Southeast area of Minneapolis (Route 8) and the Minneapolis segment of Route 12. An open house will be held on Monday, October 23 to discuss these proposed frequency reductions.

The public hearings will be held:

- **Thursday, October 26, 2000**  
6:30 p.m.  
Hopkins City Hall  
1010 South 1st Street  
Hopkins
- **Monday October 30, 2000**  
6:30 p.m.  
St. Louis Park City Hall  
5005 Minnetonka Blvd.  
St. Louis Park
- **Thursday November 2**  
7:00 p.m.  
Minnetonka City Hall  
14600 Minnetonka Blvd.  
Minnetonka

The open house will be held:

- **Monday, October 23**  
6:30 p.m.  
Minneapolis Public Library  
300 Nicollet Mall  
Minneapolis

## Official Notices

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All interested persons are encouraged to attend the hearing and offer comments. People may register in advance to speak by calling The Regional Data Center at (651) 602-1140 or (651) 291-0904 (TTY). Upon request, the Council will provide reasonable accommodations to persons with disabilities.

Comments, which must be received by Monday, November 13, 2000 may also be submitted as follows:

- Send written comments to Steve Mahowald at Metro Transit, 560 Sixth Ave., North, Minneapolis, MN 55411
- Fax comments to Steve Mahowald at (612) 349-7675
- Record comments on a Public Comment Line at (651) 602-1500
- Email comments to *steve.mahowald@metc.state.mn.us*
- Send TTY comments to Steve Mahowald's attention at (651) 291-0904

Copies of the public hearing draft proposal of the West Metro Transit Restructuring Plan will be available beginning October 16th. They may be picked up at the Minneapolis Transit Store at 719 Marquette Ave., Minneapolis, the Metropolitan Council Regional Data Center, 230 East Fifth Street, St. Paul, or by calling (651) 602-1140 or by **email**: *data.center@metc.state.mn.us*

## Minnesota Racing Commission

### REQUEST FOR COMMENTS on Planned Amendment to Rules Governing Pari-Mutuel Rules, *Minnesota Rules, 7873*; Class C Licenses, *Minnesota Rules, 7877*; Horse Races, *Minnesota Rules, 7883*; Horse Medication, *Minnesota Rules, 7890*; Prohibited Acts, *Minnesota Rules, 7897*; other rule amendments proposed by industry groups

**Subject of Rules.** The Minnesota Racing Commission requests comments on its planned amendment to rules governing the number of betting interests required on trifecta races, mandatory payout on the pick six, fingerprinting requirements, jockey mount fees, responsibility of trainers in maintaining employee lists, requirements for apprentice jockeys, clarification of what the jockey's weight includes, helmet requirements, duties and responsibilities of veterinarians, horse registration and eligibility for stakes races, workout requirements, scale of jockey weights and weight for age of horse, time allowances for the claiming procedure, location of remounting substitute jockeys due to injury, bleeders, prohibited acts, and other rule amendments as proposed by industry groups.

**Persons Affected.** The amendment to the rules would likely affect licensed racetracks; horse owners, trainers, jockeys, and other individuals competing and performing work at a licensed racetrack, individuals throughout the state who participate in the horse racing and breeding industry, and the wagering public.

**Statutory Authority.** The commission's statutory authority to amend these rules is set out in *Minnesota Statutes*, sections 240.08 subd. 3 Class C Investigations; 240.13 subd. 3 Pari-Mutuel Betting; 240.19 Contracts; 240.22 Fines; 240.23 General; and 240.24 Medication.

**Public Comment.** Interested persons or groups may submit comments or information on these planned rules in writing or orally until further notice is published in the *State Register* that the commission intends to adopt or to withdraw the rules. The commission has appointed an advisory committee to comment on the planned rules.

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

**Agency Contact Person.** Written or oral comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these planned rules should be directed to:

Richard G. Krueger, Executive Director  
Minnesota Racing Commission  
P.O. Box 630  
Shakopee, MN 55379  
**Phone:** (952) 496-7950  
**Fax:** (952) 496-7954  
**Email:** *richard.krueger@state.mn.us*  
**TTY:** users may call the commission at (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.

Dated: 20 September 2000

Richard G. Krueger  
Executive Director  
Minnesota Racing Commission

## 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 Children, Families and Learning Office of Teaching and Learning

### Request for Proposal for a Grant Contract – Assistance for Immigrant Families: Literacy and Vocational Skills for Immigrants Ages 12-24

The Minnesota Department of Children, Families and Learning is seeking proposals from eligible applicants to assist immigrants ages 12-24 in becoming literate and acquiring career/vocational skills. English language training must be an integral component of a proposed program as the purpose of this program is to build both literacy and vocational skills. Vocational skills for purposes of this grant includes a broad array of career awareness and vocational activities including but not limited to career planning, service learning, job shadowing, internships, mentorships, occupational skill training, job seeking/keeping skills, technology training, personal skills and basic skills integrating career and vocational content. Eligible organizations include community-based and non-profit organizations, school districts, adult basic education programs, post-secondary institutions, workforce centers, and other non-profit organizations that have experience providing ESL, vocational, or related services to the eligible population.

