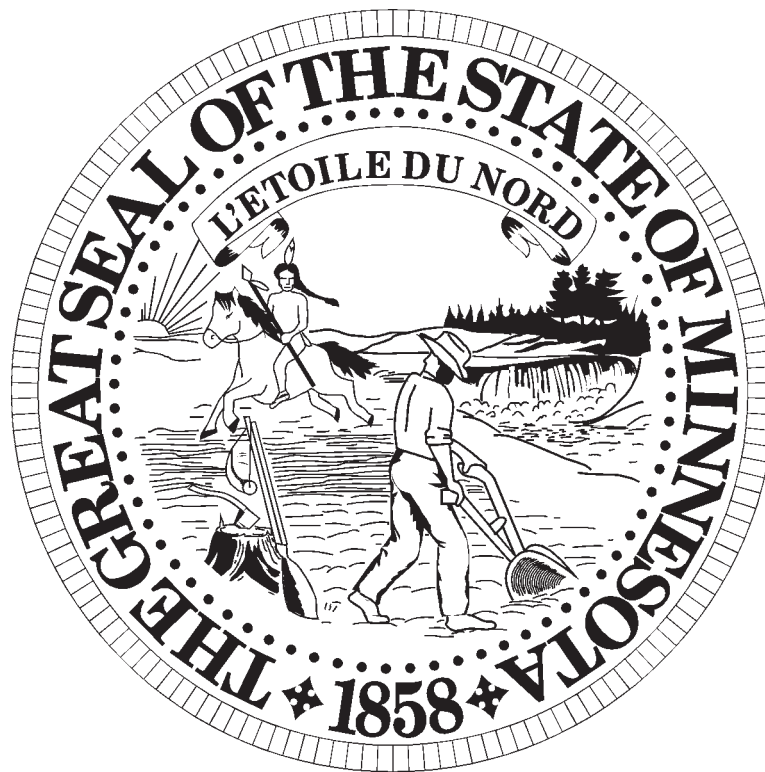


State of Minnesota

# State Register



**Rules and Official Notices Edition**

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# State Register

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

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- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
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#46	Monday	16 May	Noon Tuesday	10 May	Noon Wednesday	4 May
#47	Monday	23 May	Noon Tuesday	17 May	Noon Wednesday	11 May
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# Minnesota Rules: Amendments and Additions

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

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

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

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

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

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# Proposed Rules

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

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

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

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

## Department of Agriculture Rural Finance Authority

### Proposed Permanent Rules Relating to Rural Finance Authority

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

**Proposed Amendments To and Repeal of Rules Governing Basic Beginning Farmer Loan Participation Program; Agricultural Development Bond Beginning Farmer Loan Program; Agricultural Improvement Loan Program; Seller-Sponsored Loan Participation Program; Restructure Participation Program; Livestock Expansion Loan Program; and Value-Added Agricultural Product Loan Program: *Minnesota Rules* 1650.0021; 1650.0031; 1650.0046 - 1650.0066; 1650.0511; 1650.0611; 1650.0661; 1651.0021 - 1651.0041; 1651.0061 - 1651.0081; 1653.0021; 1653.0031; 1653.0071 - 1653.0091; 1655.0021; 1655.0031; 1655.0061 - 1655.0081; 1656.0011 - 1656.0031; 1656.0051 - 1656.0071; 1656.0095; 1656.0100 and Repeal of Rules 1650.0021, subp. 6; 1650.0031, subp. 2 and 3; 1653.0031, subp 3; 1655.0041; 1656.0021, subp. 18; and 1656.0091**

**Introduction.** The Minnesota Rural Finance Authority intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until June 15, 2005.

**Agency Contact Person.** Comments or questions on the amendments to rules and written requests for a public hearing on the rules must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 90 W Plato Blvd., St. Paul, MN 55107; phone: (651) 296-6906; Fax: (651) 297-5522; Email: [carol.milligan@state.mn.us](mailto:carol.milligan@state.mn.us). TTD users may call the Minnesota Relay at 1-800-627-3529.

**Subject of Rules and Statutory Authority.** The proposed amendments to the rules are about providing consistency between the different programs of the authority and removing conflicts with statute. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 41B.07 and 41C.13. A copy of the proposed amendments is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on June 15, 2005 to submit written comment in support of or in opposition to the proposed amendments and any part or subpart of the amendments. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed amendments addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the amendments. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on June 15, 2005. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed amendments to which you object or state that you oppose the entire set of amendments. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the



# Proposed Rules

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reason for the request and any changes you want made to the proposed amendments.

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

**Modifications.** The proposed amendments may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted amendments may not be substantially different than these proposed rules unless the procedure under part 1400.2110 has been followed. If the proposed amendments affect you in any way, you are encouraged to participate in the rulemaking process.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed amendments, including a description of who will be affected by the proposed amendments and an estimate of the probable cost of the proposed amendments.

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

Dated: May 2, 2005



Jim Boerboom  
Executive Director

## 1650.0021 DEFINITIONS.

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

Subp. 6. **See repealer.**

Subp. 7. **Borrower.** "Borrower" means the person or persons liable on a first mortgage loan participation made under this program. ~~A borrower may also be a domestic family farm corporation as defined in *Minnesota Statutes*, section 500.24, subdivision 2.~~

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

Subp. 9a. **First mortgage loan or loan.** "First mortgage loan" or "loan" means a loan participation under this program secured by a first mortgage on real property.

[For text of subs 10 to 16, see M.R.]

## 1650.0031 BORROWER ELIGIBILITY.

Subpart 1. **Criteria.** To be eligible for assistance under the basic beginning farmer program, an applicant must meet the criteria in ~~subparts 2 and 3~~ *Minnesota Statutes*, section 41B.03, subdivisions 1 and 3.

Subp. 2. **See repealer.**

Subp. 3. **See repealer.**

## 1650.0046 APPLICATION PROCESS AND OFFER OF PARTICIPATION.

Subpart 1. **Request for a first mortgage loan.** A lender and an applicant must jointly complete and sign an application and prepare all supporting documents identified in the application. Financial statements must be dated within 120 days of the application.

[For text of subs 2 and 3, see M.R.]

## 1650.0056 RFA REVIEW, NOTICE, APPEAL.

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

Subp. 2. **RFA acceptance.** The RFA shall accept an offer if:

A. the applicant is eligible in accordance with parts 1650.0011 to 1650.0071 and *Minnesota Statutes*, section 41B.03, subdivisions 1 and 3;

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

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

## 1650.0066 LOAN CLOSING, PURCHASE OF PARTICIPATION, AND LOAN MANAGEMENT.

Subpart 1. **Closing.** Upon receiving notification of RFA acceptance, the lender shall close the first mortgage loan. The lender must

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## Proposed Rules

record and cross-reference all security documents relating to the loan including the RFA note and loan agreement. The lender must notify the RFA that the loan is closed and recorded by certifying and submitting completing the lender certification section and returning the original RFA application, and submit a copy of the note and loan agreement, copies of the recorded documents, and the final title opinion to the RFA.

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

### 1650.0511 DEFINITIONS.

[For text of subs 1 to 10, see M.R.]

Subp. 11. **Eligible borrower.** “Eligible borrower” means a Minnesota resident or a Minnesota partnership consisting only of individuals who are Minnesota residents, who:

- A. has a low or moderate net worth as established by *Minnesota Statutes*, section 41C.02, subdivision 12;
- B. will engage in farming as a principal occupation;
- C. has sufficient education, training, or experience in the type of farming for which the loan is desired;
- D. will agree to participate in a farm business management program approved by the commissioner of agriculture in accordance with *Minnesota Statutes*, section 41C.05, subdivision 2, clause (6), for the first five years of the loan if an approved program is available within 45 miles of the residence of the borrower or one of the borrower’s partners;
- E. visit the soil and water conservation district office or the natural resources conservation service in the county where the land is located to inquire about the soil and water conservation needs for the identified farm property; and
- F. meets the requirements of *Minnesota Statutes*, section 41C.05, subdivision 2, and is a first time farmer, as defined in subpart 16, who will be the principal user of the property financed under the code, and will materially and substantially participate in the operation of the farm of which the property is a part or on which the property will be used.

[For text of subs 12 to 22, see M.R.]

### 1650.0601 APPLICABILITY AND PURPOSE.

Subpart 1. **Applicability.** Parts 1650.0601 to ~~1650.0651~~ 1650.0661 establish the criteria and procedures to be used by the RFA in administering the agricultural improvement loan program authorized by *Minnesota Statutes*, section 41B.043.

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

### 1650.0611 DEFINITIONS.

[For text of subs 1 to 7, see M.R.]

Subp. 8. **Borrower.** “Borrower” means the person or persons liable on a mortgage loan made under the program. ~~A borrower may also be a domestic family farm corporation as defined in *Minnesota Statutes*, section 500.24.~~

[For text of subs 9 to 18, see M.R.]

### 1650.0661 LOAN PARTICIPATION.

Subpart 1. **Borrower eligibility.** To be eligible for assistance through a loan participation under the agricultural improvement loan program, an applicant must meet the criteria in items A to F E.

A. The applicant must ~~be a resident of Minnesota or a domestic family farm corporation as defined in *Minnesota Statutes*, section 500.24, subdivision 2~~ meet the requirements of *Minnesota Statutes*, section 41B.03, subdivision 1, clause (1).

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

~~F. The applicant must not be a current or previous participant in the RFA Restructure II Program.~~

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

Subp. 3. **Application process and offer of participation.**

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

F. The loan must be for a maximum term of ten years. The maximum participation is ~~45 percent of the loan principal or \$100,000, whichever is less. The loan may have a balloon~~ the amount established in *Minnesota Statutes*, section 41B.043, subdivision 1b.

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

Subp. 4. **RFA review, notice, appeal.**

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

B. The RFA shall accept an application if:

(1) the applicant meets all eligibility criteria of parts 1650.0601 to 1650.0661 and *Minnesota Statutes*, section 41B.043, subdivision 1a or 1b;

[For text of subitems (2) to (4), see M.R.]

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

## Subp. 5. **Loan closing, purchase of participation, and loan management.**

A. Upon receiving notification of authority acceptance, the lender shall close the mortgage loan. The lender must record ~~and crossreference all security~~ documents relating to the loan, ~~including the RFA note and loan agreement~~. The lender must notify the RFA that the loan is closed and recorded by ~~signing~~ completing the lender certification section and returning the original RFA application and copies of the recorded documents, note and loan agreement, and final title opinion to the RFA.

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

[For text of subs 6 and 7, see M.R.]

## 1651.0021 DEFINITIONS.

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

Subp. 6. **Borrower.** "Borrower" means the person or persons liable on a first mortgage loan made under this program. ~~A borrower may also be a domestic family farm corporation as defined in Minnesota Statutes, section 500.24.~~

[For text of subs 7 and 8, see M.R.]

Subp. 9. **First mortgage loan, mortgage loan, or loan.** "First mortgage loan," ~~"mortgage loan,"~~ or "loan" means a loan ~~secured by a first priority real estate mortgage on a farm, made by an eligible lender to an eligible borrower for the purchase of the farm, that is offered to the RFA for participation under the seller-sponsored program, and in which the RFA purchases a participation which is secured by a first mortgage on real property.~~

[For text of subs 10 to 18, see M.R.]

## 1651.0031 SELLER ELIGIBILITY.

To qualify as an eligible seller under the program, a seller must meet the following criteria:

A. a seller must be ~~a natural person, a partnership, or a family farm corporation as defined in compliance with Minnesota Statutes, section 500.24, and~~ selling a farm located within Minnesota;

B. ~~the seller must not be a current or former participant in the family farm security program under Minnesota Statutes, chapter 41;~~

C. the seller must complete a seller-assisted loan commitment form certifying that the seller will partially finance the purchase of the farm property by making a loan to the borrower;

~~D. C.~~ the seller's loan to the borrower must be for the additional required financing necessary to complete the transaction after the down payment, if any;

~~E. D.~~ the seller's financing made to the borrower must be subordinated to the first mortgage loan of the lender in which the RFA is a participant; and

F. ~~E.~~ the seller must disclose all of the terms and conditions of the seller-assisted sale in a written purchase agreement to be given to the lender at the time of application.

## 1651.0041 BORROWER ELIGIBILITY.

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

### Subp. 2. **General eligibility criteria.** Each applicant must:

A. ~~be a resident of Minnesota~~ meet the requirements of Minnesota Statutes, section 41B.03, subdivision 5;

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

C. ~~not be a current or previous participant in the family farm security program under Minnesota Statutes, chapter 41;~~

~~D.~~ certify that the applicant is eligible for the program according to Minnesota Statutes, chapter 41B; and

~~E. D.~~ submit the correct fees as established in *Minnesota Statutes*, section 41B.03, subdivision 6; ~~and~~

~~F. not be a current or previous participant in the RFA Restructure II Program.~~

Subp. 3. **Beginning farmer criteria.** In addition to the requirements of subpart 2, a beginning farmer applicant must: meet the requirements of Minnesota Statutes, section 41B.03, subdivision 3.

~~A. have sufficient education, training, or experience to succeed in the type of farming to be undertaken;~~

~~B. have a financial need for the loan and the ability to repay the first mortgage loan;~~

C. ~~agree to enroll and continue in a farm business management program approved by the commissioner of agriculture in accordance with Minnesota Statutes, section 41B.03, subdivision 3, paragraph (a), clause (7), for the first five years of the loan, if an approved program is available within 45 miles from the borrower's residence;~~

~~D. visit the soil and water conservation district office or the natural resources conservation service in the county where the land is located to inquire about the soil and water conservation needs for the identified farm property; and~~

~~E. have a total net worth not to exceed the amount established pursuant to Minnesota Statutes, section 41B.03, subdivision 3, the current amount of which is available from the RFA office.~~



Subp. 4. **Reentry farmer criteria.** In addition to the requirements of subpart 2, a reentry farmer applicant must:

A. fulfill the criteria in subpart 3; ~~items A to D;~~

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

### 1651.0061 APPLICATION PROCESS AND OFFER OF PARTICIPATION.

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

Subp. 2. **Lender determination.** The lender shall review the proposal and determine the creditworthiness of the applicant and the value of the collateral to be used to secure the loan. If the lender agrees to make a first mortgage loan to the applicant, the lender and the applicant shall jointly prepare an application and the required loan documents described in the application and master participation agreement. Financial statements must be dated within 120 days of the application.

