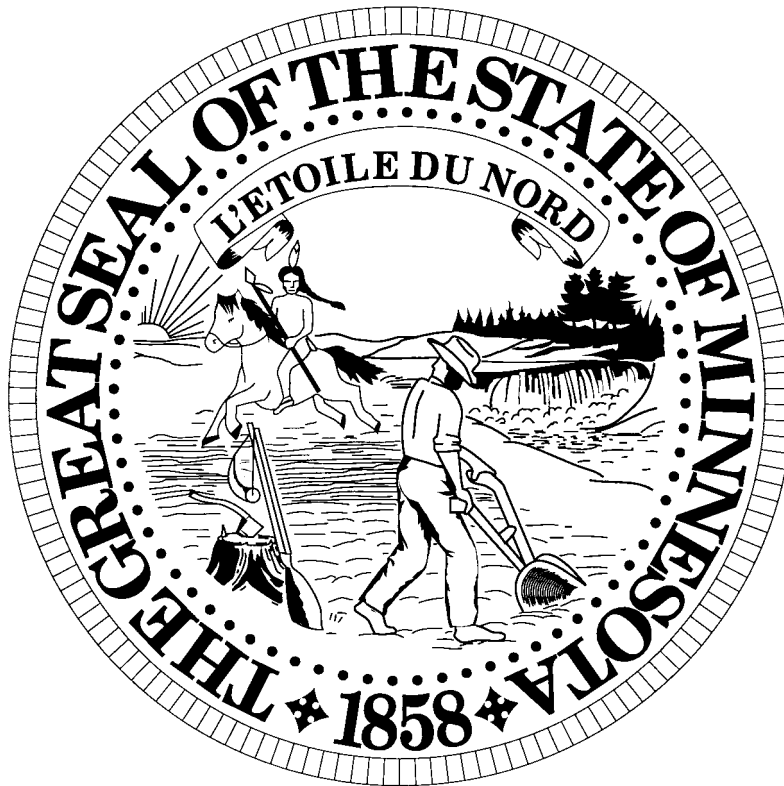


**Minnesota**

# **State Register**

**Rules and Official Notices Edition**



Published every Monday (Tuesday when Monday is a holiday) by the  
Department of Administration – Communications Media Division

**Monday 3 November 2003**  
**Volume 28, Number 18**  
**Pages 563 - 594**

# 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- proposed, adopted, exempt, expedited emergency and withdrawn rules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
- certificates of assumed name, registration of insignia and marks

**PUBLISHING NOTICES IN THE *State Register*:** Submit TWO COPIES of your notice, typed double-spaced. State agency submissions must include a "State Register Printing Order" form, and a "Certification/Internal Contract Negotiation" form with contracts for professional, technical and consulting services. Non-State Agencies should submit TWO COPIES, with a letter on your letterhead stationery requesting publication and date to be published. FAXED submissions to (651) 297-8260 are received to meet deadline requirements, but must be followed by originals and applicable forms or letters to be accepted. The charge is \$14.40 per tenth of a page (columns are seven inches wide). About 2-1/2 pages typed double-spaced on 8-1/2"x11" paper equal one typeset page in the *State Register*. Contact the editor if you have questions.

**SUBSCRIPTION SERVICES:** Copies are available at Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Order by phone: Metro area: (651) 297-3000 Toll free (800) 657-3757. TTY relay service phone number: (800) 627-3529. **NO REFUNDS.** Subscribers who do not receive a copy of an issue should notify the *State Register* Subscription Office immediately at (651) 297-8774. Copies of back issues may not be available more than two weeks after publication. Both editions are delivered postpaid to points in the United States, Periodicals Postage Paid for the *State Register* at St. Paul, MN, first class for the *Solicitation Announcements*. See the *State Register* and *Solicitation Announcements* at website: <http://www.comm.media.state.mn.us> Click on "Minnesota's Bookstore."

- *State Register* -- Rules and Official Notices Edition (published every Monday, or Tuesday if Monday is a holiday) One year, hard copy, paper subscription: \$160.00.
- **On-line subscription** -- \$180, includes links, index, sidebar table of contents and *State Register* SENT TO YOU via Email.
- *Solicitation Announcements* -- State Register Supplement (published every Tuesday and Friday) One year subscription: \$135.00 via first class mail, \$150.00 via fax or through our website. Users agree not to redistribute without authorization.
- **13-week trial subscription** which includes both the *State Register* and *Solicitation Announcements* \$65.00
- **Single issues** are available for a limited time: *State Register* \$5.00, *Solicitation Announcements* \$1.00. Shipping is \$3.00 per order.

"Affidavit of Publication" costs \$10.00 and includes a notarized "Affidavit" and a copy of the issue.

## Printing Schedule and Submission Deadlines

Vol. 28 Issue Number	PUBLISH DATE	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for Both Adopted and Proposed RULES
#18	Monday 3 November	Noon Tuesday 28 October	Noon Wednesday 22 October
#19	Monday 10 November	Noon Tuesday 4 November	Noon Wednesday 29 October
#20	Monday 17 November	<b>NOON MONDAY 10 NOVEMBER</b>	Noon Wednesday 5 November
#21	Monday 24 November	Noon Tuesday 18 November	Noon Wednesday 12 November

Copyright © 2003 Communications Media Division, Department of Administration, State of Minnesota.  
Publication Number: 326630 (ISSN 0146-7751)

**THE STATE REGISTER IS PUBLISHED** by Communications Media Division, Department of Administration, State of Minnesota, pursuant to *Minnesota Statutes* § 14.46 and is available at the main branch of county libraries in Minnesota and all "State Depository Libraries": State University and Community College libraries; the University of Minnesota libraries; St. Paul, Minneapolis and Duluth Public Libraries; the Legislative Reference Library; State Law Library; Minnesota Historical Society Library; and the Library Development Service at the State Department of Children, Families and Learning.

Tim Pawlenty, Governor (651) 296-3391	Mike Hatch, Attorney General (651) 297-4272	Mary Kiffmeyer, Secretary of State (651) 296-2079
Carol L. Molnau, Lt. Governor (651) 296-3391	Patricia Awada, State Auditor (651) 297-3670	
Department of Administration: Brian Lamb, Commissioner (651) 296-1424	Communications Media Division: Mary Mikes, Director (651) 297-3979	Robin PanLener, Editor (651) 297-7963 Jessie Rahmeyer, Subscriptions (651) 297-8774

## Legislative Information

Senate Public Information Office (651) 296-0504  
State Capitol, Room 231, St. Paul, MN 55155  
Website: [www.senate.leg.state.mn.us/departments/secretary/seninfo.htm](http://www.senate.leg.state.mn.us/departments/secretary/seninfo.htm)

House Information Office (651) 296-2146  
State Office Building, Room 175, 100 Constitution Ave., St. Paul, MN 55155  
Website: [www.house.leg.state.mn.us/hinfo/hinfo.htm](http://www.house.leg.state.mn.us/hinfo/hinfo.htm)

## Federal Register

Office of the Federal Register (202) 512-1530; or (888) 293-6498  
U.S. Government Printing Office - Fax: (202) 512-1262  
Website: [http://www.access.gpo.gov/su\\_docs/aces/aces140.html](http://www.access.gpo.gov/su_docs/aces/aces140.html)

## Minnesota State Court System

Court Information Office (651) 296-6043  
Minnesota Judicial Center, Room 135, 25 Constitution Ave., St. Paul, MN 55155  
Website: [www.courts.state.mn.us](http://www.courts.state.mn.us)

## Minnesota Rules: Amendments & Additions

Monday 3 November 2003, Volume 28, Issues # 14-18 ..... 566

## Proposed Rules

### Transportation Department

Proposed Rules: Special Transportation Service ..... 567

## Official Notices

### Agriculture Department

Agronomy and Plant Protection Division: Notice of public comment period on water quality best management practices for herbicides ..... 584

### Human Services Department

Authorization List including all drugs that have been added requiring authorization as a condition of Minnesota Health Care Programs (MHCP) payment ..... 584

Child Safety and Permanency Division: Publication of State Title XX intended use report and Title XX post-expenditure report..... 585

Decrease in the number of admissions requiring inpatient hospital authorization ..... 585

### Metropolitan Council

Public hearing on 2004 Unified Operating Budget and 2004-2009 Capital Improvement Program and 2004 Capital Budget ..... 586

### Teachers Retirement Association

Board of Trustees meeting Wednesday 19 November 2003 .. 586

## State Grants & Loans

### Health Department

Office of Rural Health and Primary Care: Minnesota Rural Flex Grant Program - notice of grant availability ..... 587

### Human Services Department

Request for proposals for alternative payment for nursing facility services ..... 587

Disability Services Division: Request for proposals for comprehensive information, referral and assistance services for people with disabilities and chronic illnesses through the operation of a Disability Linkage Line Call Center for Central and Northern Minnesota ..... 588

## State Contracts

### Administration Department

State Architect's Office: Request for proposals to provide special inspections and quality control testing for the Department of Human Services (DHS) Office Building and Parking Ramp ..... 589

State Register: Subscriptions available ..... 589

### Colleges and Universities, Minnesota State (MnSCU)

DEADLINE EXTENSION: Request for proposals for executive search firm extended to Monday November 10, 2003 at 5:00 p.m. .... 589

### Employment and Economic Development Department

Request for proposals for an investment banker ..... 590

Request for proposals for client tracking system..... 590

### Transportation Department

Potential availability of contracting opportunities for a variety of highway related technical activities..... 591

Professional/technical contract opportunities..... 591

## Non-State Contracts & Grants

### Metropolitan Council

Request for interactive voice response system for schedule information for transit master system ..... 592

Request for proposals for comprehensive Facility Plan for a Third Party ADA Eligibility Assessment Project..... 592

### Metropolitan Council - Metro Transit

Sealed bids sought for the supply of thirteen Victorian-style passenger waiting shelters ..... 593

### University of Minnesota

Bid Information Service (BIS) available for all potential vendors ..... 593

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

Individual copies and subscriptions to the **State Register** and **Solicitations Announcements** are available through Minnesota's Bookstore, (651) 297-3000, or (800) 657-3757.

# 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.

## Volume 28, Issues #14-18

### Administration Department

1230.0100; .0150; .0300; .0600; .0700; .0750; .0900; .1700; .1850; .1905 (adopted) .....	499
1346.0050; .0060; .0101; .0102; .0103; .0104; .0105; .0106; .0107; .0108; .0109; .0110; .0201; .0202; .0301; .0306; .0309; .0401; .0403; .0404; .0505; .0506; .0507; .0508; .0603; .0604; .0703; .0709; .0801; .0803; .0901; .1001; .1003; .1004; .1006; .1007; .1011; .1204; .1500; .1601; .1602; .1603; .1604; .1605; .1606; .5050; .5201; .5202; .5301; .5303; .5304; .5306; .5402; .5403; .5404; .5406; .5407; .5408; .5409; .5410; .5501; .5503; .5504; .5602; .5620; .5629; .5630; .5700; .5801; .5802; .5803; .5804; .5805; .5806; .5807; .5900 (proposed) .....	414
1346.0108; .0203; .0204; .0302; .0304; .0405; .0406; .0407; .0408; .0409; .0410; .0411; .0414; .0418; .0421; .0424; .0504; .0602; .0605; .0606; .0607; .0608; .0707; .0710; .0807; .0808; .0809; .0913; .1002; .1005; .1104; .1107; .1207; .1503; .1505; .1520; .1521; .1906; .2002; .2003; .2101; .2102; .2104; .2106; .2107; .2108; .2109; .2110; .2111; .2113; .2114; .2115; .2120; .2122; .2123; .2124; .2125; .2126; .2127; .2133; .2201; .2202; .2205; .2206; .2211; .2212; .2213; .2215; .2216; .2220; .2226; .2500; .2600 (proposed repealer).....	414

### Education Department

3501.0505; .0510; .0515; .0520; .0525; .0530; .0535; .0540; .0545; .0550; .0560; .0565; .0570; .0575; .0580; .0585; .0590; .0595; .0600; .0605; .0610; .0620; .0625; .0630; .0635 (Expedited Emergency) .....	468
--	-----

### Natural Resources Department

6135.0400; .0520; .0620; .0720; .0820 (adopted exempt) .....	545
6135.0510; .0610; .0710; .0810 (repealed effective July 1, 2004) ..	545
6232.0800 (adopted expedited emergency).....	549

