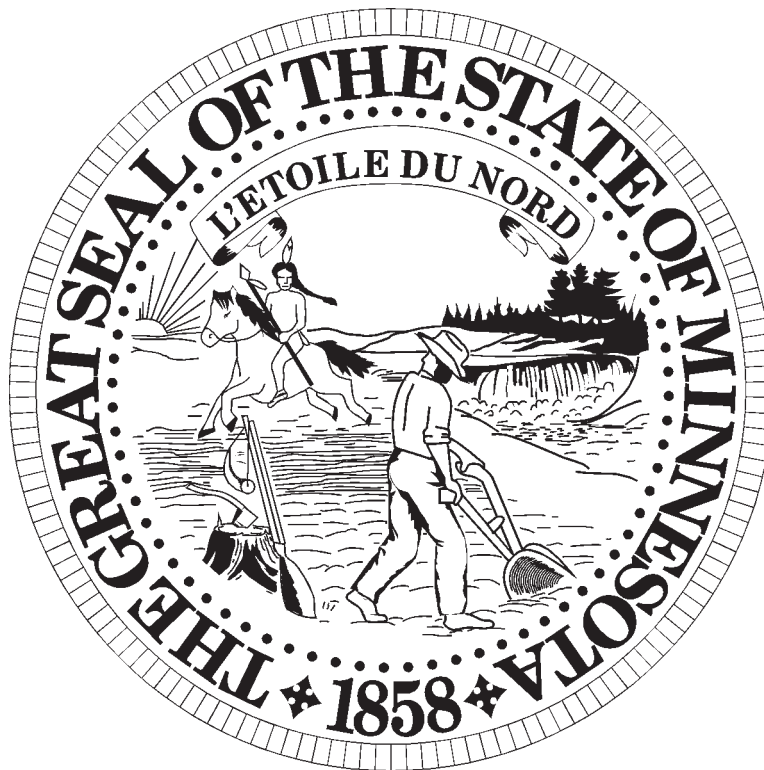


State of Minnesota

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State Register

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- proclamations and commendations
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# 14	Monday 2 October	Noon Tuesday 26 September	Noon Wednesday 20 September
# 15	Monday 9 October	Noon Tuesday 3 October	Noon Wednesday 27 September
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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 Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*.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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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.

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Proposed Rules

Minnesota Department of Labor and Industry

Construction Codes and Licensing Division

Proposed Amendment to Rules Governing Building Accessibility, *Minnesota Rules*, chapter 1341; Proposed Request for Certification Under Title 28, *Code of Federal Regulations*, Sections 36.601 to 36.607

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

Introduction. The Department of Labor and Industry (DLI) intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on October 25, 2006, a public hearing will be held in the Minnesota Room, Minnesota Department of Labor and Industry, 443 Lafayette Road N., St. Paul, Minnesota 55155, starting at 9:00 a.m. on Monday, November 6, 2006. **If 25 or more persons submit a written request for a hearing on the rules, the hearing will also address DLI's proposed request for certification of the rules by the United States Department of Justice under Title 28, Code of Federal Regulations, sections 36.601 to 36.607.** For information on this proposed request, see the section of this notice entitled "Proposed Request for Certification Under Federal Law." To find out whether the rules will be adopted without a hearing or if the hearing will be held before the rules are adopted, you should contact the agency contact person after October 25, 2006, and before November 6, 2006.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Carrie Rohling at the Minnesota Department of Labor and Industry, 443 Lafayette Road N., St. Paul, MN 55155, **Phone:** (651) 284-5217, **Fax:** (651) 284-5725, and **e-mail:** DLI.rules@state.mn.us. **TTY** users may call DLI at (651) 297-4198.

Subject of Rules and Statutory Authority. The proposed rules are about the accessibility requirements for new and remodeled buildings. The proposed rules repeal all of the current parts in *Minnesota Rules*, chapter 1341, except parts 1341.0403, 1341.0409, and 1341.0610, which are proposed for amendment. The proposed rules include many new parts, and comprise a new Minnesota Accessibility Code. A free copy of the proposed rules is available upon request from the agency contact person listed above. The proposed rules are also available on the Department of Labor and Industry's Web site at

http://www.doli.state.mn.us/pdf/rulemaking_bcs_1341_accessibilityRD3560.pdf

The purpose and motivation for the proposed rules is to provide the newest and most comprehensive accessibility standards available. The current Minnesota Accessibility Code, Chapter 1341, is based on the Americans with Disabilities Act Accessibility Guidelines (ADAAG). The proposed rules are instead based on the following two model codes, which are incorporated by reference in the proposed rules: Chapter 11 of the 2006 International Building Code (IBC), which provides scoping provisions; and 2) ICC/ANSI A117.1-2003, which contains technical criteria. The IBC is promulgated by the International Code Council (ICC). ICC/ANSI A117.1-2003 is promulgated by the American National Standards Institute (ANSI). Chapter 11 of the ICC and ICC/ANSI A117.1-2003 provide a more current set of criteria relating to accessibility than does ADAAG.

In addition to incorporating these two model codes by reference, the proposed rules modify specific provisions of these model codes. Many of these proposed modifications make the modified model codes consistent with requirements in the current *Minnesota Rules*, chapter 1341. Other proposed modifications address issues in the most recent ADAAG that are not addressed in the model codes.

The authority to adopt the rules is *Minnesota Statutes*, sections 16B.37 and 16B.59 to 16B.76, and Department of Administration Reorganization Order No. 193. Until May 16, 2005, the State Building Code was adopted, administered, and amended by the Department of Administration pursuant to *Minnesota Statutes*, sections 16B.59 to 16B.76. By Executive Order issued under *Minnesota Statutes*, section 16B.37 (Department of Administration Reorganization Order No. 193), Governor Pawlenty transferred the responsibility for the State Building Code to the Department of Labor and Industry, effective May 16, 2005.

Proposed Request for Certification Under Federal Law. The Americans with Disabilities Act (ADA) authorizes the Department of Justice (DOJ) to review state building code requirements that concern accessibility to determine whether those requirements are equivalent to the ADA standards for accessibility in new construction and alterations. If the DOJ determines that the state accessibility requirements are equivalent to the ADA accessibility standards, they can issue a certification to that effect. DLI intends to request the DOJ's certification of the amended Chapter 1341. DLI's proposed request for certification and supporting materials are available for public examination at the DLI offices by contacting the agency contact person listed above. Copies of these documents may also be obtained from

Proposed Rules

the agency contact person at the cost of reproduction, except that copying some of the supporting materials may be prohibited by federal copyright law.

The certification process is described in Title 28, *Code of Federal Regulations*, Sections 36.601 to 36.607. One of these federal requirements is that DLI hold a public hearing at which the public is invited to comment on the proposed request for certification. If a public hearing is held on the rules under Minnesota law, then that public hearing will also provide a forum for the public to comment on the proposed request for certification.

If no public hearing on the rules is held under Minnesota law, either because fewer than 25 persons request that a hearing be held on the rules or because a sufficient number of persons withdraw their requests in writing, then a hearing will be held at a later date on the sole issue of DLI's proposed request for certification. If such a hearing is held at a later date, then: (1) that hearing would be held after any proposed amendment of *Minnesota Rules*, chapter 1341, becomes effective; (2) that hearing would be a public hearing before the Commissioner of DLI, or the Commissioner's designee, on the sole issue of the proposed request for certification of the rules; and (3) notice of that hearing would be published in the *State Register*.

Comments. You have until 4:30 p.m. on Wednesday, October 25, 2006, 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 Wednesday, October 25, 2006. 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 on the rules, a public hearing on the rules 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 on the rules, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing on the rules is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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

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

The proposed rules may be modified to reflect copyright issues in connection with the 2006 IBC and ICC/ANSI A117.1-2003.

Cancellation of Hearing. The hearing scheduled for November 6, 2006, 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 on the rules, 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) 284-5217 after October 25, 2006, to find out whether the hearing on the rules will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Beverly Jones Heydinger is assigned to conduct the hearing. Judge Heydinger can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **telephone:** (612) 341-7606, and **fax:** (612) 349-2665.

Hearing Procedure. If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules or to the proposed request for certification. 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

Proposed Rules

review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

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

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed and copies obtained at the cost of reproduction from the agency.

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

Adoption Procedure if No Hearing. If no hearing is required, the 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. I further order that the rulemaking hearing include an opportunity for the public to comment on the proposed request for certification.