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

### 1651.0071 RFA REVIEW, NOTICE, AND APPEAL.

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

Subp. 2. **RFA acceptance.** The RFA shall accept an offer if:

A. the seller is eligible;

B. the applicant is eligible in accordance with this chapter and Minnesota Statutes, section 41B.03, subdivision 5;

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

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

### 1651.0081 LOAN CLOSING, PURCHASE OF PARTICIPATION, AND LOAN MANAGEMENT.

Subpart 1. **Closing.** Upon receiving notification of RFA acceptance, the lender shall close the first mortgage loan. At the time of closing, the sponsoring seller must present all legal documents relating to the sale, including the seller's proposed financing for the seller's loan to the applicant. The lender must record ~~and crossreference all security~~ documents relating to the loan, ~~including the RFA note and loan agreement.~~ The lender is not responsible for preparation of the seller's financing, but must record the seller's financing to ensure that it is recorded in a secondary security position. The lender must notify the RFA that the loan is closed and recorded by ~~certifying and submitting completing the lender certification section and returning~~ the original RFA application, a copy of the note and loan agreement, and copies of the recorded documents and final title opinion to the RFA.

[For text of subs 2 to 7, see M.R.]

### 1653.0021 DEFINITIONS.

[For text of subs 1 to 9, see M.R.]

Subp. 10. **Borrower.** "Borrower" means the person or persons liable on a first mortgage participation made under this program. ~~"Borrower" includes a domestic family farm corporation as defined in Minnesota Statutes, section 500.24.~~

[For text of subp 11, see M.R.]

Subp. 11a. **First mortgage loan, mortgage loan, or loan.** "First mortgage loan," "mortgage loan," or "loan" means a loan participation under this program which is secured by a first mortgage on real property.

[For text of subs 12 to 19, see M.R.]

### 1653.0031 BORROWER ELIGIBILITY.

Subpart 1. **Criteria.** To be eligible for assistance under the RFA restructure II program, an applicant must meet the criteria in ~~subparts subpart 2 and 3.~~

Subp. 2. **General requirements.** Each applicant must:

A. ~~be a resident of~~ meet the requirements of Minnesota Statutes, section 41B.03, subdivisions 1 and 2; and

B. ~~certify that the applicant or one of the applicants will be the principal operator of the farm and will make farming his or her principal occupation, and that the debt being reorganized is of an agricultural nature;~~

C. ~~not be a current or previous participant in an RFA farm debt reorganization program;~~

D. ~~have a net worth of \$400,000 or less;~~

E. ~~have sufficient education, training, or experience to succeed in the type of farming to be undertaken;~~

F. ~~have a financial need for the loan and the ability to repay the first mortgage loan;~~

G. ~~agree to visit B. obtain a signature on the program application from~~ the local soil and water conservation service office in the county where the land is located ~~to inquire about the~~ which verifies if a soil and water conservation needs plan has been submitted, if needed for the identified farm property; ~~and~~

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~~H. certify that the applicant is eligible for the program.~~

Subp. 3. **See repealer.**

## 1653.0071 APPLICATION PROCESS AND OFFER OF PARTICIPATION.

Subpart 1. **Request for a first mortgage loan.** A lender and an applicant must jointly complete and sign an application and prepare all supporting documents identified in the application. Financial statements must be dated within 120 days of the application.

[For text of subs 2 and 3, see M.R.]

## 1653.0081 RFA REVIEW, NOTICE, APPEAL.

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

Subp. 2. **RFA acceptance.** The RFA shall accept applications if:

A. the applicant meets all eligibility criteria in this chapter and Minnesota Statutes, chapter 41B;

B. the applicant demonstrates an ability to repay the first mortgage loan and other obligations based on financial information submitted with the application;

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

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

## 1653.0091 LOAN CLOSING, PURCHASE OF PARTICIPATION, AND LOAN MANAGEMENT.

Subpart 1. **Closing.** Upon receiving notification of RFA acceptance, the lender shall close the first mortgage loan. The lender must record security documents ~~and may cross-reference all documents~~ relating to the loan ~~including the RFA note and loan agreement.~~ The lender must notify the RFA that the loan is closed and recorded by certifying and submitting completing the lender certification section and returning the original RFA application, ~~and submit~~ a copy of the note and loan agreement, copies of recorded documents, and the final title opinion to the RFA.

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

## 1655.0021 DEFINITIONS.

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

Subp. 5. **Borrower.** “Borrower” means the person or persons liable on a mortgage loan made under the program. ~~“Borrower” includes a domestic family farm corporation as defined in Minnesota Statutes, section 500.24.~~

[For text of subs 6 to 16, see M.R.]

## 1655.0031 BORROWER ELIGIBILITY.

To be eligible for assistance under the livestock expansion loan program, an applicant must meet the criteria in ~~items A to F~~ Minnesota Statutes, section 41B.045.

~~A. All of the applicants must be residents of the state of Minnesota or a domestic family farm corporation as defined in Minnesota Statutes, section 500.24.~~

~~B. At least one of the applicants must be the principal operator of the livestock operation upon which the livestock expansion will be located.~~

~~C. At least one of the applicants must be actively engaged in a livestock operation.~~

~~D. The applicants must have the ability to repay the loan.~~

~~E. The applicants’ net worth may not exceed \$400,000.~~

~~F. The applicants must not be current or previous participants in the RFA Restructure II Program.~~

## 1655.0061 APPLICATION PROCESS AND OFFER OF PARTICIPATION.

Subpart 1. **Request for livestock expansion loan participation.** A lender and an applicant must jointly complete and sign an application and prepare all supporting documents identified in the application. Financial statements must be dated within 120 days of the application.

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

Subp. 7. **Terms and conditions of loan.** The maximum term of a loan participation is ten years. The maximum participation is ~~45 percent of the loan principal or \$250,000, whichever is less~~ as stipulated in Minnesota Statutes, section 41B.045, subdivision 2. The loan may have a balloon payment.

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

## 1655.0071 RFA REVIEW, NOTICE, APPEAL.

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

Subp. 2. **RFA acceptance.** The RFA shall accept applications based upon whether:

A. the applicant meets all eligibility criteria in this chapter and Minnesota Statutes, section 41B.045, subdivision 2;

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

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

## 1655.0081 LOAN CLOSING, PURCHASE OF PARTICIPATION, AND LOAN MANAGEMENT.

Subpart 1. **Closing.** Upon receiving notification of RFA acceptance, the lender shall close the mortgage loan. The lender must record ~~and cross-reference all security documents relating to the loan, including the RFA note and loan agreement.~~ The lender must notify the RFA that the loan is closed and recorded by ~~signing part 9 and submitting~~ completing the lender certification section and returning the original RFA application, a copy of the note and loan agreement, and ~~include~~ copies of the recorded documents and final title opinion to the RFA.

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

## 1656.0011 APPLICABILITY AND PURPOSE.

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

Subp. 2. **Purpose.** The purpose of the value-added agricultural product loan program is to foster and maintain a diverse agricultural industry that is economically profitable by providing affordable credit to help farmers finance the purchase of stock in a cooperative proposing to directly or indirectly build or purchase and operate an agricultural product processing facility, located in Minnesota.

## 1656.0021 DEFINITIONS.

[For text of subs 1 to 7, see M.R.]

Subp. 8. **Borrower.** “Borrower” means the person or persons liable on a stock loan made under this program. ~~A borrower may also be a domestic family farm corporation as defined in Minnesota Statutes, section 500.24.~~

[For text of subs 9 to 17, see M.R.]

Subp. 18. **See repealer.**

[For text of subs 19 and 20, see M.R.]

## 1656.0031 BORROWER ELIGIBILITY.

To be eligible for assistance through a loan participation under the value-added stock loan participation program, an applicant must: meet the requirements of Minnesota Statutes, section 41B.046, subdivision 4, and

~~A. be a resident of Minnesota or a domestic family farm corporation as defined in Minnesota Statutes, section 500.24, subdivision 2;~~

~~B. be a grower of the agricultural product which is to be processed by an agricultural product processing facility;~~

~~C. demonstrate an ability to repay the loan;~~

~~D. have a total net worth not to exceed the total net worth established for the basic beginning farmer participation program, which is available by calling the RFA office for a current quote; and~~

~~E. have not previously participated in the value-added stock loan participation program.~~

## 1656.0051 APPLICATION PROCESS AND OFFER OF PARTICIPATION.

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

Subp. 4. **Loan participation.** The maximum RFA participation is ~~45 percent of the loan principal or \$24,000, whichever is less~~ defined in Minnesota Statutes, section 41B.046, subdivision 5, paragraph (a). The interest rate on the loan participation must be 4.0 percent or one-half of the lender’s effective rate (APR), rounded down to the nearest one-tenth of one percent, at the time of loan closing, whichever rate is lower. This rate shall remain the fixed rate for the duration of the loan participation.

Subp. 5. **Terms of loan.** The maximum term of the loan is eight years. Loan payments of interest only are permitted for up to two years, with a ~~fully~~ amortized repayment schedule of interest and principal calculated for the remaining years. ~~The loan may not have a balloon.~~ The lender may, for its portion of the loan, use a variable interest rate correlated to a specific index.

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

## 1656.0061 RFA REVIEW, NOTICE, AND APPEAL.

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

Subp. 2. **RFA acceptance.** The RFA shall accept an application if:

A. the applicant meets all eligibility criteria of this chapter and Minnesota Statutes, section 41B.046, subdivision 4;

B. the applicant demonstrates an ability to repay the stock loan and other obligations based on the financial information submitted with

# Proposed Rules

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the application;

C. the loan is for the purchase of ~~new issue stock purchased directly from the issuing cooperative whose facilities are or will be located in an agricultural product processing facility as defined in Minnesota Statutes, section 41B.046, subdivision 1;~~

D. ~~no more than 95 percent of the purchase price of the first unit of stock purchased, 80 percent of the second unit, or any portion thereof, and 50 percent of any additional units, or any portion thereof, purchased will be financed under this program. The number of stock units is cumulative irrespective of the number of cooperatives in which the applicant is purchasing stock; and~~

E. the RFA has sufficient funds available to purchase a participation in the loan.

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

## **1656.0071 LOAN CLOSING, PURCHASE OF PARTICIPATION, AND LOAN MANAGEMENT.**

Subpart 1. **Closing.** Upon receiving notification of RFA acceptance, the lender shall close the stock loan. The lender must record needed security instruments ~~and cross-reference all documents relating to the loan, including the RFA note and loan agreement.~~ The lender must notify the RFA that the loan is closed and the required security instruments are recorded ~~and submit by completing the lender certification section and returning~~ the original RFA application and copies of the recorded documents and note and loan agreement to the RFA.

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

## **1656.0095 STOCK IN CERTAIN LIVESTOCK PROCESSING FACILITIES ELIGIBLE.**

~~An applicant may~~ To be eligible for a loan participation under this part if, an applicant must meet the criteria of this chapter and Minnesota Statutes, section 41B.046, subdivision 4a.

~~A. the facility is owned and operated by a cooperative organized under Minnesota Statutes, chapter 308A. For purposes of this part, "owned and operated" includes a contractual arrangement with another entity to provide management and operations services for a facility owned by the cooperative; and~~

~~B. its agricultural product processing facility is located in Minnesota and operated primarily for the processing of livestock.~~

## **1656.0100 STOCK IN FARMGENERATED WIND ENERGY PRODUCTION FACILITIES ELIGIBLE.**

~~An applicant is~~ To be eligible for a loan participation under this part if, an applicant must meet the criteria of this chapter and Minnesota Statutes, section 41B.046, subdivision 4b.

~~A. the facility is owned and operated by a cooperative organized under Minnesota Statutes, chapter 308A. For purposes of this part, "owned and operated" includes a contractual arrangement with another entity to provide management and operations services for a facility owned by the cooperative;~~

~~B. all shares and membership in the cooperative are held by natural persons or estates, at least 51 percent of whom reside in a county or contiguous to a county where farm generated wind energy production facilities of the cooperative are located; and~~

~~C. its farm-generated wind energy production facilities are located entirely on agricultural property in Minnesota principally used for farming as defined in Minnesota Statutes, section 500.24, subdivision 2, paragraph (a); owned by the shareholders of the cooperative, with no more than two megawatts of nameplate capacity located on any one shareholder's agricultural property.~~

**REPEALER.** Minnesota Rules, parts 1650.0021, subpart 6; 1650.0031, subparts 2 and 3; 1653.0031, subpart 3; 1655.0041; 1656.0021, subpart 18; and 1656.0091, are repealed.

## **Minnesota Department of Transportation Office of Aeronautics**

### **Proposed Permanent Rules Relating to Aeronautics**

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

#### **Proposed Permanent Rules Relating to Aeronautics, Minnesota Rules, Chapter 8800, and repeal of parts 8800.1300; 8800.1800, subparts 2, 5, and 12; 8800.2100, subparts 3 and 5; and 8800.3400.**

**Introduction.** The Minnesota Department of Transportation intends to adopt and repeal rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on June 15, 2005, a public hearing will be held in the Minnesota Department of Transportation, Office

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## Proposed Rules

of Aeronautics, Training Room, 222 East Plato Boulevard, St. Paul, Minnesota, 55107, starting at 9:00 on July 11, 2005. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after June 15, 2005 and before July 11, 2005.

