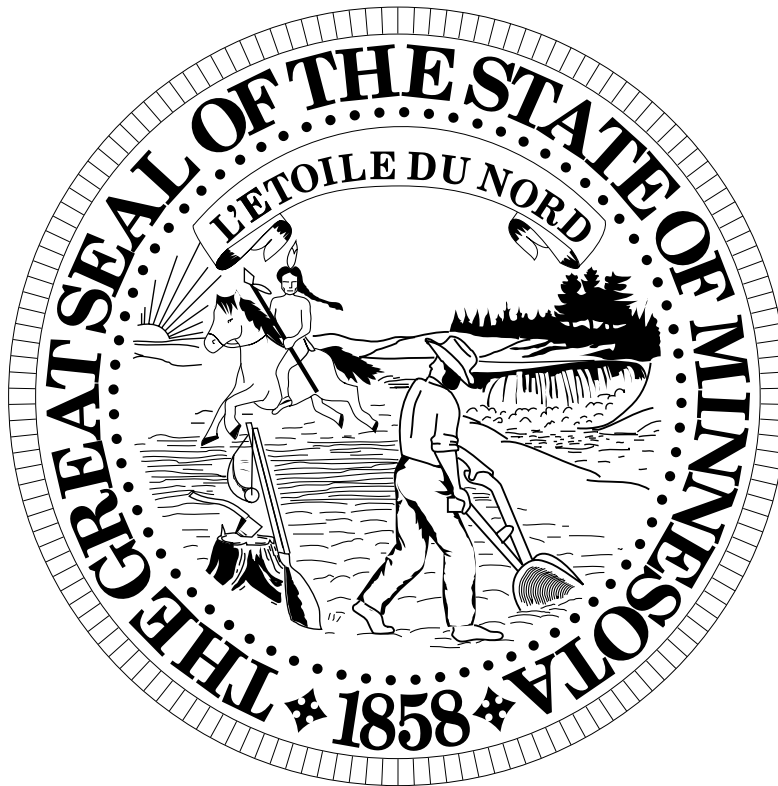


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The *State Register* is the official publication of the State of Minnesota, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes* § 14.46. The *State Register* contains:

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#52	Monday 25 June	Noon Wednesday 13 June	Noon Tuesday 19 June
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Minnesota Rules: Amendments and Additions

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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 Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*.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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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.

Department of Labor and Industry

Adopted Permanent Rules Relating to Prevailing Wages; Trucking

The rules proposed and published at *State Register*, Volume 25, Number 14, pages 772-778, October 2, 2000 (25 SR 772), are adopted with the following modifications:

5200.1106 COVERAGE OF PREVAILING WAGE LAW UNDER MINNESOTA STATUTES, SECTIONS ~~177.43 AND 177.41 TO 177.44.~~

Subpart 1. **In general.** For purposes of ~~this part~~ parts 5200.1105 and 5200.1106 and *Minnesota Statutes*, sections 177.41 to 177.44, the prevailing wage rate which, for the purpose of all public works highway projects funded in whole or in part by state funds only, 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~~

A. Except as provided in subpart 4, work under the contract means all construction activities associated with the public works project, including any required hauling activities on the site of or to or from a public works project and work conducted pursuant to a contract as defined by ~~subpart 6~~, item A B, 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. The term "work under a contract" has the same meaning.

B. "Contract" means the written instrument containing the consideration and the terms of agreement 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.

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

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

Subp. 3. ~~Applicability~~ **Work considered to be under a contract.** ~~Without limiting the application of parts 5200.1105 and 5200.1106 to other situations, the following are examples of work performed in conjunction with a public works contract that is considered to be 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 nonecovered 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 an 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, or other location not on the project, primarily to serve public works projects 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 regardless of whether the pit meets the definition of commercial establishment.~~

~~C. B.~~ 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 at some point;

(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~~ Without limiting the application of parts 5200.1105 and 5200.1106 to other situations, 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 that~~ is a commercial establishment and 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 applies even if the machines are portable. This does not include the employees described in subpart 3, item ~~B~~ A;

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 unless it is the delivery of mineral aggregate that is incorporated into the work under the contract by depositing the material substantially in place;~~ 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 ~~of materials or products~~ between these secondary off-site facilities as part of a multiple site hauling operation ~~are~~ is 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 required in this subpart and~~ subpart 3.