Dated: September 8, 2006

M. Scott Brener, Commissioner
Department of Labor and Industry

Minnesota Department of Labor and Industry

Construction Codes and Licensing Division

Proposed Amendment to Rules Governing the Adoption of the 2006 International Building Code, *Minnesota Rules*, Chapter 1305

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

Introduction. The Department of Labor and Industry (DLI) intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on October 25, 2006, a public hearing will be held in the Minnesota Room, Minnesota Department of Labor and Industry, 443 Lafayette Road N., St. Paul, Minnesota 55155, starting at 9:00 a.m. on Monday, November 20, 2006. 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 October 25, 2006, and before November 20, 2006.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Carrie Rohling at the Minnesota Department of Labor and Industry, 443 Lafayette Road N., St. Paul, MN 55155, **Phone:** (651) 284-5217, **Fax:** (651) 284-5725, and **e-mail:** DLI.rules@state.mn.us. **TTY** users may call DLI at (651) 297-4198.

Subject of Rules and Statutory Authority. The proposed rules are about the construction requirements for new and remodeled buildings. The applicability of chapter 1305 is set forth in Minnesota Rule 1300.0040, which states that the requirements of chapter 1305 apply to all buildings other than certain residential buildings to which chapter 1309 applies. The proposed rules repeal the following current *Minnesota Rules* in their entirety: parts 1305.0302, 1305.0419, 1305.0704, 1305.0707, 1305.0714, 1305.1003, 1305.1004,

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1305.1202, 1305.1204, 1305.1207, 1305.1404, 1305.1604, 1305.1806, and 1305.2304. The proposed rules include many new parts. A free copy of the proposed rules is available upon request from the agency contact person listed above. The proposed rules are also available on the Department of Labor and Industry's Web site at

http://www.doli.state.mn.us/pdf/rulemaking_1305_revisors_draft_09_01_06.pdf

The purpose and motivation for the proposed rules is to provide the newest and most comprehensive construction standards available. The current *Minnesota Rules* (chapter 1305) are based on the 2000 International Building Code (IBC). The IBC is a model building code promulgated by the International Code Council. The proposed rules are based on the 2006 IBC, which is the latest version of the IBC. The proposed rules incorporate the 2006 IBC by reference, and also modify specific provisions of the 2006 IBC. Many of these proposed modifications make the modified model code consistent with requirements in the current *Minnesota Rules*, chapter 1305.

The proposed rules include a number of new requirements, such as new requirements for sprinklers in multi-family dwellings. The proposed part 1305.0903 requirements for sprinklers in multi-family dwellings are less restrictive than the requirements in the 2006 IBC. Proposed part 1305.0903 would amend the 2006 IBC to require an automatic sprinkler system (in accordance with section 903.3.1 of the 2006 IBC) to be provided throughout buildings containing a Group R occupancy where either the combined area on all floors, including mezzanines, exceeds 9,250 square feet, or where the Group R fire area is located more than three stories above grade plane. This requirement would not apply to: (1) Group R-3 single dwelling unit buildings; (2) Group R-2 or R-4 occupancies containing a facility licensed by the state of Minnesota, where the applicable licensing law requires a more restrictive fire suppression system; or (3) attached garages where a dry sprinkler is installed within 5 feet of the door opening between the garage and attached residence.

Also, the proposed rules would repeal a number of current parts in chapter 1305, such as part 1305.0707 regarding shafts and the vertical migration of smoke. The repeal of this part would mean that Minnesota would enforce the less restrictive language of the 2006 IBC, including sections 707.7 for openings into shafts and 707.14.1 for elevator lobbies.

The authority to adopt the rules is *Minnesota Statutes*, sections 16B.37 and 16B.59 to 16B.76, and Department of Administration Reorganization Order No. 193. Until May 16, 2005, the State Building Code was adopted, administered, and amended by the Department of Administration pursuant to *Minnesota Statutes*, sections 16B.59 to 16B.76. By Executive Order issued under *Minnesota Statutes*, section 16B.37 (Department of Administration Reorganization Order No. 193), Governor Pawlenty transferred the responsibility for the State Building Code to the Department of Labor and Industry, effective May 16, 2005.

Comments. You have until 4:30 p.m. on Wednesday, October 25, 2006, 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 Wednesday, October 25, 2006. 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 the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

The proposed rules may be modified to reflect copyright issues in connection with the 2006 IBC.

Cancellation of Hearing. The hearing scheduled for November 20, 2006, 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) 284-5217 after October 25, 2006, to find out whether the hearing will be held.

Proposed Rules

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 Eric L. Lipman is assigned to conduct the hearing. Judge Lipman 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.

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: September 18, 2006

Michael Houliston, Deputy Commissioner
Department of Labor and Industry

Executive Orders

The governor has the authority to issue written statements or orders, called Executive Orders, as well as Emergency Executive Orders. The governor's authority is specified in the *Constitution of the State of Minnesota*, Article V, and in *Minnesota Statutes* § 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

Office of the Governor

Emergency Executive Order #06-13: Providing for Assistance to the Minnesota Interagency Fire Center

I, TIM PAWLENTY, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, the State of Minnesota, along with federal, state and local governmental agencies, is assisting the Minnesota Interagency Fire Center ("MIFC") in responding to wildfires in the Boundary Waters Canoe Area ("BWCA"); and

WHEREAS, because the fires are located near the "blow down" area created by the 1999 wind storm, the fires have the capability of becoming very large and/or threatening persons and property in the BWCA and surrounding areas; and

WHEREAS, in addition to the fires in the BWCA, extremely dry conditions have resulted in very high fire danger ratings in the Northern and Central portions of Minnesota and the fire risk in these areas is expected to remain very high in the near future; and

WHEREAS, additional resources are needed to assist state, federal and local agencies in fighting the BWCA fires and due to the high fire risk and dedication of resources to the BWCA fires, additional resources may be needed to prepare for and respond to any additional fires, should any occur, in the Northern and Central portions of Minnesota; and

WHEREAS, the MIFC has requested fire suppression assets and personnel from the Minnesota National Guard;

NOW, THEREFORE, I hereby order that:

1. The Adjutant General of Minnesota order to state active duty on or about 15 September, 2006, in the service of the State, such personnel and equipment of the military forces of the State as required and for such period of time as necessary to assist and support wildfire suppression in the BWCA and Northern and Central Minnesota.

2. The Adjutant General is authorized to purchase, lease or contract goods or services necessary to accomplish the mission.

3. The cost of subsistence, transportation, fuel, pay and allowances of said individuals shall be defrayed from the general fund of the State, as provided for in *Minnesota Statutes* 2004, Sections 192.49; 192.52 and 192.54.

Pursuant to *Minnesota Statutes* 2004, Section 4.035, Subd. 2, this Order is effective immediately and shall remain in effect until such date as elements of the military forces of the State are no longer required.

IN TESTIMONY WHEREOF, I have set my hand this 18th day of September, 2006.

Signed: **TIM PAWLENTY**
Governor

Filed According to Law:

Signed: **MARY KIFFMEYER**
Secretary of State

Official Notices

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

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

Minnesota Comprehensive Health Association Notice of Meeting of the Board of Directors October 2, 2006

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA) Board of Directors will be held at 9:00 a.m. on Monday, October 2, 2006, at the MCHA Executive Office, 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

For additional information, please call Lynn Gruber or Mary McCaffrey at (952) 593-9609.

Department of Commerce Public Utilities Commission

Notice of Route Permit for Great River Energy RDO 115 kV Transmission Project **RE: PUC issues a Route Permit to Great River Energy and the Itasca-Mantrap Cooperative Electrical Association for a 115 kilovolt High Voltage Transmission Line in Hubbard County. (PUC Docket No. ET2/TL-06-468)**

The Minnesota Public Utilities Commission has taken action to designate a route and issue a route permit for the proposed 115 kV high voltage transmission line from the RDO Substation to the GRE "HP" 115 kV transmission line in Hubbard County. The Commission issued its Order and the route permit on September 8, 2006.