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Larry Myking, Minnesota Department of Transportation, Office of Aeronautics, Mail Stop 410, 222 East Plato Boulevard, St. Paul, Minnesota, 55107, telephone (651) 296-8056, FAX (651) 297-5643, and e-mail [larry.myking@dot.state.mn.us](mailto:larry.myking@dot.state.mn.us). TTY users may call the Department of Transportation at 1-800-627-3529.

**Subject of Rules and Statutory Authority.** The statutory authority for the proposed rule is as follows: *Minnesota Statutes*, section 360.015, subdivision 3, which authorizes the department to make, promulgate, and amend such reasonable, general or special rules as the commissioner shall deem necessary to carry out the provisions of sections 360.011 to 360.076; *Minnesota Statutes*, section 360.018, subdivision 1, which provides authority for adoption of rules regulating aircraft, airmen, airports and instructors; *Minnesota Statutes*, section 360.63 which provides authority for the commissioner to establish rules for dealer's licenses; and *Minnesota Statutes*, section 360.90 which provides for statutory authority for the commissioner to adopt and promulgate, amend, or rescind, rules for the administration of sections 360.81 to 360.91, regarding structure height.

The primary reason for the rule changes in Chapter 8800 is to update the rules and to streamline the rules with the current Federal Aviation Administration regulations and standards since the rules were last amended in 1980. The proposed changes update the following rule parts: 8800.0100, Definitions; 8800.1100 Regulation of Structure Heights; 8800.1200 Criteria for Determining Air navigation Obstructions; 8800.1400 General Airport Licensing Provisions; 8800.1600 Public Airport Licensing; 8800.1700 Public Seaplane Base Licensing; 8800.1800 Public Heliport Licensing; 8800.1900 Private Airport Licensing; 8800.2000 Private Seaplane Base Licensing; 8800.2100 Private Heliport Licensing; 8800.2200 Personal-Use Airport Licensing; 8800.2300 Unlicensed Landing Areas; 8800.2800 Seven-County Metropolitan Region Seaplane Operations; 8800.3100 Definition of Commercial Operations; 8800.3200 Licensing Commercial Operations; 8800.3300 Flight School; 8800.3600 Aircraft Rental or Leasing; 8800.3800 Aerial Spraying or Dusting; 8800.3900 Aircraft Servicing, Maintaining, and Repairing; 8800.3950 Other Endorsements; 8800.4100 Flying Club Definitions; 8800.4300 Flying Club Registration; 8800.4400; Flying Club Records; 8800.4600 Commercial Operations.

In addition to proposing updates to the above rule parts, the department is proposing to adopt a new rule part, 8800.1650, regarding standards for Public Special-Purpose Airport Licensing. The department is also proposing to adopt by rule standards for an Airport Dealer's License under proposed rule part 8800.4800. The following rule parts have also been proposed for repeal: 8800.1300; 8800.1800, subparts 2, 5, and 12; 8800.2100, subparts 3 and 5; and 8800.3400. 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 listed above. The Office of Aeronautics' website at:

<http://www.dot.state.mn.us/aero/>

will also have a link to the *State Register* website where the Dual Notice of Intent to Adopt Rules and the proposed rules will be published.

**Comments.** You have until 4:30 p.m. on June 15, 2005, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on June 15, 2005. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

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



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the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing.** The hearing scheduled for July 11, 2005, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (651) 296-8056 after June 15, 2005 to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge George Beck is assigned to conduct the hearing. Judge Beck can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 341-7601, and FAX: (612) 349-2665.

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day rebuttal period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

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

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed and copies obtained at the cost of reproduction from the agency. The statement is also available for review and downloading from the Office of Aeronautics' website at <http://www.dot.state.mn.us/aero/>.

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

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

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

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

Dated: April 29, 2005

Douglas Differt, Deputy Commissioner, for  
Carol Molnau, Lt. Governor/Commissioner  
Minnesota Department of Transportation

## 8800.0100 DEFINITIONS.

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

**Subp. 2a. Aircraft dealer.** "Aircraft dealer" or "dealer" means a person regularly engaged in the business of manufacturing or selling, purchasing, and generally dealing in new or used aircraft; having an established place of business for the trade, sale, and display of aircraft; and having in possession new or used aircraft for the purpose of sale or trade.

**Subp. 3. Airport.** "Airport" means an area of land or water that is used or intended to be used for the landing and takeoff of aircraft, and includes its buildings and facilities, if any. The term "airport" includes restricted landing areas as defined in *Minnesota Statutes*, section

360.013. Seaplane bases and heliports are also included in the term “airport.”

[For text of subps 4 to 16, see M.R.]

Subp. 16a. **Heliport.** A “heliport” is an area of land or water, or a structure, used or intended to be used for the landing and takeoff of helicopters, together with appurtenant buildings and facilities. A heliport is an airport as defined in subpart 3.

[For text of subps 17 to 19, see M.R.]

Subp. 20. **Nonprecision instrument runway.** “Nonprecision instrument runway” means a runway ~~having an existing or planned~~ with a straight-in instrument approach procedure ~~utilizing~~ using either ground-based or satellite-based air navigation facilities ~~planned or indicated on an approved planning document.~~

Subp. 20a. **Other than utility runway.** “Other than utility runway” means a runway that:

- A. is constructed for and intended to be used by jet aircraft or aircraft of more than 12,500 pounds maximum gross weight; or
- B. is 4,900 feet or more in length.

[For text of subps 21 and 22, see M.R.]

Subp. 22a. **Personal-use airport.** A “personal-use airport” is a restricted airport that meets the criteria of part 8800.2200. A personal-use airport is intended for the personal use of the owner of the airport.

[For text of subp 23, see M.R.]

Subp. 24. **Precision instrument runway.** “Precision instrument runway” means a runway ~~having with an existing~~ instrument approach procedure utilizing an Instrument Landing System (ILS), a Microwave Landing System (MLS), ~~or a Precision Approach Radar (PAR); also, a runway for which a precision instrument approach system is planned and is so indicated on an approved planning document, a Transponder Landing System (TLS), or a satellite-based system capable of operating to the same level of precision guidance provided by the other included systems.~~

Subp. 24a. **Private airport.** A “private airport” is a restricted airport, whether privately or publicly owned. The persons who may use the airport are determined by the owner of the airport. A private airport may not be held out for public use nor may it be displayed on aeronautical charts except as a restricted facility.

Subp. 24b. **Public airport.** A “public airport” is any airport, whether privately or publicly owned, the public use of which for aeronautical purposes is invited, permitted, or tolerated by the owner or person having right of access and control.

[For text of subps 25 and 26, see M.R.]

Subp. 26a. **Seaplane base.** A “seaplane base” is an area of water used or intended to be used for the landing and takeoff of aircraft, together with appurtenant shoreside buildings and facilities. A seaplane base is an airport as defined in subpart 3.

[For text of subps 27 to 32, see M.R.]

Subp. 32a. **Unlicensed landing area.** “Unlicensed landing area” means any area of land or water, other than a public, private, or personal-use airport, that is used or made available for the landing and takeoff of aircraft. Unlicensed landing areas must meet the criteria of part 8800.2300.

Subp. 33. **Utility runway.** “Utility runway” means a runway that:

- A. is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less; and
- B. is less than 4,900 feet in length.

[For text of subp 34, see M.R.]

Subp. 35. **Visual runway.** “Visual runway” means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure ~~and no instrument designation indicated on an approved planning document.~~

### **8800.1100 REGULATION OF STRUCTURE HEIGHTS.**

When a permit is required under *Minnesota Statutes*, sections 360.81 to 360.91, ~~and amendments made subsequent hereto~~, application ~~shall~~ must be made to the commissioner ~~on a form furnished by the commissioner~~. The commissioner shall make such investigation as may be necessary.

*Minnesota Statutes*, sections 360.81 to 360.91, do not apply to a structure for which an erection permit is required by the federal government.

Any person interested in the granting or denial of a permit may intervene in the matter of the application. A person desiring intervention shall notify the commissioner of the person’s interest. ~~Such~~ Notification ~~shall~~ must be in writing.

Before issuing or denying a permit, the commissioner may request an informal appearance of the applicant or any person who has intervened in the matter of the application.

All hearings, notices, orders, and other procedural rules, regarding this subject ~~shall~~ must be in accordance with *Minnesota Statutes*, chapters 14 and 360, and any other applicable law.

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## 8800.1200 CRITERIA FOR DETERMINING AIR NAVIGATION OBSTRUCTIONS.

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

Subp. 5. **Obstructions to public airports.** An object will be considered an obstruction to a public airport (excluding seaplane bases and heliports) if it is of greater height than any of the following airport imaginary surfaces:

A. Primary surface: an imaginary surface longitudinally centered on a runway and extending 200 feet beyond each end of a runway with a specially prepared hard surface ~~or planned hard surface~~, or coinciding with each end of other runways.

The width of the primary surface is 120 feet for visual runways at special-purpose airports, 250 feet for visual utility runways, or 500 feet for nonprecision instrument runways and for visual runways other than utility, or 1,000 feet for precision instrument runways and for nonprecision instrument runways having visibility minimums as low as three-fourths of a statute mile.

The primary surface for each end of a runway has the same arithmetical value. The value is the highest determined for either end of the runway.

The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

B. Horizontal surface: an imaginary horizontal ~~surface with its height plane~~ 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is: ~~10,000~~

(1) 5,000 feet for precision instrument all runways and for nonprecision instrument runways having visibility minimums as low as three-fourths of a statute mile designated as utility or visual; or 6,000 and

(2) 10,000 feet for all other runways. The radius of the arc specified for each end of a runway has the same arithmetical value. The value is the highest determined for either end of the runway. When a ~~6,000-foot~~ 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the ~~6,000-foot~~ 5,000-foot arc ~~shall~~ must be disregarded in the construction of the perimeter of the horizontal surface.

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

D. Approach surface: an imaginary surface longitudinally centered on the extended centerline at each end of a runway. The inner edge of the approach surface is at the same width and elevation as, and coincides with, the end of the primary surface.

The approach surface inclines upward and outward at a slope of: 15:1 for a horizontal distance of 3,000 feet for visual runways at specialpurpose airports, 20:1 for a horizontal distance of ~~10,000~~ 5,000 feet for visual utility runways and visual other than utility runways, or ~~40:1~~ 34:1 for a horizontal distance of 10,000 feet for all nonprecision instrument runways and for all visual runways other than utility.

The approach surface expands uniformly to a width of ~~2,250~~ 1,020 feet at a distance of 3,000 feet from the end of the primary surface for visual runways at special-purpose airports, or 1,250 feet for other visual utility runways (10:1 flare ratio), or 2,500 1,500 feet for visual runways other than utility (10:1 flare ratio), or 2,000 feet for utility runways with a nonprecision instrument approach, or 3,500 feet for nonprecision instrument runways other than utility, having visibility minimums greater than three-fourths statute mile (20:3 flare ratio), or 4,000 feet for nonprecision instrument runways other than utility, having visibility minimums as low as three-fourths of a statute mile (20:3 flare ratio).

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

F. Transitional surface: an imaginary surface extending upward and outward at right angles to the runway centerline and the runway centerline extended at a slope of 4:1 for visual runways at special-purpose airports, or 7:1 for all other runways. The transitional surfaces incline upward and outward from the sides of the primary surfaces and from the sides of the approach surfaces until they intersect the horizontal surface or the conical surface. Transitional surface for those portions of the instrument approach surface ~~which that~~ project through and beyond the limits of the conical surface extend a distance of 5,000 feet measured horizontally from the sides of the approach surface and at right angles to the extended instrument runway centerline.

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

Subp. 7. **Obstruction marking and lighting.** The standards for marking and lighting structures are contained in FAA Advisory Circular ~~70/7460-1D~~ 70/7460-1K, Obstruction Marking and Lighting, and any subsequent changes, ~~except that spherical markers shall be a diameter of not less than 30 inches, and except that the colors of the markers shall be aviation orange, white, and chrome yellow, and be installed in that sequence. These standards are incorporated by reference, are not subject to frequent change, and are conveniently available to the public through the Minitex interlibrary loan system.~~

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

## 8800.1400 GENERAL AIRPORT LICENSING PROVISIONS.

Subpart 1. **Approval and licensing; exemption exemptions.** Every airport, before operating as ~~such shall an airport, must be approved and licensed by the commissioner, except as set forth in items A and B:~~

A. airports owned or operated by public corporations formed pursuant to the Metropolitan Airports Commission Act need not be licensed, organized and existing under Minnesota Statutes, chapter 473;

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B. personal-use airports located more than five miles from the nearest public airport.

Subp. 2. **Application and fee.** Application for license ~~shall~~ must be made on forms supplied by the commissioner ~~and~~, accompanied by the appropriate fee, and renewed annually or triennially.

<b>Type of License</b>	<b>Fee</b>
Public Airport (privately or publicly owned)	\$15
Private Airport (restricted use)	\$15
Personal-use Airport	None

[For text of subs 3 to 10, see M.R.]

### **8800.1600 PUBLIC AIRPORT LICENSING.**

Subpart 1. **Application.** The requirements of this part do not apply to ~~the licensing of public special-purpose airports,~~ public seaplane bases, or public heliports. Specific requirements for the licensing of a public special-purpose airport are found in part 8800.1650. Specific requirements for ~~the~~ licensing of a public seaplane base are found in part 8800.1700. Specific requirements for ~~the~~ licensing of a public heliport are found in part 8800.1800.

Subp. 2. **Minimum requirements.** A public airport ~~shall~~ must be granted a license when it has shown that it has met the general provisions of parts 8800.1400 and 8800.1500 and the ~~following~~ minimum requirements described in subparts 3 to 16.