### Transportation Department

8840.5100; .5300; .5400; .5525; .5640; .5650; .5700; .5800; .5900; .5910; .5925; .5940; .5950; .5975; .6000; .6100; .6200; .6250; .6300; .6400 (proposed).....	567
8840.5100 s.4; .5300 s.2, 3; .5500 s.3, 4; .5600; .5800 s.4; .5900 s.3; .5910 s.3, 7; .6100 s.2 (proposed repealer) .....	567

# Proposed Rules

## Comments on Planned Rules or Amendments

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

## Rules to be Adopted After a Hearing

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

## Rules to be Adopted Without a Hearing

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

## Department of Transportation

### Office of Freight and Commercial Vehicle Operations

#### Proposed Permanent Rules Relating to Special Transportation Service

**NOTICE OF HEARING: Proposed Amendments to Rules Relating to Special Transportation Service, *Minnesota Rules*, chapter 8840; Proposed repeal of *Minnesota Rules*, parts 8840.5100, subpart 4; 8840.5300, subparts 2 and 3; 8840.5500, subparts 3 and 4; 8840.5600; 8840.5800, subpart 4; 8840.5900, subpart 3; 8840.5910, subparts 3 and 7; and 8840.6100, subpart 2**

**Public Hearing.** The Department of Transportation intends to adopt rules after a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing on the above-entitled rules at the Minnesota Department of Transportation, Office of Freight and Commercial Vehicle Operations, Training Room, 1110 Centre Pointe Curve, Mendota Heights, Minnesota 55120-4152, starting at 9:00 a.m. on Tuesday, December 16, 2003, and continuing until the hearing is completed. Additional days of hearing will be scheduled if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

**Administrative Law Judge.** The hearing will be conducted by Administrative Law Judge Barbara L. Neilson, who can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 341-7604, 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 proposed rules govern the operating standards for providers, drivers, and attendants that provide special transportation service and maintenance and operating standards for special transportation service vehicles. Throughout the rule the department is proposing amendments to update and streamline as well as include new provisions to chapter 8840. The proposed rules include amendments to update and clarify the definitions. The proposed rules update and add to the application process for obtaining a Certificate of Compliance. The proposed rules include a "Form E, Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance" filing with the department. The proposed rules clarify the process of issuing a certificate of compliance and when the certificate expires. The rule proposes to establish training for new special transportation service providers. The proposed rules establish additional grounds for revocation and cancellation of a certificate of compliance and set forth specific notice requirements for enforcement action.

The proposed rules include amendments to the driver qualification requirements, including the requirement to obtain a physical examination pursuant to the USDOT requirements. The proposed rules allow for a biennial review of the criminal record for a driver. The proposed rules include a broader criminal and driver's license record review for drivers who have lived outside Minnesota.

# Proposed Rules

---

The proposed rules include a revision to the refresher course training requirements by not mandating specific course topics and proposing that drivers and attendants be allowed to take flexible courses in education related to providing special transportation service. The department is proposing a vehicle identification requirement. The proposed rules update the vehicle construction standards. The proposed rules establish additional vehicle inspection and maintenance requirements. The proposed rules include a filing of a "Form K, Uniform Notice of Cancellation of Motor Carrier Insurance Policies" when a provider's insurance is to be cancelled. The proposed rules include the procedure for the suspension and cancellation of a certificate of compliance if a provider fails to maintain insurance. The proposed rules update and clarify the provider's record requirements. The proposed rules include requirements for instructors of continuing education courses. The proposed rules include provisions for the withdrawal of a training course or the instructor if the course fails to meet the required standards. The proposed rules also include the procedures for requesting a contested case hearing.

The proposed rules are authorized by *Minnesota Statutes*, section 174.30, subdivisions 2, 4(c), and 5. A copy of the proposed rules is published in the *State Register*. A free copy of the rules is available upon request from the agency contact person. The agency contact person is: Laura Nehl-Trueman at Minnesota Department of Transportation, Office of Freight and Commercial Vehicle Operations, Mail Stop 420, 1110 Centre Pointe Curve, Mendota Heights, Minnesota, 55120-4152, **Phone:** (651) 405-6083, **FAX:** (651) 405-6102, and **email:** [laura.nehl-trueman@dot.state.mn.us](mailto:laura.nehl-trueman@dot.state.mn.us). TTY users may call the Department of Transportation at 1-800-627-3529. The department's **website** at [www.dot.state.mn.us/motorcarrier/rules/mcsrules.html](http://www.dot.state.mn.us/motorcarrier/rules/mcsrules.html) will also have a link to the *State Register* website where the Notice of Hearing and the proposed rules will be published.

**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 the agency. The statement is also available for review and downloading from the department's **website** at [www.dot.state.mn.us/motorcarrier/rules/mcsrules.html](http://www.dot.state.mn.us/motorcarrier/rules/mcsrules.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 rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day rebuttal period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings.

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

**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, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If the proposed rules affect you in any way, you are encouraged to participate.

**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 the rules are filed with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings, and can make 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: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, **telephone** (651) 296-5148 or 1-800-657-3889.

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

Dated: October 22, 2003

Douglas H. Differt, Deputy Commissioner  
Minnesota Department of Transportation

## 8840.5100 DEFINITIONS.

Subpart 1. **Ambulance.** “Ambulance” has the meaning given to it in *Minnesota Statutes*, section 144E.001, subdivision 2.

Subp. 1a. **Applicant.** “Applicant” means a person who applies for a new certificate of compliance, or its renewal, as required to operate as a special transportation service provider.

Subp. 1b. **Certificate of course completion.** “Certificate of course completion” means a certificate that includes the:

A. name of the training course;

B. name of the instructor, sponsoring organization, or company who provided the training;

C. date the training was given;

D. location where the training was given;

E. number of hours of training that were provided; and

F. name and signature of the instructor.

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

Subp. 2a. **City.** “City” includes statutory cities and home rule charter cities.

Subp. 3. **Commissioner.** “Commissioner” means the commissioner of transportation, or an authorized agent.

Subp. 4. [See repealer.]

Subp. 5. **Disabled.** “Disabled” means handicapped.

Subp. 5a. **Driver.** “Driver” means a person who transports passengers in special transportation service vehicles, but who is not a volunteer driver. A volunteer driver is one who transports passengers in a private automobile, and is not subject to the direction or control of a provider.

Subp. 6. **Elderly.** “Elderly” means age 55 and older.

Subp. 6a. **Grants or other financial assistance.** “Grants or other financial assistance” means funds from either the state or federal government, including funds that are distributed to third-party entities under contract with either the state or federal government for purposes of special transportation service.

[For text of subps 7 to 10, see M.R.]

Subp. 11. **Person.** “Person” means every natural person; proprietorship, firm, general or limited liability partnership, corporation, limited liability company, or other business entity; association; and body politic.

[For text of subps 12 and 13, see M.R.]

Subp. 14. **Regular basis.** “Regular basis” means either providing more than an average of 12 round trips per month in any calendar year in a single vehicle or transporting more than 30 passengers per month, whichever is less.

[For text of subps 15 and 16, see M.R.]

Subp. 17. **Special transportation service.** “Special transportation service” means motor vehicle transportation provided on a regular basis by a public or private person that is designed exclusively or primarily to serve individuals who are elderly, handicapped, or disabled and who are unable to use regular means of transportation but do not require ambulance service, as defined in *Minnesota Statutes*, section 144E.001, subdivision 3. Special transportation service includes, but is not limited to, service provided by specially equipped buses, vans, taxis, and volunteers driving private automobiles as provided for in *Minnesota Statutes*, section 174.29, subdivision 1.

[For text of subps 18 to 20, see M.R.]

## 8840.5300 SCOPE.

Subpart 1. **Service criteria.** Except as provided in ~~subparts 2 and 3~~ *Minnesota Statutes*, sections 174.29 to 174.315, the standards ~~set forth in parts 8840.5100 to 8840.6300~~ 8840.6400 apply to special transportation service as defined in part 8840.5100 and provided by a person receiving grants or other financial assistance from the state or federal government, or both, to provide or assist in providing the service.

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

## 8840.5400 CERTIFICATE OF COMPLIANCE, GENERAL REQUIREMENTS.

Subpart 1. **Certificate of compliance required.** ~~No~~ A person shall not provide special transportation service without a current annual certificate of compliance issued by the commissioner. No vehicle may be used to provide special transportation service until it has been inspected as required by part 8840.5700 and *Minnesota Statutes*, section 299A.14, and displays a valid decal as required by *Minnesota Statutes*, section 174.30, subdivision 4. ~~However, when a certified provider acquires a newly manufactured vehicle from a factory or factory-authorized dealer and it is not equipped with a wheelchair securement device, the vehicle may be used to~~

# Proposed Rules

provide special transportation service if it is inspected as required by part 8840.5700 within 30 days of its receipt by the provider.

~~A. a certificate of compliance shall be issued when the standards set forth in parts 8840.5100 to 8840.6300 have been met.~~

~~B. The commissioner shall issue~~ a certificate of compliance ~~shall be issued~~ to a provider who transports an occupied wheelchair in a vehicle only if the vehicle has been issued a current, numbered certificate by the commissioner of public safety pursuant to *Minnesota Statutes*, section ~~299A.14~~ 174.30, subdivisions 3 and 4.

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

## **8840.5500 ~~CERTIFICATION~~ CERTIFICATE OF COMPLIANCE APPLICATION.**

Subpart 1. **Forms.** Application for a certificate of compliance or for renewal of an existing certificate of compliance must be made on forms provided by the commissioner. Application forms for certificates of compliance may be obtained from the Department of Transportation, ~~Office of Motor Carrier Services~~. Applications must be delivered or mailed to the Minnesota Department of Transportation, ~~Office of Motor Carrier Safety and Compliance, Minnesota Administrative Truck Center, 100 Stockyards Road, South St. Paul, Minnesota 55075.~~

Subp. 2. **Required information.** Applicants shall submit the following information to the commissioner:

A. a provider application form containing the following information:

(1) whether the application is new or a renewal;

(2) the applicant's name; the name of the business, including any assumed name filed with the secretary of state as provided in Minnesota Statutes, sections 333.01 to 333.06; the type of business entity; the business address; the telephone number, and ~~area served by the provider~~ facsimile (fax) numbers; and the Internet e-mail address;

~~(3) the type of service provided, such as fixed route, route deviation, dial a ride, variable schedule, fixed schedule, or other;~~

~~(4)~~ whether the passengers served are elderly, handicapped, or disabled;

~~(5)~~ (4) for each vehicle used:

(a) make ~~and~~, year, vehicle identification number (VIN), and license plate number of the vehicle;

(b) seating capacity and manufacturer's gross vehicle weight rating; and

(c) ~~completed checklist showing whether the vehicle carries the safety equipment required by part 8840.5925, subpart 1;~~

~~(6) if the vehicle will carry an occupied wheelchair:~~

~~(a)~~ whether the vehicle is equipped with an approved wheelchair securement device and the number of wheelchair securement positions for each vehicle; and

~~(b) the date that the wheelchair securement device was approved by the commissioner of public safety, and the number on the certificate issued by the commissioner of public safety;~~

~~(7)~~ (5) the name, ~~title,~~ and ~~phone~~ telephone number, including each cellular telephone number, of the person who is responsible for the day-to-day operation of the proposed provider's special transportation service; ~~and~~

~~(8)~~ (6) the name and address of each driver, stating whether each complies with the standards in parts 8840.5100 to 8840.6300; ~~and~~

(7) the names of corporate directors and officers, general partners and limited partners, limited liability company board members, or owners of the applicant's business;

(8) whether the applicant or any of the applicant's corporate directors or officers, general and limited partners, limited liability company board members, or owners of the applicant's business have had a certificate of compliance suspended, denied, canceled, or revoked during the preceding year and, if so, the certificate number of the applicable certificate;

(9) if the applicant is not a Minnesota corporation, but is authorized to transact business in Minnesota, the name and address of its registered agent; and

(10) the location in Minnesota where the records required by part 8840.6100 will be available for inspection and copying; and

B. ~~a certificate of insurance which must be mailed to the Department of Transportation by the applicant's insurer; the following documentation, if not previously filed with the commissioner:~~

(1) evidence of insurance coverage on the provider's vehicle in the amount specified in part 8840.6000 on a form E, "Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance" under *Code of Federal Regulations*, title 49, part 1023, Appendix (1992), which is incorporated by reference except for the last paragraph of Form E; and

(2) a statement showing compliance with the workers' compensation requirements under *Minnesota Statutes*, section 176.181, subdivision 2.