Subp. 5. **Definition of terms Commercial establishment, exceptions, definitions.** For purposes of ~~this part~~ parts 5200.1105 and 5200.1106 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~~ a worker in a construction industry labor class identified in or pursuant to part 5200.1100.

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.

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> 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 — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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Adopted Rules

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 earthen material suitable for roadway development, or mixtures of these naturally occurring substances with recycled materials, suitable for the base or shoulder of a highway or heavy project used to compose the shoulder, or 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. C. “Incorporated into the work under the contract by depositing the material substantially in place” 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 the mineral aggregate is deposited on the project site directly or through spreaders where it can be spread from or compacted at the location where it was deposited. As used in this part, “depositing substantially in place” has the same meaning.~~

~~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. D. To qualify as be a “fixed place of business,” a business entity commercial establishment must have a facility that is serving serve 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 from which it served the public prior to and at the time of advertisement of the public works contract and that has 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. E. “Regularly supply” means to furnish at consistent intervals materials and products for sale to the general public includes supply by a commercial establishment that is closed on a seasonal basis.~~

~~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. E. The determination of whether a facility is a “commercial establishment” is made on a location-by-location basis and on a product-by-product basis, not on a businesswide basis. For purposes of parts 5200.1000 to 5200.1120 and Minnesota Statutes, sections 177.41 to 177.44, production of mineral aggregate is considered production of one product. Construction projects are not considered a commercial establishment establishments. To qualify as A “commercial establishment” is a business entity must that has not set up at the location from which deliveries are made primarily to serve public works projects and, prior to and at the time of advertisement of the public works contract, it:~~

~~(1) own owned or lease leased the land on which it operates;~~

~~(2) possess possessed 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~~ advertised the availability of material for sale to the general public from the location and ~~has had~~ has facilities available for effecting sales at the location; and

~~(6) in the case of a gravel pit or borrow pit, the establishment's location must be zoned for commercial purposes. All (4) has acquired all necessary permits to operate from the location must have been acquired, and met 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**~~ **Prohibited payment practices.** 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. 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 for the purpose of reducing or otherwise decreasing the value of the compensation paid.

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 definitions.**~~ 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~~ parts 5200.1105 and 5200.1106 and *Minnesota Statutes*, sections 177.41 to 177.44.

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 an 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:~~

(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

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.~~

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

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> 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 — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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Adopted Rules

~~(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.~~

~~D. "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.~~

Subp. 8. Trucking provisions.

A. 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, that was not performed according to the prime contract that can be directly attributed to the negligence of the truck owner-operator.

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

C. The owner of a trucking firm 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. These provisions apply regardless of who owns any trailer being pulled by the truck.

Subp. 8. 2. Required records.

~~A. Each time~~ Upon agreement of 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:

~~(3) time period covered by the agreement between the truck owner-operator and the broker or contractor;~~

~~(4) date and amount paid of each payment to the truck owner-operator, including the date and amount of and for each payment;~~

~~(4) time period covered by the agreement between the truck owner operator and the broker or contractor;~~

~~(5) (a) number of hours the truck owner-operator performed work under the contract, not including hours excluded under subpart 7;~~

~~(6) (b) 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) (c) type of services performed;~~

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

~~(9) (e) 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) (5) a copy of the owner's certificate of insurance; and~~

~~(13) (6) a copy of the vehicle/truck registration.~~

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~~ 10.

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,~~ required to be kept by item A and other similar records necessary to determine compliance with *Minnesota Statutes*, sections 177.41, to 177.44, as determined by the commissioner of the department of transportation or the department of labor and industry, must be provided upon request accompanied by a certification form approved by the requesting ~~agency~~ department.

Subp. ~~9~~ 10. **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~~ department 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~~ commissioner of the department of transportation or the department of labor and industry requests any or all of the following information, the contractor, subcontractor, or trucking ~~firms~~ firm shall submit the following information to the ~~agency~~ department ~~accompanied by~~ together with any certification forms approved by the requesting ~~agency~~ department:

E. contract information ~~surrounding~~ regarding the public works projects worked ~~during the pay period~~ on by the employee;

Subp. 11. **Effective Date.** Parts 5200.1105 and 5200.1106 are effective five working days after publication of their notice of adoption in the *State Register*. Part 5200.1106 is effective for all projects as described in part 5200.1106, subpart 2, item B, that are advertised for bid on and after the effective date. The new truck rental rates to be issued under part 5200.1105 are effective for all projects as described in part 5200.1106, subpart 2, item B, that are advertised on and after the publication in the *State Register* of the notice of certification of the truck rental rates.