Subp. 3. **Size.** A public airport must have at least one runway with a minimum usable length of 2,500 2,000 feet. The minimum width of a turf runway shall must be 75 feet. The minimum width of a hardsurfaced runway shall must be 60 feet. All runway widths shall include an area 75 feet either side of the runway centerline which is clear of all obstructions as defined in part 8800.1200 that are or may create an airport hazard: Other than utility runways must be at least 75 feet wide.

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

Subp. 5. **Obstructions.** The minimum obstruction clearance requires that ~~no~~ a structure, tree, or mobile object ~~which that~~ creates a hazard, other than those necessary and incidental to airport operation, ~~shall must not~~ penetrate the imaginary airspace surfaces described in part 8800.1200, subpart 5, items A, D, and E. The standards of this part ~~shall~~ also apply to traverse ways only after their heights have been increased as described in part 8800.1200, subpart 2.

[For text of subs 6 and 7, see M.R.]

Subp. 8. **Wind indicator sock.** All public airports ~~shall~~ must be equipped with a wind sock, 3 feet by 12 feet, blaze orange in color, which must be operable and clearly visible from the pattern altitude when within one mile of the airport during daylight hours. If the airport is lighted for night operations, the wind ~~indicator sock~~ must also be lighted.

[For text of subs 9 to 12, see M.R.]

Subp. 13. **Aviation Fuel.** All ~~aviation~~ fuel dispensed on ~~any the~~ airport ~~shall for aircraft use must~~ be filtered to be free of solid matter in excess of five microns particle size and to have a free water content less than 30 parts per million parts of fuel.

[For text of subs 14 to 16, see M.R.]

### **8800.1650 PUBLIC SPECIALPURPOSE AIRPORT LICENSING.**

Subpart 1. **Application.** A “public special-purpose airport” is a public airport, as defined in part 8800.0100, and is intended for use by aircraft issued an FAA special airworthiness certificate in the light sport category.

Subp. 2. **Minimum requirements.** A public special-purpose airport must be granted a license when it has met the general provisions of parts 8800.1400 and 8800.1500 and the minimum requirements described in subparts 3 to 15.

Subp. 3. **Size.** The longest runway must have a maximum usable length of less than 2,000 feet. The minimum allowable runway length must be 1,000 feet. The minimum width of a turf runway must be 60 feet. The minimum width of a hard surface runway must be 50 feet.

Subp. 4. **Surface.** The landing surface must be smooth and free from hazards or obstructions. The longitudinal gradient on any part of the landing area must not exceed two percent. The transverse gradient must not exceed three percent. In addition, runway grade changes must be such that any two points five feet above the runway centerline will be mutually visible for the entire runway length.

Subp. 5. **Obstructions.** The minimum obstruction clearance requires that any structure, tree, or mobile object that creates a hazard, other than those necessary and incidental to airport operation, must not penetrate the imaginary surfaces at special-purpose airports as described in part 8800.1200, subpart 5, items A, D, and E. The standards of this part also apply to traverse ways only after their heights have been increased as described in part 8800.1200, subpart 2.

Subp. 6. **Edge markers.** Turf runways must be outlined with effective edge markers and end markers, which must be constructed of a durable material and installed in a manner so as to be clearly visible from traffic pattern altitude.

Subp. 7. **Buildings.** Buildings and structures on a public special-purpose airport must not be closer than 50 feet from the side of the runway and must not penetrate the surfaces defined in part 8800.1200, subpart 5.

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Subp. 8. **Wind sock.** All public special-purpose airports must be equipped with a wind sock, a minimum of 18 inches by eight feet, fluorescent yellow in color, which must be operable and clearly visible from the pattern altitude when within one mile of the airport during daylight hours. If the airport is lighted for night operations, the wind sock must also be lighted.

Subp. 9. **Lighting.** If the airport is lighted for night operations and is advertised as lighted for night operations, the lights must be kept on from dusk to dawn. Any object in the approach zone of a lighted visual runway that extends above a slope of 20:1 must be marked and lighted in accordance with the standards for obstruction marking and lighting where requested by the commissioner in the interest of safety.

Subp. 10. **Tie-downs.** Facilities must be furnished for at least three more aircraft than regularly use the airport. Tie-downs are to be marked and maintained so as to be readily located.

Subp. 11. **Toilets.** A sanitary public toilet facility must be provided at all public special-purpose airports, except where it can be demonstrated that it is impractical to install the facility. An enclosed portable chemical toilet, properly maintained and serviced, is acceptable.

Subp. 12. **Fuel.** All fuel dispensed on the airport for aircraft use must be filtered to be free of solid matter in excess of five microns particle size and to have a free water content less than 30 parts per million parts of fuel.

Subp. 13. **Fire extinguishers.** At least one properly maintained fire extinguisher must be available in the vicinity of the fuel pump or on the flight line if fuel is dispensed. It must be a minimum of 20B rating or equivalent.

Subp. 14. **Telephone.** When feasible, a telephone must be made available for public use. Telephone numbers for the appropriate flight service station, for emergency assistance, and for aircraft servicing must be prominently posted.

Subp. 15. **Bulletin board.** A weather-protected bulletin board must be prominently located on the airport and must display the public special-purpose airport license, safety and traffic rules, and a location map showing danger or restricted areas.

## 8800.1700 PUBLIC SEAPLANE BASE LICENSING.

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

Subp. 3. **Use Application.** A “public seaplane base” is a public airport as defined in part 8800.0100. The use of ~~such~~ a body of water for aeronautical purposes shall in no way a public seaplane base does not impair or deny the right of the public to the use of these public waters.

[For text of subps 4 to 6, see M.R.]

Subp. 7. **Wind indicator sock.** Each public seaplane base shall must be equipped with a wind sock 3 feet by 12 feet, blaze orange in color, which must be operable and clearly visible from the pattern altitude when within one mile of the seaplane base during daylight hours. If night operations are conducted at the base, the wind sock must be lighted.

[For text of subps 8 to 14, see M.R.]

Subp. 15. **Boat.** A boat and operable motor shall must be immediately available for use at all times that flights are in progress the seaplane base is attended.

[For text of subp 16, see M.R.]

Subp. 17. **Fuel filters.** All aviation fuel dispensed at a the public seaplane base shall for aircraft use must be filtered to be free of solid matter in excess of five microns particle size and to have a free water content less than 30 parts per million parts of fuel.

[For text of subp 18, see M.R.]

## 8800.1800 PUBLIC HELIPORT LICENSING.

Subpart 1. **Application.** A “public heliport” is a public airport as defined in part 8800.0100. For public heliports, the minimum design helicopter characteristics are a rotor diameter of 37 feet, an overall length of 43 feet, and an undercarriage length and width of ten feet.

Subp. 1a. **Minimum requirements.** A public heliport shall must be granted a license when it has met the general provisions of parts 8800.1400 and 8800.1500 and the following minimum requirements of subparts 2 to 4 12.

Subp. 2. **See repealer.**

Subp. 3. **Obstructions.** An object will be is considered an obstruction to a public heliport if it is of greater height than any of the following heliport imaginary surfaces:

A. heliport primary surface: the primary surface of a heliport that coincides in size and shape with the designated takeoff and landing area. This surface is a horizontal plane at the elevation of the established heliport elevation. final approach and takeoff area (FATO) as defined in the latest edition of the FAA Heliport Design Advisory Circular No. 150/5390-2B, which is incorporated by reference, is not subject to frequent change, and is conveniently available to the public at the state law library in St. Paul;

B. heliport approach surface: the heliport approach surface begins at each end of the primary surface, with the same width as the primary surface and extends outward and upward at a slope of 8:1 for a horizontal distance of 4,000 feet where its width is 500 feet; as defined in Code of Federal Regulations, title 14, part 77, and, for heliports with instrument approaches, the latest edition of the FAA Heliport Design Advisory Circular;

C. heliport transitional surface: the heliport transitional surfaces extend outward and upward from the lateral boundaries of the



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primary surface and from the approach surfaces at a slope of 2:1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces: as defined in Code of Federal Regulations, title 14, part 77, for heliports without instrument approach procedures and the latest edition of the FAA Heliport Design Advisory Circular for heliports with instrument approaches;

D. heliport safety area as defined in the latest edition of the FAA Heliport Design Advisory Circular; or

E. traverse ways, but only after their heights have been increased as described in part 8800.1200, subpart 2.

Subp. 4. **Touchdown and liftoff area (TLOF).** ~~The minimum length and width of the touchdown area shall be equal to the rotor diameter of the largest helicopter expected to use the heliport. The touchdown and liftoff area (TLOF) is a load-bearing, generally paved area, normally centered in the FATO, on which the helicopter lands or takes off. The TLOF minimum size is as defined in the latest edition of the FAA Heliport Design Advisory Circular.~~

Subp. 5. **See repealer.**

Subp. 6. **Approach-departure paths.** ~~Approach-departure paths are must be selected to provide the most advantageous lines of flight to and from the landing and takeoff area with consideration for prevailing winds and the availability of emergency landing areas along the paths. These paths begin at the edge of the landing and takeoff area FATO and should be aligned as directly as possible into the prevailing winds extend outward and upward as described in subpart 3, item B. Approach-departure paths coincide in size with the imaginary surfaces described in subpart 3, except that an approach-departure path A visual approach surface may be curved. If the approach-departure path is curved, its centerline must have a turning radius of not less than 700 feet. If the approach-departure path is curved, and the curved portion of the path must begin at a distance not less than 300 feet from the landing and takeoff area FATO.~~

A public heliport must have at least two approach-departure paths, which must be separated by an arc of at least 90 degrees. ~~These two paths must be obstruction-free.~~

~~Emergency landing areas must be available along the approach-departure paths.~~

Subp. 7. **Fuel filters.** ~~All aviation fuel dispensed on any the public heliport shall for aircraft use must be filtered to be free of solid matter in excess of five microns particle size and to have a free water content of less than 30 parts per million parts of fuel.~~

Subp. 8. **Fire extinguishers.** ~~At least one properly maintained fire extinguisher shall must be available if fuel is dispensed. It must be a minimum of 20B: rating or its equivalent.~~

Subp. 9. **Wind indicator sock.** ~~All public heliports shall must be equipped with an operable wind sock, three feet by 12 feet, blaze orange in color. If the heliport is lighted for night operations, the wind indicator sock must also be lighted.~~

Subp. 10. **Safety barriers.** ~~Access to the landing and takeoff area and the peripheral FATO and the heliport safety area, if any, shall must be fenced or protected to keep unauthorized persons out of these areas. Suitable placards warning of the dangers of turning rotors shall must be prominently displayed in pedestrian access areas. If a fence is used, it shall must not penetrate the heliport imaginary surfaces described in subpart 3.~~

Subp. 11. **Rooftop egress.** ~~Rooftop heliports should must have two exits, one at each side of the landing and takeoff area FATO, which should be provided in accordance with local building codes on different sides of the TLOF.~~

Subp. 12. **See repealer.**

Subp. 13. **Transport heliports.** A "transport heliport" is a heliport intended to accommodate air carrier operators providing scheduled or unscheduled service with large helicopters. Transport heliports must meet the standards for transport heliports in the latest edition of the FAA heliport design advisory circular.

### 8800.1900 PRIVATE AIRPORT LICENSING.

Subpart 1. **Restricted facility Application.** ~~The private airport shall may not be held out for public use nor shall it be displayed on aeronautical charts except as a restricted facility. The requirements of this part do not apply to licensing private seaplane bases or private heliports. Specific requirements for licensing a private seaplane base are found in part 8800.2000. Specific requirements for licensing a private heliport are found in part 8800.2100.~~

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

Subp. 3. **Size.** ~~At least one runway with a minimum usable length of 2,000 1,000 feet. At airports where the longest runway is 2,000 feet or longer, the minimum width of a turf runway shall must be 75 feet; and the minimum width of a hard-surfaced runway shall must be 60 feet. All runway widths shall include an area 75 feet either side of the runway centerline which is clear of all obstructions as defined in part 8800.1200 that are or may create an airport hazard. At airports where the longest runway is less than 2,000 feet, the minimum width of a turf runway must be 60 feet and the minimum width of a hard-surfaced runway must be 50 feet.~~

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

Subp. 5. **Obstructions.** ~~The minimum obstruction clearance requires that no structure, tree, or mobile object which that creates a hazard, other than those necessary and incidental to airport operation, shall may penetrate the imaginary airspace surfaces described below in items A and B:~~

A. Primary surface: an imaginary surface longitudinally centered on a runway and at the same elevation as the elevation of the nearest point on the runway centerline, extending to the ends of each runway. At airports where the longest runway is 2,000 feet or longer, the

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width of the primary surface is 200 feet. At airports where the longest runway is less than 2,000 feet, the width of the primary surface is 120 feet.

B. Approach surface: an imaginary surface longitudinally centered on the extended centerline at each end of a runway. The inner edge of the approach surface is at the same width and elevation as, and coincides with, the end of the primary surface. At airports where the longest runway is 2,000 feet or longer, the approach surface inclines upward and outward at a slope of 20:1 for a horizontal distance of 40,000 5,000 feet, expanding uniformly to a width of 2,250 1,200 feet. At airports where the longest runway is less than 2,000 feet, the approach surface inclines upward and outward at a slope of 15:1 for a horizontal distance of 3,000 feet, expanding uniformly to a width of 1,020 feet.

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

Subp. 7. **Wind indicator sock.** All private airports ~~shall~~ must be equipped with a wind sock.

Subp. 8. **Aviation Fuel.** All ~~aviation~~ fuel dispensed on the airport for ~~sale~~ aircraft use ~~shall~~ must be filtered to be free of solid matter in excess of five microns particle size and to have a free water content less than 30 parts per million parts of fuel.

[For text of subs 9 to 11, see M.R.]

## 8800.2000 PRIVATE SEAPLANE BASE LICENSING.

Subpart 1. **Restricted facility Application.** ~~The private seaplane base shall not be held out for public use nor shall it be displayed on aeronautical charts except as a restricted facility: A “private seaplane base” is a private airport as defined in part 8800.0100.~~

[For text of subs 2 to 7, see M.R.]