---

---

# Proposed Rules

Subp. 2a. **Signature required.** The application must be signed by a corporate officer, general partner, limited liability company board member, or sole proprietor verifying that the information on the application is true. In lieu of a required document completed on paper, the commissioner may accept an electronically transmitted document authenticated by an electronic signature.

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Subp. 5. **Information on certificate.** When a certificate is granted, the commissioner shall issue to the provider ~~shall be issued~~ a numbered certificate of compliance ~~which that~~ lists each certified vehicle and shows the month and year in which the certification expires.

[For text of subp 6, see M.R.]

Subp. 7. **Keeping application information current.** An applicant or provider shall notify the commissioner in writing of any change in its application information within ten days of the change.

## **8840.5525 ISSUANCE AND EXPIRATION OF CERTIFICATE OF COMPLIANCE.**

Subpart 1. **Processed in 30 days.** The commissioner shall process all applications and a certificate of compliance issued or denied in writing within 30 days of the receipt of the completed application and documentation required by the commissioner.

Subp. 2. **Issuance or denial of certificate.** The commissioner shall issue a certificate of compliance to an applicant who meets the requirements in parts 8840.5100 to 8840.6400, except the commissioner may not issue a certificate of compliance if:

- A. the applicant had a certificate revoked during the preceding 180 days;
- B. the application for certification contains a statement that is false, misleading, or fraudulent; or
- C. the applicant fails to provide all requested data.

Subp. 3. **Contesting a denial.** To contest a denial of the issuance of a certificate, the provider shall follow the procedures in part 8840.6400.

Subp. 4. **Certificate denied, revoked, or canceled.** If a provider's certificate of compliance is denied, revoked, or canceled, the provider must reapply as provided in part 8840.5500.

Subp. 5. **Term of certificate; good cause extension.** A certificate of compliance expires one year from the date it is issued and is renewable on an annual basis as provided for in part 8840.5500 and this part. The commissioner, for good cause, may extend the time before a certificate is canceled for up to an additional 30 days beyond expiration. "Good cause" means circumstances beyond control or circumstances that were not reasonably foreseeable, such as a serious physical or mental incapacity or illness.

## **8840.5640 INITIAL SPECIAL TRANSPORTATION SERVICE PROVIDER EDUCATION.**

Subpart 1. **Initial education requirement, generally; enforcement.** Within 90 days from issuance of an initial certificate of compliance, the provider must complete the initial special transportation service provider education. The provider must have in attendance at least one person having a substantial interest or control, directly or indirectly, in or over the operations conducted or to be conducted under the provider's certificate of compliance. Upon failure to comply with the requirement of this subpart, the certificate of compliance is deemed canceled upon expiration of the 90 days.

Subp. 2. **Initial education sources and topics.** The initial education must be through an education seminar or, if approved by the department, through a personal contact with a representative of the department. The initial education must consist of a discussion of the statutes, rules, and regulations that apply to special transportation service providers. Topics discussed must include:

- A. driver qualifications;
- B. driver and attendant training requirements;
- C. vehicle equipment;
- D. vehicle construction standards;
- E. standards for vehicle operation;
- F. standards for vehicle maintenance including the cleanliness of vehicles;
- G. insurance requirements;
- H. record requirements; and
- I. enforcement provisions.

## **8840.5650 ANNUAL EVALUATION.**

The commissioner shall annually evaluate whether the provider complies with parts 8840.5100 to 8840.6300. The evaluation must include (1) an audit of the provider's records to determine that the provider is keeping the records required by part 8840.6100, (2) an inspection of the vehicles to determine that the vehicle meets the standards of parts 8840.5700 and 8840.5950, and (3) a determination whether wheelchair securement devices in the vehicle are certified by the commissioner of public safety as required by

# Proposed Rules

*Minnesota Statutes*, section 174.30, subdivisions 3 and 4.

## **8840.5700 INSPECTION AND AUDIT.**

Subpart 1. **Commissioner shall inspect.** The commissioner shall inspect or provide for the inspection of each vehicle at least annually, and may inspect a vehicle on receipt of a complaint about the condition of the vehicle or its equipment. ~~In addition, the commissioner shall inspect or provide for the inspection of at least five percent of the vehicles operated by certified providers on a quarterly, unannounced, random basis.~~ The commissioner shall examine vehicle inspection, repair, and maintenance records for each vehicle at least annually. The results of an inspection of vehicles or records must be documented and a copy given to the provider. ~~Vehicles and equipment, including specialized equipment to ensure usability or safety for disabled persons, may be inspected by employees of the Department of Public Safety, State Patrol Division, by agreement between the commissioners of transportation and public safety. These inspections must be conducted and documented in the manner provided by this part and part 8840.5800. A copy of an inspection report must be given to the commissioner when an inspection is conducted by employees of the Department of Public Safety, State Patrol Division.~~ The commissioner ~~or employees of the Department of Public Safety, State Patrol Division,~~ shall direct a provider to immediately remove a vehicle from service on determining the vehicle is in a condition that is likely to cause an accident or break down. The “North American Uniform Vehicle Out-Of-Service Criteria,” as adopted under *Minnesota Statutes*, section 221.031, must be followed in determining whether a vehicle is likely to cause an accident or break down. ~~When employees of the Department of Public Safety, State Patrol Division, remove a vehicle from service, copies of the inspection and out of service forms must be sent to the commissioner.~~ If the vehicle is equipped with a wheelchair securement device, the inspection form must state whether the device is certified by the commissioner ~~of public safety~~. Providers directed to repair or replace defective equipment shall provide written evidence of compliance to the commissioner of transportation. When the provider has taken the required corrective action, the provider may return the vehicle to service.

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

Subp. 4. **Items examined.** Annual audits and inspections conducted under these standards must comprise:

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

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

## **8840.5800 ENFORCEMENT: VIOLATIONS, SUSPENSIONS, REVOCATIONS, AND CANCELLATIONS.**

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

Subp. 3. **Suspension.** No provider may provide special transportation service or operate a special transportation service vehicle without correcting a violation of parts 8840.5100 to 8840.6300 as provided in subpart 1 or providing notice that a defective vehicle has been removed from service as provided in subpart 2. The commissioner shall suspend a provider’s certificate of compliance until the provider complies with parts 8840.5100 to 8840.6300 if the commissioner determines a provider has:

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

- C. used a driver or attendant after the provider has been directed by the commissioner to stop using the driver or attendant; ~~or~~
- D. failed to permit an inspection as provided in part 8840.5700; or
- E. failed to maintain insurance as provided in part 8840.6000.

Subp. 3a. **Revocation.** The commissioner shall revoke the certificate of compliance of a provider who:

- A. provides special transportation service after the provider’s certificate of compliance has been suspended. ~~The commissioner shall revoke the certificate of compliance of a provider who or canceled;~~
- B. provides ambulance service without a license issued under *Minnesota Statutes*, section 144E.10; or
- C. has committed a pattern of violating the standards that shows a willful or reckless disregard for the health and safety of persons who use special transportation service.

Subp. 3b. Consideration in determining revocation. In making a determination under subpart 3a, the commissioner must consider:

- A. the willfulness of the violations;
- B. the seriousness of the violations including whether they resulted in, or were likely to result in, passenger injuries or vehicle accidents;
- C. the provider’s history of violations including the time elapsed since the last violation, the number of previous violations, and the response of the person to the most recent violation identified; and
- D. other factors as justice may require if the commissioner specifically identifies the additional factors in the commissioner’s order.

Subp. 3c. Cancellation. The commissioner shall cancel the certificate of compliance of a provider who:

- A. failed to renew a certificate of compliance as provided in part 8840.5525, subpart 5;

---

---

## Proposed Rules

B. knowingly made a material statement that was false or fraudulent regarding the standards provided in this chapter; or

C. failed to maintain insurance after a notice of suspension was issued as provided for in part 8840.6000.

Subp. 3d. Application for another certificate after revocation. If the commissioner revokes a provider's certificate, the provider may not apply for a new certificate for at least 180 days from the date of revocation.

Subp. 4. [See repealer.]

Subp. 5. Administrative orders and penalties. The commissioner may issue an order requiring violations of the standards to be corrected or assessing monetary penalties as provided in *Minnesota Statutes*, section 174.30, subdivision 8. *Minnesota Statutes*, section 221.036, applies to orders issued under this part and a person who wishes to contest an order must follow the procedures in that section.

Subp. 6. Notice of suspension, revocation, or cancellation. The commissioner shall mail notice of suspension, revocation, or cancellation of a certificate of compliance under this chapter to the provider's last known address by certified mail. The notice must include:

A. a concise statement of the facts alleged to constitute a violation;

B. a reference to the section of the statute, rule, or order that has been violated; and

C. a statement of the person's right to review of the order pursuant to part 8840.6400.

### **8840.5900 DRIVER QUALIFICATIONS.**

Subpart 1. **Standards Physical qualification.** Standards for drivers are as follows:

~~A.~~ No driver ~~shall~~ may operate a special transportation service vehicle providing special transportation unless ~~that the driver~~ is physically qualified to drive under Code of Federal Regulations, title 49, section 391.41, paragraphs (a) and (b), which is incorporated by reference.

~~(1) has visual acuity of 20/40 in each eye corrected and a field of vision of at least 70 degrees in the horizontal meridian of each eye;~~

~~(2) does not have a hearing loss greater than 30 db in the better ear with or without a hearing aid; and~~

~~(3) has no current medical condition which interferes with the ability to drive safely.~~

~~B.~~ Every two years each driver shall obtain a physician's statement or the statement of a nurse practitioner certified by the American Nurses' Association or other professional nursing certifying organization having authority to certify registered nurses in advanced nursing practice, that the driver has no current medical condition that interferes with the driver's ability to drive safely. It must be obtained before driving a special transportation service vehicle. Drivers for facilities that are licensed by the Department of Health or the Department of Human Services and required by either of those departments to provide a physician's or nurse practitioner's statement of health on a regular basis may substitute that form or statement for the form required in this part.

Subp. 1a. Evidence of physical qualification. Before driving a special transportation service vehicle providing special transportation, a driver must have a valid medical examiner's certificate under *Code of Federal Regulations*, title 49, section 391.43, which is incorporated by reference, certifying that the driver meets the requirements in subpart 1. A copy of the medical examiner's certificate must be in the driver's possession while operating a special transportation service vehicle.

Subp. 1b. Waiver for physical defects. A person who is not physically qualified to drive under *Code of Federal Regulations*, title 49, section 391.41, paragraph (b), clause (1) or (2), and who is otherwise qualified to drive a motor vehicle, may drive a special transportation service vehicle if the commissioner grants a waiver to that person under *Minnesota Statutes*, section 221.0314, subdivisions 3, 3a, and 3b. A copy of the waiver must be given to the provider who employs the driver and must be in the driver's possession while operating a special transportation service vehicle.

Subp. 1c. Other evidence of physical qualifications. A driver who has a driver's license ~~containing~~ with a valid school bus endorsement issued under *Minnesota Statutes*, section 171.321, or the rules of the commissioner of public safety, ~~or a current United States Department of Transportation health card,~~ may furnish the provider with a copy of that endorsement ~~or card~~ instead of furnishing the ~~physician's statement of health~~ medical examiner's certificate described in subpart 1a.

~~C.~~ Subp. 1d. Ability to inspect vehicle and assist passenger. Each driver must be able to perform a vehicle safety inspection. Each driver and attendant, when a vehicle is staffed by both a driver and an attendant, must be able to assist a passenger into and out of the vehicle and operate a wheelchair lift or ramp if the vehicle is equipped with it.

~~D.~~ Subp. 1e. Driver's license. A driver must:

~~(1) possess~~ have a driver's license ~~which is valid for the class of vehicle driven and, if required under Minnesota Statutes, section 171.323, evidence of a special transportation service vehicle permit or endorsement issued by the commissioner of public safety;~~

~~(2) Subp. 1f. Age and experience.~~ A driver must be at least 18 years of age and have not less than one year of experience as a licensed driver.