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> 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 — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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Expedited Emergency Rules

Provisions exist for the Commissioners of some state agencies to 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. Specific *Minnesota Statutes* citations accompanying these emergency expedited rules detail the agency's rulemaking authority.

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules; Taking Walleye on Lake Mille Lacs

6264.0400 DESIGNATED SPECIAL MANAGEMENT WATERS.

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

Subp. 4. Mille Lacs Lake special management regulations.

[For text of item A, see M.R. 25 SR 1779]

B. Notwithstanding item A, a person's possession limit may include one walleye over 28 inches in length. If walleye harvest and kill estimates for winter and open water fishing are exceeded, a person's possession limit may not include one walleye over 28 30 inches in length.

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

[For text of item F, see M.R. 25 SR 1779]

[For text of subps 5 to 16, 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.

Minnesota Housing Finance Agency

Request for Comments on Planned Amendment to Rules Governing the Minnesota Urban and Rural Homesteading Program, *Minnesota Rules*, 4900.2400 - 4900.2600

Subject of Rules. The Minnesota Housing Finance Agency requests comments on its planned amendment to rules governing the Minnesota Urban and Rural Homesteading Program. The Agency is considering rule amendments that (i) delete the limitation of a "designated area" to four square blocks, (ii) delete the limitation of loans and grants to \$300,000, (iii) change the amount of allowable administrative expenses under the Program from a fixed dollar amount to a percentage of the total award, and (iv) delete the requirement that an advisory board consist of at least 20 percent minority residents.

Persons Affected. The amendment to the rules would likely affect entities which apply for funding under the program, including non-profit housing providers and local units of government, as well as at-risk homebuyers of the rehabilitated properties.

Statutory Authority. *Minnesota Statutes*, section 462A.06, subd. 11 authorizes the Agency to adopt rules respecting its rehabilitation grants and loans.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing until

4:30 p.m. on August 18, 2001. The Agency does not contemplate appointing an advisory committee to comment on the planned amendment to the rules.

Rules Drafts. The Agency has prepared a draft of the planned rules amendments.

Agency Contact Person. Written comments, questions, or requests to receive a draft of the rules amendments, and requests for more information on these planned rules amendments should be directed to: Jim Barnes at the Minnesota Housing Finance Agency, 400 Sibley Street, Suite 300, St. Paul, MN 55101; **phone:** (651) 296-9567; **email:** *james.barnes@state.mn.us*. **TTY:** (651) 297-2361.

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: 18 June 2001

Katherine Hadley, Commissioner
Department of Housing Finance

Office of the Ombudsman for Mental Health and Mental Retardation

Notice of Meeting

The Ombudsman for MH/MR Advisory Committee will hold a meeting from 9:00 a.m., to 1:00 p.m., on Thursday, June 21, 2001. The meeting will be held in Suite 420 of the Metro Square Building on 7th and Robert St., St. Paul.

Minnesota Pollution Control Agency

Public Notice of Intent to Issue the State Disposal System (SDS) General Permit (MN G120000) to Discharge Wastewater from Metal Finishing Processes to Publicly Owned Treatment Works

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) proposes to reissue a general permit covering metal finishing industries discharging process wastewater to Publicly Owned Treatment Works (POTW) in the state of Minnesota. This permit is a reissuance of a general permit originally issued on July 22, 1996. The general permit will be reissued for a term of approximately five years. The public comments period commences June 18, 2001, and terminates at 4:30p.m. on July 18, 2001.

This general permit covers approximately 40 facilities. These facilities are subject to the Metal Finishing Point Source Category Regulations established by Title 40, *Code of Federal Regulations*, Part 433, and discharge to a POTW, which has not been delegated authority to administer Federal pretreatment regulations. The authority to develop and issue a general permit is based on *Minnesota Rules* 7001.0210. This general permit will allow facilities to obtain a permit without the delays of individual permit issuance procedures.