The Order authorizes a route permit for the proposed 2.5 mile transmission line. The route will begin at the RDO Substation in Straight River Township Section 12 and follow GRE's existing 34.5 kV ROW east along 150th Street approximately one-half mile until the existing line turns south. The route will follow the existing line alignment as close as practicable southward approximately one mile to Minnesota Trunk Highway 87. GRE may acquire additional ROW width in this segment not to exceed 100 feet total. The route will cross from the north side to the south side of TH 87 near the half section line in Straight River Township Sections 12 and 13. Upon crossing TH 87, the route turns east and runs generally parallel to TH 87 for approximately one mile to the GRE "HP" 115 kV transmission line in Hubbard Township Section 18. GRE is permitted to acquire up to 100 feet of new ROW in this segment. GRE shall place transmission line structures no more than 10 feet outside of the TH 87 clear zone or ROW from the point the line crosses TH 87 to the point it meets the existing GRE 34.5 kV ROW east of 159th Avenue. East of 159th Avenue, GRE shall place structures as close as practicable to existing structures. The line in this segment will be double-circuit 115 kV and 34.5 kV.

The route permit for the project contains conditions for site preparation, construction, cleanup, restoration, electrical performance standards, and other restrictions. The route permit and other information about this project may be reviewed on the PUC website:

<http://energyfacilities.puc.state.mn.us/Docket.html?Id=18517>

If you have any questions about this project or would like more information, please contact: Adam M. Sokolski, Department of Commerce, Energy Facility Permitting, 85 7th Place East, Suite 500, St. Paul, Minnesota 55101-2198; **telephone:** (651) 296-2096; **TTY:** 1-800-657-3794; **fax:** (651) 297-7891; or **e-mail:** *adam.sokolski@state.mn.us*.

**Department of Employment and Economic Development
Minnesota Housing Finance Agency
Minnesota Department of Human Services
Notice of Public Hearings and Draft Availability of the State of Minnesota
2007-2011 Consolidated Housing and Community Development Plan and
Consolidated Annual Performance and Evaluation Report (CAPER)**

The State of Minnesota announces its process for developing its 2007-2011 Consolidated Housing and Community Development Plan (Consolidated Plan), and the 2006 Consolidated Annual Performance and Evaluation Report (CAPER). The state encourages citizens to attend the public hearings and review and comment on the draft reports.

The Consolidated Plan is a report that the state submits annually to the U.S. Department of Housing and Urban Development (HUD) in order to receive federal housing and community development funding through the Community Development Block Grant (CDBG), HOME Investment Partnerships, Emergency Shelter Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA) programs. The Consolidated Plan examines the housing and community development needs of the state, sets priorities for allocation of the HUD funds, and establishes an annual Action Plan for meeting current and future needs in the coming year.

The state submits its CAPER to HUD annually as one of the conditions of receiving federal funds under the programs identified above. The CAPER provides information to measure the state's progress during the past year in meeting assistance goals and priorities identified in the Consolidated Plan. The CAPER includes a summary and analysis of progress made on identified actions that state agencies have elected to undertake to affirmatively further fair housing and overcome impediments to fair housing.

The state will hold its first public hearing about the Consolidated Plan on Tuesday, October 10, 2006, to gather citizen input on housing and community development needs for the Consolidated Plan and how federal funding should be allocated in the state. The hearing will be held at 2:30 p.m. at the Minnesota Department of Employment and Economic Development, 332 Minnesota Street, 2nd floor, St. Paul. A second public hearing on the Consolidated Plan will be held on Tuesday, December 12, 2006. This public hearing will be for review and comment on the draft Consolidated Plan and will be held at 2:30 p.m. at the Minnesota Department of Employment and Economic Development, 332 Minnesota Street, 2nd floor, St. Paul. Call 1-800-657-3858 or TTY 1-800-282-5909 for more information about these hearings.

Drafts of the 2007-2011 Consolidated Plan and the CAPER for 2006 will be available for public review and comment between November 6, 2006, and the close of business December 12, 2006. The draft Consolidated Plan and CAPER will be available on the Internet at www.mhfa.state.mn.us and www.deed.state.mn.us and in state depositories identified in the Citizen Participation Plan, which may be viewed at the same internet locations. Hard copies of the Consolidated Plan can be obtained by calling Reed Erickson, Department of Employment and Economic Development, at 1-800-657-3858, or TTY 1-800-282-5909. Hard copies of the CAPER can be obtained by calling Minnesota Housing Finance Agency at 1-800-657-3769 or (651) 296-7608, or TTY (651) 297-2361.

Written public comments on the Consolidated Plan can be submitted to:

Consolidated Plan, Attn: Reed Erickson
Minnesota Department of Employment
and Economic Development
First National Bank Building
332 Minnesota Street, Suite E200
St. Paul, MN 55101-1351

Written comments may also be submitted by fax to (651) 296-1290 or by email to reed.erickson@state.mn.us. To ensure consideration of your comments, type "Consolidated Plan" in the subject line of your e-mail.

Written public comments on the 2006 Consolidated Annual Performance and Evaluation Report (CAPER) can be submitted to:

CAPER
Minnesota Housing Finance Agency
400 Sibley Street, Suite 300
St. Paul, MN 55101

Written comments may also be submitted by fax to (651) 296-8139 or by email to: mhfa@state.mn.us. To ensure consideration of your comments, type "CAPER" in the subject line of your e-mail.

The Consolidated Plan and the CAPER will be submitted to HUD on or before December 30, 2006. The state will consider any

Official Notices

comments from individuals or groups received in writing or at public hearings. A summary of the written and public hearing comments and the state's responses will be included in the final Consolidated Plan.

Department of Labor and Industry

Labor Standards Unit

Notice of Addition to Commercial Prevailing Wage Rates for Heavy Equipment Operators in Ottertail County

An additional rate has been added to the Commercial Prevailing Wage Rates certified 12/27/05, for Heavy Equipment Operators, Group 1 in Ottertail County.

Copies with the additional 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. Charges for the cost of copying and mailing at \$.25 per page for the first 100 pages, \$.65 per page after that. Make check or money order payable to the State of Minnesota.

M. Scott Brener
Commissioner

Department of Labor and Industry

Labor Standards Unit

Notice of Corrections to Commercial and Highway/Heavy Prevailing Wage Rates for Electricians in Benton, McLeod, Meeker, Sherburne and Stearns Counties

A correction has been made to the Commercial Prevailing Wage Rates certified 12/27/05, for **Labor Code 407, Electricians**, in Benton, McLeod, Meeker, Sherburne and Stearns Counties.

Corrections have been made to the Highway/Heavy Prevailing Wage Rates certified 10/17/05, for **Labor Code 407 Electricians**, in Region 5 and Region 8.

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

M. Scott Brener
Commissioner

Minnesota Pollution Control Agency

Regional Environmental Division

Notice of Availability of Draft Shingle Creek Chloride Total Maximum Daily Load Report and Request for Comment

Public Comment Period Begins: September 25, 2006

Public Comment Period Ends: October 24, 2006

The Minnesota Pollution Control Agency (MPCA) is requesting comments on the draft report for the Shingle Creek Chloride Total Maximum Daily Load (TMDL). Shingle Creek is impaired because it does not meet the chloride water quality standard. The draft TMDL Report for the Shingle Creek Chloride TMDL is available for review at: <http://www.pca.state.mn.us/water/tmdl.html#drafttmdl>. Following the comments, the MPCA will revise the draft TMDL Report and submit it to the U.S. Environmental Protection Agency (EPA) for approval. Comments must be sent to the MPCA contact person listed below by October 24, 2006.

Required by the federal Clean Water Act, a TMDL is a scientific study that calculates the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards for that pollutant. It is a process that identifies all the sources of the pollutant causing an impairment and allocates necessary reductions among them. This multi-year effort results in a pollution reduction plan and

engages stakeholders and the general public. An approved TMDL is followed by implementation activities for achieving the necessary reductions.

Chloride can harm aquatic organisms by disrupting natural osmo-regulatory processes. Shingle Creek is designated as a Class 2(b) water for the protection of aquatic life (Minnesota Rules chapter 7050). Chloride standards for the protection of this beneficial use include a chronic standard of 230 milligrams per liter (mg/L) based on the 4-day average and an acute standard of 860 mg/L for a one-hour duration.

Chloride is present in road salt, which most traffic authorities in the Metropolitan area use in the winter for snow and ice control. A network of freeways, highways, and local roads, all of which eventually drain to Shingle Creek crisscross Shingle Creek's watershed including Interstates 94/694, and U.S. Highways 169 and 100. Shingle Creek has an urban/suburban watershed located in the northwestern portion of the Minneapolis Metropolitan region. The Creek is heavily used for stormwater management. The drainage system is composed of Shingle Creek, which is the major waterway, several tributaries, some intermittent streams, and a few man-made ditches. The main stem of Shingle Creek begins in Brooklyn Park in northwestern Hennepin County and flows generally southeast to its confluence with the Mississippi River in Minneapolis. Shingle Creek is formed at the junction of Bass Creek and Eagle Creek, two of the minor tributaries in the watershed. The Creek is approximately 11.3 miles long and drops approximately 66 feet from its source to the mouth.