# Proposed Rules

---

~~(3)~~ Subp. 1g. **Driving record.** A driver must, for the past three years:

~~(a)~~ A. have not had a driver's license canceled under *Minnesota Statutes*, section 171.14, revoked under *Minnesota Statutes*, section 171.17, or suspended under *Minnesota Statutes*, section 171.18, clause (2), (3), (4), (5), (7), or (11);

~~(b)~~ have a driving record clear of convictions for operating a motor vehicle or motorcycle without insurance as required by *Minnesota Statutes*, section 169.797; and

~~(c)~~ B. have a driving record clear of convictions for driving a motor vehicle without a valid current license for the class of vehicle driven; and

~~(4)~~ ~~for the preceding three years,~~ C. have a driving and criminal record clear of convictions for driving under the influence of alcohol or a controlled substance under *Minnesota Statutes*, section 169A.20, or an ordinance in conformity with that section, of alcohol-related driving by commercial vehicle drivers under *Minnesota Statutes*, section 169A.20, and of driver's license revocations under *Minnesota Statutes*, sections 169A.51 to 169A.53.

~~E. Each Subp. 1h. Criminal record.~~ A driver must ~~also have a criminal record clear of convictions of crimes or anticipatory not have been convicted of, and must not have pleaded guilty to, either crimes against persons and or crimes or anticipatory crimes reasonably related to providing special transportation services.~~

A. For purposes of this ~~part subpart,~~ "criminal record" means the conviction records ~~of the Minnesota Bureau of Criminal Apprehension~~ in which the last date of discharge from the criminal justice system is less than 15 years.

B. Conviction has the meaning given it in *Minnesota Statutes*, section 171.01, subdivision 29.

C. Criminal record and driving record includes a conviction, suspension, cancellation, or revocation for a crime in another jurisdiction that would be a violation under this part.

D. The following offenses are considered crimes against persons or reasonably related to providing special transportation services, or both:

- (1) *Minnesota Statutes*, section 609.17, attempts;
- (2) *Minnesota Statutes*, section 609.175, conspiracy;
- (3) *Minnesota Statutes*, section 609.185, murder in the first degree;
- (4) *Minnesota Statutes*, section 609.19, murder in the second degree;
- (5) *Minnesota Statutes*, section 609.195, murder in the third degree;
- (6) *Minnesota Statutes*, section 609.20, manslaughter in the first degree;
- (7) *Minnesota Statutes*, section 609.205, manslaughter in the second degree;
- (8) *Minnesota Statutes*, section 609.21, criminal vehicular homicide and injury;
- (9) *Minnesota Statutes*, section 609.215, suicide;
- (10) *Minnesota Statutes*, section 609.221, assault in the first degree;
- (11) *Minnesota Statutes*, section 609.222, assault in the second degree;
- (12) *Minnesota Statutes*, section 609.223, assault in the third degree;
- (13) *Minnesota Statutes*, section 609.2231, assault in the fourth degree;
- (14) *Minnesota Statutes*, section 609.224, assault in the fifth degree;
- (15) *Minnesota Statutes*, section 609.228, great bodily harm caused by distribution of drugs;
- (16) *Minnesota Statutes*, section 609.23, mistreatment of persons confined;
- (17) *Minnesota Statutes*, section 609.231, mistreatment of residents or patients;
- (18) *Minnesota Statutes*, section 609.235, use of drugs to injure or facilitate crime;
- (19) *Minnesota Statutes*, section 609.24, simple robbery;
- (20) *Minnesota Statutes*, section 609.245, aggravated robbery;
- (21) *Minnesota Statutes*, section 609.25, kidnapping;
- (22) *Minnesota Statutes*, section 609.255, false imprisonment;
- (23) *Minnesota Statutes*, section 609.265, abduction;
- (24) *Minnesota Statutes*, section 609.2661, murder of an unborn child in the first degree;
- (25) *Minnesota Statutes*, section 609.2662, murder of an unborn child in the second degree;
- (26) *Minnesota Statutes*, section 609.2663, murder of an unborn child in the third degree;
- (27) *Minnesota Statutes*, section 609.2664, manslaughter of an unborn child in the first degree;

- (28) *Minnesota Statutes*, section 609.2665, manslaughter of an unborn child in the second degree;
- (29) *Minnesota Statutes*, section 609.267, assault of an unborn child in the first degree;
- (30) *Minnesota Statutes*, section 609.2671, assault of an unborn child in the second degree;
- (31) *Minnesota Statutes*, section 609.2672, assault of an unborn child in the third degree;
- (32) *Minnesota Statutes*, section 609.268, injury or death of an unborn child in the commission of a crime;
- (33) *Minnesota Statutes*, section 609.322, solicitation, inducement, and promotion of prostitution;
- (34) *Minnesota Statutes*, section 609.323, receiving profit from prostitution;
- (35) *Minnesota Statutes*, section 609.324, subdivisions 1 and 1a, other prohibited acts;
- (36) *Minnesota Statutes*, section 609.33, disorderly house;
- (37) *Minnesota Statutes*, section 609.342, criminal sexual conduct in the first degree;
- (38) *Minnesota Statutes*, section 609.343, criminal sexual conduct in the second degree;
- (39) *Minnesota Statutes*, section 609.344, criminal sexual conduct in the third degree;
- (40) *Minnesota Statutes*, section 609.345, criminal sexual conduct in the fourth degree;
- (41) *Minnesota Statutes*, section 609.3451, criminal sexual conduct in the fifth degree;
- (42) *Minnesota Statutes*, section 609.352, solicitation of children to engage in sexual conduct;
- (43) *Minnesota Statutes*, section 609.365, incest;
- (44) *Minnesota Statutes*, section 609.377, malicious punishment of a child;
- (45) *Minnesota Statutes*, section 609.378, neglect or endangerment of a child;
- (46) *Minnesota Statutes*, section 609.498, tampering with a witness;
- (47) *Minnesota Statutes*, section 609.52, felony theft;
- (48) *Minnesota Statutes*, section 609.561, arson in the first degree;
- ~~(48)~~ (49) *Minnesota Statutes*, section 609.582, ~~subdivision~~ subdivisions 1 and 2, burglary;
- (50) *Minnesota Statutes*, section 609.713, terroristic threats;
- (51) *Minnesota Statutes*, section 609.749, nonfelony, harassment and stalking;
- ~~(49)~~ (52) *Minnesota Statutes*, section 617.23, indecent exposure;
- ~~(50)~~ (53) *Minnesota Statutes*, section 617.241, obscene materials and performances;
- ~~(51)~~ (54) *Minnesota Statutes*, section 617.243, indecent literature, distribution;
- ~~(52)~~ (55) *Minnesota Statutes*, section 617.246, use of minors in sexual performance;
- ~~(53)~~ (56) *Minnesota Statutes*, section 617.247, possession of pictorial representations of minors;
- ~~(54)~~ (57) *Minnesota Statutes*, section 617.293, harmful materials; dissemination and display to minors; and
- ~~(55)~~ (58) felony convictions under *Minnesota Statutes*, chapter 152, prohibited drugs.

Subp. 2. **Provider responsibility; employee's driver's license.** Before using or hiring a driver to provide special transportation service, a provider ~~shall determine that the driver has a valid~~ must obtain and review a copy of the driver's license ~~and, if required under *Minnesota Statutes*, section 171.323, evidence of a special transportation service vehicle permit or endorsement issued by the Department of Public Safety. Before using or hiring a driver who is not required to have a special transportation service vehicle endorsement or permit, a provider shall determine~~ showing that the driver has a valid driver's license and, ~~except as provided in subpart 3, must conduct a~~.

Subp. 2a. **Provider responsibility; driver's traffic and criminal record.** Before using or hiring a driver to provide special transportation service, a provider must obtain and review ~~of~~ the driving and criminal ~~record~~ records of a driver. In addition, a provider shall annually review the driving record and biennially review the criminal record of a driver it uses or employs.

A. The driving and criminal record review must include an examination of the records of the Department of Public Safety, Division of Driver and Vehicle Services, to determine if the driver meets the standards of ~~subpart 1, item D, subitems (1), (3), and~~ ~~(4)~~ subparts 1d, 1e, and 1f. The review must also include an examination of the conviction records of the Minnesota Bureau of Criminal Apprehension to determine if the driver has a criminal record of convictions for crimes listed in subpart ~~1, item E 1g.~~

B. A provider satisfies the requirements of this subpart by obtaining a background check from the Minnesota Bureau of Criminal Apprehension. A private business or local law enforcement agency may be used for conducting the criminal background check if the review consists of an examination of the records of the Minnesota Bureau of Criminal Apprehension.

C. If a person has resided in Minnesota for less than ten years, the provider shall also conduct a search of the criminal justice

# Proposed Rules

data communications network records in each state where the person has resided for the preceding ten years.

D. If a person has held a driver's license in a state other than Minnesota for the preceding three years, the provider shall review the driving record in each state where the person has held a driver's license for the preceding three-year period.

Subp. 2b. **Provider responsibility; statement of physical qualifications.** Before using or hiring a driver to provide special transportation service, a provider must obtain and review a copy of the statement of physical qualifications or other evidence of physical qualifications listed in subpart 1a or 1b that the driver meets the physical qualifications in subpart 1.

Subp. 2c. **Provider responsibility; failure to maintain qualifications.** If, during the time a provider is using or employing a driver, the driver's special transportation service vehicle permit or endorsement is withdrawn by the commissioner of public safety or if the driver no longer meets the standards of ~~subpart 1, item D or E~~ this part, the provider shall immediately stop using or employing the driver as a special transportation vehicle driver or attendant and shall report the withdrawal, the reason the driver no longer meets the standards, or both, to the commissioner.

Subp. 3. [See repealer.]

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

## **8840.5910 DRIVER AND ATTENDANT TRAINING REQUIREMENTS.**

Subpart 1. **Training required before driving.** Before providing special transportation service, each driver and attendant ~~shall~~ must receive:

A. passenger assistance training described in subpart 5, items E to I;

B. instruction in operating the radio, cellular telephone, or other means of two-way communication required by part 8840.5925, subpart 1, item C;

C. instruction and demonstration in operating the vehicle ramp, wheelchair lift, and wheelchair securement devices, if the vehicle is so equipped;

D. instruction in what to do and whom to call in a medical emergency or an accident, including training in the use of the fire extinguisher and use of emergency triangles under part 8840.5950, subpart 4; and

E. except for attendants, instruction in conducting the daily vehicle inspection required by part 8840.5950, subpart 1, item B.

Subp. 2. **Additional training required.** Within 45 days after beginning to provide special transportation service, each driver and attendant shall complete:

A. four hours of training in first aid, except that this requirement does not apply to a person who possesses a current basic or advanced American Red Cross First Aid or American Heart Association Certificate or who possesses a current certificate issued under parts 4690.3900 to 4690.7900;

B. except for attendants, four hours of classroom instruction in defensive driving; ~~and~~

C. abuse-prevention training described in subpart 8. ~~Within 60 days after beginning to provide special transportation service, each driver and attendant shall complete; and~~

D. the passenger assistance training described in subpart 5 or 6.

Subp. 3. [See repealer.]

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

Subp. 5. **Passenger assistance training.** Each driver and attendant who transports passengers seated in wheelchairs or who assists passengers in transferring from a wheelchair to a vehicle shall complete a minimum of eight hours training in the techniques of transporting and assisting elderly and physically handicapped passengers. Passenger assistance training must include:

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

J. ~~if the service transports passengers who use assistive devices,~~ discussion of common assistive devices including:

[For text of subitems (1) to (6), see M.R.]

[For text of subp 6, see M.R.]

Subp. 7. [See repealer.]