This permit regulates the process discharge to a POTW from a metal finishing industry in the state. A general permit will only be issued in cases where:

1. The discharge consists of process wastewater subject to the pretreatment requirements of the Metal Finishing Point Source Category Regulations. The Facility may discharge wastewater not regulated by the National Pretreatment Standards for the Metal Finishing category, but only as provided in the following criteria.
2. The Monitoring Point, at which compliance with the permit limits is determined, contains only wastewater subject to the Metal Finishing Category Pretreatment Standards.
3. If any of the constituents of Total Toxic Organics are used anywhere in the permitted facility, a Toxic Organic Management Plan must be submitted as required by this permit.

Official Notices

4. The facility discharges all process wastewater to be covered by this permit to a POTW, which has not been delegated by the MPCA to administer National Categorical Pretreatment Standards. If the facility discharges to a POTW, delegated by the MPCA to administer National Categorical Pretreatment Standards, the facility shall obtain discharge authorization from the POTW and does not require a state permit for this discharge.
5. The facility discharge must be acceptable to the POTW receiving the discharge. If the POTW does not accept the discharge, the facility will not be permitted.

This general permit establishes effluent limitations, monitoring requirements and other conditions on facilities that discharge metal finishing wastewater. The commissioner's determination that the general permit should be issued is tentative.

Interested persons are invited to submit written comments on the proposed permit action. Comments should be submitted in writing to: Randall W. Dunnette, Metro District, Major Facilities Section, Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, Minnesota 55155-4194. Any comments received no later than the last day of the comment period will be considered in the formulation of final determinations.

A copy of the draft permit, fact sheet and public notice are available for review at the MPCA offices listed below. Copies of the public notice and fact sheet may be viewed on the internet at <http://statsbox.pca.state.mn.us/pca/news/index.cfm?PN=1>. To request copies of the draft permit, fact sheet and public notice contact Yolanda Hernandez at **phone:** (651) 296-7214. If you have questions on this draft permit, the public notice or the Commissioner's preliminary determination, please contact Randall W. Dunnette at **phone:** (651) 296-8006.

MPCA Offices (St. Paul address is indicated above)

Brainerd: 800 College Road South, Baxter, MN 56425

Detroit Lakes: 714 Lake Avenue, Lake Avenue Plaza, Suite 220, Detroit Lakes, MN 56501

Duluth: 525 Lake Avenue South, Suite 400, Duluth, MN 55802

Mankato: 1230 South Victory Drive, Mankato, MN 56001

Rochester: 18 Wood Lake Drive SE, Rochester, MN 55904

Willmar: 201 28th Avenue S.W., Willmar, MN 56201

Marshall: 1420 E. College Drive, Suite 900, Marshall, MN 56258

State 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.]

Minnesota State Colleges and Universities

Ridgewater College, Hutchinson MN

Notice of Intent to Solicit Lease Costs for Computers

NOTICE IS HEREBY GIVEN that the Hutchinson MN campus of Ridgewater College would like to enter into a contract to lease approximately eighty five (85) IBM Thinkpad computers for a twenty four (24) month period. These computers will be purchased from Compar, Inc., of Minnetonka MN, using State Contract pricing (Contract #425552).

For more information contact:

Teren Novotny
Purchasing Office
Ridgewater College
2101 15th Ave. NW
Willmar, MN 56201
Phone: (320) 231-5118

This is the only person designated to answer questions regarding this request for interested vendors.

Department of Economic Security

Request for Proposal (RFP) to Receive, Transcribe, and Deliver Medical Reports Dictated by Consulting and Treating Physicians and Psychologists to the Minnesota Disability Determination Services, Rehabilitation Services Branch, Department of Economic Security

The Minnesota Department of Economic Security, Rehabilitation Services Branch, Minnesota Social Security Disability Determination Services Office (Hereafter known as "the State") has a need for persons to receive, transcribe and deliver medical reports dictated by consulting and treating physicians and psychologists and announces that a Request for Proposals is available.

This Request for Proposal does not obligate the State to complete the contract and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

Persons who wish to obtain a complete copy of the Request for Proposal must contact:

Jessica Austin
Acting Assistant Director, Medical Services
300 Metro Square
7th & Robert Streets.
St. Paul MN 55101
Phone: (612) 297-4046 or (800) 657-3745

All Proposals must be sent to and received no later than **4:00 p.m. August 10, 2001**. Late proposals will not be considered.