Palmer Lake is the only lake directly on Shingle Creek. The Shingle Creek watershed covers 44.5 square miles in east-central Hennepin County, Minnesota, including nine municipalities. The nine municipalities in the watershed include Brooklyn Center, Brooklyn Park, Crystal, Maple Grove, Minneapolis, New Hope, Osseo, Plymouth, and Robbinsdale. These entities created a joint powers organization, the Shingle Creek Watershed Management Commission (SCWMC), as required by the Metropolitan Surface Water Management Act of 1982. The WMC's responsibilities include controlling excessive volumes and rate of runoff, stormwater management, improving water quality, preventing flooding and erosion, promoting ground water recharge, protecting and enhancing fish and wildlife habitat, and water recreation. In addition to these municipalities, roads in the watershed are also maintained by Hennepin County and the Minnesota Department of Transportation (Mn/DOT). The nine communities, Hennepin County, and MnDOT are all considered municipal separate storm sewer systems (MS4s) under the EPA's - National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Program.

The samples used to list Shingle Creek for chloride impairment were collected during 1996, by the US Geological Survey (USGS) at their discharge monitoring station at the Queen Avenue Bridge site in Minneapolis. After reviewing the USGS data from the Queen Avenue site, the SCWMC has been routinely sampling for chloride in Shingle Creek.

The critical condition for the chloride impairment in Shingle Creek is during winter runoff. The TMDL has calculated a needed 71 percent reduction in chloride levels to achieve the water quality standards and avoid future water quality impairments.

Agency Contact Person. Written or oral comments, petitions, questions, or requests to receive a draft of the TMDL Reports, and requests for more information should be directed to:

Timothy Larson
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194
Telephone: (651) 282-5559 (direct)
Minnesota Toll Free: 1-800-657-3864
Fax: 651-297-8676
E-mail: timothy.larson@pca.state.mn.us
TTY users may call the MPCA teletypewriter at (651) 282-5332 or 1-800-657-3864.

Preliminary Determination on the draft TMDL Report: The MPCA Commissioner has made a preliminary determination to submit this TMDL Report to the EPA for final approval. A draft TMDL Report and fact sheet are available for review at the MPCA office at the address listed below, and at the MPCA Web site: <http://www.pca.state.mn.us/water/tmdl.html#drafttmdl>. Suggested changes will be considered before the final TMDL Report is sent to the EPA for approval.

Written Comments: You may submit written comments on the conditions of the draft TMDL Report or on the Commissioner's preliminary determination.

Written comments must include the following:

1. A statement of your interest in the draft TMDL Report;
2. A statement of the action you wish the MPCA to take, including specific references to sections of the draft TMDL that you believe should be changed; and
3. The reasons supporting your position, stated with sufficient specificity as to allow the Commissioner to investigate the merits of your position.

Petition for Public Informational Meeting: You also may request that the MPCA Commissioner hold a public informational meeting. A public informational meeting is an informal meeting that the MPCA may hold to solicit public comment and statements on

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matters before the MPCA, and to help clarify and resolve issues.

A petition requesting a public informational meeting must include the following information:

1. A statement identifying the matter of concern;
2. The information required under items 1 through 3 of "Written Comments," identified above;
3. A statement of the reasons the MPCA should hold a public informational meeting; and
4. The issues that you would like the MPCA to address at the public informational meeting.

Petition for Contested Case Hearing: You also may submit a petition for a contested case hearing. A contested case hearing is a formal evidentiary hearing before an administrative law judge. In accordance with Minn. R. 7000.1900, the MPCA will grant a petition to hold a contested case hearing if it finds that: (1) there is a material issue of fact in dispute concerning the application or draft TMDL Report; (2) the MPCA has the jurisdiction to make a determination on the disputed material issue of fact; and (3) there is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case hearing would allow the introduction of information that would aid the MPCA in resolving the disputed facts in making a final decision on the draft TMDL Report. A material issue of fact means a fact question, as distinguished from a policy question, whose resolution could have a direct bearing on a final MPCA decision.

A petition for a contested case hearing must include the following information:

1. A statement of reasons or proposed findings supporting the MPCA decision to hold a contested case hearing according to the criteria in *Minnesota Rules* 7000.1900, as discussed above; and
2. A statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested or resolution of the matter.

In addition and to the extent known, a petition for a contested case hearing should also include the following information:

1. A proposed list of prospective witnesses to be called, including experts, with a brief description of proposed testimony or summary of evidence to be presented at a contested case hearing;
2. A proposed list of publications, references, or studies to be introduced and relied upon at a contested case hearing; and
3. An estimate of time required for you to present the matter at a contested case hearing.

MPCA Decision: You may submit a petition to the Commissioner requesting that the MPCA Citizens' Board consider the TMDL Report approval. To be considered timely, the petition must be received by the MPCA by 4:30 p.m. on the date the public comment period ends, identified on page 1 of this notice. Under the provisions of *Minnesota Statutes* § 116.02, subd 6(4), the decision whether to submit the TMDL Report and, if so, under what terms will be presented to the Board for decision if: (1) the Commissioner grants the petition requesting the matter be presented to the Board; (2) one or more Board members request to hear the matter before the time the Commissioner makes a final decision on the TMDL Report; or (3) a timely request for a contested case hearing is pending. You may participate in the activities of the MPCA Board as provided in *Minnesota Rules* 7000.0650.

The written comments, requests, and petitions submitted on or before the last day of the public comment period will be considered in the final decision on this TMDL Report. If the MPCA does not receive written comments, requests, or petitions during the public comment period, MPCA staff as authorized by the Board, will make the final decision on the draft TMDL Report.

Minnesota Pollution Control Agency

Municipal Wastewater Section, Municipal Division

Public Notice of Intent to Deny and Refuse Permit Reissuance of and Terminate the Expired Tier I State Disposal System Permit MN 0064262

The Rainy River Rural Utility Association, Inc. (RRRUA), 601 Carlson Parkway, Suite 1050, Minnetonka, Minnesota 55305, a water quality cooperative that performs work involving the planning, design, construction, repair, replacement and operation of individual sewage treatment systems (ISTS), and the Minnesota Rural Utility Services Foundation (MRUSF), 601 Carlson Parkway, Suite 1050, Minnetonka, Minnesota 55305, hold an expired Tier I State Disposal System (SDS) Permit MN 0064262 (Permit) that authorized the planning, design, construction, repair, replacement, and operation of ISTS and groups of ISTS with an average design flow less than 10,000 gallons per day (gpd), and any group of ISTS under single ownership within one-half mile of each other with an individual average design flow of each ISTS in the group less than 10,000 gpd and for the planning and designing of alternative discharging sewage systems (ADSS) within the Rainy River Basin (hydrologic unit code HUC 0903).

The RRRUA and MRUSF Permit expired on February 28, 2005. RRRUA and MRUSF submitted an application for permit renewal which was logged in as being received by the MPCA on September 1, 2004. On September 6, 2005, MPCA staff issued a public notice recommending the reissuance of a revised draft permit for the planning and design of ADSS only. After further review and consideration,

MPCA staff recommend that because RRRUA and MRUSF can undertake the planning and design of ADSS without the re-issuance of the Permit, the Permit is unnecessary and should not be re-issued.

As an application for a "Tier II" Permit, under *Minnesota Statute* section 115.58, subdivision 2, MPCA staff find the September 1, 2004, permit application deficient under *Minnesota Rules* 7001.0090. Further, the MPCA Commissioner's preliminary determination on the application under *Minnesota Rules* 7001.0100, now results in the issuance of this Notice of Intent to Deny and Refuse Permit Reissuance, because the permit application does not meet the requirements of *Minnesota Statute* section 115.58, subdivision 2, items (1) through (4) and 7001.0140, subpart 2 A and C. Therefore, MPCA staff recommend denial and refusal of permit reissuance, and termination of the expired Permit, pursuant to *Minnesota Rules* 7001.0160, Item C. MPCA staff note that once the requirements of *Minnesota Statute* section 115.58, subdivision 2 (1) through (4) are met, RRRUA and MR-USF may submit a new application for permit coverage.