Subp. 8. **Wind indicator sock.** All private seaplane bases ~~shall~~ must be equipped with a wind sock.

Subp. 9. **Fuel filters.** All ~~aviation~~ fuel dispensed on the airport for ~~sale~~ aircraft use ~~shall~~ must be filtered to be free of solid matter in excess of five microns particle size and to have a free water content less than 30 parts per million parts of fuel.

[For text of subs 10 to 12, see M.R.]

## 8800.2100 PRIVATE HELIPORT LICENSING.

Subpart 1. **Restricted facility Application.** ~~The private heliport shall not be held out for public use nor shall it be displayed on aeronautical charts except as a restricted facility: A “private heliport” is a private airport as defined in part 8800.0100.~~

Subp. 2. **Minimum requirements.** A private heliport ~~shall~~ must be granted a license when it has met the general provisions of parts 8800.1400 and 8800.1500 and the following minimum requirements of subparts 3 ~~6~~ to 9.

Subp. 3. **See repealer.**

Subp. 4. **Touchdown and liftoff area (TLOF).** ~~The minimum length and width of the touchdown area shall be equal to the rotor diameter of the largest helicopter expected to use the heliport: The touchdown and liftoff area (TLOF) is a load-bearing, generally paved area, normally centered in the FATO, on which the helicopter lands or takes off. The TLOF minimum size is as defined in the latest edition of the FAA Heliport Design Advisory Circular.~~

Subp. 5. **See repealer.**

Subp. 6. **Obstructions.** An object ~~will be~~ is considered an obstruction to a private heliport if it is of greater height than any of the following heliport imaginary surfaces:;

~~The primary surface of a heliport coincides in size and shape with the designated takeoff and landing area. This surface is a horizontal plane at the elevation of the established heliport elevation:~~

~~A. heliport primary surface, that coincides in size and shape with the final approach and takeoff area (FATO) as defined in the latest edition of the FAA Heliport Design Advisory Circular, which is incorporated by reference in part 8800.1800, subpart 3;~~

~~The B. heliport approach surface begins at each end of the primary surface, with the same width as the primary surface and extends outward and upward at a slope of 8:1 for a horizontal distance of 4,000 feet where its width is 500 feet: as defined in Code of Federal Regulations, title 14, part 77, and for heliports with instrument approaches, the latest edition of the FAA Heliport Design Advisory Circular;~~

~~The heliport transitional surfaces extend outward and upward from the lateral boundaries of the primary surface and from the approach surfaces at a slope of 2:1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces:~~

~~C. heliport safety area as defined in the latest edition of the FAA Heliport Design Advisory Circular; or~~

~~D. traverse ways, but only after their heights have been increased as described in part 8800.1200, subpart 2.~~

Subp. 7. **Approach-departure paths.** Approach-departure paths ~~are~~ must be selected to provide the most advantageous lines of flight to and from the landing and takeoff area ~~with consideration for prevailing winds and the availability of emergency landing areas along the paths.~~ These paths begin at the edge of the landing and takeoff area FATO and should be aligned as directly as possible into the prevailing winds ~~extend outward and upward as described in subpart 6, item B.~~

Approach-departure paths coincide in size with imaginary surfaces described in subpart 6, except that an approach-departure path A visual approach surface may be curved. If the approach-departure path is curved, its centerline must have a turning radius of not less than

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700 feet. ~~If the approach-departure path is curved, and~~ the curved portion of the path must begin at a distance not less than 300 feet from the landing and takeoff area FATO.

A private heliport must have at least two approach-departure paths, which must be separated by an arc of at least 90 degrees. ~~These two paths must be obstruction-free.~~

~~Adequate emergency landing areas must be available along the approach-departure paths.~~

Subp. 8. **Fuel filters.** All aviation fuel dispensed on ~~any private heliport~~ the heliport for aircraft use ~~shall~~ must be filtered to be free of solid matter in excess of five microns particle size and to have a free water content of less than 30 parts per million parts of fuel.

Subp. 9. **Fire extinguishers.** At least one properly maintained fire extinguisher ~~shall~~ must be available if fuel is dispensed. It must be a minimum of 20B: rating or its equivalent.

Subp. 10. **Wind indicator sock.** All private heliports ~~shall~~ must be equipped with a wind sock.

Subp. 11. **Safety barriers.** Access to the ~~landing and takeoff area and the peripheral FATO and the safety area, if any,~~ ~~shall~~ must be fenced or protected to keep unauthorized persons out of these areas. Suitable placards warning of the dangers of turning rotors ~~shall~~ must be prominently displayed in pedestrian access areas. If a fence is used, it ~~shall~~ must not penetrate the heliport imaginary surfaces described in subpart 6.

Subp. 11a. **Rooftop egress.** Rooftop heliports must have exits on different sides of the TLOF.

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

### 8800.2200 PERSONAL-USE AIRPORT, SEAPLANE BASE, HELIPORT LICENSE LICENSING.

Subpart 1. **Types Application.** There are three types of licenses: personal-use airport license; personal-use seaplane base license; and personal-use heliport license.

[For text of subs 2 to 7, see M.R.]

Subp. 8. **Seaplane base or heliport.** In addition to the general requirements listed ~~heretofore in subparts 1 to 7~~ for the licensing of personal-use airports, the following specific requirements must be met before the commissioner grants a personal-use airport license can be granted for a personal-use seaplane base ~~or a personal-use heliport.~~

A. ~~For a personal-use heliport license: part 8800.1800, subparts 1 to 11, except that the landing and takeoff area minimum length and width shall be 1.5 times the overall length of the helicopter expected to use the heliport; part 8800.1800, except that a personal-use heliport must have as a minimum one approach-departure path meeting those requirements.~~

B. A personal-use seaplane base license ~~shall apply~~ applies to the land area from which operations are conducted. When two or more bases located on the same body of water are under different ownership or control, each base ~~shall~~ must obtain a separate personal-use seaplane base license. The commissioner may not grant a personal-use seaplane base license will not be granted for those lakes upon which seaplane operations are prohibited by part 8800.2800.

~~Safety barrier: access to the landing and takeoff area and the peripheral area, if any, shall be fenced or protected to keep unauthorized persons out of these areas.~~

### 8800.2300 UNLICENSED LANDING AREAS.

Subpart 1. **Application.** The following persons may use an unlicensed landing area only for temporary operations for the purpose designated:

A. a person holding a private pilot's certificate, or higher rating, for private use for temporary operations; or

B. a person, firm, or corporation holding a license as a commercial operator for temporary operations in connection with commercial operations.

Subp. 1a. **Compliance.** No person shall use or make available an unlicensed landing area except in compliance with the provisions of this part.

Subp. 2. **Temporary operations.** ~~Any area of land or water may be used as an unlicensed landing area for temporary operations by the following for the purpose designated: a person holding a private pilot's certificate, or higher rating, for private use for temporary operations; and a person, firm, or corporation holding a license as a commercial operator for temporary operations in connection with commercial operations. "Temporary operations" are operations conducted at sites that are used or intended to be used for periods of less than 30 days.~~

Subp. 3. **Requirements for use of unlicensed landing areas.** No person shall use or make available the use of an unlicensed landing area except in conformity with the following conditions:

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

C. The aircraft owner or operator ~~shall~~ must have the permission of the landowner to use the landing area or any facilities ~~that will be used in the operation~~ for the purpose and time intended.

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

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

# Proposed Rules

## 8800.2800 SEVEN-COUNTY METROPOLITAN REGION SEAPLANE OPERATIONS.

Subpart 1. **Scope.** This part covers only seaplane operations on all public waters within the following counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington. This part does not apply to aircraft equipped with either skis or wheels when public waters are frozen.

Subp. 2. **Permissible operations.** Seaplane operations are permitted only on the following public waters within the seven-county metropolitan area.

A. Anoka County: Centerville Lake; ~~Clear Lake~~; Coon Lake; George Watch Lake; Ham Lake; Howard Lake; Lake George; Linwood Lake; Martin Lake; Mississippi River; Mud Lake; Otter Lake; Peltier Lake; Pickerel Lake; ~~Reshenav~~ Reshenau Lake; Rice Lake; and Round Lake.

B. Carver County: Goose Lake; Hazeltine Lake; Lake Minnewashta; Lake Pettersen; Lake Riley; Lake Waconia; ~~Lundsten~~ Lunsten Lake; Mud Lake; Oak Lake; Parley Lake; Pierson Lake; and Tiger Lake.

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

D. Hennepin County: Bryant Lake; Diamond Lake; Eagle Lake; Fish Lake; French Lake; Lake Independence; Lake Sarah; Medicine Lake; Mississippi River; Ox Yoke Lake; Schmidt Lake; Whaletail Lake; and Lake Minnetonka, except for the following lakes and bays within or adjacent to Lake Minnetonka: Black Lake, Emerald Lake, French Lake, Forest Lake, Gray's Bay, Libb's Lake, Peavy Lake, Seton Lake, and Tanager Lake; ~~Lake Sarah; Medicine Lake; Mississippi River; Ox Yoke Lake; Schmidt Lake; and Whaletail Lake.~~

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

G. Washington County: Big Carnelian Lake; Big Marine Lake; Clear Lake; Forest Lake; Lake Elmo; Mississippi River; Oneka Lake; and St. Croix River.

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

Subp. 4. **Further restrictions.** All seaplane operations are prohibited from 11 a.m. (CDST) to 6 p.m. (CDST) on Saturdays, Sundays, and national legal holidays between June 1 and September 15 on the following public waters: Lake Minnetonka and all bays and lakes therein; White Bear Lake and all bays and lakes therein; and Lake Owasso and all bays and lakes therein.

However, this restriction ~~shall~~ does not apply to the holder of a private or personal-use seaplane base license issued under parts 8800.2000 and 8800.2200 while operating to and from the holder's licensed base, subject to the following conditions: such operations are limited to a maximum of one takeoff and one landing during these restricted hours; and ~~such operations~~ are authorized only when lake traffic and use permit ~~such~~ operations to be conducted in a safe and reasonable manner.

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

## 8800.3100 DEFINITION OF COMMERCIAL OPERATIONS.

"Commercial operations" means any operation of an aircraft for compensation or hire, or any services performed incidental to the operation of any aircraft for which a fee is charged or compensation received including, but not limited to, the servicing, maintaining, and repairing of aircraft; the rental or charter of aircraft; the operation of flight or ground schools; the operation of aircraft for the application or distribution of chemicals or other substances; aerial photography and surveys; air shows or expositions; and the operation of aircraft for fishing. "Commercial operations" also means the brokering or selling of any of ~~the aforesaid these~~ services but does not include any operations of aircraft as common carriers certificated (certified) by the federal government or the services incidental ~~thereto to~~ certificated operations.

Note: Shared expense flights as defined in the Federal Aviation Regulations are not commercial operations as defined in parts 8800.3100 to 8800.4600.

## 8800.3200 LICENSING COMMERCIAL OPERATIONS.

Subpart 1. **Prior licensing required.** Every person who does in fact provide or who advertises, represents, or holds themselves out as giving or offering to provide ~~such~~ service as defined in part 8800.3100, must be licensed by the commissioner. The commercial operations license ~~shall must~~ contain ~~endorsements showing the~~ an endorsement for each type ~~or types~~ of commercial operations operation the licensee is authorized to perform. ~~Such These~~ persons must be licensed by the commissioner before they advertise, represent, or hold themselves out as giving or offering to provide ~~such this service or services.~~

Subp. 1a. Endorsements. To receive an endorsement to a commercial operations license, the applicant must meet and comply with the requirements of this part and part 8800.3100, unless specifically exempted from these parts, and must also comply with the appropriate rule for the type of commercial operations applied for, which is found in parts 8800.3300 to 8800.3950.

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

Subp. 7. **Place of business.** Each applicant for a commercial operations license must have a place of business. In addition, if the commercial activity includes the operation of aircraft for the purpose of carrying passengers, ~~providing air charter,~~ flight instruction, or aircraft rental ~~and/or~~ or leasing, then ~~such the~~ applicant's base of operations ~~shall must~~ be on: an airport licensed for public use by the commissioner as provided by law, or an airport owned by the Metropolitan Airports Commission; or a private airport licensed by the

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## Proposed Rules

commissioner if that private airport meets the requirements of part 8800.1600, ~~8800.1650~~, 8800.1700, or 8800.1800.

If the commercial activity is limited to aircraft servicing, maintaining, and repairing, then ~~such the~~ base of operation may be on a public or private airport licensed by the commissioner as provided by law.

A personal-use airport licensed by the commissioner may be used for commercial operations ~~which that~~ are not included in this subpart.

Subp. 8. **Airport authorization.** If the applicant does not own the airport, ~~he or she the person~~ must submit evidence from the owner that ~~he or she meets~~:

A. ~~the person meets~~ the airport owner's minimum standards for such commercial operation; and is

B. that the person is authorized to operate from ~~such that~~ airport.

Subp. 9. **Aircraft.** Each aircraft used by a licensee for commercial operations ~~shall must~~ be currently registered with the Minnesota Department of Transportation, or be taxed as flight property by the Minnesota Department of Revenue, as required by laws of this state. ~~Such The~~ flight property tax payments must be current.

Subp. 10. **Records.** Each licensed commercial operator shall maintain basic records, which must be kept up-to-date as follows:

A. Each flight made in equipment owned by a licensee ~~shall must~~ be recorded. The register shall show the pilot's name, identification of the aircraft, and the date, time, and duration of the flight.

B. An accurate list ~~must be maintained~~ of (1) airman personnel employed by the commercial operator, together with the airman certificate type, ~~number of and~~ ratings, address, and date of last physical examination; ~~A list of; and (2) aircraft used in the commercial operation and the current Minnesota Department of Transportation registration decal number.~~

Subp. 11. **Compliance with the law.** A person engaged in commercial operations shall comply with all laws, rules, and regulations of the state of Minnesota and the federal government.