Department of Economic Security

Request for Qualifications (RFQ) and Request for Proposals (RFP) for Mobile/On-Site Medical Examination Services for the Minnesota Social Security Disability Determination Services, Rehabilitation Services Branch, Department of Economic Security

The Minnesota Department of Economic Security, Rehabilitation Services Branch, Minnesota Social Security Disability Determination Services Office (Hereafter known as "the State") has a need for qualified Minnesota licensed physicians in certain specialties available in various Minnesota cities to perform consultative examinations and to provide written results of these examinations for Social Security or Supplemental Security Income disability benefits pending with the State and announces that a Request for Proposals is available.

The Request for Proposal does not obligate the State to complete the contract and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

The State reserves the right to accept or reject all or part of any proposal submitted; such will be deemed to be in the best interest of the State.

The Minnesota Disability Determination Services, in carrying out the adjudicative process, may request that a claimant be seen at the State's expense for a specialized consultative medical examination. These examinations are available to local, qualified physicians. In certain areas of the State, however, medical specialists may not be available; or, if available, may not be able to meet the State's needs. In these instances, we are requesting that qualified Minnesota licensed physicians travel to these cities to perform the medical examination.

State Contracts

The specialty areas needed include neurology, musculoskeletal (orthopedics; physiatry; industrial medicine; occupational medicine), internal medicine, and pediatrics.

Persons who are interested in obtaining a complete copy of the Request for Qualifications/Proposals must contact:

Jessica Austin
Acting Assistant Director, Medical Services
300 Metro Square
7th & Robert Streets.
St. Paul MN 55101
Phone: (651) 297-4046 or (800) 657-3745

All Proposals must be sent to and received no later than **4:00 p.m. August 10, 2001**. Late proposals will not be considered.

Minnesota Historical Society

Request for Bids for Scenic Services Weather Permitting Exhibit

The Minnesota Historical Society is seeking proposals from qualified scenic vendors for the installation of scenic components of a new exhibit. Construction of the new exhibit, Weather Permitting (Weather) will commence on September 3, 2001 and substantial completion will be achieved by October 31, 2001.

The Weather Permitting exhibit looks at the extremes and diversity of Minnesota weather that continually influence what we do, who we are, and how we see ourselves as Minnesotans. The exhibit reflects the confluence of Minnesota climate and culture over time.

The Request for Bids is available by calling or writing Chris Bonnell, Contracting Officer, Minnesota Historical Society, 345 Kellogg Boulevard West, Saint Paul, MN 55102, **phone:** (651) 297-5863, **email:** chris.bonnell@mnhs.org

Bids must be submitted in the format provided for in the Request for Proposals. Bids must be received no later than **2:00 p.m., Local Time, Tuesday, July 17, 2001**. Late bids will not be considered. A Pre-Bid Meeting will be held on Wednesday, June 27, 2001, beginning at 1:15 p.m., at the History Center on the Fourth Floor at the Elevator Lobby.

State Board of Investment

Notice of Request for Proposals for a Consultant or Consultants to Assist the Board in Carrying Out its Fiduciary Responsibilities

The State Board of Investment (SBI) is soliciting proposals for consulting services. This request for proposal is designed to obtain a consultant or consultants to advise the SBI in the areas of investment objectives, asset allocation, manager selection, performance measurement and evaluation, and other operational needs.

All interested vendors should contact the person named below by letter or telephone to request a copy of the Request For Proposal.

Mansco Perry III
Minnesota State Board of Investment
Capitol Professional Office Building
Suite 200, 590 Park Street
St. Paul, MN 55103
Phone: (651) 296-3328

All proposals must be submitted to the address listed above on or before **2:00 p.m., July 13, 2001**. **NO PROPOSALS RECEIVED AFTER THAT DATE AND TIME WILL BE CONSIDERED.**

Department of Trade and Economic Development

Notice of Request for Proposals to Contract for Business Due Diligence Services

The Minnesota Department of Trade and Economic Development is seeking proposals from qualified firms to undertake and coordinate business due diligence services regarding an iron nugget demonstration project.

Background:

Mesabi Nugget Corporation, a Minnesota company, (MNC) has proposed to build a pilot demonstration iron ore processing plant that will produce approximately 30,000 tons per year of iron nuggets all in metallic form (hereinafter referred to as "the Project"), that will provide the necessary information to develop a full scale 300,000 tons per year commercial scale facility. MNC has requested financial assistance from the State of Minnesota, which, if approved, would generate an appropriate return on investment. DTED is seeking business due diligence services to assist the investment decision.