The MPCA Commissioner has made a preliminary determination to deny and refuse permit reissuance of and to terminate the expired SDS Permit coverage. Interested persons are invited to submit written comments upon the proposed permit action. The public notice period begins September 25, 2006, and terminates at 4:30 p.m. on October 25, 2006. Comments should be submitted in writing to:

Nancy Drach
Municipal Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

Any comments received no later than 4:30 p.m. on the last day of the comment period will be considered in the formulation of final determination.

Written Comments

You may submit written comments on the Commissioner's preliminary determination. Written comments must include the following:

1. A statement of your interest in the preliminary determination.
2. The reasons supporting your position, stated with sufficient specificity as to allow the Commissioner to investigate the merits of your position.

Petition for Public Informational Meeting

You also may request that the MPCA Commissioner hold a public informational meeting. A public informational meeting is an informal meeting that the MPCA may hold to solicit public comment and statements on matters before the MPCA, and to help clarify and resolve issues.

A petition requesting a public informational meeting must include the following information:

1. A statement identifying the matter of concern.
2. The information required under items 1 through 2 of "Written Comments," identified above.
3. A statement of the reasons the MPCA should hold a public informational meeting.
4. The issues that you would like the MPCA to address at the public informational meeting.

Petition for Contested Case Hearing

You also may submit a petition for a contested case hearing. A contested case hearing is a formal evidentiary hearing before an administrative law judge. In accordance with *Minnesota Rules* 7000.1900, the MPCA will grant a petition to hold a contested case hearing if it finds that: (1) there is a material issue of fact in dispute concerning the application or expired Permit; (2) the MPCA has the jurisdiction to make a determination on the disputed material issue of fact; and (3) there is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case hearing would allow the introduction of information that would aid the MPCA in resolving the disputed facts in making a final decision on the draft permit. A material issue of fact means a fact question, as distinguished from a policy question, whose resolution could have a direct bearing on a final MPCA decision.

A petition for a contested case hearing must include the following information:

1. A statement of reasons or proposed findings supporting the MPCA decision to hold a contested case hearing according to the criteria in *Minnesota Rules* 7000.1900, as discussed above; and
2. A statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested or resolution of the matter.

In addition and to the extent known, a petition for a contested case hearing should also include the following information:

1. A proposed list of prospective witnesses to be called, including experts, with a brief description of proposed testimony or

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- summary of evidence to be presented at a contested case hearing;
2. A proposed list of publications, references, or studies to be introduced and relied upon at a contested case hearing; and
 3. An estimate of time required for you to present the matter at a contested case hearing.

MPCA Decision

You may submit a petition to the Commissioner requesting that the MPCA Citizens' Board (Board) consider the denial of permit reissuance and termination of the expired Permit. To be considered timely, the petition must be received by the MPCA by 4:30 p.m. on the date the public comment period ends, identified on page 1 of this notice. Under the provisions of *Minnesota Statute* section 116.02, subdivision 6(4), the decision whether to deny the permit reissuance and terminate the expired Permit and, if so, under what terms will be presented to the Board for decision if: (1) the Commissioner grants the petition requesting the matter be presented to the Board; (2) one or more Board members request to hear the matter before the time the Commissioner makes a final decision to deny the permit reissuance and terminate the expired Permit; or (3) a timely request for a contested case hearing is pending. You may participate in the activities of the Board as provided in Minnesota Rules 7000.0650.

Additional information may be obtained by contacting Nancy Drach at the MPCA's main headquarters at the address above, by telephone at (651) 296-9272 or by electronic mail at nancy.drach@pca.state.mn.us, or at the addresses listed below:

1. MPCA Detroit Lakes Office, 714 Lake Avenue, Suite 220, Detroit Lakes, Minnesota 56501;
Phone Number: (218) 847-1519;
2. MPCA Duluth office, 525 Lake Avenue South, Suite 400, Duluth, Minnesota 55802; Phone Number: (218) 723-4660.

If you would like to receive a copy of the public notice or the original draft permit or application, please submit a written request to Nancy Drach at the address above. A copy of the public notice can be found at the MPCA's Web site at:

<http://www.pca.state.mn.us/news/index.html>.

Minnesota Pollution Control Agency Municipal Wastewater Section, Municipal Division Public Notice of Intent to Deny and Refuse Permit Reissuance of and Terminate the Expired Tier I State Disposal System Permit MN 0064254

The Headwaters Rural Utility Association, Inc. (HRUA), 601 Carlson Parkway, Suite 1050, Minnetonka, Minnesota 55305, a water quality cooperative that performs work involving the planning, design, construction, repair, replacement and operation of individual sewage treatment systems (ISTS), and the Minnesota Rural Utility Services Foundation (MRUSF), 601 Carlson Parkway, Suite 1050, Minnetonka, Minnesota 55305, hold an expired Tier I State Disposal System (SDS) Permit MN 0064254 (Permit) that authorized the planning, design, construction, repair, replacement, and operation of ISTS and groups of ISTS with an average design flow less than 10,000 gallons per day (gpd), and any group of ISTS under single ownership within one-half mile of each other with an individual average design flow of each ISTS in the group less than 10,000 gpd and for the planning and designing of alternative discharging sewage systems (ADSS) within the Upper Mississippi River Basin (hydrologic unit code HUC 0701).

The HRUA and MRUSF Permit expired on February 28, 2005. HRUA and MRUSF submitted an application for permit renewal which was logged in as being received by the MPCA on September 1, 2004. On September 6, 2005, MPCA staff issued a public notice recommending the reissuance of a revised draft permit for the planning and design of ADSS only. After further review and consideration, MPCA staff recommend that because HRUA and MRUSF can undertake the planning and design of ADSS without the reissuance of the Permit the Permit is unnecessary and should not be reissued.

As an application for a "Tier II" Permit, under *Minnesota Statute* section 115.58, subdivision 2, MPCA staff find the September 1, 2004, permit application deficient under *Minnesota Rules* 7001.0090. Further, the MPCA Commissioner's preliminary determination on the application under *Minnesota Rules* 7001.0100, now results in the issuance of this Notice of Intent to Deny and Refuse Permit Reissuance, because the permit application does not meet the requirements of *Minnesota Statute* section 115.58, subdivision 2, items (1) through (4) and 7001.0140, subpart 2 A and C. Therefore, MPCA staff recommend denial and refusal of permit reissuance, and termination of the expired Permit, pursuant to *Minnesota Rules* 7001.0160, Item C. MPCA staff note that once the requirements of *Minnesota Statute* section 115.58, subdivision 2 (1) through (4) are met, HRUA and MR-USF may submit a new application for permit coverage.

The MPCA Commissioner has made a preliminary determination to deny and refuse permit reissuance of and to terminate the expired Permit. Interested persons are invited to submit written comments upon the proposed permit action. The public notice period begins

September 25, 2006, and terminates at 4:30 p.m. on October 25, 2006. Comments should be submitted in writing to:

Nancy Drach
Municipal Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

Any comments received no later than 4:30 p.m. on the last day of the comment period will be considered in the formulation of final determination.

Written Comments

You may submit written comments on the Commissioner's preliminary determination. Written comments must include the following:

1. A statement of your interest in the preliminary determination.
3. The reasons supporting your position, stated with sufficient specificity as to allow the Commissioner to investigate the merits of your position.

Petition for Public Informational Meeting

You also may request that the MPCA Commissioner hold a public informational meeting. A public informational meeting is an informal meeting that the MPCA may hold to solicit public comment and statements on matters before the MPCA, and to help clarify and resolve issues.

A petition requesting a public informational meeting must include the following information:

1. A statement identifying the matter of concern.
2. The information required under items 1 through 3 of "Written Comments," identified above.
3. A statement of the reasons the MPCA should hold a public informational meeting.
4. The issues that you would like the MPCA to address at the public informational meeting.

Petition for Contested Case Hearing

You also may submit a petition for a contested case hearing. A contested case hearing is a formal evidentiary hearing before an administrative law judge. In accordance with *Minnesota Rules* 7000.1900, the MPCA will grant a petition to hold a contested case hearing if it finds that: (1) there is a material issue of fact in dispute concerning the application or expired Permit; (2) the MPCA has the jurisdiction to make a determination on the disputed material issue of fact; and (3) there is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case hearing would allow the introduction of information that would aid the MPCA in resolving the disputed facts in making a final decision on the draft permit. A material issue of fact means a fact question, as distinguished from a policy question, whose resolution could have a direct bearing on a final MPCA decision.