Funding is available for the 2001 fiscal year (July 1, 2000 through June 30, 2001). Application deadline is October 27, 2000.

For further information or to request a copy of the Request for Proposal, please contact:

Laurie Rheault, Grant Specialist  
Minnesota Department of Children, Families and Learning  
Adult Basic Education Unit  
1500 Highway 36 W.  
Roseville, MN 55113  
**Phone:** (651) 582-8432  
**Email:** [laurie.rheault@state.mn.us](mailto:laurie.rheault@state.mn.us)

## Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$25,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: agency name and address, name of agency contact person, description of project and tasks, cost estimate and final submission date and time of completed proposal. Certain quasi-state agencies and MnSCU institutions are exempted from these provisions. In accordance with *Minnesota Rules* 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. Certified Economically Disadvantaged Businesses and individuals shall receive the equivalent of a 4% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (651) 296-2600 or [TTY (651) 282-5799.]

### Department of Administration

#### Risk Management Division

#### Notice of Availability of a Request for Proposals for Provision of Insurance Agency and Risk Management Services to All State Departments and Agencies

The Department of Administration, Risk Management Division, herein gives notice of the availability of a Request for Proposals on provision of insurance agency and risk management services to all state departments and agencies. In fiscal year 2000, the State spent \$6.1 million on insurance.

The Risk Management Division is seeking to contract with a "preferred" insurance agent or insurance company in the interests of: (1) minimizing the total cost of risk to the State; (2) development of a comprehensive risk management approach to the handling of the State's risk; (3) effective procurement of insurance; and, (4) the availability of comprehensive risk management services to help the State to address their risk management issues.

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

An informational meeting for all potential proposers will be held on Tuesday, October 10, 2000, 9:00-10:30 a.m., in the Minneapolis Conference Room, 112 State Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota. This meeting will provide an opportunity for proposers to ask questions regarding the Request for Proposals.

A free-of-charge copy of the Request for Proposals can be requested through the mail by calling the Risk Management Division at (651) 296-5412, by **email**: [Phillip.Blue@state.mn.us](mailto:Phillip.Blue@state.mn.us), or picked up at the Department of Administration, Risk Management Division, 309 Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota 55155.

The proposal due date is 4:00 p.m. (Central Standard Time), Monday, October 30, 2000. Late proposals will not be considered.

### Department of Human Services

#### Health Care Operations Division

#### Notice of Availability of Request for Proposals (RFP) for the Provision of Software Programming and Database Administration Maintenance and Enhancement Services for Three Mainframe Information Systems

The Minnesota Department of Human Services (DHS), through its Health Care Operations (HCO) division, is seeking proposals from vendors who are interested in providing DHS with certain software programming and database administration services to help support, maintain and enhance three DHS mainframe information systems:

1. MMIS (Medicaid Management Information System);
2. MAXIS (a system used to determine eligibility for a number of public assistance programs); and
3. PRISM (a system that helps collect child support payments).

Vendors who submit proposals and meet the evaluation criteria contained in the RFP will be asked to enter into State of Minnesota Master Contracts, which will make them eligible to respond to work order calls for information technology programming and database administration services that are needed by the mainframe systems to meet staffing needs that cannot be met using available state employees and other resources. All work to be performed under the Master Contracts awarded through this

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## Professional, Technical & Consulting Contracts

RFP process will be performed by the Master Contract vendor that provides DHS with the best value for each individual work order request.

A complete copy of the RFP may be obtained by contacting Joyce Fischer at the mailing address, email address or telephone number below:

Ms. Joyce Fischer  
Minnesota Department of Human Services  
Health Care Operations Division  
444 Lafayette Road  
St. Paul, MN 55155  
**Phone:** (651) 296-6429  
**Email:** *Joyce.Fischer@state.mn.us*

DHS will hold a Vendors Conference on Monday, October 9, 2000, from 1:30 to 3:30 p.m. in Conference Rooms 1A and 1B at 444 Lafayette Road, St. Paul, Minnesota. The Vendors Conference will provide potential proposers with an opportunity to ask questions and learn more about the RFP. Questions before the Vendors Conference regarding this RFP may be submitted via e-mail only to Joyce Fischer. All such questions will be responded to as provided in the RFP document.

All proposals must be received no later than 3 p.m. on Monday, October 23, 2000, in the manner specified in the RFP document.

## Department of Natural Resources

### Request for Proposal for Clearwater County 122 Reconditioning

The Minnesota Department of Natural Resources, Bureau of Engineering and Division of Parks and Recreation request proposals from interested consulting engineering firms for professional services in relation to the preparation of a pre-design report, construction plans and specifications and providing construction inspection and contract administration for Reconstruction of Clearwater County 122 thru Itasca State Park.

The project is scheduled for an April, 2001 construction letting.