[For text of subs 12 to 14, see M.R.]

Subp. 15. **Insurance.** Unless otherwise specified in parts 8800.3100 to 8800.4600, the applicant for a commercial operations license whose operation will involve the use of aircraft must hold insurance contracts valid and in force for the duration of the license ~~which. The~~ insurance must provide coverage for each aircraft in the ~~types type and amounts as amount~~ specified in the appropriate rule in parts 8800.3300 to 8800.3950 for the type ~~or types~~ of commercial operations applied for.

~~The applicant shall ensure that the insurance company or companies which hold the insurance contracts are authorized by the commissioner of Commerce to do business in the state of Minnesota. An insurance certificate must be submitted with the application for the commercial operations license and a current insurance certificate must be on file with the commissioner before a commercial operations license is renewed.~~

Any contract of insurance ~~to be approved by the commissioner shall required under this subpart must~~ carry an endorsement stating that ~~such the~~ contract cannot be canceled by the insurer until five days' notice in writing of ~~such~~ cancellation has been given the commissioner by the insurer. In any case, ~~where when~~ an insurance contract is canceled, notice of ~~such~~ cancellation ~~shall must~~ immediately thereafter be given to the commissioner by the insurer.

### 8800.3300 FLIGHT SCHOOL.

Subpart 1. **Exceptions Endorsement required.** Any person engaged in giving or offering to give ~~dual flight instruction leading to a pilot's certificate or rating or giving or offering to give solo~~ flight instruction leading to a pilot's certificate or rating for hire or compensation, or advertising, representing, or holding out as giving or offering to give such instruction, ~~shall be is~~ considered to be operating a flight school, except under the following conditions for which an endorsement is not required:

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

B. public schools: any public school, ~~the University of Minnesota~~, or any institution of higher learning accredited by the North Central Association of Colleges and Secondary Schools and approved by it for carrying on collegiate work; or

C. aeronautics instructor: any individual engaged in giving flying flight or ground subjects instruction, or both, for hire or compensation, without advertising ~~such the individual's~~ occupation, without calling facilities an "air school" or anything equivalent ~~thereto to that term~~, without employing or using other instructors, and without operating an aircraft for compensation or hire for the purpose of flight instruction.

[For text of subs 2 to 4, see M.R.]

Subp. 5. **Curriculum.** The applicant must show a course outline so organized for each course offered as to ensure that the student completing the course of ground and flight instruction will meet all the requirements of the ~~United States Department of Transportation, Federal Aviation Administration (FAA) at Code of Federal Regulations, title 14, part 61.~~ All course outlines ~~shall must~~ include a review of Minnesota Statutes and rules relating to aeronautics that are pertinent to that course. In the case of an FAA-approved school, the FAA-approved course outline is acceptable if the review of Minnesota Statutes and rules is included.

The flight instruction given to each regularly enrolled student ~~shall must~~ be in accordance with ~~such the~~ course outline; ~~A copy of which shall the course outline must~~ be made available to each student.

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



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Subp. 7. **Insurance.** The minimum insurance coverage for each aircraft ~~shall~~ must be of the following types and amounts: \$75,000 ~~\$100,000~~ per passenger seat for passenger liability; \$100,000 per person and \$300,000 ~~\$500,000~~ per occurrence for bodily injury; ~~excluding passengers; and \$100,000 per plane for property damage.~~

Each flight school operator shall advise the student as to whether or not ~~he or she~~ the student is specifically covered under the flight school's insurance policy and the type and extent of coverage, if any. The flight school operator ~~must~~ shall then obtain a signed statement of acknowledgment of this disclosure from the student. A current copy of the advisory form used for this disclosure must be submitted with the application for a commercial operations license or license renewal.

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

## 8800.3600 AIRCRAFT RENTAL OR LEASING.

Subpart 1. **Endorsement required.** Any person renting or leasing aircraft or offering to rent or lease aircraft for hire or compensation ~~shall be is~~ deemed to be in the business of renting or leasing aircraft and must have an endorsement on his or her commercial operations license certifying his or her authority to engage in such activity; ~~except that no commercial operations license shall be required of a person who owns aircraft and leases or rents aircraft to a party who holds a commercial operators license.~~

Subp. 1a. **Exceptions.** No commercial operations license is required of:

- A. a person owning an aircraft and leasing or renting that aircraft to a party who holds a commercial operations license; or
- B. either party to an exclusive lease in excess of 30 days.

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

Subp. 3. **Qualifications of lessee.** The commercial operator shall determine before initially renting or leasing any aircraft that the lessee is properly licensed and rated to fly the type of aircraft to be rented or leased. When in the interest of safety, the operator determines that a flight check is necessary or desirable, ~~such the flight shall~~ must be given the lessee by a person holding an effective commercial pilot, flight instructor, or airline transport pilot certificate. The commercial operator shall ~~assure~~ ensure that a designated person capable of determining an aircraft is properly serviced is present when an aircraft is checked out.

Subp. 4. **Insurance.** The minimum insurance coverage for each aircraft ~~shall~~ must be of the following types and amounts: \$75,000 ~~\$100,000~~ per passenger seat for passenger liability; \$100,000 per person and \$300,000 ~~\$500,000~~ per occurrence for bodily injury; ~~excluding passengers; and \$100,000 per plane for property damage.~~

Each commercial operator who rents or leases aircraft shall advise the renter pilot or lessee as to whether or not they are specifically covered under the ~~flight school's~~ commercial operator's insurance policy and the type and extent of coverage, if any. The commercial operator ~~must~~ shall then obtain a signed statement of acknowledgment of this disclosure from the renter pilot or lessee. A current copy of the advisory form used for this disclosure must be submitted with the application for a commercial operations license or license renewal.

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

## 8800.3800 AERIAL SPRAYING OR DUSTING.

[For text of subs 1 to 7, see M.R.]

Subp. 8. **Insurance.** The minimum insurance coverage for each aircraft shall be the following types and amounts: \$100,000 per person and \$300,000 per occurrence for bodily injury; ~~excluding passengers; and \$100,000 per plane for property damage.~~

[For text of subp 9, see M.R.]

## 8800.3900 AIRCRAFT SERVICING, MAINTAINING, AND REPAIRING.

Subpart 1. **Endorsement required.** Any person who, for compensation or for hire, provides or offers to provide aircraft maintenance as defined in current federal aviation regulations found in Code of Federal Regulations, title 14, section 1.1 part 43, major or minor repair, or alteration to airframes or aircraft power plants or both, ~~shall be is~~ deemed to be engaged in the business of aircraft servicing, maintaining, and repairing and ~~shall~~ must have a commercial operations license with an endorsement to certify ~~their~~ the person's authority to engage in aircraft servicing, maintaining, and repairing.

Subp. 2. **Minimum requirements.** To be eligible for an aircraft servicing, maintaining, and repairing endorsement, the applicant ~~shall~~ must meet the following minimum standards:

A. a building or available shop maintenance facility located on a licensed public or private airport, of adequate size and with sufficient space to work on the aircraft;

B. ~~adequate fire protection equipment to include at least one fully charged fire extinguisher with a minimum of a 20-B rating or its equivalent maintained in an operational condition and one outward swinging personnel exit door;~~

C. B. at least one mechanic certificated by the FAA for the type of servicing, maintaining, and repairing to be performed.

Subp. 3. **Insurance.** The minimum insurance coverage ~~shall~~ must be of the following types and amounts: \$100,000 per person and \$300,000 ~~\$500,000~~ per occurrence ~~for premise hazard for bodily injury; \$100,000 per occurrence for premise hazard for~~ and property damage; ~~and.~~ In addition, products hazard and completed operations insurance shall must be carried.

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# Proposed Rules

Each person who provides aircraft servicing, maintaining, and repairing shall advise ~~his or her~~ each customer ~~as to whether or in writing if the service provider does not have~~ hangar-keepers insurance is in force ~~and the extent of such coverage, if any.~~

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

## **8800.3950 OTHER ENDORSEMENTS.**

Subpart 1. **Endorsement required.** Any person engaged in providing air rides, aerial advertising, aerial photography, or other operations indicated in part 8800.3100 for which specific requirements are not indicated, and any person who for hire or compensation advertises, represents, or holds out as providing or offering such service, is required to have an endorsement on a commercial operations license. This endorsement is not required of operations of aircraft as common carriers certificated (certified) by the federal government.

Subp. 2. **Minimum requirements.** To be eligible for one or more of these endorsements, the applicant must show compliance with the requirements of part 8800.3200.

## **8800.4100 DEFINITIONS.**

Subpart 1. **Assets.** ~~“Assets.” The word “Assets,”~~ when used in parts ~~8800.4200~~ 8800.4300 to 8800.4600 ~~shall mean, means~~ property ~~which that~~ the flying club owns, in whole or in part, or over which it has control, including the club’s interest in any owned, rented, or leased aircraft.

Subp. 2. **Flying club.** “Flying club” means ~~any~~ a person other than an individual ~~which that~~ neither for profit nor compensation owns, leases, or uses one or more aircraft for the purpose of instruction, business, or pleasure.

Note: Commercial operations that call themselves flying clubs shall adhere to the rules for commercial operations contained in parts 8800.3100 to 8800.3950. They are not considered a flying club under this part.

## **8800.4300 REGISTRATION.**

Each flying club ~~which that~~ any time during a preceding calendar year has five or more members shall register annually with the commissioner. This registration ~~shall must~~ report conditions as of December 31 of each year, and ~~shall must~~ be filed with the commissioner by January 31 of each year. This registration report ~~shall must~~ include the following:

A. the name and address of the flying club, the airport or airports at which its aircraft are based, and the make, model year, “N” number, and the current Minnesota registration decal number of the aircraft that the club either owned or used during the past calendar year;

B. the form of organization of the flying club (~~that is, whether it is~~ for example, a corporation or a partnership);

C. the name and title, home address and ~~phone~~ telephone number, and business address and ~~phone~~ telephone number of the ~~club safety and operations officer~~ contact person for the club;

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

F. a statement describing what remuneration was paid to members of the club, monthly and annually, during the preceding calendar year, or preceding fiscal year, as the case may be; a description of the services rendered by ~~such~~ remunerated members to the club; and a description of the goods sold by ~~such member~~ remunerated members of the club.

## **8800.4400 ~~CLUB SAFETY AND OPERATIONS OFFICER FLYING CLUB RECORDS.~~**

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

Subp. 2. **Responsibilities Records.** ~~The club safety and operations officer shall be responsible for the record~~ Every flying club shall keep records of the club’s operation. These records ~~shall must~~ be up to date ~~and, be~~ in an orderly form, and ~~shall~~ contain the following information:

A. names and addresses of all current members;

B. if the flying club is a corporation, then the articles of incorporation and all amendments ~~thereto to it~~, the current bylaws, the minutes of the corporation, and all shareholder agreements; or, if the flying club is a partnership, then the current articles of partnership and all current partnership agreements;

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

## **8800.4600 COMMERCIAL OPERATIONS.**

~~Flying clubs can be~~ If a person engages in any of the following activities, the person is deemed to be conducting a commercial operations operation as defined in *Minnesota Statutes*, section 360.013, subdivision 11; not a flying club ~~shall be considered to be engaged in commercial operations as defined in part 8800.4100~~, and therefore a commercial operations license ~~shall be issued under parts 8800.3100 to 8800.3950~~ is required:

A. if any of the club’s assets are used by members of the club who: do not have a bona fide and significant percentage of the property interest in the assets of the club; or hold property interest in the club’s assets, ~~which a~~ property interest that is subject to an unreasonable forfeiture; however, a club may set forth in its operating rules and bylaws any reasonable penalties and any reasonable forfeitures so long

# Proposed Rules

as the purpose and the actual effect ~~thereof~~ is to enforce valid club rules; ~~or~~

B. if the property interest of any member of the club in the club's assets is not transferable; however, the transfer of ~~such~~ this type of property interest may be subject to ~~such~~ reasonable conditions as the club deems reasonably necessary to ensure discipline and payment of dues among its members; ~~or~~

C. if any member of the club receives a pecuniary gain or receives any special benefits, ~~which that~~ are in excess of the reasonable value of the services rendered to the club by ~~said that~~ member, or are in excess of the reasonable value of the goods sold to the club by ~~said that~~ member; however, this ~~rule item~~ does not prohibit a flying club from paying one or more of its members a reasonable amount for services such as bookkeeping, secretarial, managerial, aircraft maintenance, and administrative duties of the flying club; ~~or~~

D. if the club charters, leases, or rents ~~their its~~ aircraft or any interest in ~~their its~~ aircraft to any persons or organizations other than fully qualified members of ~~said the~~ club; provided, however, that this item ~~shall does~~ not prohibit flying clubs from leasing club aircraft to properly licensed commercial operators; ~~or~~

E. if the club provides for, or allows, memberships with a duration of less than 90 days; ~~or~~

F. if the club advertises, represents, or holds itself out as giving or offering to give, or does in fact provide or arrange for, "air instruction" as an "air school" (see *Minnesota Statutes 1973*, section 360.13, subdivisions 16 and 17); provided, however, that this ~~part item~~ does not prohibit a club from providing or arranging for "air instruction," so long as it is not for compensation or hire directly or indirectly;

G. if ~~a person or persons; an individual who are members is a member~~ of a flying club (lessors ~~lessor~~) ~~lease leases~~ an aircraft to that flying club (lessee); ~~or~~

H. if ~~a~~ lessor, as described in item G, gives air instruction, whether free or for compensation, to members of that flying club.