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

Subp. 9. **Refresher course and continuing education.** Each driver and attendant shall successfully complete within three years from the date the driver or attendant completed the training required in subpart 2:

A. a four-hour refresher first aid or emergency-care course ~~every three years. The refresher course, which~~ must include instruction in the elements listed in subpart 4. ~~Each driver and attendant shall complete the training described in either subpart 5 or 6 and the training described in subpart 8 every three years.~~

B. except for attendants, two hours of classroom instruction in defensive driving;

C. two hours of training in issues relating to passenger assistance and abuse prevention; and

D. seven hours of continuing education related to providing special transportation service.

## **8840.5925 VEHICLE EQUIPMENT.**

Subpart 1. **Safety equipment.** ~~Each vehicle~~ When in use, each vehicle must carry the following safety equipment:

A. The vehicle must carry a fully charged, dry chemical, fire extinguisher, ~~with that has~~ not less than a 5B:C rating, ~~bearing and a tag or gauge indicating that it has been serviced within the preceding year~~ the charge level of the fire extinguisher. Passenger automobiles that are not vans may carry the fire extinguisher in the trunk of the vehicle if the following notice is affixed to the dashboard of the vehicle: "A fire extinguisher is in the trunk of this vehicle." In other vehicles, the fire extinguisher must be securely mounted in a bracket and readily accessible to the driver in case of emergency.

B. The vehicle must carry an emergency first aid kit in a dust-proof container, labeled "FIRST AID." The kit must contain at least the following items:

- (1) ~~six four inch by four inch~~ sterile gauze pads;
- (2) ~~two~~ soft roll bandages ~~three inches to six inches by five yards;~~
- (3) adhesive tape; and
- (4) scissors.

C. The vehicle must be equipped with a working radio ~~capable~~, cellular telephone, or other means of two-way communication. ~~A citizen's band (CB) radio is acceptable.~~

D. The vehicle must carry an operable flashlight.

E. When a vehicle carries children under the age of four, a child-restraint system that meets the requirements of federal motor vehicle safety standard number 213, *Code of Federal Regulations*, title 49, section 571.213, as ~~revised through October 1, 1990~~ amended, ~~and~~ which is incorporated by reference, must be available in the vehicle. This item does not apply to taxis.

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

G. Each vehicle must carry an ice scraper from October 1 to April 30, and each vehicle ~~that is not a taxi~~ must carry a blanket at all times.

[For text of items H and I, see M.R.]

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

Subp. 3. **Ramps.** Ramps must have a slip-proof surface to provide traction. One end of the ramp must be secured to the floor of the vehicle when the ramp is in use. Ramps ~~put into service after September 28, 1992,~~ must conform to the requirements of *Code of Federal Regulations*, title 49, section 38.23, paragraph (c), which is incorporated by reference.

Subp. 4. **Wheelchair lifts, requirements.** A vehicle that is equipped with a wheelchair lift and carries semiambulatory persons who use the wheelchair lift must be equipped with either a wheelchair lift with an adjustable or removable railing 28 inches to 36 inches high on one side of the lift or with a folding wheelchair stored on the vehicle when it is in use.

A wheelchair lift ~~put into service after September 28, 1992,~~ must conform to the requirements of *Code of Federal Regulations*, title 49, section 38.23, paragraph (b), which is incorporated by reference.

Subp. 5. **Securement devices.** Vehicles that carry occupied stretchers or litters must ~~comply with requirements for securement devices in part 4690.1700~~ be equipped with restraining devices for the stretcher and all seating places in the vehicle. Vehicles that carry wheelchairs must comply with the requirements for securement devices in parts 7450.0100 to ~~7450.0900~~ 7450.0800.

Subp. 6. **Vehicle identification.** Every vehicle must display on both sides the provider's business name and the provider's United States Department of Transportation (USDOT) number or if the provider does not have a USDOT number the special transportation service certificate number preceded by the letters "STS". The name and numbers must be marked in colors that sharply contrast with the background, be readily legible during daylight hours from a distance of 50 feet while the vehicle is stationary, and be maintained in a manner that retains the legibility of the markings. The markings may be shown by use of a removable device if that device meets the identification and legibility requirements of this subpart.

## **8840.5940 VEHICLE CONSTRUCTION STANDARDS.**

Subpart 1. **Rollover protection.** This subpart applies to all kinds of vans and buses but does not apply to passenger cars, taxis, or station wagons. A special transportation service vehicle ~~obtained and first used by that provider after January 1, 1993,~~ must meet federal motor vehicle safety standard number 216 or 220, roof crush resistance or school bus rollover protection, found in *Code of Federal Regulations*, title 49, ~~section~~ sections 571.216 and 571.220, which ~~is~~ are incorporated by reference. ~~This subpart also applies to used vehicles that are purchased or obtained after that date.~~ For a vehicle subject to this subpart, the provider must obtain from the manufacturer or from the person who manufactures, constructs, or reconstructs the roof of the vehicle, certification that

# Proposed Rules

the vehicle meets the requirements of federal motor vehicle safety standard number 216 or 220. The certification must be in a form prescribed by the commissioner and must contain the following information:

A. the vehicle identification number;

B. the make, model, and year of manufacture of the vehicle; and

C. a statement that the vehicle was constructed according to standards that have been tested and found to meet the performance requirements for roof crush resistance or school bus rollover protection established by federal motor vehicle safety standard number 216 or 220;

Subp. 1b. Evidence for vehicle with remanufactured roof. If the roof of the vehicle has been altered, the certification must contain:

A. the vehicle identification number;

B. the vehicle's make, model, and year of manufacture;

C. a statement from the person who alters the roof of the vehicle that the vehicle was constructed according to standards that have been tested and found to meet the performance requirements for rollover protection established by federal motor vehicle safety standard number 220;

D. the name, address, and telephone number of the manufacturer or person who ~~manufactured, constructed, or reconstructed~~ altered the roof of the vehicle;

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

Subp. 1c. Alternative evidence for vehicle with remanufactured roof. Instead of the statement prescribed in ~~items A to G~~ this part, the provider may submit to the commissioner literature, letters, and memoranda from the manufacturer or other person who constructs or reconstructs the vehicle or from the testing facility if those documents establish that the vehicle meets the performance standards of federal motor vehicle safety standard number 220.

Subp. 2. **Emergency exits.** If a vehicle is equipped with a wheelchair lift, it must have a front entrance door in addition to the lift door.

If a vehicle is designed to carry more than ten persons, it must comply with the requirements of federal motor vehicle safety standard number 217, found in *Code of Federal Regulations*, title 49, section 571.217, which is incorporated by reference.

If a vehicle is designed to carry ~~fewer than ten or fewer~~ persons ~~and is obtained and first used by a provider after January 1, 1993,~~ it must also be constructed with one of the following:

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

[For text of subps 3 and 4, see M.R.]

Subp. 5. **Door heights.** This subpart applies to all kinds of vans and buses but does not apply to passenger cars, taxis, and station wagons. The door height of vehicles ~~put into service after September 28, 1992,~~ must conform to the requirements of *Code of Federal Regulations*, title 49, section 38.25, paragraph (c), which is incorporated by reference.

## **8840.5950 STANDARDS FOR OPERATION OF VEHICLES.**

Subpart 1. **Operation.** Standards for vehicle operation are as follows:

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

C. Providers shall conduct or cause to be conducted a vehicle safety inspection once each week or every 1,000 miles, whichever comes first. The provider shall maintain a record that shows the date and mileage at each safety inspection and a notation of needed repairs and replacements. The record must be maintained in the vehicle or in the provider's files. The safety inspection must include inspection of the:

[For text of subitems (1) to (11), see M.R.]

(12) wheelchair securement or stretcher securement device, if applicable; ~~and~~

(13) emergency doors or windows. Tests must be conducted to ensure that the emergency doors or windows function properly;

(14) steering mechanism;

(15) exhaust system;

(16) frame;

(17) suspension;

(18) wheels and rims; and

(19) fuel system.

[For text of subps 2 to 5, see M.R.]

## 8840.5975 STANDARDS FOR MAINTENANCE.

Subpart 1. **Maintenance.** Standards for vehicle maintenance are as follows:

A. Vehicles must be maintained in accordance with the manufacturer's recommended maintenance schedule or an improved schedule based on actual vehicle operating conditions.

B. Providers shall correct a deficiency that might interfere with the safe operation of the vehicle before the vehicle is placed in service.

C. Windows and lights must be kept clean.

D. The interior of vehicles must be kept clean so as to be free from dirt, grease, body fluids, and other offensive matter and in good repair.

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

## 8840.6000 INSURANCE.

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

Subp. 2. **Certificate of insurance.** A provider shall obtain a certificate of insurance for the special transportation service vehicles it operates, on a form E, "Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance," incorporated by reference in part 8840.5500. The provider's insurer shall mail the certificate of insurance to the Minnesota Department of Transportation, Office of Motor Carrier Services, Minnesota Administrative Truck Center, Livestock Exchange Building, 100 Stockyards Road, South St. Paul, Minnesota 55075 as required by part 8840.5500, subpart 2, item B, subitem (1). The certificate must show the vehicles covered by the policy and the policy limits. The insurer shall notify the department in writing ten days before termination of coverage by either party.

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

Subp. 4. **Cancellation of insurance.** A certificate of insurance, form E filing, may only be canceled by filing with the commissioner a form K, "Uniform Notice of Cancellation of Motor Carrier Insurance Policies," under Code of Federal Regulations, title 49, part 1023, Appendix (1992), which is incorporated by reference except for the last paragraph of form K. A cancellation notice takes effect 30 days from the day the form K is received by the commissioner. The provider's insurer shall mail the certificate of insurance to the Minnesota Department of Transportation.

Subp. 5. **Grounds for suspension.** A certificate of compliance is suspended if the provider fails to maintain and file with the commissioner the insurance required by this chapter. In order to avoid permanent cancellation of the certificate, the provider must do one of the following within 45 days from the date of suspension:

A. comply with the rules in this chapter by filing proof of insurance; or

B. request a hearing before the commissioner regarding failure to comply with the rules.

Subp. 6. **Notice of suspension; effective date.** The commissioner shall issue a notice of suspension if the provider is not in compliance with the insurance requirements of this chapter. The notice must give the reason for suspension and must be sent to the last known address of the provider by certified mail, return receipt requested. A suspension is effective two days after a notice is mailed.

Subp. 7. **Suspension rescission.** If the provider complies with the requirements of this chapter within 45 days after the date of suspension, the commissioner shall rescind the suspension.

Subp. 8. **Hearing.** If the provider requests a hearing within 45 days after the date of suspension, the commissioner shall review the suspension and:

A. determine that the carrier has complied with the rule and cancel the suspension;

B. for just cause, grant an extension that must not exceed 20 days; or

C. schedule a hearing to ascertain whether the provider has failed to comply with the rule. On determining at the conclusion of the hearing that the carrier has failed to comply with the rule, the commissioner shall cancel the provider's suspended certificate.

Subp. 9. **Grounds for cancellation.** Except as provided in subpart 11, failure to comply with the requirements of subpart 5 within 45 days of the date of suspension, is deemed abandonment of the provider's certificate and the certificate must be canceled by the commissioner.

Subp. 10. **Notice of cancellation.** The commissioner shall notify the provider by certified mail, return receipt requested, that the certificate is canceled effective on the date of mailing the notice of cancellation.

Subp. 11. **Reinstatement after cancellation.** A provider whose certificate is canceled for failure to comply with the insurance requirements may ask the commissioner to review the cancellation. Upon review, the commissioner shall rescind the cancellation if:

A. the provider presents evidence showing that before the effective date of the notice of cancellation issued under subpart 10, the provider had obtained and paid for the insurance required by this chapter; and

B. the commissioner is satisfied that the provider has complied with the insurance requirements of this chapter.

# Proposed Rules

## 8840.6100 RECORDS.

Subpart 1. ~~Information required~~ **Availability to commissioner.** A provider shall keep the records required in this chapter at the provider's principal place of business and make the records available for inspection and copying in Minnesota by the commissioner upon request.