A petition for a contested case hearing must include the following information:

1. A statement of reasons or proposed findings supporting the MPCA decision to hold a contested case hearing according to the criteria in *Minnesota Rules* 7000.1900, as discussed above; and
2. A statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested or resolution of the matter.

In addition and to the extent known, a petition for a contested case hearing should also include the following information:

1. A proposed list of prospective witnesses to be called, including experts, with a brief description of proposed testimony or summary of evidence to be presented at a contested case hearing;
2. A proposed list of publications, references, or studies to be introduced and relied upon at a contested case hearing; and
3. An estimate of time required for you to present the matter at a contested case hearing.

MPCA Decision

You may submit a petition to the Commissioner requesting that the MPCA Citizens' Board (Board) consider the denial of permit reissuance and termination of the expired Permit. To be considered timely, the petition must be received by the MPCA by 4:30 p.m. on the date the public comment period ends, identified on page 1 of this notice. Under the provisions of *Minnesota Statute* section 116.02, subdivision 6(4), the decision whether to deny the permit reissuance and terminate the expired Permit and, if so, under what terms will be presented to the Board for decision if: (1) the Commissioner grants the petition requesting the matter be presented to the Board; (2) one or more Board members request to hear the matter before the time the Commissioner makes a final decision to deny the permit reissuance and terminate the expired Permit; or (3) a timely request for a contested case hearing is pending. You may participate in the activities of

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the Board as provided in *Minnesota Rules* 7000.0650.

Additional information may be obtained by contacting Nancy Drach at the MPCA's main headquarters at the address above, by telephone at (651) 296-9272 or by electronic mail at nancy.drach@pca.state.mn.us, or at the addresses listed below:

1. **MPCA Brainerd Office**, 7678 College Road, Suite 105, Baxter, Minnesota 56425; Phone Number: (218) 828-2492;
2. **MPCA Detroit Lakes Office**, 714 Lake Avenue, Suite 220, Detroit Lakes, Minnesota 56501; Phone Number: (218) 847-1519;
3. **MPCA Duluth Office**, 525 Lake Avenue South, Suite 400, Duluth, Minnesota 55802; Phone Number: (218) 723-4660;
4. **MPCA Willmar Office**, 201 28th Avenue S.W., Willmar, Minnesota 56201; Phone Number: (320) 214-3786;
5. **MPCA Rochester Office**, 18 Wood Lake Drive SE, Rochester, Minnesota 55904; Phone Number: (507) 285-7343.

If you would like to receive a copy of the public notice or the original draft permit or application, please submit a written request to Nancy Drach at the address above. A copy of the public notice can be found at the MPCA's Web site at:

<http://www.pca.state.mn.us/news/index.html>.

Department of Public Safety Bureau of Criminal Apprehension - CriMNet Notice of Information Meeting October 5, 2006

The Minnesota Bureau of Criminal Apprehension, CriMNet Program, will hold a meeting from 9 a.m. to 12 noon on Thursday, Oct. 5, 2006 to discuss progress on several BCA and CriMNet initiatives regarding criminal justice information sharing in the state of Minnesota. General updates will be provided regarding a number of ongoing activities including technical standards development, service-oriented architecture projects underway, and upcoming RFP/contract opportunities. The meeting will take place at the Bureau of Criminal Apprehension offices at 1430 Maryland Ave. E. in St. Paul. In addition, up to 30 people may be able to participate via webconference. To make arrangements to participate remotely, please contact Michelle Fure at the information listed below.

Vendors, particularly those working with local agencies to manage records, are encouraged to attend this meeting. Please RSVP. For more information or to RSVP, contact Michelle Fure, Information Officer, at (651) 201-7572 or michelle.fure@state.mn.us.

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 Education Funding Opportunities – After School Programs

The 2007 21st Century Community Learning Center Application will be available October 16th. 21st Century Community Learning Centers provide funding for out of school time activities to support increased academic achievement for youth attending schools with 40% or more of students eligible for free or reduced lunch. The funds will be distributed statewide.

Application Deadline: January 12, 2007

Application materials and information will be available on line at:

http://education.state.mn.us/mde/21_century_grant_competition/index.html

If not web accessible, call the 24 hour application hotline at the application hotline (651) 582-8447 or 1-800-934-7113 to request materials.

Department of Employment and Economic Development Business and Community Development Division Small Cities Development Program Notice of the Availability of Funds for the Small Cities Development Program

**1st National Bank Building
332 Minnesota Street, Suite E200
St. Paul, Minnesota 55101-1351
Contact: Reed Erickson, 651-297-1980, or
E-mail: Reed.erickson@state.mn.us**

This notice is to inform any general purpose unit of local government that is eligible to apply for funding, of the notice of funds available for the 2007 Small Cities Development Program (SCDP), which is part of the Community Development Block Grant Program, administered by the U.S. Department of Housing and Urban Development, and funded by Congress on a federal fiscal year basis.

Any general purpose unit of local government that does not receive CDBG funds directly as an Entitlement City, Urban County or a recognized Indian Tribal Government is eligible to submit one application each year to the MN Department of Employment and Economic Development's SCDP Program. Eligible "general purpose units of local government" are cities, counties and townships. Localities may submit applications on behalf of others where they share a common problem or lack the administrative capacity to operate a program on their own. Jurisdictions may not be included in more than one application per grant cycle.

The application process for SCDP funding consists of two parts:

- First, eligible applicants must submit a Pre-Application on or before 5:00 PM, Tuesday, October 24th, 2006.
- Second, only applicants who have made it through the Pre-Application screening process which consists of a review and ranking of Pre-Applications will be asked to submit a Full Application. Full Applications must be received on or before 5:00 PM, Thursday, February 1st, 2007.

Additional information about the application process can be located at: <http://www.deed.state.mn.us/SCDP/index.htm>

Department of Transportation Notice of Intent to Solicit Section 5310 Grant Applications

The Department of Transportation (Mn/DOT) is currently soliciting applications through its Section 5310, elderly persons and persons with disabilities transportation grant program. The Section 5310 grant program is funded through the United States Department of Transportation, Federal Transit Administration.

This federally funded program provides capital grants up to 80 percent of the cost of accessible buses, for eligible private, non-profit corporations and associations. Projects are funded in areas where public transportation is unavailable, insufficient or inappropriate to meet such transportation needs.

During the past year, more than \$1.5 million was appropriated for transit purposes in Minnesota under the provisions of Section 5310 of the Transit Act of 1991.

Applications must be postmarked no later than Wednesday, December 20, 2006. The selection committee will convene in January, prioritized project list released in February, and buses received in the summer of 2007.

For more information or to request an application contact:

Charles Morris
Mn/DOT, Office of Transit,
395 John Ireland Blvd., M.S. 430,
St. Paul, MN 55155 or
E-mail: charles.morris@dot.state.mn.us
Telephone: (651) 282-6754

Dated: September 19, 2006

State Contracts

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

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

Department of Administration Beat the Competition

Obtain MORE and FASTER information. You receive much more with a SUBSCRIPTION than viewing the *State Register* on our website. Subscribe and receive many LINKS to the *State Register*. Open the *State Register* and click on Bookmarks in the upper right corner. You will also receive ALL the current rules, with an INDEX, and previous years' indices. You also receive a summarized "Contracts & Grants" section to review. Subscriptions cost \$180 a year (normal cost \$260 - an \$80 savings). Here's what you receive:

- Word Search Capability
- LINKS, LINKS, LINKS
- Easy Access to *State Register* Archives
- Updates to Index to Vol. 31
- "Contracts & Grants" Open for Bid
- Early delivery, on Friday
- E-mailed to you . . . its so easy
- Indexes to Vols. 30, 29, 28 and 27

And it's all E-mailed to you, at end-of-day on Friday, instead of waiting for the non-subscriber's issue released on Monday. Contact Jessie Rahmeyer, our subscriptions manager, at (651) 297-8777, or **Fax:** (651) 297-8260, or **E-mail:** cathy.hoekstra@state.mn.us

Department of Administration Real Estate Management Division Notice of State Land for Sale

NOTICE IS HEREBY GIVEN that the Department of Administration is offering 82 acres, more or less, of land situated in Section 31, Township 32, Range 24 and Section 36, Township 32, Range 25, Anoka County, Minnesota for sale by sealed bid. The land is located approximately 1 mile north of Highway 10 on 7th Avenue N.W. in the City of Anoka. To obtain a copy of the complete bid package, send an **e-mail** to wayne.waslaski@state.mn.us or call (651) 201-2548. Written bids must be received no later than 2:30 p.m., on Wednesday, October 4, 2006.