## AIRCRAFT DEALER'S LICENSE

### **8800.4800 LICENSING AIRCRAFT DEALERS.**

Subpart 1. **Applicability.** An aircraft dealer is not required to obtain an aircraft dealer license. An aircraft dealer license is required by any dealer who desires to withhold the dealer's aircraft from the Minnesota aircraft registration tax or to obtain a commercial use permit issued by the Minnesota Department of Revenue. Aircraft listed with the commissioner on an aircraft withholding form must not be used to conduct commercial operations, including but not limited to aircraft rental or flight training.

Subp. 2. **Application and fee.** Applications for license must be made on forms supplied by the commissioner and accompanied by the appropriate fee. The dealer license must be renewed annually.

Subp. 3. **Nontransferability.** The license is not transferable to other persons.

Subp. 4. **Display.** The license issued under this part must be prominently posted at the place of business of the licensee.

Subp. 5. **Aircraft operations.** For water operations the aircraft must be demonstrated from a body of water not restricted from seaplane use. For all other operations the aircraft must be demonstrated from an airport licensed for public or private use by the commissioner or owned by the Metropolitan Airports Commission.

Subp. 6. **Airport authorization.** If the applicant does not own the airport on which the aircraft in the applicant's possession are based, the applicant must submit evidence from the airport owner that the applicant:

A. has met the airport owner's minimum requirements for an aircraft dealer; and

B. is authorized to base those aircraft on that airport.

**REPEALER.** Minnesota Rules, parts 8800.1300; 8800.1800, subparts 2, 5, and 12; 8800.2100, subparts 3 and 5; and 8800.3400, are repealed.

**RENUMBERER.** The revisor of statutes shall renumber Minnesota Rules, part 8800.2100, subpart 6, as part 8800.2100, subpart 3a. The revisor shall also make any cross-reference corrections made necessary by this renumbering instruction.

# Exempt Rules

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

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

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

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

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

## Department of Human Services

### Children and Family Services Division

#### Adopted Exempt Permanent Rules Relating to Adoption; Protective Services for Children; Foster Care

Adopted Exempt Permanent Rules Relating to Adoption, *Minnesota Rules*, parts 9560.0020, 9560.0040, 9560.0140; Protective Services for Children, *Minnesota Rules*, part 9560.0223; Foster Care, *Minnesota Rules*, parts 9560.0521, 9560.0542, 9560.0545, 9560.0670

#### ORDER ADOPTING RULES

**WHEREAS**, Adopted Exempt Permanent Rules Relating to Adoption; Protective Services for Children; and Foster Care were adopted to comply with the federal Multiethnic Placement Act and Interethnic Adoption Amendments (MEPA-IEP). The goal of MEPA-IEP was to eliminate race and ethnic heritage as factors for consideration in child placement decisions. Between 1996 and 1999, the Minnesota Legislature made changes to the statutes governing child placement and adoption to comply with the federal requirements of MEPA-IEP. The administrative rules needed to be amended to reflect the federal and state law changes.

The Department of Human Services finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest in amending the Adoption Rules, Protective Services for Children Rules, and the Foster Care Rules. Pursuant to *Minnesota Statutes*, section 14.388, clause (3), the amendments to the adoption rules, protective services for children rules, and foster care rules incorporate specific language set forth in *Minnesota Statutes*, sections 259.77, 259.29, 260C.007, 260C.212; and federal statute §42 U.S.C. 671 (a) (18), with no interpretation of law required.

**NOW THEREFORE, IT IS ORDERED**, that the rules identified as: Adopted Exempt Permanent Rules Relating to Adoption; Protective Services for Children; and Foster Care in the form set out in the Revisor's draft, file number RD3549, dated March 31, 2005, are adopted this 14<sup>th</sup> day of April, 2005, pursuant to the authority vested in me by *Minnesota Statutes*, sections 256.991, 259.75, 259.87, and 260C.215.

Kevin Goodno  
Commissioner of Human Services

#### 9560.0040 STATE PHOTOGRAPHIC ADOPTION EXCHANGE.

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

Subp. 2. **Special needs.** The local authorized childplacing agency shall, without undue delay, seek an adoptive home which will meet the child's special needs according to *Minnesota Statutes*, section 259.29. ~~Special needs include sibling ties, minority racial or minority ethnic heritage, religious background, and health, social, and educational needs.~~

A. The placing agency shall follow the order of placement preference and exception guidelines under *Minnesota Statutes*, section (Cite 29 SR 1367)

# Exempt Rules

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259.29, when placing a child of minority race or minority ethnic heritage.

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

Subp. 3. **Recruitment.** As required in *Minnesota Statutes*, section 259.77, an agency shall make special efforts to recruit adoptive families from among the child's relatives, if feasible, and ~~families of the same minority racial or minority ethnic heritage shall provide for the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the state for whom foster and adoptive homes are needed.~~ The agency may work with various community and religious organizations, as well as the media, and may accept offers of service and monetary contributions to successfully recruit families for adoption.

## 9560.0140 SERVICES TO FAMILIES APPLYING FOR ADOPTION.

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

Subp. 2. **Standards governing adoptive homes.** Local social service agencies shall consider at a minimum the basic standards in items A, B, and C when determining the suitability of prospective adoptive parents.

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

C. The applicant, ~~who desires to adopt a child of minority race or minority ethnic heritage, shall demonstrate an understanding and appreciation of the minority heritage and an ability to assist the child with it~~ must not be delayed or denied the opportunity to adopt based on the race, color, or national origin of the applicant or the child involved.

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

## 9560.0223 PLACEMENT CONSIDERATIONS.

Items A to ~~D~~ E must be followed when a local agency temporarily removes a child from the home in accordance with part 9560.0220, subpart 9, or from a facility in accordance with part 9560.0222, subpart 13:

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

E. Placement of a child must not be delayed or denied based on the race, color, or national origin of the child or foster parent.

## 9560.0521 DEFINITIONS.

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

Subp. 2a. Agency. "Agency" has the meaning given in Minnesota Statutes, section 260C.007.

[For text of subs 3 to 22, see M.R.]

## 9560.0542 CONSIDERATION OF THE CHILD'S HERITAGE.

For an Indian child, the Indian Child Welfare Act controls the placement. In all other cases, ~~an agency may consider the cultural, ethnic, or racial background of the child and the capacity of the prospective foster care provider to meet the needs of the child as one of a number of factors used to determine the best interests of the child. the agency must not delay placement of the child solely to search for a same race family~~ the agency must follow the requirements in Minnesota Statutes, section 260C.212.

~~A. In selecting the foster care provider most suitable for the child, the agency may consider the child's:~~

- ~~(1) current functioning and behavior;~~
- ~~(2) medical, educational, and developmental needs;~~
- ~~(3) history and past experience;~~
- ~~(4) cultural and racial identity needs;~~
- ~~(5) interests and talents; and~~
- ~~(6) other needs and characteristics.~~

~~B. The agency may also consider a foster care provider's ability to:~~

- ~~(1) A. form a relationship with the child;~~
- ~~(2) B. help the child integrate with the family;~~
- ~~(3) C. accept the child's background and help the child cope with the child's past;~~
- ~~(4) D. accept the behavior and personality of the child;~~
- ~~(5) E. validate the child's cultural, racial, and ethnic religious background;~~
- ~~(6) F. meet the child's educational, developmental, or psychological needs; and~~
- ~~(7) G. meet any other needs of the child.~~

## 9560.0545 DOCUMENTATION OF PLACEMENT EFFORTS.

Subpart 1. **General requirements.** The ~~local~~ agency must document in the child's case record:

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

D. all the factors used in making the placement decision, including ~~race, color, or national origin if it has been determined under part~~



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## Exempt Rules

9560.0542 that consideration of such factors is in the best interests of the child those listed in *Minnesota Statutes*, section 260C.212, subdivision 2; an Indian child's heritage must always be considered; and

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

Subp. 2. **Requirements for court-ordered placement.** For court-ordered placements, the ~~local~~ agency must place in the child's record copies of the court's findings, decisions, disposition of the case, and any other information that may aid the ~~local~~ agency in providing services to the child.

### 9560.0670 RECRUITMENT OF FOSTER CARE PROVIDERS.

Subpart 1. **Recruitment; general.** The ~~local~~ agency must recruit and license family foster homes from as wide a variety of backgrounds as possible.

Subp. 1a. **Recruitment plan.** The ~~local~~ agency must develop and implement a plan for diligent recruitment of foster care providers who reflect the ethnic and racial diversity of children in the state for whom foster homes are needed. A ~~local~~ agency may develop the plan directly or through a contract with another county, tribe, or authorized child-placing agency.

Subp. 1b. **Outreach for recruitment.** The ~~local~~ agency must work diligently with community and religious organizations, Indian tribes, and other individuals and groups to recruit foster care providers who reflect the ethnic and racial diversity of children in Minnesota for whom foster care providers are needed. The agency may contact the Ombudsperson for Families and the state ethnic councils for assistance.

Subp. 1c. **Documentation of compliance with plan.** The ~~local~~ agency must keep a record of its actions to comply with the requirements of this part.

Subp. 2. **Assistance to foster care providers.** The ~~local~~ agency must train and assist foster care providers as necessary to assure the well-being of the child in foster care.

Subp. 3. **Foster care providers as advisers.** The ~~local~~ agency must consult with foster care providers in the development of policies and procedures pertaining to foster care.

Subp. 4. **Relicensure.** Before recommending relicensure, the ~~local~~ agency must evaluate with the foster care providers the services furnished by the foster care provider and the ~~local~~ agency. The ~~local~~ agency must give a copy of the evaluation to the foster care provider.

Subp. 5. **Racial bias.** The ~~local~~ agency must work to eliminate racial, ethnic, and national origin discrimination and bias in adoption and foster care recruitment, selection, and placement procedures. The ~~local~~ agency must assess the foster care applicant's or foster care provider's capacity for accepting children of diverse backgrounds. If the agency concludes that the applicant or provider has negative attitudes toward people of a particular race, religion, color, or national origin, the agency must refuse licensure or relicensure and not place additional children with that provider.

**REPEALER.** *Minnesota Rules*, parts 9520.0902, subpart 32; 9535.4010, subpart 24; and 9560.0020, subpart 9a, are repealed.

# Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

## Department of Human Services

### Health Care Administration – Health Care Operations

### Request for Information (RFI) for Identity Authentication for Minnesota Health Care Program (MHCP) Recipients

#### Project Overview

The Department of Human Services (DHS) requests information regarding identity authentication technology e.g., plastic identification cards, magnetically encoded membership cards, biometric fingerprint identification, etc. that would provide a secure authentication device that would verify recipient eligibility and contribute to administrative simplification. The State is seeking technology that will enhance program integrity by preventing card swapping. DHS is eliciting information on all available and related technologies with this RFI.

#### Tasks

Vendors responding should include information on technologies with the capability to perform any or all of the following tasks:

- Share basic demographic information and clinical data
- Maintain and verify patient information and eligibility
- Access appointment information and assist clients with scheduling and keeping appointments
- Coordinate services and referrals
- Use biometric authentication of recipient identity
- Cut the administrative costs of creating paper ID cards
- Reduce Medicaid fraud relating to card swapping, billing for services not rendered, and delivery of services to unauthorized persons
- Enhance compliance with HIPAA privacy regulations by using “smart card” technologies by providing encrypted identity authentication
- Support new applications for delivering clinical and administrative benefits, including e-prescribing
- Support the delivery of fast, efficient and appropriate medical care and allow institutions to securely manage patient records while protecting privacy
- Decrease duplication of services
- Track the appropriateness and timing of services
- Provide a user friendly tool for recipients and providers
- Enhance tracking of health care outcomes and medical decision making by increasing the availability of health statistics.

#### Expected Benefits

Responses to this RFI should demonstrate how the product or service would enable the department to accomplish the following goals:

- Create model public-private partnerships for the development of health information systems
- Integrate the technology with existing or planned identity authentication efforts undertaken by any of DHS’s contracted health plans
- Coordinate the identification authenticity technology across all managed care plans and all Fee-For-Service (FFS) recipients
- Reduce (or at minimum, not increase) administrative costs for providers serving MHCP clients
- Increase both provider and recipient satisfaction.

#### Responders are encouraged to:

- Provide information on additional technologies, services, and/or activities that could enhance the state’s identity authentication process and services
- Identify potentials for enhanced federal match for procurement of specified products
- Identify procurement strategies that minimize state costs
- Identify the potential for contingency payment plans that are consistent with CMS regulations

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## Official Notices

Please submit six (6) paper copies of your response. Please limit responses to ten (10) pages of documentation. DHS will request additional information, if necessary. Submit responses to:

Department of Human Services  
Gina Kiser, Project Coordinator  
444 Lafayette Road N.  
St. Paul, MN 55155-3849

All information must be received no later than close of business on June 17, 2005.

This is not a bid. No contract will result from this solicitation.

All materials submitted become the property of the State of Minnesota, Department of Human Services. Materials shall not be returned to the responder.

This RFI is being issued to gather information that may identify potential enhancements to Minnesota's program integrity efforts. No decision has been made as to whether or not the State will offer demonstration opportunities. The State reserves the right to determine if we move forward with a Request for Proposal. All costs incurred in responding to this RFI will be borne by the responder. Fax and e-mail responses will not be considered.

## State Board of Investment

### Notice of Meeting of the Administrative Committee

The State Board of Investment Administrative Committee will meet on Tuesday, May 24, 2005 in the State Board of Investment Conference Room, Suite 355, 60 Empire Drive, St. Paul, MN at 1:30 p.m.

## Department of Labor and Industry

### Labor Standards Unit

### Notice of Correction to Commercial Prevailing Wage Rates for General Labor Worker and Skilled-Assistant Craftsman Journeyman

**Corrections** have been made to the Commercial Prevailing Wage Rates certified 12/27/04, for **Labor Code 101, Laborer, Common (Gen Labor Wrk), and Labor Code 102, Laborer, Skilled-Asst Crft Jrnymn, in Clay County.**

A copy with the corrections of the certified wage rates for this County may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road North, St. Paul, Minnesota 55155-4306, or by calling (651) 284-5091, or accessing our web site at [www.doli.state.mn.us](http://www.doli.state.mn.us). Charges for the cost of copying and mailing are \$.65 per page. Make check or money order payable to the State of Minnesota.