Subp. 1a. **Drivers.** A provider shall maintain ~~files containing the following information:~~

~~A.~~ for each driver, a file that contains the following information:

~~(1)~~ A. the name, address, and birthdate of the driver;

~~(2)~~ B. the driver's license number, ~~the~~ and class of the license, ~~and, if required under Minnesota Statutes, section 171.323, evidence of a special transportation vehicle endorsement or permit issued by the commissioner of public safety;~~

~~(3)~~ C. whether the driver has had at least one year of driving experience;

~~(4)~~ D. whether the driver's record meets the standards of part 8840.5900, subpart 1, ~~item D, subitems (3) and (4)~~ If, the date the driver's record was last checked, and the name of the person who checked the driver's record;

~~(5)~~ E. the date the driver first provided special transportation service for the provider;

F. the ~~date on which~~ certificate of course completion showing that:

(1) the driver successfully completed at least four hours of training in first aid as required by part 8840.5910, subpart 4, or a certificate showing completion of one of the courses described in part 8840.5910, subpart 2, item A;

~~(6)~~ (2) the driver successfully completed training in the techniques of transporting and assisting elderly and physically handicapped passengers as required by part 8840.5910, subpart 5 or 6, whichever is applicable;

~~(7)~~ the date and location at which the driver was trained in the use of the fire extinguisher;

~~(8)~~ (3) the driver received the training required before driving, described in part 8840.5910, subpart 1;

~~(9)~~ (4) the driver received the additional training required by part 8840.5910, subpart 2; and

~~(10)~~ (5) the driver completed the refresher ~~course~~ and continuing education courses described in part 8840.5910, subpart 9; and

~~(11)~~ G. a statement that must:

(1) be signed by the person who conducted the review of a driver's criminal and driving record as required by part 8840.5900, subpart 2. ~~The statement must:~~

(2) contain the date the driver's ~~criminal record was~~ records were checked and must, the driver's full name and date of birth, and the list of disqualifying offenses, if any;

(3) state whether the driver was found to meet the standards of part 8840.5900, ~~subpart 1, item E, subparts 1f and 1g; and~~

(4) if the driver was found not to meet the standards in subitem (3), the statement must contain the date the driver became disqualified, the reason for the disqualification, and the date the commissioner was notified; and

~~B. H.~~ for each driver, the ~~physician's or nurse practitioner's statement that the driver has no current medical condition that interferes with the ability to drive safely or a copy of the school bus driver's endorsement or United States Department of Transportation health card; medical examiner's certificate or school bus endorsement required under part 8840.5900, subpart 1a or 1c.~~

~~C.~~ Subp. 1b. **Attendants.** A provider shall maintain for each attendant, a file that contains the following information:

~~(1)~~ A. the name and address of the attendant;

~~(2)~~ B. the date the attendant first provided assistance in special transportation service for the provider;

C. the ~~date on which~~ certificate of completion showing that:

(1) the attendant successfully completed at least four hours of training in first aid as required by part 8840.5910, subpart 4, or a certificate showing completion of one of the courses described in part 8840.5910, subpart 2, item A;

~~(3)~~ (2) the date on which

(2) the attendant successfully completed training in the techniques of transporting and assisting elderly and physically handicapped passengers as required by part 8840.5910, subpart 5 or 6, whichever is applicable; and

~~(4)~~ the date and location at which the attendant was trained in the use of the fire extinguisher;

~~D.~~ (3) the attendant received the training required by part 8840.5910, subpart 1;

(4) the attendant received the additional training required by part 8840.5910, subpart 2; and

(5) the attendant completed the refresher course and continuing education courses described in part 8840.5910, subpart 9.

Subp. 1c. **Correspondence with commissioner.** A provider shall maintain files that contain all correspondence with the commissioner, including the certificate of compliance.

~~E.~~ **Subp. 1d. Accidents.** A provider shall maintain files that contain all accident records, including for each accident the following information:

A. date of the accident;

B. city or town in which or most near where the accident occurred;

C. driver name;

D. number of injuries or fatalities;

E. description of the accident;

F. number of passengers in the vehicle at the time of the accident;

G. the vehicle identification number of the vehicle involved in the accident;

H. whether the driver was convicted of a moving violation for driving conduct that led to the accident; and

I. copies of all accident reports required by state or other governmental entities or insurers. "Accident" means an occurrence involving a motor vehicle that results in:

(1) a fatality;

(2) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(3) one or more motor vehicles incurring disabling damage as a result of the accident, requiring that a motor vehicle be transported away from the scene by a tow truck or other motor vehicle.

~~F.~~ **Subp. 1e. Insurance claims.** A provider shall maintain files that contain a record of insurance claims arising from the operation of the vehicle or a photocopy of claims documents submitted to an insurer;

~~G.~~ **Subp. 1f. Vehicle and wheelchair lift service records.** A provider shall maintain files that contain service records for each vehicle and wheelchair lift indicating the date, the odometer reading, and the nature of the inspection, repair, or maintenance each time the vehicle or wheelchair lift was serviced;

**Subp. 1g. Safety inspection and maintenance records.** A provider shall maintain files that contain:

~~H.~~ A. the safety inspection ~~record~~ records described in part 8840.5950, and maintenance records described in part 8840.5975 for each vehicle, unless it is maintained in the vehicle; and

~~I.~~ B. the certification of compliance with federal motor vehicle safety standard number 216 or 220 required by part 8840.5940, subpart 1.

**Subp. 1h. Retention.** A provider shall keep the records required under this chapter for a minimum of three years, except that the daily and weekly safety inspection records required under part 8840.5950 must be kept for only a three-month period.

Subp. 2. [See repealer.]

## **8840.6200 CERTIFICATION OF TRAINING COURSES AND INSTRUCTORS.**

Subpart 1. **Commissioner approval.** Training courses and instructors must be approved by the commissioner before being offered to fulfill the requirements of parts 8840.5100 to 8840.6300.

Subp. 2. **Application form.** The application for approval of a training course and instructor must be made on a form prescribed by the commissioner.

Subp. 3. **Minimum standards.** The commissioner shall approve a course and instructor ~~if it meets~~ they meet the following minimum standards:

A. ~~H.~~ The course must include instruction, demonstration, discussion, and, when applicable, an opportunity for student practice in the elements required by these standards.

B. The application ~~shall~~ must specify when and where the instructor has previously taught the course.

C. The name, address, employment, and relevant training of the instructor must be shown, and information showing that the instructor meets the standards under subpart 4.

D. The name and address of any institution ~~which~~ that is sponsoring the course must be shown.

E. An application for certification of a continuing education course must include the following information:

(1) the specific topic of instruction and its relevance to special transportation service;

(2) a course plan that describes expected outcomes for the participant;

(3) a written outline of the topics, the total length of instruction, and how much time will be spent on training for each topic during the course; and

(4) written course materials.

# Proposed Rules

Subp. 4. **Instructors.** Standards for instructors are as follows:

A. A first aid course ~~shall~~ must be taught by any person who is a licensed physician, registered nurse, licensed practical nurse, a paramedic, an emergency medical technician, a certified first aid instructor, or a physician's assistant.

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

C. Continuing education courses must be taught by a person who is knowledgeable in the specific topic of instruction for the course. The person's qualifications must be documented by specialized training in the subject matter, experience in teaching the subject matter, or experience in working in the subject areas.

Subp. 5. **Written answer.** The commissioner shall grant or deny, in writing, applications for approval of training courses and instructors within 30 days of receipt of the complete application.

Subp. 5a. **Certification expiration.** Certification of a course or instructor expires three years from the date it is issued.

Subp. 6. **Notice to commissioner.** Applicants who are approved to teach ~~first aid or passenger assistance training courses~~ under this part shall notify the commissioner of the starting date, location, and time of each course at least 72 hours before that starting date.

Subp. 7. **Certificate of course completion.** For each training course given under part 8840.5910, a certificate of course completion must be completed by the instructor or the sponsoring organization for each driver and attendant who successfully completed the training course.

Subp. 8. **Application information kept current.** An instructor, while certified, must notify the commissioner in writing of any change in the application information.

## 8840.6250 AUDIT OF COURSES.

Subpart 1. **Auditing ~~courses~~ authority.** The commissioner may audit courses approved under part 8840.6200. The audit may include course inspection, classroom observation, review of instructor qualifications, and student interviews.

Subp. 2. **Withdrawing certification.** If, after auditing a course, the commissioner determines that the course materials or instruction do not meet the standards in parts 8840.5910 and 8840.6200, the commissioner must immediately withdraw certification of the course, the instructor, or both.

Subp. 3. **Appeal of certification withdrawal.** An instructor who wants to contest a withdrawal of certification must follow the procedures in part 8840.6400.

## 8840.6300 VARIANCE.

Subpart 1. **Elements.** The commissioner may grant a variance from parts 8840.5100 to 8840.6300, except part 8840.5400. ~~The commissioner shall grant a variance if the applicant shows~~ An application for a variance must be in writing, state the specific rule part or subpart from which a variance is requested, and show that:

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

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

## 8840.6400 ADMINISTRATIVE HEARING.

A person who disagrees with a decision or order of the commissioner issued pursuant to this chapter may request a contested case hearing. The request for a contested case hearing must be submitted in writing to the commissioner within 30 days, or within 45 days if submitted pursuant to part 8840.6000, subpart 8, of the date of the commissioner's decision or order. The request for a contested case hearing must set out in detail the reasons why the person contends the decision of the commissioner should be reversed or modified. If the commissioner receives a written request for a contested case hearing, the commissioner must schedule a hearing within 30 days after the request is received under the procedures in *Minnesota Statutes*, chapter 14, and the rules of the Office of Administrative Hearings.

Unless otherwise provided by law, a demand for a hearing does not stay the effective date of a suspension, revocation, or cancellation order.

The decision of the administrative law judge will be submitted to the commissioner for the commissioner's adoption. The commissioner's decision on the issue under appeal is the final decision of the department.

**RENUMBERING INSTRUCTION.** The revisor of statutes shall renumber the subparts of parts 8840.5900 and 8840.6100, as amended and shown in column A, as the subpart numbers in column B. The revisor shall also make any necessary changes to cross references to those subparts in *Minnesota Rules*.

<u>Column A</u>	<u>Column B</u>
8840.5900, subp. 1a	8840.5900, subp. 5
8840.5900, subp. 1b	8840.5900, subp. 6
8840.5900, subp. 1c	8840.5900, subp. 7

<u>8840.5900, subp. 1d</u>	<u>8840.5900, subp. 8</u>
<u>8840.5900, subp. 1e</u>	<u>8840.5900, subp. 9</u>
<u>8840.5900, subp. 1f</u>	<u>8840.5900, subp. 10</u>
<u>8840.5900, subp. 1g</u>	<u>8840.5900, subp. 11</u>
<u>8840.5900, subp. 1h</u>	<u>8840.5900, subp. 12</u>
<u>8840.5900, subp. 2</u>	<u>8840.5900, subp. 13</u>
<u>8840.5900, subp. 2a</u>	<u>8840.5900, subp. 14</u>
<u>8840.5900, subp. 2b</u>	<u>8840.5900, subp. 15</u>
<u>8840.5900, subp. 2c</u>	<u>8840.5900, subp. 16</u>
<u>8840.5900, subp. 4</u>	<u>8840.5900, subp. 17</u>
<u>8840.6100, subp. 1a</u>	<u>8840.6100, subp. 3</u>
<u>8840.6100, subp. 1b</u>	<u>8840.6100, subp. 4</u>
<u>8840.6100, subp. 1c</u>	<u>8840.6100, subp. 5</u>
<u>8840.6100, subp. 1d</u>	<u>8840.6100, subp. 6</u>
<u>8840.6100, subp. 1e</u>	<u>8840.6100, subp. 7</u>
<u>8840.6100, subp. 1f</u>	<u>8840.6100, subp. 8</u>
<u>8840.6100, subp. 1g</u>	<u>8840.6100, subp. 9</u>
<u>8840.6100, subp. 1h</u>	<u>8840.6100, subp. 10</u>

**REPEALER.** Minnesota Rules, parts 8840.5100, subpart 4; 8840.5300, subparts 2 and 3; 8840.5500, subparts 3 and 4; 8840.5600; 8840.5800, subpart 4; 8840.5900, subpart 3; 8840.5910, subparts 3 and 7; and 8840.6100, subpart 2, are repealed.

**CONTINUED VALIDITY OF STATEMENT ISSUED UNDER PART 8840.5900, SUBPART 1, ITEM B.** A statement obtained under the authority of former part 8840.5900, subpart 1, item B, before the effective date of these amendments to part 8840.5900, remains valid until the earlier of (1) the expiration of the statement or (2) the last day of a two-year period beginning on the effective date of these amendments to part 8840.5900.

**SPECIAL EFFECTIVE DATE.** Part 8840.5925, subpart 6, is effective 180 days after the fifth working day after the notice of adoption of these rules is published in the *State Register*. The remaining provisions of these rules are effective as provided in *Minnesota Statutes*, section 14.18.