Department of Administration Division of State Architect's Office Notice of Request for Proposals (RFP) and Fee Schedule for Professional Design Services

The State of Minnesota (State) through its Department of Administration's State Architect's Office (SAO), requests proposals and fee schedules from interested and qualified firms and individuals (Responder) to provide design services, including architectural and electrical engineering, for the renovation of the Peace Officer Memorial located on the Capitol Complex. Of special concern is the design of the Thin Blue Line, which the State desires to have visible 24/7.

A full Request for Proposals is available on the State Architect's Office website: www.sao.admin.state.mn.us. Click on "Solicitation Announcements".

A mandatory informational meeting will be held at the site, located at the south end of the Capitol Complex near the intersection of Twelfth and Wabasha, on Monday Sept. 27, 2006 at 11:00 a.m. CDT.

Project questions will be taken by Mary Golike at mary.golike@state.mn.us or faxed to her at (651) 296-7650. All questions must be received by 3:00 p.m. CDT on Friday, September 29, 2006. Responses to all questions will be posted as addenda on the SAO website by 4:00 p.m. CDT on Monday, October 2, 2006.

Proposals must be delivered to Mary Golike, State Architect's Office, 301 Centennial Building, 658 Cedar Street, St. Paul, MN 55155-

1625, (651-201-2399) not later than 3:00 p.m. CDT October 6, 2006. Late responses will not be considered.

The State is not obligated to complete the proposed project, and reserves the right to cancel the solicitation if it is considered to be in its best interest.

Colleges and Universities, Minnesota State Office of the Chancellor Request for Proposals for Executive Search Consultants

NOTICE IS HEREBY GIVEN that the Office of the Chancellor is requesting proposals to assist in developing a list of qualified search consultants for fiscal year 2007. If it is necessary to conduct a search, a consultant will be selected from the list. For further information or to request a copy of the full Request for Proposal, please contact:

Linda Skallman
Associate Vice Chancellor for Personnel
Minnesota State Colleges and Universities
30 - 7th Street East, Suite 350
St. Paul, MN 55101
Telephone: (651) 296-5157
Fax: (651) 297-3145
E-mail: *Linda.skallman@so.mnscu.edu*

Sealed proposals must be received at the above address no later than **Monday, October 9, 2006, at 4:00 p.m. CDT**. The responder shall submit three (3) copies of its RFP response and a compact disc with the RFP response in Microsoft Word format. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. One copy of the proposal must be unbound and signed in blue or black ink by an authorized representative of the vendor. Proof of authority of the person signing must accompany the response. Fax and e-mail responses will not be considered. Proposals received after this date and time will be returned to the responder unopened.

This Request for Proposal (RFP) does not obligate the Minnesota State Colleges and Universities (MnSCU) system, its Board of Trustees or the Office of the Chancellor to award a contract or complete the proposed project and each reserves the right to cancel this RFP if it is considered to be in its best interest.

Minnesota State Colleges and Universities Minneapolis Community & Technical College NOTICE OF INTENT to Solicit Bids for Printing and Mailing of Spring 2007 Class Schedule

Description: Tabloid-size 10 3/4" x 17" saddle-stitched and trimmed. Refold to 10 3/4" x 8 1/2". Image area approximately 9 3/4" x 15 7/8" w/no bleeds. 35# white groundwood offset 70B self-cover. Cover is black and 2 PMS. Text is black and 1 PMS. Bids requested for quantities of 100,000, 130,000 & 150,000 copies and page count of 32pgs. Include cost for additional pages in 4 page increments. Request printer with onsite mailing capabilities.

Print schedule: To printer approximately 10/15/06 and deliver within seven working days of final approved proofs and files.

Bid Questions: David Tajima – (612) 659-6224 or by **e-mail** at *David.Tajima@minneapolis.edu* for complete specifications and information.

Deadline for Bids: 1:00 p.m. – Friday September 29, 2006

Contact for bid copies and to submit bids:

David Tajima / Marketing
Room K1100
Minneapolis Community and Technical College

State Contracts

1501 Hennepin Avenue
Minneapolis, MN 55403
Phone: (612) 659-6224
or by **e-mail** at *David.Tajima@minneapolis.edu*.

Colleges and Universities, Minnesota State (MnSCU) Rochester Community and Technical College Notice of Request for Proposal for the Developing of an Energy Management System

NOTICE IS HEREBY GIVEN that Rochester Community and Technical College Request for Proposal to Develop an Energy Management System for the College.

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

Bids are due back by Thursday, October 12, 2006 2:00 P.M. CDT and are to be addressed to June Meitzner, Rochester Community and Technical College 851 30th Ave SE Rochester MN 55904; Room EA 134.

Late responses will not be considered.

Any questions should be in the form of an RFI and directed to Steve Monson; *steve.monson@roch.edu*.

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

Department of Transportation (Mn/DOT) Engineering Services Division Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (the "Consultant Pre-Qualification Program")

This document is available in alternative formats for persons with disabilities by calling Ron Bisek at (651) 296-1361 for persons who are hearing or speech impaired by calling the Minnesota Relay Service at (800) 627-3529.

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

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

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

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

Send completed application material to:

Ron Bisek
Consultant Services
Office of Technical Support
Minnesota Department of Transportation
Consultant Services
395 John Ireland Boulevard, Seventh Floor North, Mail Stop 680
St. Paul, MN 55155

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

**Department of Transportation (Mn/DOT)
Engineering Services Division****Notice Concerning Professional/Technical Contract Opportunities**

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

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

**Department of Transportation (Mn/DOT)
Request for Proposal (RFP) for Market Research Services Certified List Program**

The Minnesota Department of Transportation is requesting proposals for Market Research Services. This program will be a Certified List Program consisting of firms that have been pre-approved to provide Market Research Services for Mn/DOT. Firms may apply for any or all of the work categories. The term of this program is two years with two one-year extension options.

Once the Program is established, Mn/DOT may directly select firms from the Certified List for specific projects with costs up to \$100,000. In some cases, for projects ranging between \$50,000.00 and \$100,000.00, firms from the Certified List may be invited to submit project specific proposals. Final negotiations with the selected firm and Mn/DOT will occur before the project is awarded. This program is limited to contracts less than \$100,001.00. Market Research Services are categorized into two areas of expertise. These categories are:

1. Qualitative Market Research
2. Quantitative Market Research

Responses to this advertisement become public information under the Minnesota Government Data Practices Act. This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice, and Mn/DOT reserves the right to cancel this request for proposal. All expenses incurred in responding to this notice shall be borne by the responder.

The full RFP document can be downloaded from Mn/DOT's Consultant Services **Web Page** at <http://www.dot.state.mn.us/consult/> under the Professional Technical Notices Section.

NOTE: PROPOSALS WILL BE DUE ON NOVEMBER 2, 2006 BY 2:00 P.M. CENTRAL TIME. LATE PROPOSALS WILL NOT BE CONSIDERED.

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.

Bassett Creek Watershed Management Commission Request for Letters of Interest Proposals—Professional Services for Legal, Engineering and Technical Consulting Services

NOTICE IS HEREBY GIVEN that pursuant to *Minnesota Statutes Annotated* 103B.227, Subd. 5, the Bassett Creek Watershed Management Commission (BCWMC) hereby solicits Letters of Interest Proposals for legal, engineering and technical consulting services for fiscal years 2007 and 2008. The 2006 budget for all services of the organization is \$414,700.

Letters should include a brief description of the company and the experience of the individual(s) proposing to perform services for the Commission. Letters of interest proposals shall be in a sealed envelope clearly marked, "BCWMC – Letter of Interest Proposal." The Commission will review the letters and reserves to itself the right to take such action as it deems in its best interests. All Letters of Interest Proposals shall be submitted on or before November 10, 2006 to:

Mr. Michael Welch, Chair
Bassett Creek Watershed Management Commission
ATTN: Sue Virnig
7800 Golden Valley Road
Golden Valley, MN 55427
(NO CALLS)

Metropolitan Council Notice of Request for Proposals (RFP) for Implementation of ECMS (Electronic Content Management System)

Contract Number 06P112

The Metropolitan Council is soliciting proposals for an Electronic Content Management System to be used across the organization, implementation support for two pilot projects and ongoing support for implemented solutions.