Services Requested:

DTED has identified the primary, relevant areas of inquiry. In general terms, DTED is seeking assistance in answering the following broad questions:

- Is the technology viable and is it competitive with other existing and emerging technologies?
- Is there sufficient demand for the iron nuggets and at what price?
- Are the plant operating assumptions reasonable and can they yield iron nuggets at a price that is acceptable to the market?

Overall, the successful respondent will need to identify areas of risk and uncertainty, strengths and weaknesses of the Project proposal, and any significant unaddressed issues relating to the project. Respondents will have full access to all MNC materials and staff in order to conduct the due diligence. The final report will be provided, along with a preliminary and final presentation, within two months after the contract has been executed.

Joint Proposals

Joint proposals from more than one firm will be acceptable. As an example, a technology/science consultant may wish to propose jointly with a market analysis consultant. In addition, proposals will be accepted from parties wishing to perform only a portion of the analysis. Respondents that only propose limited services will only be considered if DTED can achieve the full scope of services through combining proposals in a satisfactory manner. Respondents that are providing comprehensive services should indicate if they are willing to conduct only a portion of the overall services, and their proposal should indicate the cost and providers of the limited services.

Additional Information:

Additional information concerning the project description and relevant areas of due diligence assessment can be obtained from Paul A. Moe, director of Business Finance, **phone:** (651) 297-1391.

Proposal Information:

The proposal must include the following information:

Respondent's Background:	Please describe the overall background and experience of the organization.
Key Personnel:	Please describe the background and expertise of the key members of the due diligence team.
Related Experience:	Describe any similar engagements and provide copies or summaries of the work product.
Services:	Describe in detail what services and activities will be conducted and the nature of the final product/report.
Cost:	Describe all costs included in the services and the preferred billing cycle

State Contracts

Proposal Submission:

Please submit five original copies, with attached materials, to:

Mr. Paul A. Moe, Director of Business Finance
Minnesota Department of Trade and Economic Development
500 Metro Square
121 Seventh Place East
St. Paul, MN 55101

All proposals must be received by **4:30 p.m. July 2, 2001**. Late proposals will not be considered. This request for proposal does not obligate the Department to execute a contract or expend funds.

In compliance with *Minnesota Statutes* 16C.08, the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state employee, along with other responses to this request for proposal.

Targeted Group Businesses:

In accordance with *Minnesota Rules*, part 1230.1810, subpart B, and *Minnesota Rules*, part 1230.1830, 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, and certified Economically Disadvantaged Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, contact the Materials Management Helpline, **phone:** (651) 296-2600, **TTY:** (651) 282-5799.

Please direct any inquiries to Paul A. Moe, **phone:** (651) 297-1391. Other department personnel are not allowed to discuss the Request for Proposal with anyone, including respondents before the proposal deadline.

Non-State Contracts & Grants

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

Metropolitan Airports Commission

Notice of Request for Continuing Reliever Airport Engineering Consultant Services

The Metropolitan Airports Commission (MAC) is soliciting qualifications for Continuing Reliever Airport Engineering Consultant Services for the East Reliever Airports which includes the Downtown St. Paul Airport, Lake Elmo Airport, and Airlake Airport in Lakeville. Submittals for this opportunity are due to MAC on July 13, 2001. For a copy of the RFQ, contact Bridget Rief, P.E., Airside Project Manager, 6040 - 28th Avenue South, Minneapolis, MN 55450, (612) 725-8371.

University of Minnesota

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

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

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

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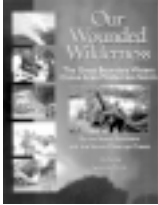
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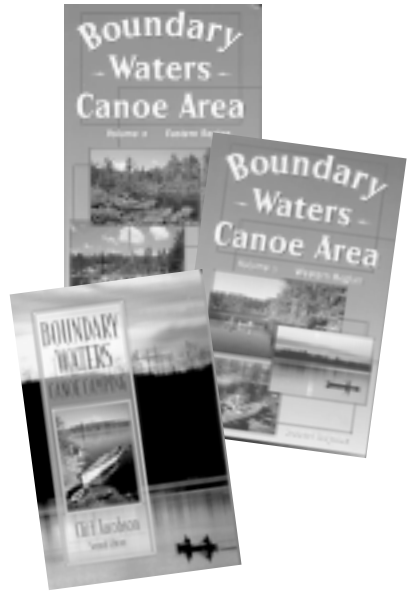
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