## 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 Agriculture

#### Agronomy and Plant Protection Division

#### Notice of Public Comment Period on Water Quality Best Management Practices for Herbicides

**NOTICE IS HERBY GIVEN** that: The Commissioner of the Minnesota Department of Agriculture (MDA) is providing notice of a public comment period on draft water quality Best Management Practices (BMPs) for herbicides. The voluntary BMPs were developed by the MDA and the University of Minnesota Extension Service, in consultation with other interested parties, to address general herbicide use and water resource protection, and to address known impacts to water resources from specific herbicides (acetochlor, alachlor, atrazine, metolachlor and metribuzin). For information on the authorities under which the MDA is developing the BMPs, and to view or obtain copies of the draft BMPs and other related MDA communication, refer to the MDA's Pesticide BMP **webpage** at <http://www.mda.state.mn.us/appd/bmps/bmps.htm>. For information on water resource monitoring results that support the development of BMPs, refer to the MDA's Monitoring and Assessment **webpage** at <http://www.mda.state.mn.us/appd/ace/maace.htm>.

The BMPs include core water quality BMPs for all agricultural herbicides, and herbicide-specific BMPs for herbicides having a known impact on water resources. The core BMPs are considered the foundation for the herbicide-specific BMPs, and will be promoted statewide for all herbicide use as a preventive approach to protect water resources. The core BMPs include additional information and resources helpful to farmers. The core BMPs and the herbicide-specific BMPs for atrazine, metolachlor and metribuzin are final drafts, while the BMPs for acetochlor and alachlor are proposed first drafts. The MDA will accept public comment on all BMPs until December 5, 2003. At the close of the comment period, MDA may modify the BMPs to address public comment received. All final BMPs will be published in the *State Register*.

Interested parties or groups may direct inquiries about and provide comment on the BMPs to the State Department of Agriculture at the following address:

Gregg Regimbal  
Minnesota Department of Agriculture  
90 West Plato Boulevard, St. Paul, MN 55107-2094  
**Telephone:** (651) 297-4871  
**Fax:** (651) 297-2271  
**Electronic Mail:** [gregg.regimbal@state.mn.us](mailto:gregg.regimbal@state.mn.us)

### Department of Human Services

#### Authorization List

The following is a listing of added drugs to the current authorization list. The newly added drug codes will require authorization on or after November 1, 2003. As authorized by *Minnesota Statutes*, section 256B.0625 subdivision 25, the following list includes all drugs that have been added requiring authorization as a condition of Minnesota Health Care Programs (MHCP) payment. The criteria used to develop this list are as follows:

- A. The health service could be considered, under some circumstances, to be of questionable medical necessity.
- B. Use of the health services needs monitoring to control the expenditure of program funds.
- 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 drugs will require Authorization for services provided on or after November 1, 2003.**

**DRUGS****Added drugs**

oxycodone, sustained release (Oxycontin®)  
Avinza® brand of sustained release morphine  
Kadian® brand of sustained release morphine  
omalizumab (Xolair®)  
Klonopin® Wafers  
Remeron® Soltabs  
Glucotrol® brand of glipizide  
Diabeta® brand of glyburide  
Micronase® brand of glyburide  
Glynase® brand of micronized glyburide  
glimepiride (Amaryl®)

**Minnesota Department of Human Services****Child Safety and Permanency Division****Notice of Publication of State Title XX Intended Use Report and Title XX Post-Expenditure Report**

1. Child Safety and Permanency Division of the Minnesota Department of Human Services has submitted a Title XX Intended Use Report for the Federal Fiscal Year 2004 (October 1, 2003 through September 30, 2004) and a Title XX Post-Expenditure Report for the Federal Fiscal Year 2002 (October 1, 2001 through September 30, 2002) to the United States Department of Health and Human Services, Administration for Children and Families, Office of Community Services.
2. These reports are intended to meet federal requirements for funds provided under Title XX of the Social Security Act.

The plans are available for public review and comment. A copy can be obtained by contacting:

Minnesota Department of Human Services  
Child Safety and Permanency Division  
Title XX Intended Use Report 2004 and Title XX Post-Expenditure Report for 2002  
444 Lafayette Road North  
St. Paul, MN 55155-3832  
Telephone Number (651) 215-1832  
Or online at <http://www.comm.media.state.mn.us>  
(AND THEN CLICK ON STATE REGISTER)

**Department of Human Services****Decrease in the Number of Admissions Requiring Inpatient Hospital Authorization**

Minnesota Health Care Programs (MHCP) will decrease the number of admissions requiring Inpatient Hospital Authorization (IHA), previously called Inpatient Certification, effective for claims submitted after November 1, 2003. The only cases that will require IHA are:

1. admissions to long-term care hospitals
2. patients admitted to a Medicare rehabilitation distinct part or unit

All other inpatient stays are exempt from requiring IHA. DHS will perform retroactive medical reviews to determine medical necessity on selected cases that no longer require IHA, including admissions for General Assistance Medical Care Hospital Only (GHO) program. MHCP recipients admitted as inpatients must still meet the medical necessity criteria found in Chapter 13 and 14 of the provider manual. Inpatient stays lasting longer than 59 days still require recertification.

# Official Notices

---

## Metropolitan Council

### Public Hearing on 2004 Unified Operating Budget and 2004-2009 Capital Improvement Program and 2004 Capital Budget

The Metropolitan Council will hold a public hearing on the Council's proposed 2004 Unified Operating Budget, the 2004-2009 Capital improvement Program and the 2004 Capital Budget. These hearings will be as follows:

- **Metropolitan Council 2004 Unified Operating Budget Public Hearing**  
5:00 p.m., Wednesday, Dec. 10, 2003  
Metropolitan Council Chambers  
Mears Park Centre  
230 E. Fifth St.  
St. Paul, MN
- **Metropolitan Council 2004-2009 Capital Improvement Program and 2004 Capital Budget Hearing**  
5:30 p.m., Wednesday, Dec. 10, 2003  
Metropolitan Council Chambers  
Mears Park Centre  
230 E. Fifth St.  
St. Paul, MN

All interested persons are encouraged to attend the hearing and offer comments. People may register in advance to speak by calling (651) 602-1390 or (651) 291-0904 (TTY). Upon request, the Council will provide reasonable accommodations to persons with disabilities.

Comments may also be submitted as follows:

- Send written comments to: Beth Widstrom-Anderson, Chief Finance Officer, Metropolitan Council, Mears Park Centre, 230 E. Fifth St., St. Paul, MN 55101
- Fax comments to Beth Widstrom-Anderson at (651) 602-1070
- Record comments on the Council's Public Comment Line: (651) 602-1500
- Send comments electronically to: [data.center@metc.state.mn.us](mailto:data.center@metc.state.mn.us)

**Comments must be received by Dec. 17, 2003.**

Free Copies of the public hearing draft of the Council's proposed 2004 Unified Operating Budget, the 2004-2009 Capital Improvement Program and the 2004 Capital Budget may be obtained from the Council's Data Center by calling (651) 602-1140 or (651) 291-0904 (TTY).

## Teachers Retirement Association

### Notice of Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Wednesday, November 19, 2003 at approximately 11 a.m. in Suite 400, 60 Empire Drive, St. Paul, MN to consider matters which may properly come before the Board.

## State Grants & Loans

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

## Minnesota Department of Health

### Office of Rural Health and Primary Care

#### Minnesota Rural Flex Grant Program; Notice of Grant Availability

The Office of Rural Health and Primary Care, Minnesota Department of Health, is seeking grant applications from qualifying applicants for the Minnesota Rural Flex Grant Program.

Activities that promote regionalization of health care services, improve access to quality health care services, or provide for the development and/or enhancement of rural health networks are eligible under this grant program. This includes establishing community and regional networking partnerships, assessing and implementing health system needs and improvements (such as workforce, diversification, new services, telemedicine systems, establishment of a Rural Health Clinic or Federally Qualified Health Center), strengthening and integrating local EMS systems, establishing projects and partnerships regarding quality improvement initiatives, and community development efforts affecting or in relation to health care (such as implementing Rural Health Works or another economic measurement model).

Eligible applicants are: rural hospitals eligible to convert to Critical Access Hospital licensure, rural hospitals with 50 or fewer beds, rural health networks (applicants must be nonprofit or local government entities), and rural EMS organizations.

Total amount available: \$240,000. The maximum for any grant is \$25,000. Applications are due December 18, 2003. Prospective applicants who have questions or would like a copy of the application guidelines should contact:

Mark Schoenbaum, Office of Rural Health and Primary Care, Minnesota Department of Health

**Phone:** (651) 282-3859

**Email:** [mark.schoenbaum@health.state.mn.us](mailto:mark.schoenbaum@health.state.mn.us)

**By mail:** P.O. Box 64975, St. Paul, Minnesota 55164-0975

**By courier:** 121 East 7th Place, Suite 460, St. Paul, Minnesota 55105

Applications are also available on the Office of Rural Health and Primary Care web site at <http://www.health.state.mn.us/divs/chs/grants.htm>.

## Department of Human Services

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

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

The 2000 *Laws of Minnesota*, Chapter 245, Article 3, Section 25 established the authority for the Commissioner to implement a performance-based contracting system to replace the current method of setting operating cost payment rates under sections 256B.431 and 256B.434 and *Minnesota Rules*, parts 9549.0010 to 9549.0080 to be effective July 1, 2001. 2001 *First Special Session*, Article 5, Section 35(d) states, Notwithstanding *Minnesota Statutes*, section 256B.435, the commissioner must not implement a performance-based contracting system for nursing facilities prior to July 1, 2003. The commissioner shall continue to reimburse nursing facilities under *Minnesota Statutes*, section 256B.431 or 256B.434, until otherwise directed by law. The commissioner will consider proposals from all nursing facilities that have payment rates established under section 256B.431. The commissioner may develop reasonable requirements which, in the judgment of the commissioner, are necessary to protect residents or ensure that the performance-based contracting system furthers the interests of the state of Minnesota. The nursing facility may be required to negotiate with the State any modifications to the proposal as required by the State to make the terms of the proposal more favorable to the State.

# State Grants & Loans

---

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

Requests for copies of the complete RFP, "Alternative Payment for Nursing Facility Services," should be directed to Bev Milotzky at (651) 296-2673. The original and two (2) copies of the proposal in response to the RFP must be submitted to the Nursing Home Contract Project, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3836, no later than 4:00 p.m. on Monday, December 15, 2003.

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

## The Department of Human Services

### Disability Services Division

#### Request for Proposals for Comprehensive Information, Referral and Assistance Services for People With Disabilities and Chronic Illnesses Through the Operation of a Disability Linkage Line Call Center for Central and Northern Minnesota

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Human Services (DHS) requires the services of Responder(s) to expand the information and assistance infrastructure for people with disabilities by providing specialty information, referral and assistance services across all disability groups through a statewide network called Disability Linkage Line (DLL).

The goal of this initiative is to develop a coordinated, statewide network of Minnesota agencies that will deliver seamless and timely access to the information and help people with disabilities and chronic illness (or their representatives or caregivers) to make informed decisions and successfully connect to community resources. DHS has divided the state into four regions for the provision of DLL services; north, central, metro and south. DHS posted an RFP in September, 2003 which resulted in the selection of the Metro and Southern providers. DHS intends to award additional grants to up to two qualified responders to provide DLL statewide services to the Northern and Central regions. The total funding available for grant awards is up to \$320,000 over two years.

Responder(s) should be willing to build off of their current Information, Referral and Assistance (IR&A) system for the provision of DLL services. DLL providers will work in strong collaboration with each other, DHS, the Senior LinkAge Line®, other existing information and referral systems, and other statewide and local partners, to enhance the effective and consistent delivery of disability related information and assistance services. Disability Linkage Line is not to replace existing information services but rather create seamless access to those services for the consumer. DHS will provide and maintain the information database that will be used by Disability Linkage Line providers.