<i>Issue RFP</i>	September 13, 2006
<i>Proposals Due</i>	October 5, 2006
<i>Selection of Firm</i>	October 2006

Firms interested in providing these services should request a copy of the RFP from the contact listed below:

Sunny Jo Emerson, Senior Administrative Assistant,
Contracts and Procurement Unit
Metropolitan Council
390 Robert Street North
St. Paul, MN 55101
Phone: (651) 602-1499
Fax: (651) 602-1083
E-mail: sunnyjo.emerson@metc.state.mn.us

Metropolitan Council Notice of Solicitation for MCES Electrical Maintenance Services Contract 06P087

The Metropolitan Council of the seven-county area of the twin cities of Minneapolis and St. Paul, Minnesota intends to solicit bids to provide electrical maintenance services for its Environmental Services division (MCES) in September 2006. The services will be provided
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at five MCES wastewater treatment facilities located in the twin cities metropolitan area with a combined wastewater flow on the order of 200 million gallons per day and a combined electrical load on the order of 20 megawatts.

The scope of services is expected to include the maintenance of electrical distribution equipment such as automatic and manual transfer switches, substations, switchgear, transformers and cables up to 15kV, distribution panelboards, feeders, busducts and transformers, ground fault protection systems, and motor control centers. Services will be provided for an initial period of three years, with two additional one-year options.

The solicitation process will include a prequalification requirement to identify contractors with previous experience in the successful performance of these services. Prequalified contractors will be invited to submit a bid for the services.

A tentative schedule for this project is shown below.

<i>Issue Invitation for Prequalification</i>	September 2006
<i>Identify Prequalified Contractors</i>	October 2006
<i>Issue Invitation for Bid</i>	October 2006
<i>Receive Bids</i>	November 2006
<i>Execute contract with successful bidder</i>	December 2006
<i>Begin Services</i>	January 2007

All firms interested in being considered for this project and desiring to receive further information are invited to submit a request to:

Harriet Simmons
Metropolitan Council
390 North Robert Street
St. Paul, MN 55101
Phone: (651) 602-1086
Fax: (651) 602-1138
E-mail: harriet.simmons@metc.state.mn.us

Metropolitan Council

Notice of Request for Proposals for Master Contract for Geotechnical Services Contract Number 06P119

The Metropolitan Council is soliciting proposals for architectural/engineering services to support its Metropolitan Council Environmental Services Division by providing on an as-needed (master contract) basis: geotechnical, construction compliance testing, environmental, hydrological and material testing services. These services are to be predominately in-house but the subcontracting of some services is allowable.

The Council plans to execute contracts with two proposers that are able to provide the above services. Each contract will have a maximum value of \$1,500,000 and a term of four years. The contracts will be structured to allow the Council to request specific professional services, generally valued at less than \$50,000, on an as-needed basis by issuing work orders. Each work order will include a specific scope of services, specified cost for the services, schedule and designated project managers.

The anticipated schedule for this procurement is:

<i>Issue Request for Proposals</i>	September 26, 2006
<i>Proposal Due Date</i>	October 26, 2006
<i>Selection of Firms</i>	November 2006
<i>Execution of Contracts</i>	December 2006

All firms interested in providing these services should request a copy of the Request for Proposals. Send or fax requests to:

Miriam Lopez-Rieth
Metropolitan Council
390 N. Robert Street
St. Paul, MN 55101
PHONE: (651) 602-1095
FAX: (651) 602-1083
E-mail: Miriam.Lopez-Rieth@metc.state.mn.us

Non-State Contracts & Grants

Ramsey County Public Works Ramsey County, Minnesota Request for Proposal for Engineering Service

RFP: PUBW-658-3: Notice is hereby given that Ramsey County, Minnesota as the lead agency is seeking qualified firms to provide Engineering Services for White Bear Avenue/I694 Interchange and White Bear Avenue between Radatz Avenue and Buerkle Road reconstruction project.

For a copy of the full Request for Proposals contact:

Contract and Analysis Services
Room 280 City Hall/Court House
15 W. Kellogg Blvd.
Saint Paul, MN 55102
Telephone: (651) 266-8900
Fax: (651) 266-8919
E-mail: *Gretchen.Friday@ci.stpaul.mn.us*

Preproposal Conference: October 24, 2006 at 2:00 p.m. at Ramsey County Public Works

Proposals Due: November 1, 2006 at 2:00 p.m.

DBE Goal: 8%

ServeMinnesota

ServeMinnesota: National and Community Service Announcement of 2007-2008 AmeriCorps* State Request for Proposal for Operating Grants

ServeMinnesota is an independent, non-profit organization charged with administering federal AmeriCorps*State grants in Minnesota. Since its inception in 1994, ServeMinnesota (formerly the Minnesota Commission on National and Community Service) has disseminated over forty million dollars in AmeriCorps funding to local and statewide public and nonprofit agencies that have created opportunities for thousands of AmeriCorps members to serve in Minnesota. ServeMinnesota provides AmeriCorps programs with training and ongoing technical assistance to support the development of high quality AmeriCorps programs.

Through this RFP programs can apply to receive AmeriCorps grants. These grants pay for costs necessary to implement new or existing programs. The primary purpose of AmeriCorps funds is to support AmeriCorps members in service to their community. Applicants wishing to apply for an operating grant should follow the submission procedure outlined in the Application Instructions which can be found on the ServeMinnesota website at www.serveminnesota.org.

Application Deadline: Letter of Intent to Apply due by close of business October 2, 2006. New applications are due by close of business November 13, 2006. Funding decisions will be announced May, 2007 for program year September 1, 2007 – August 31, 2008. For more information, please contact: Janet Johnson, Director of Programs, 612-333-7741, janet@serveminnesota.org

For information about AmeriCorps and national service, visit ServeMinnesota (www.serveminnesota.org) and the Corporation for National and Community Service (www.nationalservice.org).

For more information and to download the application materials, visit: www.serveminnesota.org.

ServeMinnesota, 431 South 7th Street, Suite 2540, Minneapolis, Minnesota 55415; **telephone:** (612) 333-7740, www.serveminnesota.org

University of Minnesota

Request for Bid to Perform Pre-demolition, Building Demolition and Site Restoration Project #756-06-0918

I. NOTICE OF REQUEST FOR BID

The University of Minnesota is interested in obtaining bids from qualified contractors to perform pre-demolition, building demolition and site restoration of the following University of Minnesota facilities:

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Building

Poucher Building – 100-06-1112
Holman Building – 101-06-1113
University Press Bldg. 102-06-1114

Street Address

2007 University Ave. Southeast
2035 University Ave. Southeast
2037 University Ave. Southeast

The procurement will be a Lump Sum Construction Contract for the pre-demolition, building and associated site improvement demolition, disposal of demolished materials, backfilling of the basement/foundation/footings and site restoration.

Copies of the Project Manual can be obtained by downloading them from the University of Minnesota Purchasing Website, or paper copies are available, at cost, from Liesch Associates, Inc. 13400 15th Avenue North, Minneapolis, Minnesota 55441, Attn: Mike Willey, (763) 489-3100.

II. CONTACT FOR RFP INQUIRIES:

OWNER'S PROJECT MANAGER:

Greg Van Ochten
Hines, on behalf of the University of Minnesota
225 South Sixth
225 South Sixth, Suite 2590
Minneapolis, Minnesota 55402
E-mail: *greg_van_ochten@hines.com*
Phone: (612) 672-3011
Fax: (612) 349-6976 Attn: Elizabeth Eide/Greg Van Ochten

OWNER'S CONSULTING ENGINEER:

Mike Willey
Liesch Associates, Inc.
13400 15th Avenue North
Minneapolis, MN. 55441
E-mail: *mike.willey@liesch.com*
Phone: (763)-489-3100

III. TENTATIVE SCHEDULE OF EVENTS

(Be advised that these dates are subject to change as University deems necessary)

RFP issue.....	September 25, 2006
Mandatory Pre-Proposal Meeting on site at 9:00 am	October 03, 2006
Questions Mailed/Faxed to Owner's Project Manager by 11:00 pm.....	October 05, 2006
Responses due @ 2:00 pm	October 11, 2006
Anticipated date of Award.....	October 16, 2006

The University reserves the right, in its sole discretion, to reject any and all proposals, accept any proposal, waive informalities in proposals submitted, and waive minor discrepancies between proposal and these proposal instructions, as it deems to be in its best interest. Any waiver of the University with respect to the requirements of these proposal instructions shall apply only to the particular instance for which it was made or given, and no such waiver shall constitute a permanent or future waiver of such requirements.

University of Minnesota Subscribe to Bid Information Service (BIS)

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

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