M. Scott Brener  
Commissioner

## Metropolitan Council

### Public Hearing on the Proposed 2006-2008 Transportation Improvement Program (TIP) for the Twin Cities Metropolitan Area

The Transportation Advisory Board (TAB) of the Metropolitan Council will hold a public hearing on June 15, 2005 to receive public reaction to the proposed 2006-2008 Transportation Improvement Program (TIP) for the Twin Cities Metropolitan Area. The program will include highway, transit, bikeway and pedestrian enhancements and air quality projects that are proposed for federal funding in the seven-county metropolitan area in the next four years. The program is prepared annually in accordance with federal requirements and must contain all projects that are to be implemented with federal transportation funding assistance. This TIP also contains Metro Transit's program of projects (POP) and this hearing fulfills FTA's public participation requirements for the POP.

- **Public Hearing for comments on TIP**

Wednesday, June 15, 2005 – 3:30 p.m.  
Metropolitan Council Chambers  
Mears Park Centre, 230 E. Fifth Street  
St. Paul, Minnesota

## Official Notices

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The TIP is prepared jointly by the Metropolitan Council and the Minnesota Department of Transportation. Projects contained in the TIP reflect the region's priorities and help implement the region's transportation plan. All specific projects are assumed to have independent utility and are fully funded unless noted otherwise in the project description. Projects have been analyzed in aggregate to determine impact on regional air quality. Progress made on implementing the region's transportation plan will be reported in the TIP and at the public hearing. The program will be adopted by the Transportation Advisory Board and approved by the Metropolitan Council. Upon request, the Council will provide reasonable accommodations to persons with disabilities. In addition to providing oral or written comments at the public hearing, comments may be made several ways:

Written comments to : Kevin Roggenbuck, Metropolitan Council, 230 East Fifth Street, St. Paul, MN 55101

Fax comments to Kevin Roggenbuck, (651) 602-1739

Record comments on the Council's Public Information 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 **4:00 p.m., Tuesday, July 5, 2005**. Free copies of the draft 2006-2008 Transportation Improvement Program will be available on May 18, 2005, at the Council's Regional Data Center. **Call** (651) 602-1140 or **TTY** (651) 291-0904 to request a copy. The main body of the TIP will be available for review on May 18, 2005 at the Metropolitan Council's **website** at [www.metrocouncil.org](http://www.metrocouncil.org). Other background materials describing the Council's transportation planning and programming efforts also are available.

**Questions** about the hearings or transportation assumptions and technical materials may be directed to Kevin Roggenbuck, (651) 602-1728, or Carl Ohrn (651) 602-1719, Metropolitan Council, 230 E. Fifth Street, St. Paul, MN 55101.

## Minnesota State Retirement System Board of Directors, Regular Meeting

The Board of Directors of the Minnesota State Retirement System (MSRS) is scheduled to meet on Thursday, May 19, 2005 at 9:00 a.m. in the Retirement Systems of Minnesota Building, 60 Empire Drive, Suite 117, Saint Paul, Minnesota.

## State Grants & Loans

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

## Department of Health

### Office of Health Policy, Statistics and Informatics

### Request for Proposals for Clinical Dental Education Innovations Grants

The Minnesota Department of Health is soliciting proposals for grants to sponsoring institutions and clinical dental training sites for projects that increase dental access for underserved populations and promote innovative clinical training of dental professionals. \$1,946,907 is available for grants. Eligible applicants include institutions that sponsor accredited clinical dental education programs, institutions that sponsor or are developing interdisciplinary clinical training programs that include accredited dental education, clinical training sites that host dental professionals and are currently enrolled as active Medicaid providers, or consortia consisting of members of one or both groups. Potential uses of grant funds include funding or expansion of existing programs with demonstrated success in providing dental services to underserved populations and development or implementation of new programs designed to improve access for underserved populations in Minnesota through the use of dental residents or students. Grants will be awarded through a two-stage process, with the highest-scoring preliminary project proposals invited to submit full proposals.

To be considered for funding, proposals must be received by **4:30 p.m., Monday, June 20, 2005** at the Minnesota Department of Health, 85 East Seventh Place, Suite 300, St. Paul, MN 55101, attention Diane Rydrych. Emailed or faxed proposals will not be accepted. **Late proposals will not be considered.** A copy of the full Request for Proposals may be obtained at

<http://www.health.state.mn.us/divs/hpsc/hep/merc/innvinfo.htm>

Click on "Request for Proposals: FY2006 Clinical Dental Education Innovations Grants."

A copy of the full RFP can also be obtained by contacting:

Diane Rydrych  
Office of Health Policy, Statistics and Informatics  
Minnesota Department of Health  
85 East 7<sup>th</sup> Place, Suite 300  
St. Paul, MN 55101  
**Phone:** (651) 282-6349  
**Fax:** (651) 282-5628  
**E-mail:** [diane.rydrych@state.mn.us](mailto:diane.rydrych@state.mn.us)

### State Contracts

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

## Colleges and Universities, Minnesota State (MnSCU)

### Hennepin Technical College

#### Request for Proposals Sought for On-site Food Services

**NOTICE IS HEREBY GIVEN** that Hennepin Technical College is seeking proposals for on-site food services at HTC's two campuses located in Brooklyn Park and Eden Prairie, MN. Work consists of providing and managing vendor's own staff, on-site preparation and serving of required meals, and overall plan for providing and improving on-site food service operations.

Deadline for receipt of proposals: May 17, 2005 -- 2:00 p.m.

Copies of the Request for Proposal are available from:

Larry McAtee, Hennepin Technical College  
1820 Xenium Lane N.  
Plymouth, MN 55441  
**Telephone:** (763) 550-7143  
**Fax:** (763) 550-7198  
**E-mail** requests preferred to: [lgmcaatee@int287.k12.mn.us](mailto:lgmcaatee@int287.k12.mn.us) (RFP to be sent via e-mail)

This request for proposals does not obligate the state/college to complete the proposed project and the state/college reserves the right to cancel the solicitation if it is considered to be in its best interest.

## Colleges and Universities, Minnesota State (MnSCU)

### Winona State University

#### Sealed Bids Sought for Pasteur Hall - Pahse II

**NOTICE IS HEREBY GIVEN** that Winona State University will receive sealed bids for Pasteur Hall - Phase II until 2:00 p.m., June 14, 2005 at which time the bids will be opened and publicly read aloud.

**Project Scope:** This Project consists of the renovation of an existing lab science building as defined in Drawings and Specifications. It is located on Project site currently bounded by Stark Hall (which houses associated programs in Engineering and Nursing) and the New Science Facility (Phase I). Work includes Building Demolition, Site Clearing, Construction of Steel Framed Penthouse Level, Exterior Shell, Interior Fit-out, Mechanical and Electrical Construction, and Landscaping.

**A Pre-bid Meeting** will be held at 11:00 a.m., Wednesday, May 25, 2005 in the Cafeteria of Kryzsko Commons in Dining Rooms C



# State Contracts

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and D (parking is available in the North Kryzsko Silver Lot 19 between Kryzsko and Sheehan Commons) at Winona State University. Attendance is required for all bidding Prime Contractors and major Subcontractors. The Architect/Engineer and Owner Representatives will review the bidding procedures, Bidding Documents and other conditions with interested Bidders and answer questions.

Bid Forms, Contract Documents, Drawings and Specifications as prepared by the Project Architect/Engineer; Perkins & Will, are on file at the offices of the:

1. above named Project Architect/Engineer
2. following Builders Exchanges:
  - Eau Clair Plan Room (WI)
  - Rochester Plan Room
  - Construction Market Data Plan Room
  - Milwaukee Plan Room (WI)
  - Minneapolis Plan Room
  - La Crosse Plan Room (WI)
  - Construction Bulleting Plan Room
  - Dodge Plan Room
  - Mankato Plan Room
  - Albert Lea Plan Room
  - Austin Plan Room
  - National Association of Minority Contractors of Minnesota
  - St. Paul Plan Room

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

Engineering Reproduction Systems  
3005 Ranchview Lane North  
Minneapolis, MN 55447  
(763) 694-5900

Prior to obtaining the set, a deposit check in the amount identified must be sent, or delivered to:

Perkins & Will  
84 Tenth Street South, Suite 200  
Minneapolis, MN 55403  
(612) 851-5000

A deposit of \$350.00 is required for each set. Prime Contractors will receive 1 free set. Two more may be obtained for a refundable deposit. Subcontractors may obtain 1 set for a refundable deposit. Additional sets may be purchased directly from the printer - Engineering Repro. As a condition of the deposit to be refunded, sets must be returned to the Architect within ten working days of the bid date, and must be complete and in reusable condition.

Deposit checks are to be made out to the order of Winona State University.

Prospective Bidders requesting that Bidding Documents (complete sets only) be mailed to them may make arrangements directly with Engineering Reproductions, after submissions of the deposit check to Perkins & Will.

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

## Minnesota Historical Society (MHS)

### Notice of Request for Proposals for Marketing Services

The Minnesota Historical Society is seeking proposals from qualified marketing design firms to continue its sub-branding process and to design marketing materials within its brand.

The Society has completed overall branding research, design, and positioning for the organization and its 25 historic sites and museums. (An overview of the Society's brand will be attached to the Request for Proposals.) In addition, the Society has created sub-brands for separate entities such as the Mill City Museum, Split Rock Lighthouse, and Minnesota's Greatest Generation Project.

Specific deliverables will be determined on an annual basis, but are likely to include the designing of marketing and communications materials such as brochures, billboards, and direct mail materials.

The Request for Proposals is available by calling or writing Mary Green Toussaint, Contracting & Purchasing Assistant, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102. She can be reached via **telephone** at 651-297-7007, or via **e-mail** at [mary.green-toussaint@mnhs.org](mailto:mary.green-toussaint@mnhs.org).

Completed proposals are due at 2:00 p.m., Local Time, Thursday, June 9, 2005. Late proposals will not be considered.

Dated: May 16, 2005

## **Minnesota Historical Society (MHS)**

### **Notice of Request for Proposals for Wall Demolition, Construction, and Painting Services**

The Minnesota Historical Society is seeking proposals from qualified and experienced vendors for wall demolition, construction, and painting services for a new exhibit at the Minnesota History Center. The new exhibit is called "OPEN HOUSE -- One House, 50 Families, 115 Years" and will be opening to the public in January of 2006.

This new exhibit will be installed in the Minnesota History Center's Gallery C, and must be completed in time for a January 2006 opening to the public.

The Request for Proposals (which will also serve as the Project Manual) is available by calling or writing Mary Green Toussaint, Contracting & Purchasing Assistant, Minnesota Historical Society, 345 Kellogg Blvd. W., St. Paul, MN 55102. **Telephone:** (651) 297-7007 or **e-mail:** [mary.green-toussaint@mnhs.org](mailto:mary.green-toussaint@mnhs.org).

All proposals must be received no later than 2:00 p.m., local time, Tuesday, June 7, 2005. Late proposals will not be considered.

Dated: May 16, 2005

## **Minnesota Supreme Court**

### **Fourth Judicial District**

#### **Notice of Request for Proposal for a Survey Solution**

**NOTICE IS HEREBY GIVEN** that the 4<sup>th</sup> Judicial District Court is seeking proposals from qualified vendors for the purchase of a surveying solution. This solution would facilitate the creation of online and paper surveys, and capture the data from the responses to both types of surveys. The Request for Proposal may become the basis for negotiation of a contract with a designated vendor to provide survey software and support.

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

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

Gena Jones  
Fourth Judicial District  
A-1720 Government Center  
300 South 6<sup>th</sup> Street  
Minneapolis, MN 55487  
**E-mail:** [gena.jones@courts.state.mn.us](mailto:gena.jones@courts.state.mn.us)

All vendor questions and responses thereto will be posted on:

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

Deadline for proposals is 4:00 p.m. CST on Friday, May 27, 2005. No late proposals will be considered.

## **Minnesota Supreme Court**

### **Fourth Judicial District**

#### **Notice of Request for Proposal for Web & Paper Survey Tool**

**NOTICE IS HEREBY GIVEN** that the 4<sup>th</sup> Judicial District Court is seeking proposals from qualified vendors for the purchase of a suite of computerized survey tools. The tools would facilitate the creation of online and paper surveys, and capture the data from the responses of both types of surveys. The Request for Proposal may become the basis for negotiation of a contract with a designated vendor to provide survey software and support.

The Court is not obligated to respond to any proposal submitted nor is it legally bound in any manner whatsoever by the submission of a proposal. The Court reserves the right to cancel or withdraw the RFP at any time if it is considered to be in its best interest. In the event

# State Contracts

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the RFP is cancelled or withdrawn for any reason, the Court shall not have any liability to any proposing party for any costs or expenses incurred in connection with the RFP or otherwise. The Court also reserves the right to reject any or all proposals, or parts of proposals, to waive any informalities therein and to extend proposal due dates.

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

Gena Jones  
Fourth Judicial District  
A-1720 Government Center  
300 South 6<sup>th</sup> Street  
Minneapolis, MN 55487  
**E-mail:** [gena.jones@courts.state.mn.us](mailto:gena.jones@courts.state.mn.us)

All vendor questions and responses thereto will be posted on:

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

Deadline for proposals is 4:00 p.m. CDT on Friday, June 3, 2005. No late proposals will be considered.

## Department of Transportation (MnDOT)

### Engineering Services Division

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

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

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

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

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

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

Send completed application material to:

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

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

### Department of Transportation (MnDOT)

#### 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 commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

### University of Minnesota

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

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

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

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[illegible]

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

Source Code SR004