To receive a copy of the complete Request for Proposal, Contractors will be required to submit a written request, either by direct mail or fax, to the address indicated below through October 11, 2000. After October 11, 2000, Contractors will be required to pickup the Request for Proposal in person from our office. Site visitation is encouraged. A meeting is scheduled at the site for October 12, 2000 to show potential consultants the project. Meet at Forest Inn at 1:00 p.m.

Complete Requests for Proposals can be obtained from:

John Filardo, P.E.  
Regional Engineer  
Minnesota Department of Natural Resources  
2115 Birchmont Beach Road NE  
Bemidji, MN 56601  
**Phone:** (218) 755-3641  
**Fax:** (218) 755-4413

The responses to the Request for Proposals must be received by 2:00 p.m., October 26, 2000.

**Late submittals will not be considered.**

The successful responders will be required to submit acceptable evidence of compliance with worker's compensation insurance coverage requirements prior to execution of the contract.

This request does not obligate the Minnesota Department of Natural Resources to complete the work contemplated in this notice, and the Department reserves the right to cancel this solicitation at any time. All expenses incurred by submitting a response to this notice will be borne by the responder.

### Department of Public Safety

#### Bureau of Criminal Apprehension, Forensic Laboratory

#### Notice of Request for Proposals for a Laboratory Information Management System (LIMS)

The Minnesota Department of Public Safety, Bureau of Criminal Apprehension (BCA) Laboratory is seeking proposals for the development of a Laboratory Information Management System (LIMS). LIMS is to be an integrated environment that provides efficiencies in evidence receipt, tracking, processing, analysis, and reporting. It will need to record and report on the full range of forensic laboratory activities. The contractor selected to assist the BCA Lab in this effort will need to provide an application including, but not limited to the following functional areas/features:

- Optional Pre-Logging evidence at remote client sites via web access
- Logging in and tracking evidence through the use of bar coding
- Tracking of case information and work assignments
- Integration of analytical instruments
- Generation, review, tracking and dissemination of Analysis Result reports via hard copy, email and web site
- Control and tracking of the disposition of evidence
- Generation of Lab performance reports
- On line Evidence Chain of Possession
- Fast, easy transfer of evidence
- Evidence inventory control
- QA reporting
- Easy to use utilities for system set-up and administration
- Ability to import data from legacy systems
- Inventories of Kits and Chemicals
- Data Import and Export Features
- Client Access to LIMS data via Web Site
- Data bases and associated reports for Convicted Offenders, Staff Activities, and Chemical Inventory
- Audit trails of all database changes
- Hardware and Software based on current technology.

The BCA seeks proposals from contractors with a record of quality in applications, implementations and support. Details are contained in a Request for Proposals, which may be obtained by calling or writing:

Tony Petracca  
Department of Public Safety  
Bureau of Criminal Apprehension - Forensic Laboratory  
1246 University Avenue  
St. Paul, Minnesota 55104  
**Phone:** (651) 642-0700  
**Fax:** (651) 643-3018  
**Email:** *Tony.Petracca@state.mn.us*

All questions concerning this RFP must be in writing and must be submitted to the above address no later than 1:30 p.m. on October 16, 2000. All answers to questions will be in writing and sent to all entities requesting an RFP. Final date for submitting proposals is 1:30 p.m., on November 6, 2000. Late proposals will not be considered.

This Request for Proposal does not obligate the State to complete the proposed project and the State reserves the right to cancel the solicitation if it is considered to be in the State's best interest. All expenses incurred in responding to this notice shall be borne by the responder.

## Department of Transportation

### Program Support Division

### Office of Technical Support

## Notice of Availability of Contract to Produce Training Video on State of the Art Concrete Pavement Rehabilitation Technology

The Minnesota Department of Transportation (Mn/DOT) is requesting proposals from Contractors who are qualified to produce a training video to transfer state of the art concrete pavement rehabilitation technology expertise to concrete industry, Mn/DOT and federal government employees.

Work is proposed to start after November 13, 2000.

The Request for Proposal will be available by mail from this office through October 9, 2000. **A written request (direct mail or FAX) or an email request is required to receive the Request for Proposal.** After October 9, 2000, the Request for Proposal must be picked up in person.

This document is available in alternative formats for persons with disabilities by calling the Agreement Administrator, Mark Hagen, at (651) 297-1197, or for persons who are hearing or speech impaired by calling the Minnesota Relay Service at (800) 627-3529.

The Request for Proposal can be obtained from the Agreement Administrator:

Mark Hagen  
Consultant Services Unit - 7th Floor North  
Minnesota Department of Transportation  
395 John Ireland Boulevard, MailStop 680  
St. Paul, MN 55155  
**Fax:** (651) 282-5127  
**Email:** [mark.hagen@dot.state.mn.us](mailto:mark.hagen@dot.state.mn.us)

Proposals in response to the Request for Proposals in this advertisement must be received at the above address no later than 2:00 p.m. CDT on October 24, 2000. **Late proposals will not be considered.**

This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice, and the Department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

## Non-State Public Bids, Contracts & Grants

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

## University of Minnesota

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

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

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