This is a summary of the RFP; to obtain the full RFP, or if you need the RFP in an alternative format, such as Braille, large print, or audiotape, contact Marsha Nadeau at (651) 582-1915 or [marsha.nadeau@state.mn.us](mailto:marsha.nadeau@state.mn.us). The RFP is also available on the DHS public web-site [www.dhs.state.mn.us/Contcare/disability/rfpgrant.htm](http://www.dhs.state.mn.us/Contcare/disability/rfpgrant.htm)

Organizations are responsible for all costs associated with the preparation, delivery, and presentation of materials in response to this RFP. Organizations must not communicate with any DHS staff concerning this RFP except as provided for as in this document as follows. Any questions, concerns, or communications should be directed to:

Lesli Kerkhoff  
Minnesota Department of Human Services  
Disability Services Division  
444 Lafayette Road  
St. Paul, MN 55155-3872  
**Phone:** (651) 634-2281  
**Fax:** (651) 582-1808  
**Email:** [Lesli.Kerkhoff@state.mn.us](mailto:Lesli.Kerkhoff@state.mn.us)

Questions will be addressed at Proposers Conferences held November 13th in Brainerd and November 14th in Duluth. To register for a Proposers Conference please contact Lesli Kerkhoff by November 10th. Written questions regarding this RFP will also be accepted by Lesli Kerkhoff through November 14th, 2003. Written responses for all questions will be mailed to all respective responders no later than November 17th, 2003.

**To be considered, proposals must be delivered in person or by US Mail to the address listed above at the Department of Human Services by 3:00pm, Central Daylight time, December 1st, 2003.**

While it is the DHS' intent to enter into a contract with a qualified responder for the provision of the professional and technical services set forth herein, this RFP does not obligate DHS to complete the RFP process or to enter into a contract. DHS reserves the right to cancel this RFP at any time and for any reason.

## State Contracts

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

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

## Department of Administration

### State Architect's Office

#### Notice of Availability of Request for Proposals to Provide Special Inspection and Quality Control Testing for the Department of Human Services (DHS) Office Building and Parking Ramp (SAO Project No. 02281SPX and 02282SPX)

The State of Minnesota through its Department of Administration, State Architect's Office ("State") is soliciting proposals for the services of Special Inspection and Quality Control testing for the new DHS Office Building and Parking Ramp.

The full Request for Proposals is available at [www.sao.admin.state.mn.us](http://www.sao.admin.state.mn.us), click on "Solicitation Announcements", click on "RFP for Inspection and Testing for Project No. 02281SPX". Written responses must be received no later than, **2:00 p.m. Central Standard Time on November 25, 2003**. RFP clarifications or changes and responses to questions, if any, will also be available on Web Site [www.sao.admin.state.mn.us](http://www.sao.admin.state.mn.us), click on "Solicitation Announcements", click on "RFP for Inspection and Testing for Project No. 02281SPX". Late responses will not be considered.

Questions may be faxed to attention of Glenn Metz or emailed to Glen Metz at [glenn.metz@state.mn.us](mailto:glenn.metz@state.mn.us). Questions should be received no later than 4:00 p.m. on November 18, 2003 on Web Site [www.sao.admin.state.mn.us](http://www.sao.admin.state.mn.us). The contact person identified is to be the only person authorized to respond to questions.

## Department of Administration

### State Register

#### Subscriptions Available

Subscriptions to the *State Register* are available ON-LINE. These subscriptions include advantages that can be found nowhere else.

A running index of the current issue can be used to quickly locate the articles you are searching for. Each has links to the issue in which the article appeared.

A current log of contracts, grants and loans, as well as non-state contracts can also be accessed which helps in locating contracts you can bid on.

Best of all, the *State Register* is E-mailed to you the afternoon it is published, on Friday, so you can be ready with your phone calls on Monday morning.

Subscriptions cost \$180 for an entire year, that's \$80 less than the cover price. Service, speed, accuracy, and on-time delivery with the *State Register* on-line. Order yours today by calling (651) 297-8774 and charge your credit card, or FAX your credit card information: (651) 297-8260; or send in your check or credit card information to Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155.

## Colleges and Universities, Minnesota State (MnSCU)

### DEADLINE EXTENSION

The deadline for the Request for Proposals for Executive Search Firm has been extended to Monday, November 10, 2003 no later than 5:00 p.m. This notice appeared in the *State Register* on September 29, 2003 on page 403 (28 SR 403). Contact:

Linda Skallman, Associate Vice Chancellor  
Minnesota State Colleges & Universities/Personnel  
500 Wells Fargo Place, 30 East Seventh Street  
St. Paul, MN 55101

**Telephone:** (651) 296-5157

[linda.skallman@so.mnscu.edu](mailto:linda.skallman@so.mnscu.edu)

**FAX:** (651) 297-3145

# State Contracts

---

## Department of Employment and Economic Development

### Request for Proposals for an Investment Banker

The Department of Employment and Economic Development (Minnesota Agricultural and Economic Development Board), is requesting cost proposals for Investment Banking services. The Investment Banking firm would provide investment banking services including: credit analysis, industry research, preparation of official statements, assisting with credit ratings if any, and marketing the bonds.

Work is proposed to start after Jan. 1, 2004, once a completed contract is in place.

For more information and/or a copy of the complete Request for Proposals, contact:

Paul A. Moe  
Minnesota Agriculture and Economic Development Board  
Minnesota Department of Employment and Economic Development  
500 Metro Square  
121 Seventh Place East  
St. Paul, MN 55101-2146  
**Direct phone/voice mail:** (651) 297-1391  
**Fax:** (651) 296-5287

**NOTE:** No other personnel are authorized to discuss this contract or request for proposals. The proposal deadline is Nov. 24, 2003, 4:30 pm. Only hard copies of written proposals will be considered, and proposals received after the deadline will not be considered.

## Minnesota Department of Employment and Economic Development

### Request for Proposals for Client Tracking System

#### Project Overview

The Department of Employment and Economic Development, in partnership with its local workforce partners, is seeking proposals for technology to track customer usage of services at Minnesota's WorkForce Centers. We envision implementing an integrated hardware and software system that registers customers on their initial visit to a WorkForce Center and then stores data on which services specific customers use on the initial and all subsequent visits to any Minnesota WorkForce Center.

#### Goal

The goal of this project is to collect accurate information on the customer volume and activity patterns at WorkForce Centers. We seek a customer information system that is easy for customers to use, that requires customers to provide basic registration information only once, and that provides survey mechanisms to learn more about our customers, their needs, and their experiences. We further seek an information system that provides just-in-time information to local and state managers regarding customers and services and that integrates with more intensive case-management systems.

Persons interested in receiving a copy of the complete Request for Proposal must contact:

Libby Starling  
Director of Policy, Planning and Measures  
Department of Employment and Economic Development  
390 North Robert Street  
St. Paul, MN 55101  
**Telephone:** (651) 296-5750  
**E-mail:** [elizabeth.starling@state.mn.us](mailto:elizabeth.starling@state.mn.us)

Other personnel are **NOT** allowed to discuss this request for proposal with responders before the proposal submission deadline. Contact regarding this RFP with any personnel not listed above could result in disqualification.

All proposals must be received no later than 2:30 p.m., Central Time, Monday December 1, 2003, by Ms. Starling, at 390 North Robert Street, St. Paul, MN. 55101. Hand-delivered proposals will be time-stamped by the security guard in the entrance to the building. **Late proposals will not be considered.**

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All costs incurred in responding to this RFP will be borne by the responder. Fax and e-mail proposals will not be considered.

## **Department of Transportation**

### **Program Support Group**

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

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

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

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT's Consultant Services web site, indicated below, to see which highway related professional/technical services are available at this time. Following the advertisement of a particular category of services, applications will be accepted on a continual basis.

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

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

Send completed application material to:

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

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

## **Department of Transportation**

### **Engineering Services Division**

#### **Notice Concerning Professional/Technical Contract Opportunities**

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

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

## Non-State Contracts & Grants

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

### Metropolitan Council

#### Notice of Request for Proposals (RFP) for an Interactive Voice Response System

##### Contract Number 03P095

The Metropolitan Council is requesting proposals for an Interactive Voice Response System for schedule information with interfaces to SmartCard Fare Collection System & Siemens SmartCOM Transit Master System.

*Issue Request for Proposals*

**November 3, 2003**

*Receive Proposals*

**December 8, 2003**

*Contract negotiated, executed, NTP*

**January 2004**

All firms interested in being considered for this project and desiring to receive a RFP package are invited to submit a Letter of Interest to:

Harriet Simmons, Senior Administrative Assistant, Contracts and Procurement Unit  
Metropolitan Council  
230 East Fifth Street  
Mears Park Centre  
St. Paul, MN 55101  
**PHONE:** 651-602-1068  
**FAX:** (651) 602-1138  
**e-mail:** [harriet.simmons@metc.state.mn.us](mailto:harriet.simmons@metc.state.mn.us)

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

### Metropolitan Council

#### Notice of Request for Proposals (RFP) for a Comprehensive Facility Plan for a Third Party ADA Eligibility Assessment Project

##### Contract Number 02P146

The Metropolitan Council is requesting proposals for a comprehensive Facility Plan for a Third Party ADA Eligibility Assessment Project. This will include evaluation of applicants who are requesting ADA paratransit eligibility. The evaluation is based upon in-person functional assessment of the applicant's physical and/or cognitive and/or mental abilities and makes ADA paratransit eligibility recommendations to Council staff.

*Issue Request for Proposals*

**November 3, 2003**

*Receive Proposals*

**December 8, 2003**

*Evaluate and Rank Proposals*

**January 2003**

*Contract negotiated, executed, NTP*

**February 2004**

All firms interested in being considered for this project and desiring to receive a RFP package are invited to submit a Letter of Interest to:

Harriet Simmons, Senior Administrative Assistant, Contracts and Procurement Unit  
Metropolitan Council  
230 East Fifth Street  
Mears Park Centre  
St. Paul, MN 55101  
**PHONE:** 651-602-1068  
**FAX:** (651) 602-1138

---

---

## Non-State Contracts & Grants

**e-mail:** [harriet.simmons@metc.state.mn.us](mailto:harriet.simmons@metc.state.mn.us)

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

### Metropolitan Council - Metro Transit

#### Sealed Bids Sought for Passenger Waiting Shelters

##### Procurement No. 6507

Metro Transit, a division of the Metropolitan Council, is soliciting sealed bids for the supply of thirteen Victorian-style passenger waiting shelters. These shelters are a custom design and will match existing passenger shelters in the Riverview Corridor. Bids are due by 2:00 PM on November 25, 2003.

Bids must be submitted in accordance with the Invitation for Bids document available from:

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

### 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 the Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls., MN 55454.

660 Olive Street • St. Paul, Minnesota 55155  
 Metro Area 651-297-3000  
 Toll Free 1-800-657-3757  
 FAX 651-297-8260  
 Metro Area 651-282-5077 Greater MN 1-800-657-3706

Periodicals  
U.S. Postage  
Paid  
Permit No.  
326630  
St. Paul, MN

Please notify us of any address changes so that we can continue to give you our best service. Include your old mailing label to speed your service.



Printed on recycled paper  
20% post-consumer waste

TO ORDER:

Complete attached order blank. Please include sales tax. Include either your VISA/MasterCard, American Express or Discover credit card number with the expiration date, or a check/money order made out to the State of Minnesota. Orders by phone are accepted when purchasing with your credit card. Please include a phone number where you can be reached during the day in case we have questions about your order.

**PREPAYMENT REQUIRED.**

Merchandise may be returned if it is in resalable condition.

**NOTE:**

**State Register** and other subscriptions do not require sales tax or postage and handling fees.

## Shipping Charges

<b>Subtotal</b>	<b>Add:</b>
Up to \$25.00	\$3.00
\$25.01 - \$50.00	\$5.00
\$50.01 - \$100.00	\$7.00
\$100.01 - \$1,000.00	\$10.00



***Prices subject to change without notice.***

Please allow about 6 weeks for delivery.

In a hurry? Stop by our Bookstore.

Bookstore hours: 8:00-5:00 Monday-Friday

**For Your Convenience, photocopy this order blank**

Code No.	Quantity	Description	Item Price	Total
Name or Company			<b>Subtotal</b>	
Attention		6½ % tax MN residents 7% St. Paul residents		
Address				
City	State	Zip	Add Shipping Charges from chart at left.	
American Express/VISA/MasterCard/Discover No.			<b>TOTAL</b>	
Signature		Expiration Date	Telephone (During Day)	

**If tax exempt, please provide ES number or send completed exemption form.**

**Source Code SR003**